



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

25 SEPTEMBER 2007

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The Presiding Member advised that as the Meeting did not have the information requested, the question would be taken on notice.

Ms Courtly provided a copy of the newspaper and the Chief Executive Officer advised that although the writing was small it was authorised by Steed Farrell of 135 Raglan Road, North Perth, Western Australia.

3. Mr John Little of 7/11 Newcastle Street, Leederville asked the following questions:
- (i) Crs Lake and Maier control 25% of the Council vote. Is it true they have 100% record of voting the same on every issue before Council? If not, what is the statistic?
 - (ii) Is this type of pre-vote collusion in breach of the Local Government Act?
 - (iii) Crs Lake and Maier live at the same address. Can you confirm that they receive duplicate house phone, fax and mobile phone allowances? Are we in fact paying for two opinions and receiving one?
 - (iv) Cr Lake is standing for the position of Mayor and the position of Councillor. Will this cause an additional expense to ratepayers?
 - (v) Has the Council investigated the legality of Cr Lake's back door salary grab with regards to the Claisebrook Group? Are you not declaring an interest?

The Presiding Member advised that the questions would be taken on notice.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB08.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Helen Doran-Wu applied for Approved Leave of Absence from 6 to 12 October 2007 for family reasons.

Moved Cr Ker, Seconded Cr Farrell

That Cr Doran-Wu's request for Leave of Absence for the period 6 to 12 October 2007 for family reasons be approved.

CARRIED (8-0)

Cr Torre had not arrived for the Meeting at this time.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition received from Mr Mark Bonnin, Chairperson of Leederville Early Childhood Centre (LECC) Management Committee, along with 58 signatures from the LECC Parent Community, in support of the LECC' submission on the Leederville Masterplan.

The Chief Executive Officer recommended that the Petition be received and considered as part of the submissions on the Leederville Masterplan.

Moved Cr Farrell, Seconded Cr Ker

That the Petition be received and considered as part of the submissions on the Leederville Masterplan.

CARRIED (8-0)

Cr Torre had not arrived at the Meeting at this time.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 11 September 2007.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 11 September 2007 be confirmed as a true and correct.

CARRIED (8-0)

Cr Torre had not arrived at the Meeting at this time.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 Opening of Norwood Park – Mayor Catania stated that he was pleased to be present with Local Member John Hyde, MLA for the Opening of Norwood Park on Saturday morning. This park was acquired by the Town as part of the land transfer from the City of Perth and the opening event was most successful and was enjoyed by a number of adjoining residents who also enjoyed a sausage sizzle.
- 7.2 Restoration of Hyde Park Lakes –Mayor Catania stated that he was liaising with State Government in trying to establish a Working Party between the Town and State Government for the Restoration of the Hyde Park Lakes as this was an important regional park.
- 7.3 Leederville Police Station –Mayor Catania stated that he was urging the State Government to announce the opening of the new Leederville Police Station and expected an announcement to be made shortly.
-

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Ian Ker declared an interest affecting impartiality in Item 11.1. The extent of his interest being that he was an original co-founder of the Travel Smart Scheme which relates to altering travel patterns and is an energy saver.
- 8.2 Chief Executive Officer, John Giorgi declared an interest affecting impartiality in Item 10.3.1 - proposed Forrest Park Pavilion. The extent of his interest is that he is a potential occasional user of this facility as part of his involvement with Junior Soccer refereeing and his son is also a potential occasional user as he plays junior soccer.

**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:

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

Item 10.1.1.

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

Item 10.3.1, 10.4.1 and 10.4.2.

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

Nil.

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

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

Cr Farrell	10.4.3
Cr Chester	Nil
Cr Doran-Wu	Nil
Cr Ker	10.1.3
Cr Lake	10.1.2
Cr Maier	10.1.4, 10.2.1
Cr Messina	Nil
Mayor Catania	Nil

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

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

Items 10.1.5, 10.2.2, 10.2.3 and 10.2.4.

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

14.1

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

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

Items 10.1.5, 10.2.2, 10.2.3 and 10.2.4.

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

Items 10.1.1

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

Cr Torre entered the Meeting at 6.26pm.

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.5, 10.2.2, 10.2.3 and 10.2.4.

CARRIED (9-0)

10.1.5 Report on the 8th International Cities, Town Centres and Communities Society Conference – “Cities on the Edge”

Ward:	-	Date:	18 September 2007
Precinct:	-	File Ref:	ADM0031
Attachments:			
Reporting Officer(s):	R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report of the Director Development Services, Mr Rob Boardman, on his attendance at the 8th International Cities, Town Centres and Communities Society Conference - “Cities on the Edge” - held in North Shore City, Auckland, New Zealand, from Tuesday, 26 June 2007 until Friday, 29 June 2007.

COUNCIL DECISION ITEM 10.1.5

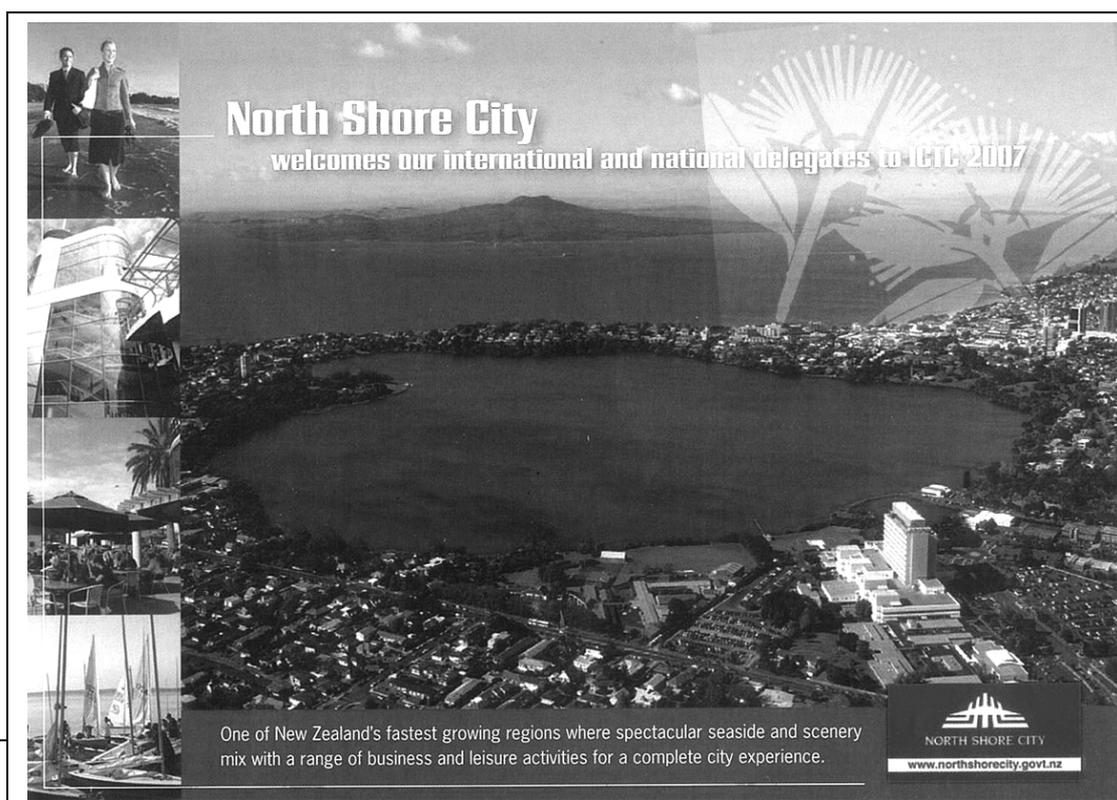
Moved Cr Farrell , Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with information on the attendance of the Director Development Services, Mr Rob Boardman, at the 8th International Cities, Town Centres and Communities Society Conference – “Cities on the Edge” - held in North Shore City, Auckland, New Zealand, from Tuesday, 26 June 2007 until Friday, 29 June 2007.



BACKGROUND:

The International Cities, Town Centres and Communities (ICTC) Society and North Shore City hosted the 8th *International Cities, Town Centres and Communities Society Conference 2007* which was held at the Bruce Mason Centre, Takapuna, North Shore City, Auckland, New Zealand.

In excess of 400 delegates participated, including representatives from the leading organisations in the areas of urban and rural communities including town planning, architecture, urban design, built environment, retailing and commercial and industrial redevelopment.

DETAILS:

Special Interest Group Sessions (SIGs)

These informal sessions provided the opportunity for individuals to come together as a group to discuss common topics or issues of interest.

The various topics that were discussed were:

- Edge City Networks;
- Business Improvement Districts (BIDs);
- Managing Retail Sprawl;
- Transit Oriented Design (TOD);
- Place Making; and
- Law and Policy.

The Director Development Services attended the TOD SIG on Tuesday, 26 June 2007.

Chairs were Steven Burgess and Tony Duncan of Parsons Brinckerhoff, Brisbane.

A TOD is a mixed use residential or commercial area designed to maximise access to public transport and often incorporates features to encourage transit patronage. A TOD neighbourhood typically has a centre with a train station, metro station, tram stop or bus station, surrounded by relatively high density development with progressively lower density development spreading outwards from the centre.

Components of a TOD include:

- Walkable design with pedestrians as the highest priority;
 - Train station as a prominent feature of the development centre;
 - A regional node containing a mixture of uses in close proximity including office, residential, retail and civic uses;
 - High density, high quality development within a 10 minute walk surrounding the train station;
 - Collector support transport systems including trolleys, streetcars, light rail and buses etc;
 - Designed to include the easy use of bicycles, scooters and rollerblades as daily support transportation systems; and
 - Reduced and managed parking inside a 10 minute walk around the town centre/ train station.
-

Interactive Poster Sessions

To complement the oral presentation, interactive poster sessions were provided during the lunch breaks on Wednesday and Thursday. Poster presenters were available to discuss their posters.

Presentations

The presentations attended by the Director Development Services are outlined below:

Tuesday 26 June 2007

- (i) Conference opening and Official Welcome by His Worship, Mayor George Wood, North Shore City
 - (ii) Session: Affordable Housing
 - (a) *“The Queensland Lakes Community Housing Strategy: An Innovative Response”* presented by Tricia Austin, Senior Lecturer, School of Architecture, University of Auckland, NZ and David Mead, Director, Hill Young Cooper Ltd, New Zealand
 - (iii) Session: Sustainability
 - (a) *“Case Study: Creating a Sustainable Town Centre – Rouse Hill Town Centre – The Outcomes”* presented by Dr Caroline Noller, Sustainability Catalyst, and Ken Knox, Retail Development Director, The GPT Group Sydney, NSW
 - (iv) Session: Community Building and Consultation
 - (a) *“Building the Foundations for Community Wellbeing”* presented by Robyn Douglas, Community Lifestyle Policy Manager, Caloundra City Council, QLD
 - (v) Session: Transport and Urban Communities
 - (a) *“Streets Apart? Transport Policy and Urban Design in New Zealand”* presented by Dr Christopher Harris, Public Transport Co-ordinator, North Shore City Council, NZ
 - (b) *“Urban Planning Tools: The Simpler the Better”* presented by Nathan Austin, Design Engineer, Optus International Consultants, Tauranga, NZ
 - (c) *“A Tale of Four Streets: The Street That Flowed Better When it Was Narrowed; The Street That Forgot Pedestrians: The Motorway That Forgot Where it Was; The Motorway that Can’t Flow Half Full”* presented by John Mackay, Urban Designer, Auckland, NZ
 - (d) *“T.O.D. 2.0 – Ensuring T.O.D.s Will Deliver Forecast Transport Behaviour”* presented by Kevin Luten, Director, Urban Trans ANZ, Melbourne, VIC
 - (vi) Welcome Reception – R’Toto Restaurant, Takapuna
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Wednesday 27 June 2007

- (i) Keynote Presentation
 - (a) *“Downtowns V Shopping Centres – Competitors or Collaborators?”* presented by David Feehan, President, International Downtown Association (IDA), New York, US
 - (ii) Session: Case Study
 - (a) *“Maroochydore City Centre Master Plan: Sustainable Urbanism Amidst Chaos”* presented by Phil Smith, Associate Director, Urban Design, Deicke Richards Architects, Brisbane, QLD
 - (iii) Session: Projects in Partnership
 - (a) *“Taming the Monster: Managing Partnership Priorities”* presented by Stuart Jardine, City of Gosnells, WA
 - (b) *“Do Partnerships Work?”* presented by Laura Gray, Councillor, and Alan McGregor, Manager, Strategic Projects, City of Wanneroo, WA
 - (c) *“Delivering Quality Urban Design – Do we have the Capacity?”* presented by Sherilyn Gray, Senior Strategic Advisor, Wellington City Council, NZ, and Yvonne Weeber, Senior Advisor, for the Environment, Wellington, NZ
 - (iv) Session: Structuring Efficient and Liveable Communities
 - (a) *“Integrating Urban Growth and Transportation – the Waitakere City Experience”* presented by John Mackay, ex-Manager Urban and Economic Strategy, Waitekere City Council, NZ
 - (b) *“Thuringowa Sustainable Village”* presented by Paula Grant, Director Planning Services, Thuringowa City Council, QLD
 - (c) *“Lost City: Alternative Versions of Suburbia in the Era of Peter Fraser and Ernst Plischke”* presented by Christopher Harris, Public Transport Co-ordinator, North Shore City, Auckland, NZ
 - (v) Session: Mainstreet
 - (a) *“How to Succeed in Creating a Viable Mainstreet”* presented by Peter Jackson-Calway, CEO, St Mary’s Town Centre Management, NSW
 - (vi) Session: Development of Creative & Cultural Cities
 - (a) *“How the Library Underpins a Town Centre”* presented by Yvonne Rust, Manager City Development, Waitakere City Council, Auckland, NZ
 - (vii) Session: Creating Liveable Neighbourhoods
 - (a) *“Hobsonville: New Zealand’s Sustainable Development Showcase”* presented by Doug Leighton, Principal, Boffa Miskell, Auckland, NZ
 - (b) *“The Beacon Neighbourhood Sustainability Framework and the Beacon Neighbourhood Tool”* presented by Kay-Saville-Smith, Director, Centre for Research, Evaluation and Social Assessment, Wellington, NZ
-

Thursday 28 June 2007

- (i) Keynote Presentation
 - (a) *“Building Communities Through Placemaking”* presented by Ethan Kent, Vice President, Project for Public Spaces, New York, USA
 - (b) *“Climate Change: Time for Action – Positive Solutions for Town Centres in a Time of Crises and Opportunity”* presented by Gilbert Rochecouste, Director, Village Well, Melbourne VIC
 - (ii) Session: Energy / Management / Environmental Challenges
 - (a) *“Sustainability in Springfield; from Theory to Practice”* presented by John White, Development Director, Mirvac QLD, Brisbane, QLD and John Small, Director Retail Planning, Mirvac Developments, North Sydney, NSW
 - (b) *“Smartbuild: Transforming New Zealand Homes”* presented by Marta Karlik-Neale, Sustainability Consultant, URS, Auckland, NZ and Sherilyn Gray, Senior Strategic Advisor, Wellington City Council, NZ
 - (c) *“Building and Renovating Homes to Meet Key Sustainability Benchmarks”* presented by Lois Easton, Policy & Regulation Research Team Leader, Beacon Pathway, Ellerslie, NZ
 - (iii) Session: Place Making / Public Spaces
 - (a) *“Town Square”* presented by Susanne Pini, Director, Rice Daubney, North Sydney, NSW
 - (iv) Session: Dealing with Population & Demographic Shifts / Heritage
 - (a) *“Cultural Heritage Strategies”* presented by Caroline Grant, Landscape Conservation Consultant, Perth, WA and Patrick Beale, Architect & Lecturer, University of Western Australia
 - (v) Session: Urban Lifestyle / Revitalisation
 - (a) *“Local Character – Don’t Tip it Over the Edge”* presented by Sue Parsons, Senior Planner, Auckland City Council, NZ; Jane Matthews, Conservation Architect, Matthews and Matthews, Auckland, NZ And Rebecca Skidmore, Urban Designer, RA Skidmore Urban Design, Auckland, NZ
 - (b) *“Vibrant Suburbs or ‘Sardine City’ – Higher Density Approaches to Urban Revitalisation”* presented by Tony Duncan, Planning Executive, Parsons Brinckerhoff, Brisbane, QLD
 - (vi) Session: Development Challenges
 - (a) *“Westgate Town Centre – Edge Shopping Centre to Traditional Town Centre”* presented by Allan McGregor, Chief Executive, IMF New Zealand, Auckland, NZ
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- (vii) Session: Mixed Use Development
- (a) *“Urban Consolidation and Town Centre Planning in Ku-Ring-Gai: Opportunities and Challenges”* presented by Dr Anita Andrew, Deputy Mayor, and Steven Head, Director, Open Space & Planning, Ku-Ring-Gai Council, NSW
- (viii) Conference Dinner – Bruce Mason Centre, Takapuna.
- (a) *“Across the Ditch: Australia vs “New Zealand”* – featured “Howz that”? No, it’s not a cricket match or a rugby union test but the “ICTC battle of the countries quiz”, where each table teamed up to do battle on general knowledge and sports trivia.

Friday 30 June 2007

Field Trip – Waitakere City

The morning started out with a trip to New Lynn and the Waitakere Ranges where delegates stopped for a coffee break at Elevation Restaurant. At 350 metres above sea level, the delegates were given the chance to enjoy panoramic views over Auckland City and the Hauraki Gulf. After visiting projects in Henderson, delegates then stopped for lunch at the beautiful historic Falls Restaurant in CBD Henderson set in parkland alongside the Opanuku Stream.

The afternoon included a visit to Hobsonville Land Company whilst enjoying some local wine and nibbles. Delegates viewed the innovative plans for a brand new urban community on former airforce land fronting the Auckland harbour, and saw the large marine based industrial activity currently on site. The return trip was by harbour cruise.

ECO CITY IN ACTION

Ten years ago the Waitakere City Council's eco city aspirations appeared ahead of their time, but as its latest building developments show, sustainability is now well and truly part of the mainstream.

In Waitakere, the council decided to lead by example. Over the past decade, it has been fulfilling a plan of developing the city into a vibrant, visually attractive area with civic and public buildings that utilise sustainable building methodologies promoting energy and water efficiency, public transport and intelligent integrated land use.

These developments also send a wider message to the business community that says Waitakere is a city investing in the future, to extend its sustainable economic base.

Waitakere is actively building the city for the 21st Century.

Waitakere City Council
Te Tatao o Waitakere

Eco sustainability

Mayor Bob Harvey has been the driving force behind Waitakere ECO City which ranges from Project Twin Streams to enhance and manage natural waterways to Council's commitment to social sustainability through the building of libraries in every town centre.

The Waitakere Ranges are considered a national treasure and part of the city. Eco sustainability drives the strategy to retain the environment while still allowing visitors.

New Lynn

The Council plans to develop New Lynn alongside a central Government project to double track the railway line, to improve public transport access, and to underground the new rail way station. A major street, Memorial Drive, has already been completed in conjunction with a shopping centre, Lynn Mall Shopping Centre. The Council's new civic building connects the public transport hub in Henderson to the town centre with an air bridge over the rail and bus station. The new library complex is a joint project between the Waitakere Council and the Unitec tertiary educational institution, and this relationship will continue on to the Corban Estate to create a learning arts quarter.

Massey North / Hobsonville

This is a new growth area for greater Auckland, with planned adjustments to the Municipal Urban Limit looming. The group viewed the route of the new SH 18 western bypass to the North Shore, and Whenuapai Airbase, which has the potential to become the second airport for the Auckland region. The group was briefed on pilot plans for a model community for Hobsonville.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

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

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

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objective 4.2 - *"Provide a positive and desirable workplace"*, in particular, 4.2.4(b) - *"Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice"*.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

Attendance by the Director Development Services, Mr Rob Boardman at the 8th *International Cities, Town Centres and Communities Society Conference* held in North Shore City, Auckland, New Zealand, from Tuesday, 26 June 2007 until Friday, 29 June 2007 provided a most interesting and informative experience, together with valuable networking opportunities.

A full copy of all the papers, hard copy and CD, available has been placed in the Town of Vincent Library and Local History Centre. In addition, a copy of these papers are "*Laid on the Table*" and a further copy has been made available in the Councillors Room for Elected Members.

10.2.2 Traffic Management Matter "Flinders Street Mount Hawthorn" - Referral to Local Area Traffic Management Advisory Group

Ward:	North	Date:	17 September 2007
Precinct:	Mt Hawthorn P1 Mt Hawthorn Centre P2	File Ref:	TES0093
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matter referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS "Flinders Street, Mount Hawthorn" to the Town's Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

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

DETAILS:

Flinders Street, between Green Street and Anzac Road, is classified as a Local Distributor in accordance with the Metropolitan Functional Road Hierarchy. In accordance with this classification, its maximum desirable traffic volume is 6,000 vehicles per day with a recommended operating speed of 60kph.

The intersection of Flinders Street and Scarborough beach Road is controlled by traffic signals and at the intersections of Woodstock and at Ellesmere Streets, 'road a bouts' exist.

Traffic counts taken in mid to late 2005 between Scarborough Beach Road and Woodstock Street (north of the shopping centre midway to Woodstock Street) indicated that the average daily traffic volume was 1,985 vpd and the 85th percentile speed was 55kph. This was fairly consistent to Green Street.

New traffic counts are currently being arranged.

In July 2007, the Town received a request from a resident from Flinders Street expressing a number of concerns with regard to traffic related issues in the Street.

I am writing to express my concern at the increasing traffic on Flinders Street, Mt Hawthorn over the past few years and notably within the last year. Flinders street is now experiencing a higher level of traffic during peak hours which is in my opinion now being used as a short cut between Green Street and Scarborough Beach Road.

This means that the road is not just acting as a local distributor road for the residents living in the area but also a main thoroughfare for people wishing to save time on the way to work or commute through Mt Hawthorn. There is also a very noticeable increase in the number of large trucks using the street. Also concerning is the speed of the traffic. I believe that much of the through traffic is well in excess of the speed limit (I have personally followed many of the cars on my way to work) as the drivers think this a very convenient way to save commuting time with no stop signs or lights until Scarborough Beach Road.

As the road comes directly off Green Street there is a tendency for the drivers to accelerate heavily having likely been travelling at high speed on Green Street. The acceleration also creates more traffic noise. There are a significant number of children living on this street and it is becoming more of a hazard for them on their way to the local primary school. I feel that the amenity of the area is being disrupted and that if there is no attempt to address this issue Mt Hawthorn will be dissected by another major road.

I would be interested to know if there are any plans to:

- *Discourage use of the street by trucks*
- *Discourage use of the street as a "rat-run" or short cut for traffic travelling through Mt Hawthorn/Vincent.*
- *Plans to introduce speed limiting measures on Flinders Street.*

Ideally the access from Green Street would be limited in some way by perhaps making it a single direction entry or exit. I know, however, that there are many issues to consider in such planning decisions and would hope that the Councillors could consult with the Town's engineering group to see what measures could be feasible.

This issue is being discussed by a large number of the residents on the street who I believe have also voiced concern and I hope that the Council would give this issue some importance.

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

CONSULTATION/ADVERTISING:

Once the matter has been considered by the LATM Advisory Group and referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2007/2008 draft budget for this matter, however, there is a Miscellaneous Traffic Management allocation whereby minor works can be dealt with throughout the year.

COMMENTS:

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

The matter listed in this report requires further investigation prior to any further action being considered.

10.2.3 Proposed Improvements Robinson Avenue, Perth between William Street and Lake Street

Ward:	South	Date:	19 September 2007
Precinct:	Hyde Park P12	File Ref:	TES0484, TES0069 TES0006, TES0311
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed improvements Robinson Avenue, Perth;
- (ii) **APPROVES** the implementation of the Robinson Avenue improvement works as shown on attached Plan No. 2547-CP-1 as a 'stand alone' project at an estimated cost of \$26,500; and
- (iii) **ADVISES** the author of the petition and the residents of Robinson Avenue of its decision.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE:

The purpose of this report is to update the Council on the proposed Improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road.

BACKGROUND:

At its Ordinary Meeting held on 11 September 2007, the Council received a further report (No 3) on proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road, following the receipt of a letter from concerned Robinson Avenue residents.

A petition concerning this matter was received by the Council.

After considering the report, the following decision was adopted, in part.

"That the Council;

- (ii) **NOTES** that:
 - (a) *the Council, at its Ordinary Meeting held on 5 December 2006, decided to DEFER the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road and the streetscape improvement works in Robinson Avenue (except for the Traffic Management and Parking proposal in Robinson*

Avenue as shown on attached Plans No 2473-CP-1 and No 2474-PP-1 - in conjunction with the proposed William Street upgrade works) pending the outcome of the Town's Expression of Interest for the State Underground Localised Enhancement Program;

- (b) the Town's Expression of Interest to the Office of Energy for the area bounded by Robinson Avenue, Wellman Street, Forbes Road and Lake Street to be considered for funding from the State Underground Localised Enhancement Power Program was not successful in being included in the shortlist for Round Four, but has been selected as a reserve list project;*
- (c) the Traffic Management and Parking proposal in Robinson Avenue - has been implemented as part of the William Street upgrade works (currently in progress); and*
- (d) no funds have been listed in the 2007/2008 budget for the upgrading of the footpaths in Robinson Avenue;*
- (iii) given that the underground power proposal has been listed as a reserve project and there is a likelihood that the project could still receive funding, DEFERS the implementation of ALL proposed works in Brookman Street, Moir Street and Forbes Road and the streetscape improvement works in Robinson Avenue until this matter has been determined;*
- (iv) WRITES to the Office of Energy requesting an update and more information on the listing of the underground proposal as a "reserve project";*
- (v) RECEIVES a further progress report on this matter by no later than March 2008 to determine a way forward if no new information has been received from the office of energy with regard to the status of the Town's underground power submission;*
- (vi) ADVISES the author of the petition of its decision and the information contained in the report; and*
- (vii) REQUESTS that a report be submitted to the next Ordinary Meeting of Council concerning possible infrastructure upgrade in Robinson Avenue and to also identify whether costs would be incurred by carrying out this work prior to the undergrounding of the power."*

DETAILS:

Office of Energy

In accordance with clause (iv) of the Council's decision, the following advice was received from the Policy Officer from the Office of Energy when requested (via email) to provide an update on progress of the LEP and the 'reserve list' and the possible outcomes.

"At this stage there is every indication that all Round Four LEP short listed projects will proceed. Reserve projects may be nominated for reconsideration in the event that an agreement cannot be reached on a selected project.

Reserve projects may also be nominated if the final cost estimate for selected projects results in surplus funds being available for the Program. Proposals from the reserve list may be considered as a replacement on 'best fit' basis

As you are aware, if a situation arises that requires the Underground Power Steering Committee to consider the possibility of expanding the schedule of projects for implementation, such as the early withdrawal of a shortlisted project from Round Four, the reserve projects may be further considered.

Please note that the possible inclusion of the Brookman and Moir Streets, Vincent proposal for implementation in Round Four will be at the discretion of the Committee and will be determined on a case-by-case basis in accordance with the Round Four Guidelines.

You should also be aware that the reserve list is not perpetual – the start of each new Round of the Program requires local governments with reserve projects to resubmit new proposals for those areas."

Therefore as per the advice received, there is no firm indication whether or not the project will be funded in the current funding round.

Further report - Robinson Avenue improvements:

In accordance with clause (vii) of the Council decision, the officers have investigated the possible impact of proceeding with works in Robinson Avenue prior to the undergrounding of power.

As previously reported, the 'current' works proposed for Robinson Avenue include:

- A nib and raised plateau (red asphalt low profile speed hump) at Lake street.
- Trees within the parking bay (on road) strategically placed.
- Nib (painted) treatments at Brisbane Place, at the start of the one way section.
- Associated line marking.

All existing services were marked on the plan and the 'possible' underground cabling layout (no design for this has been prepared by Western Power). This exercise indicated that it is possible to undertake the tree planting works prior to the undergrounding of power.

It must be noted, however, that the future cabling works associated with the undergrounding of power, while predominantly 'micro tunnelled', will also comprise excavations for; the installation of pits, changes of direction, setting up of the drilling machines, removal of existing poles, placing of new poles, possible transformer location/s?

Officers Comments:

The results of the previous community consultation indicated that while most residents were generally in favour of the proposals as presented, not all were happy with the planting of trees and/or the species suggested. This was mainly residents in Robinson Avenue and Moir Street. In addition, many comments received requested that the undergrounding of power be implemented prior to embarking on any upgrade work.

CONSULTATION/ADVERTISING:

Residents and businesses in Robinson Avenue will be advised on the Council's decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 budget included \$45,000 to carry out tree planting on Robinson Avenue, Moir and Brookman Streets. These funds have been carried forward to 2007/2008. The revised estimated cost of the Robinson Ave proposal (which includes nibs, trees, entry treatments, line marking) as shown on plan No 2547-CP-1 is \$26,500.

COMMENTS:

As requested by the Council, officers have assessed whether the improvement works in Robinson Avenue can proceed prior to the undergrounding of power and whether costs would be incurred by carrying out this work prior to the undergrounding of the power. It is considered that this is possible, however, carrying out the works in isolation 'as a single project' will be more expensive as indicated in the report. It is therefore requested that the officer's recommendation be adopted

10.2.4 Tender No. 371/07 - Supply and Delivery of One (1) Side Loading Automatic Bin Lifter Refuse Truck

Ward:	Both	Date:	17 September 2007
Precinct:	All	File Ref:	TEN0371
Attachments:	-		
Reporting Officer(s):	C Economo, R Lotznicker,		
Checked/Endorsed by:	M Rootsey	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender submitted by Skipper Trucks for the Supply of One (1) 22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck for the total cost of \$303,900 (GST exclusive) in accordance with the specifications as detailed in tender No. 371/07; and*
- (ii) *APPROVES the outright sale of the Town's existing Side Loading Automatic Bin Lifter Refuse Truck (Registration number 1 BCY 077) for a total price of \$60,000 (GST exclusive) to Wastemaster.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for awarding a tender for the supply of one (1) 22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck to the preferred supplier.

BACKGROUND:

Tenders closed on 8 August 2007 for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck Complete and one (1) tender was received. Present at the tender opening were Purchasing/Contracts Officer and Manager Engineering Operations.

Only one (1) tender was received, from Skipper Trucks, for an Iveco truck with two (2) options for the rear compactor body including a:

- Mac Donald Johnston Engineering Compactor Body; and
- Wastemaster Compactor Body.

Inclusive in the tender was the 'outright' purchase of the Town's second hand Side Loading Automatic Bin Lifter Refuse Truck, Registration number 1 BCY 077.

A trade- in price was offered by Skipper Trucks and a trade in price for the vehicle was also submitted from three (3) other interested parties listed below.

DETAILS:

Details of the truck with the two compactor units are as follows:

Skipper Trucks Iveco	\$164,620	
MacDonald Johnston Engineering Compactor Body	\$139,280	\$303,900
Skipper Trucks Iveco	\$164,620	
Wastemaster Compactor	\$138,230	\$302,850

Details of the submissions received for the outright purchase of Town's existing truck, registration 1 BCY 077 are as follows: (prices exclude GST).

Skipper Trucks	Brigold Pty Ltd	PVT Sale Pty Ltd	Wastemaster
\$45,450	\$38,465	\$59,095	\$60,000

Evaluation Criteria

The following particular evaluation criteria was applied in the assessment of the tenders:

Evaluation Criteria		Weighting
Mandatory Product Feature	Product features essential to undertake required function. Specification conformance. Response and Detail to Specification	25%
Special Facilities	Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.	20%
Price Tender	The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the Town's discretion	20%
Life Cycle Costs	Service/maintenance costs	15%
Operators Ergonomics	Ease of operation/controls. Operator comfort	10%
Warranty	Assessed on performance. Warranty period offered	5%
Delivery	Required in eight (8) weeks	5%
TOTAL		100%

An evaluation panel consisting of the Director of Technical Services, the Manager Engineering Operations and Director Corporate Services assessed the tenders for the compactor bodies offered by Skipper Trucks using the selection criteria in accordance with the tender documentation as follows:

Tender Evaluation

Evaluation Criteria	Weighting	MacDonald Johnston Compactor Body	Wastemaster Compactor Body
Mandatory Product Features	25	25	24.5
Special Facilities	20	20	18.5
Price Tender	20	19.93	20
Life Cycle Costs	15	5	5
Operators Ergonomics	10	10	9.0
Warranty	5	5	4.5
Delivery	5	5	5
Total	100	89.93	86.5

The Town currently has a fleet of 6 rubbish trucks comprising 2 Rear loaders, 3 Side loaders and a Small Rear Loader for parks and street litter bin collection.

Truck

Only one (1) submission was received from Skipper Trucks to supply an Iveco Acco F2350G/285 as per the Town's tendered requirements.

Compactor Body

In accordance with the Evaluation Criteria, the MacDonald Johnston Gen V SL9522 scored slightly higher than the Wastemaster "Superior Pak". This is mainly due to the 'time cycle' of the operation. The Wastemaster operates a hopper system which can load six (6) rubbish bins before the driver needs to stop and compact. The MacDonald Johnston, on the other hand, operates a paddle system which continually compacts. From the Town's experience, once cardboard is loaded into the Wastemaster it may jam the system and require to be manually 'freed up'. This can cause a safety issue on the road and slow the operation down substantially.

In addition, from past experience, backup support for breakdowns by MacDonald Johnston is better as they have more comprehensive workshop facilities. Skipper Trucks have listed the Mac Donald Johnston body as the recommended body builder for their truck.

Conclusion

The Town's existing fleet comprises mainly Iveco trucks with the MacDonald Johnston compactor body. This application for the Side Loading Bin Lifter Refuse Trucks has proved to be an extremely effective combination for this type of application.

Based on the Weighting Evaluation Criteria, the combination of the Iveco Truck with the MacDonald Johnston rear compactor unit as submitted by Skipper Trucks for \$303,900 (GST exclusive and excluding the sale of the of Town's existing truck) is recommended.

It is also recommended that, for the Town to maximise its return for the outright sale of the Town's Loading Bin Lifter Refuse Truck, the vehicle be offered to Wastemaster for a price of \$60,000 (GST exclusive).

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Tender 371/07 for the Supply of One (1)22/ 23m³ Side Loading Automatic Bin Lifter Refuse Truck was advertised in accordance with the Local Government Act Tender Regulations.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$300,000 has been allocated in the 2007/2008 budget for replacement of this item of plant funded from the Waste Management reserve. The recommended purchase price is \$303,900.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

The Town's Manager Engineering Operations has carried out extensive research, investigation and liaison with other Waste practitioners and has recommended that the tender submitted by Skipper Trucks represents the best value and most suitable vehicle for the required function. It is therefore requested that the officer recommendation be adopted.

10.1.1 No. 176 (Lot: Y232 D/P: 835, Y233 D/P: 835 and Y234 D/P: 835) Fitzgerald Street, Corner Randell Street, Perth - Proposed Additions and Alterations to Existing Recreational Facility (Robertson Park Tennis Centre)

Ward:	South	Date:	12 September 2007
Precinct:	Hyde Park; P12	File Ref:	PRO2013; 5.2007.235.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tennis Seniors WA on behalf of the owner Town of Vincent for proposed Additions and Alterations to Existing Tennis Courts, at No. 176 (Lot: Y232 D/P: 835, Y233 D/P: 835 and Y234 D/P: 835) Fitzgerald Street, corner Randell Street, Perth - Proposed Additions and Alterations to Existing Recreational Facility (Robertson Park Tennis Centre), and as shown on plans stamp-dated 29 June 2007, 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) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (iii) prior to the commencement of any pre-urban ground disturbance works a suitably qualified archaeologist shall obtain the necessary authorisation, including the undertaking of a Section 16 permit, for the ground disturbance works from the Department of Indigenous Affairs and/or Minister for Aboriginal Affairs, and undertake on-site monitoring as required. Arrangement of the archaeologist, obtaining the authorisation, compliance with the conditions of the authorisation and payment of all costs associated with this condition, is the responsibility of the applicant.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Messina, Seconded Cr Farrell

That the lights be switched off at 10.00pm.

Debate ensued.

Cr Messina with the approval of the seconder withdrew his amendment.

The Presiding Member requested the Town's administration to liaise with the Club concerning the switching off of their lights.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.1

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 Tennis Seniors WA on behalf of the owner Town of Vincent for proposed Additions and Alterations to Existing Tennis Courts, at No. 176 (Lot: Y232 D/P: 835, Y233 D/P: 835 and Y234 D/P: 835) Fitzgerald Street, corner Randell Street, Perth - Proposed Additions and Alterations to Existing Recreational Facility (Robertson Park Tennis Centre), and as shown on plans stamp-dated 29 June 2007, 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) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (iii) prior to the commencement of any pre-urban ground disturbance works a suitably qualified archaeologist shall obtain the necessary authorisation, including the undertaking of a Section 16 permit, for the ground disturbance works from the Department of Indigenous Affairs and/or Minister for Aboriginal Affairs, and undertake on-site monitoring as required. Arrangement of the archaeologist, obtaining the authorisation, compliance with the conditions of the authorisation and payment of all costs associated with this condition, is the responsibility of the applicant.*

Landowner:	Town of Vincent
Applicant:	Tennis Seniors WA
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Town of Vincent Scheme Reserve – Parks and Recreation
Existing Land Use:	Recreational Facilities
Use Class:	Recreational Facilities

Use Classification:	Not Applicable
Lot Area:	23,391 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

25 June 2002 The Council at its Ordinary Meeting, conditionally approved the Planning Application for proposed two storey additions to the existing tennis pavilion.

9 September 2003 The Council at its Ordinary Meeting, conditionally approved the Planning Application for proposed alterations and additions to existing tennis pavilion and new pro shop.

23 May 2006 The Council at its Ordinary Meeting, conditionally approved signage additions to existing recreational facility (application for part retrospective approval at Robertson Park).

DETAILS:

The proposal involves the conversion of four grass tennis courts to four synthetic surface tennis courts, the installation of new floodlights for the subject four tennis courts for night play and associated works at the subject site. 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			
Support	Nil.		Noted.
Objection (1)	<ul style="list-style-type: none"> The lighting will cause light pollution into the residents at night. 		Not supported – not considered to have an undue impact on surrounding properties. Refer to ‘Comments’ section.
	<ul style="list-style-type: none"> The use of the tennis courts at night will cause noise pollution arising from the noise associated with playing the game. 		Not supported – noise is governed under the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
	<ul style="list-style-type: none"> Daylight savings will now take away the need for the light poles as people can play tennis well into the evening of the summer months, without the need for artificial light. 		Noted.

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:

Heritage

The proposal involves alterations to the existing tennis courts at Robertson Park. Robertson Park is on the Town's Municipal Heritage Inventory – Heritage List, on the State Register of Heritage Places and has been identified by the Department of Indigenous Affairs (DIA) on its Register of Aboriginal Heritage Sites as a place of Mythological and Historical significance. The matter was referred to the Heritage Council of Western Australia (HCWA) for comment and also discussion undertaken with DIA to ascertain what approvals were required under the Aboriginal Heritage Act 1972.

Scope of Works

The proposal involves the conversion of four existing grass tennis courts to synthetic courts, which will involve the disturbance of the first 150 millimetres of topsoil. The proposal also involves the installation of 13 light poles, which will be set in concrete footings and require ground disturbance to 1.5 metres.

HCWA Advice

In its letter dated 18 July 2007, the HCWA advised that the proposed works were supported. However, as the works involved ground disturbance, HCWA advised '*the applicant may wish to consider having an archaeologist available to assist in the event of any archaeological material being uncovered*'.

DIA Advice

A Section 18 Approval for the whole of Robertson Park (Site No. 17849 *Boojoormelup*) was issued to the Town on 2 January 2001 for the purpose of developing and improving the Park.

The subject works lies on land registered by the Department of Indigenous Affairs as an Aboriginal Site. As with other development proposals within the Park, all ground disturbing works are required to comply with the conditions of the Minister for Aboriginal Affairs letter dated 2 January 2001. This requires the Town to obtain a Section 16 permit under the Aboriginal Heritage Act 1972 (issued to a qualified archaeologist), to monitor ground disturbance associated with any portions of the Park with the potential for sub-surface material or burials.

The *Report of an Archaeological Survey of Robertson Park*, prepared by the Centre for Archaeology at the University of Western Australia, has identified a portion of the subject area as an area with the potential to yield sub-surface Aboriginal information. While the likelihood of revealing sub-surface material may be reduced due to the previous tennis court development, the nature of the proposed works and the existing conditions by the Minister require the appropriate monitoring to be put in place.

In the past, the costs associated with the archaeologist have been met by the applicant. The costs associated with the archaeologist would be limited to on-site monitoring during ground disturbance (such as the preparation of footings) and the administration for obtaining the permit. Only if material was discovered during works would additional costs be incurred.

Floodlighting

Technical Services

The light spill design diagram submitted for the proposed floodlighting indicates that the average lux level (at ground level) at the front boundary of the Randall Street properties generally meets the accepted criteria.

The lux levels at this location range from 0.9 lux to 1.8 lux (average 1.2 lux).

The accepted lux levels from street lighting in a street of this nature, would be between 0.3 lux and 1.75 lux (average 1.03lux).

As a guide for comparison, clear moon light is 0.2 lux, Main Roads lighting is 15 lux and direct sunlight can be up to 100,000 lux.

Local Law

The Town's Local Law relating to Fencing, Floodlights and other External Lights require a maximum height of seven (7) metres for floodlighting poles, while the height of the proposed floodlighting poles is 8 metres. The proposed synthetic surface tennis courts and floodlighting pole height and lux levels are considered acceptable given the siting adjacent to Fitzgerald Street and opposite a commercial zoned area, and buffered from the Randell Street residents by a perpendicular row of tennis courts.

Summary

The proposal is supported as it is considered a reasonable development, which would complement the existing facilities on-site, and will not unduly affect the streetscape and the amenity of the adjacent or surrounding properties. In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.2 No. 241 (Lot 450 D/P: 301681) Stirling Street, Perth- Proposed Change of Use from Office Building to Lodging House (Backpackers) and Associated Alterations and Additions

Ward:	South	Date:	17 September 2007
Precinct:	Beaufort; P13	File Ref:	PRO3686; 5.2007.104.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Metamorphica Architecture & Interiors on behalf of the owner X B Zhong for proposed Change of Use from ~~Institution Building~~ Office Building to Lodging House (Backpackers) and Associated Alterations and Additions, at No.241 (Lot 450 D/P: 301681) Stirling Street, Perth, and as shown on plans stamp-dated 21 August 2007 (site plan, upper floor plan and shed floor plan and elevations, 3 September 2007 (extension elevation) and 12 September 2007 (ground floor plan) 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 Mixed Residential/Commercial, Car Parking and Communal Open Space requirements of the Town's Policies relating to the Beaufort Precinct and Communal Space for Lodging Houses, Hostels and Serviced Apartments, respectively;*
- (iii) *the replacement of the building's existing windows, doors and associated sidelight and sill detail conflicts with the requirements of the Town's Policy relating to Heritage Management Development Guidelines which states: "alterations and additions to places of heritage value are to reflect the heritage significance associated with the place and follow good heritage management practice"; and*
- (iv) *consideration of the objections 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 Farrell, **Seconded** Cr Torre

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Torre, Seconded Cr Maier

That the Item be DEFERRED as requested by the Applicant.

CARRIED (8-1)

For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre

Against
Cr Chester

COUNCIL DECISION ITEM 10.1.2

That the Item be DEFERRED as requested by the Applicant.

ADDITIONAL INFORMATION:

Upon further searches of the Town's and the City of Perth's archives records for the most recent approval for the subject site, it was established that a Building Licence dated May 1979 was conditionally approved for alterations and additions to office.

In light of the above, the relevant description is amended as detailed above.

CORRECTED BACKGROUND TABLE:

Landowner:	X B Zhong
Applicant:	Metamorphica Architecture & Interiors
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Institution Building <u>Office Building</u>
Use Class:	Institution Building <u>Office Building</u>
Use Classification:	"SA"
Lot Area:	1054 square metres
Access to Right of Way	N/A

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

BACKGROUND:

No specific background directly relates to the proposal.

CORRECTED DETAILS:

The proposal involves proposed change of use from ~~institution building~~ office building to lodging house (backpackers) and associated alterations and additions. The applicant's submission is "*Laid on the Table*".

Note: The above Details were corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Residential/Non-Residential Use	To contain a residential component of no less than 66 per cent of the existing or approved floor space.	Nil residential component	Not supported- refer to "Comments".
Southern Setback	1.5 metres	1.14 - 4.0 metres	Supported- minor variation in this instance and not considered to have an undue impact on amenity of area.
Car Parking	Not to be within front setback area.	Two car bays within front setback area.	Not supported- undue impact on streetscape and to be conditioned to be deleted in the event of approval.
Communal Space for Lodging Houses	External communal space to be have a minimum dimension of 4 metres and area of 20 square metres	Not indication of communal open space.	Not supported- facilities considered to be inadequate for future occupants.
Consultation Submissions			
Support	Nil		Noted.
Objection (3)	<ul style="list-style-type: none"> Land was purchased due to the existing laws and changes are not wanted. 		Supported- refer to "Comments".
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			

Car Parking Requirement (nearest whole number) -1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (Total: 10 beds = 13.33 car bays)	13 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parks with in excess of 75 spaces) 	(0.7225) 9.39 car bays
Minus car parking on-site	9 car bays (car bays 10 and 11 are not considered to be compliant).
Resultant shortfall	0.39 car bay**

* 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.

**If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bays or cash-in-lieu of parking is required for shortfall.

COMMENTS:

Heritage

The subject place at No. 241 Stirling Street, Perth, also known as Colmel House, is a rare and important example of a grand house in the Federation Queen Anne style. The place, which is one of very few grand houses to have been constructed in the Town is listed on the Town's Municipal Heritage Inventory with a Category A - Conservation Essential listing.

The proposed alterations and additions to the subject place to accommodate the lodging house are generally confined to the rear of the dwelling and do not impact on original fabric. However, the proposed plans illustrate that the street facing upper floor window is to be altered to accommodate a single door, the adjacent existing single door is to be removed and replaced with a double door and the existing sash windows along the northern, southern and western elevations are to be replaced with casement windows. The removal of the existing window, door and associated decorative detail such as sidelights and plaster sill treatment would have a negative impact on the original design and presentation of the building and conflict with the requirements of the Town's Policy relating to Heritage Management Development Guidelines, which states: *"alterations and additions to places of heritage value are to reflect the heritage significance associated with the place and follow good heritage management practice."*

Whilst the Town's Officers encourage the adaptive reuse of the subject place, the proposed changes to the front façade are not supported and would need to be conditioned to be retained in the event that an approval is granted for the site.

Summary

In giving consideration to the inner city location and the likely future development of the areas built form, it is considered that the proposed development is inconsistent with the objectives outlined in the Town's Policy relating to the Beaufort Precinct, which promotes a diverse range of inner city housing and mixed use development and stipulates that the subject area is to transform from a predominately commercial area to an area of compatible residential and commercial uses.

Further to the above, it is also noted that there has been recent planning applications/enquiries in the area, that have been presented to /approved by the Council which are considered to display a more appropriate mix of uses, including a strong residential component. It is considered that these aforementioned planning applications may provide a stimulus for other similar developments in the area, which is vital for the attraction of people to the area and the development and consolidation of inner city communities. It is also considered that approval of the subject application may set a precedence that departs from the Town's intentions for the area. In light of the above, it is recommended that the subject application be refused.

10.1.3 No. 2A (Lot: 156 D/P: 41983) Sholl Lane, North Perth – Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval)

Ward:	North	Date:	18 September 2007
Precinct:	Smith's Lake, 06	File Ref:	PRO3853; 5.2007.84.1
Attachments:	001		
Reporting Officer(s):	E Saraceni, N Wellington		
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 REFUSES the application submitted by C Cafarelli on behalf of the owner C Cafarelli for Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval), at No. 2A (Lot: 156 D/P: 41983) Sholl Lane, North Perth, and as shown on plans stamp-dated 9 March 2007, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the plot ratio and privacy requirements of the Residential Design Codes;*
 - (c) *the non-compliance with the upper floor front/street setback requirements of the Town's Policy relating to the Knutsford Locality; and*
 - (d) *the plot ratio and open space requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements;*
- (ii) *the Council ADVISES the owner that the works required for the development at No. 2A (Lot 156) Sholl Lane, North Perth to be in accordance with the Planning Written Direction and Building Notice issued by the Town on 8 January 2007 shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this twenty-eight (28) days period; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to issue an additional Planning Written Direction and Building Notice on the owner of No. 2A (Lot 156) Sholl Lane, North Perth requiring the window to bedroom 2 on the upper floor to be screened, plot ratio and upper floor front/street setback to be in accordance with the Planning Approval granted on 13 September 2005 and the Building Licence issued on 14 November 2005, and to commence legal proceedings should the additional Written Direction and Notice not be complied with.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

Landowner:	C Cafarelli
Applicant:	C Cafarelli
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Two-Storey Single House Under Construction
Use Class:	Single House
Use Classification:	"P"
Lot Area:	430 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject site has an extensive history relating to the (partial) demolition of the building that was previously on-site. The most recent background of the subject property is as follows:

- 16 December 2003 The Council at its Ordinary Meeting conditionally approved the demolition of existing single house and construction of a two-storey single house.
- 20 April 2004 The subdivision to create the subject lots was granted conditional approval by the Western Australian Planning Commission.
- 7 December 2004 The Council at its Ordinary Meeting refused an application for proposed two (2) two-storey single houses at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155- proposed Lots 156 and 157).
- 3 March 2005 The Council at its Ordinary Meeting refused an application for proposed two (2) two-storey single houses at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155- proposed Lots 156 and 157).
- 13 September 2005 The Council at its Ordinary Meeting conditionally approved an application for proposed two-storey single house at No(s). 501 Fitzgerald Street and 2A Sholl Lane (Lot 155- proposed Lots 156 and 157) 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, airconditioners, 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 Sholl Lane 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, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
 - (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the wall height as projected above the eaves being a maximum of 65 courses (or 5.6 metres above finished floor level) along the northern rear elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
 - (iv) *subject to first obtaining the consent of the owners of No. 2 Sholl Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2 Sholl Lane and Fitzgerald Street in a good and clean condition;*
 - (v) *concessions granted for this application should not be regarded as a precedent for any development application for the lot fronting Fitzgerald Street; and*
 - (vi) *the "Assessment Table" being amended as follows:*
-

<i>“Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Wall Height</i>	<i>6.0 metres</i>	<i>6.4-6.8 metres on rear northern elevation</i>	<i>Not Supported- undue impact on northern neighbour. However, 5.7-6.1 metres (65 courses as per front southern elevation) is supported due to slope of land. This matter has been conditioned accordingly, as agreed by the applicant.”</i>

8 January 2007

The Town issued the owner with a Written Direction under Section 214 (3) of the Planning and Development Act 2005 and a Notice under Section 401 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1960 requiring the works on the property to be altered so that the development is in accordance with the Approval to Commence Development No. 5.2005.3045.1 issued by the Town on 20 September 2005 and Building Licence No. 6.2005.3281.1 issued by the Town on 14 November 2005, within 60 days and 35 days respectively, as follows:

- (a) the finished floor level (FFL) being 29.85;
- (b) the setback on the northern elevation to the WC/Laundry, Kitchen and Dining Room on the ground floor being 4500 millimetres;
- (c) the setback on the northern elevation to the Living Room on the ground floor being 5460 millimetres;
- (d) the internal dimension of the ground floor eastern wall (Living Room) being 5800 millimetres; and
- (e) the internal dimension of the eastern wall on the first floor (Bedroom 1 and Ensuite) being 6470 millimetres.

9 March 2007

The applicant submitted an application for alterations and additions to approved two-storey house (application for retrospective approval).

DETAILS:

The applicant seeks retrospective approval for alterations and additions to approved two-storey single house (under construction) on the subject approval. The plans include several variations to the conditional Planning Approval granted by the Council on 13 September 2005, the Residential Design Codes and the Town’s Policies.

The variations to the conditional Planning Approval and the Building Licence are outlined in point form below;

- the finished floor level (FFL) is 1.74 courses (150 millimetres) above the approved FFL 29.85;
- the internal dimension of the eastern wall on the first floor (bedroom 1 and ensuite) is 6880 millimetres. The approved length is 6470 millimetres;
- the setback on the northern elevation to the living room on the ground floor is 4970 millimetres. The approved setback is 5460 millimetres;
- the internal dimension of the ground floor eastern wall (living room) is 6400 millimetres. The approved length is 5800 millimetres;
- the ground floor rear/northern setback has been reduced from 4.5-5.46 metres to 3.97-5.034 metres;
- the window to bedroom 2 on the upper floor on the previous Planning Approval indicates appropriate screening to ensure the privacy conditions are met, the revised plans do not indicate any screening on this window; and
- the plot ratio is 1.1, it was previously 0.88.

ASSESSMENT:

Non-Compliant Requirements				
Requirements	Required	Approved OMC 13 September 2005	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65- 140 square metres	0.88- 189 square metres	1.1- 238.01 square metres	Not supported- undue impact on the amenity of the area and is a further variation to a previously approved variation to an element of the Town's Non-Variation of Specific Development Standards and Requirements Policy.
Building Setbacks: Upper Floor Front/South/Street	6 metres	1-1.96 metres	1-1.78 metres	Not supported- undue impact on the amenity of the area and is a further variation to a previously approved variation.

Privacy Setbacks: Bedroom 2	Setback within the cone of vision 4.5 metres in the case of bedrooms	Window shown as being appropriately screened	Setback within the cone of vision 3.97 metres to the northern boundary.	Not supported- undue impact on neighbouring property, and the previously approved plans illustrate the window to bedroom 2 as being screened; therefore, this is a further variation to the previously approved plans.
The remaining variations were addressed in Item 10.1.3 at the Ordinary Meeting of Council held on 13 September 2005, in relation to the previous application.				
Consultation Submissions				
The proposal has not been advertised as the application is not supportable by the Town's Officers, and is being referred to Council for consideration and determination.				
Other Implications				
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications			Nil	
Financial/Budget Implications			Nil	

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

COMMENTS:

The applicant has proceeded with the construction of the building without due regard to the Planning Approval granted on 13 September 2005 and the Building Licence issued on 14 November 2005. Also, the applicant did not comply with the Written Direction and Notice issued by the Town on 8 January 2007 and continued with the construction of the building not in accordance with the Planning Approval and Building Licence, whilst applying to the Town for an application for retrospective approval for the subject unauthorised works.

The variations to the previous Planning Approval will have an undue impact on the surrounding area, most notably in terms of bulk and scale, and are further variations to those that have been previously approved by the Council.

In light of the above, it is recommended that the application be refused and the applicant and owners be advised that the following works are required to be completed within twenty-eight (28) days of notification, in accordance with the Written Direction and Notice issued by the Town on 8 January 2007:

- (a) the finished floor level (FFL) being 29.85;
- (b) the setback on the northern elevation to the WC/Laundry, Kitchen and Dining Room on the ground floor being 4500 millimetres;
- (c) the setback on the northern elevation to the Living Room on the ground floor being 5460 millimetres;

- (d) the internal dimension of the ground floor eastern wall (Living Room) being 5800 millimetres; and
- (e) the internal dimension of the eastern wall on the first floor (Bedroom 1 and Ensuite) being 6470 millimetres.

It is further recommended that the Council authorise the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this twenty-eight (28) days period.

In addition, it is recommended the Town issue an additional Written Direction and Notice on the owner of No. 2A (Lot 156) Sholl Lane, North Perth requiring the window to bedroom 2 on the upper floor to be screened, plot ratio and upper floor front/street setback to be in accordance with the Planning Approval granted on 13 September 2005 and the Building Licence issued on 14 November 2005. It is recommended the Council authorise the Chief Executive Officer to continue legal proceedings should the additional Written Direction and Notice not be complied with.

10.1.4 Members Equity Stadium – Parking Arrangements for 2007/2008

Ward:	South	Date:	18 September 2007
Precinct:	Beaufort; P13	File Ref:	RES0040
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the extension of the current Residential Parking Zone, operating throughout the year, in the area surrounding Members Equity Stadium, to include the following:

- (i) *Braid Street, between Newcastle and Parry Streets, Perth; and*
- (ii) *Pier Street, between Newcastle and Parry Streets, Perth; and*

as detailed at Plan 2447-PP-2 and shown in Appendix 10.1.4.

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the following amendment be made:

That the Council APPROVES the extension of the current Residential Parking Zone, operating throughout the year, in the area surrounding Members Equity Stadium, to include all thoroughfares, bounded by Parry Street, Stirling Street, Newcastle Street and Lord Street, Perth.

Debate ensued.

AMENDMENT PUT AND LOST (3-6)

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

AMENDMENT

Moved Cr Torre, Seconded Cr Maier

That the following amendment be made;

That the Council;

- “(2) *REQUESTS the Chief Executive Officer to investigate extending the residential parking zone to include all roads bounded by Stirling, Newcastle, Lord and Brewer Streets.*”

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.4

That the Council;

- (1) *APPROVES the extension of the current Residential Parking Zone, operating throughout the year, in the area surrounding Members Equity Stadium, to include the following:*
- (i) *Braid Street, between Newcastle and Parry Streets, Perth; and*
 - (ii) *Pier Street, between Newcastle and Parry Streets, Perth; and*
- (2) *REQUESTS the Chief Executive Officer to investigate extending the residential parking zone to include all roads bounded by Stirling, Newcastle, Lord and Brewer Streets.*
-

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval for an amendment to the parking arrangements around Members Equity Stadium for 2007/2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 July 2007, the Council considered the re-establishment of the Residential Parking Zone, in the area surrounding Members Equity Stadium and resolved, inter alia, as follows:

“COUNCIL DECISION ITEM 10.1.17

That the Council;

- (ii) *APPROVES the implementation of a Residential Parking Zone, operating at all times throughout the year, in the area surrounding Members Equity Stadium, bounded approximately by West Parade, Parry, Harold, William, Brisbane and Stirling Streets, but excluding:*
- *Stirling Street, between Bulwer Street and Parry Streets;*
 - *Brisbane Street, between William and Bulwer Streets;*
 - *Brewer Street, between Thorley and Stirling Streets;*
 - *Dalmeny Street;*
 - *Edward Street, between Stirling and Parry Streets; and*
 - *Pier Street, between Parry and Brewer Streets;*
-

As shown on attached Plan 2447-PP-2;

- (iii) *Prohibits parking on Parry Street (on both the southern and northern sides), between Stirling and Lord Streets; and*
- (iv) *AUTHORISES the Chief Executive Officer to invite potentially affected residents on the southern side of Summers Street to apply for residential and visitor parking permits.”*

DETAILS:

Members Equity Stadium has been used for soccer games since 1996 and parking restrictions have been in place since that time. Residential parking restrictions were also introduced in 1999 and these have been enforced by the Town's Rangers. The extent of the residential parking restrictions has remained relatively unchanged for the last four to five years and is now accepted by sporting patrons as a condition of Members Equity Stadium. The parking restrictions are generally supported by most residents.

It is considered appropriate for the restrictions to be extended to the residential areas that were formerly in the City of Perth. These residents experience the same problems as the residents of other streets, in the immediate vicinity, so the Town has been asked by a number of residents, to also restrict Braid Street and Pier Street, between Newcastle and Parry Streets, Perth.

LEGAL/POLICY:

There are no legal impediments associated with this proposal and Rangers would enforce the Residential Parking Zones as they have done in previous years.

CONSULTATION/ADVERTISING:

It is suggested that, in response to public demand, the Town has implemented similar Residential Parking Restrictions on a number of previous years and it is unlikely that the residents would reject the re-introduction of restrictions in an extended area. It is therefore considered unnecessary to undertake a consultation/survey to confirm this. The change will be included on the Town's web page. Letters will be sent to all affected residents.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2006-2011 Key Result Area 1.1.6 “(e) Review, implement and promote the Car Parking Strategy.”

FINANCIAL/BUDGET IMPLICATIONS:

Other than the erection of appropriate signage, there will be no additional costs, associated with this proposal. It is anticipated that the total cost will be around \$500.00

COMMENTS:

It is believed that the new Residential Parking Zone, as outlined above, should be implemented and retained until the end July 2008, in conjunction with the restrictions that have already been approved by the Council. The above report is recommended for approval.

10.2.1 Proposed Naming of Rights of Way bounded by Redfern, Charles, Elizabeth and Norham Streets - Macri Lane

Ward:	North	Date:	14 September 2007
Precinct:	North Perth (P8)	File Ref:	TES0107 & TES0278
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the report on the naming the 'contiguous' rights of way bounded by Redfern, Charles, Elizabeth and Norham Streets (refer Plan No. 2548-RP-1 attached);*
- (ii) *APPROVES the application of the name "Macri Lane" to the rights of way; and*
- (iii) *ADVISES the Geographic Names Committee, the applicant and all adjacent residents of its decision.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Ker

That the Item be deferred to examine the process for the naming of Right of Ways.

PROCEDURAL MOTION PUT AND LOST (3-6)

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

MOTION PUT AND CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.2.1

That the Council

- (i) *RECEIVES the report on the naming the 'contiguous' rights of way bounded by Redfern, Charles, Elizabeth and Norham Streets (refer Plan No. 2548-RP-1 attached);*
 - (ii) *APPROVES the application of the name "Macri Lane" to the rights of way; and*
 - (iii) *ADVISES the Geographic Names Committee, the applicant and all adjacent residents of its decision.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the naming of two (2) Town owned rights of way (ROWs).

BACKGROUND:

The Town has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee of the Department for Planning and Infrastructure.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart Directory, and are therefore identifiable to FESA, should their attendance be necessary, other emergency services and to the public in general. Also Australia Post will deliver mail to addresses off named ROWs provided they meet other standards set down by them.

DETAILS:

The Town has received an application for the naming of two contiguous ROWs in North Perth (refer attached Plan No. 2548-RP-1). The ROWs are owned by the Town, sealed and drained, and six (6) metres wide.

Should the Town choose to proceed to dedicating the ROWs as a Public Road, all that remains to be carried out is the installation of street lighting. This could be considered at a future time, when funds are available.

A resident has written to the Town, requesting that the ROW at the rear of his home in Redfern Street, together with the ROW directly in line with it to the east, be named "Macri Lane" in honour of his late grandfather.

The naming of 'contiguous' ROWs alike, in the manner of a street, has been recommended by the Geographic Names Committee where there is a likelihood that the ROWs are candidates for dedication.

The resident has provided some historical details to support the request as follows:

"I seek to apply to have the sealed ROWs which run from the top of Norham Street, North Perth, crosses Hunter Street and runs along the rear of a property I recently purchased at 75 Redfern Street, North Perth, allocated the name "Macri Lane" in memory of my late grandfather Michelangelo Macri who lived at 30 Albert Street, North Perth, shortly after emigrating from Italy until his death in 1971. My grandmother, Teresa Macri, lived at this address until her death in 1993.

My grandfather first arrived in Australia in 1949. He left his wife Teresa and children Franca, Giuseppe (my father), Amelia and Lidia in Italy while he came to Australia looking for work and somewhere he could raise his family and provide them with a prosperous future.

He found work in a lime quarry in Wanneroo and worked at the kiln in the quarry. Two years later in 1951 he was in a position to bring his family from Italy. He continued working in the quarry until the mid fifties after which he took up market gardening. He continued market gardening until his death in 1971.

My grandfather was a very hard worker and did not have time to take part in any clubs or associations as he had to work seven days just to survive. He did however enjoy family gatherings and gatherings with friends who lived locally. They often spent nights together listening to music and his friends would sometimes bring along their musical instruments (guitar, piano accordion, tambourine, harmonica) to keep everyone entertained while he and some other friends enjoyed dancing the tarantella (an old Italian folk dance).

My grandfather also enjoyed bocce and cards. However he only played cards for recreational purposes and not for gambling as whatever little money there was would go toward feeding the family.

My family has a long association with the area of North Perth. I spent my childhood years through to my twenties living in North Perth with my parents and grandparents (whilst my grandparents were alive). I have since moved back to North Perth in 2005 to return to my childhood roots and have since purchased the 75 Redfern Street property.

It would be a great privilege to myself and to all of my family for my grandfather's name to be honoured in this way.

CONSULTATION/ADVERTISING:

Consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.3 Enhance and maintain the character and heritage of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The applicants have given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

The naming of the ROWs will improve the amenity of the adjacent residents. The Town encourages the use of names of outstanding early residents for application to ROWs so that they are remembered for their significant contribution to the local culture. The proposed name is a worthy candidate, and it is recommended that the Council approve its application to these ROWs.

10.3.1 Forrest Park Pavilion – Approval of Revised Concept

Ward:	South	Date:	19 September 2007
Precinct:	Forrest P14	File Ref:	RES003
Attachments:	001		
Reporting Officer(s):	M Rootsey, J Bennett, P Betts, J van den Bok, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council at its Ordinary Meeting held on 28 August 2007 at Item 10.3.1 resolved (interalia) that:*

"(i) the Council APPROVES IN PRINCIPLE;

(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;"

- (ii) *Cr Farrell MOVES a motion to CHANGE the decision by;*

deleting;

"(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion" and

inserting;

"(a) the Pavilion plan (SK02G), dated 14 September 2007, as attached to this report for the proposed Forrest Park Pavilion";

- (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 Mayor Catania, Cr Izzì Messina and Cr Steed Farrell, being one third of the number of Offices of Members of the Council, support this Motion; and*

- (iv) *the Council resolves BY AN ABSOLUTE MAJORITY to change part of the decision as shown below;*

deleting;

"(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion"; and

inserting;

"(a) the Pavilion plan (SK02G), dated 14 September 2007, as attached to this report for the proposed Forrest Park Pavilion";

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval in principle for the amended concept plans for the upgrade of the Forrest Park Pavilion.

BACKGROUND:

The following resolution was adopted at the Ordinary Council meeting held on 28 August 2007.

That the Council;

- (i) **APPROVES IN PRINCIPLE;**
 - (a) *the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;*
 - (b) *the relocation of the Highgate Child Health Clinic from 84 Harold Street, Highgate, to the new facility;*
- (ii) **AUTHORISES the Chief Executive Officer to;**
 - (a) *investigate the future uses of 84 Harold Street Highgate and/or disposal of the property;*
 - (b) *investigate the benefits of providing a lease to Perth Junior Soccer club and other sporting groups for part of the proposed facility; and*
 - (c) *negotiate the terms and conditions for the lease of part of the proposed facility for Forrest Park Playgroup; and*
- (iii) **APPROVES;**
 - (a) *the advertising of the concept plans for a period of twenty one (21) days; and*
 - (b) *considers any submissions received as a result of the community consultation period.*

DETAILS:

Following the Council meeting, further discussions were held with the Town's architect with a request to improve the design and the functionality of the proposed facility, to better meet the needs of all users, including junior sports, playgroup and members of the public and address a number of comments expressed by Elected Members at the meeting held on 28 August 2007.

During the discussions suggestions were made on how the design could be improved taking into account some of the changes already proposed.

Plan Amendments

As a result of these discussions, the following amendments have been proposed for consideration;

1. The building has been increased in size by 340m². The layout for the change rooms, referees room, kiosk, storeroom, showers and toilets have been significantly changed to improve functionality and to remove any areas which could create risk for children.
2. The building has been repositioned so as not to encroach onto the cricket fields.
3. A separate clubroom area has been created, with a view and access directly onto the playing fields. A verandah on the northern elevation has been included, which will provide protection from the elements - rain in the winter and hot sun in the summer.
4. The kiosk is also now in a more practical and accessible position overlooking the playing fields and will provide better access for both players and spectators on match days.
5. The new plan will provide for a separate clubroom for the Junior Soccer Club, which will no longer be shared space by the other users. (Both the major stakeholders, the Soccer Club and Playgroup are very pleased with this outcome, as there was potential for conflict in the shared arrangement due to the fact that their respective usages are so divergent).
6. A new verandah has been constructed in the area immediately adjacent to the playgroup and child health centre and this will provide shade cover and shelter for the users and an increased area which will be able to be used during inclement weather.
7. The Playgroup has a significantly increased new play area (which was previously to be jointly used with soccer) and the interior is to be provided with better storage facilities.
8. The new design will have better separation of areas, improved access off the existing car park and will reduce areas which can be vandalised.
9. The new design will allow a potential leased area for the Perth Junior Soccer Club to be easily identified. It is proposed for them to lease the clubroom and the kiosk, with the club having priority use of the change rooms. The change rooms however will remain an area to be booked by casual or seasonal bookings, under the control of the Town.
10. The Playgroup will have an expanded area under their lease agreement.

Meetings have been held with the stakeholders, Perth Junior Soccer Club, the Highgate Playgroup and the Child Health Clinic, to discuss the amended plan.

The Co-ordinator – Major Projects will be directly responsible for the project (reporting to the Chief Executive Officer).

Cost Estimate

The cost of the facility with these amended plans is likely to be in the region of \$350,000 - \$400,000, subject to the quality and extent of the finishes. However, this may be reduced by “in-kind” work provided by the soccer club members, many who work in the building industry.

The additional funds required will be met by the monies received from the disposal of the property at 84 Harold Street.

The Town is currently obtaining a formal valuation from a registered valuer for this property.

CONSULTATION/ADVERTISING:

In accordance with the Community Consultation Policy, the concept plans should be advertised for twenty-one (21) days' public consultation.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future Strategic Plan 2006 – 2011;

"3.1 – Community Development

3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community".

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2007/08 has an amount of \$255,000 allocated for the completion of this project.

COMMENTS:

The revised layout is a vast improvement on the previous design, which was significantly restricted by the budget. Whilst the Perth Junior Soccer Club and Playgroup representatives did agree to the design, it was done so on the basis of compromise and in the spirit of acknowledging budget constraints. The subsequent discussions reveal that both users prefer the revised plan as this better meets their needs.

Accordingly, it is prudent to approve in principle the revised plan so that the stakeholders and the community receive the best facility available for the site.

10.4.1 Parking and Parking Facilities Local Law 2007 - Adoption of

Ward:	-	Date:	19 September 2007
Precinct:	-	File Ref:	LEG0047
Attachments:			
Reporting Officer(s):	J MacLean, J Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received relating to the Local Law at the close of the statutory six (6) week public consultation period;*
- (ii) *CONSIDERS the submissions received on the proposal to introduce paid parking in Brisbane Street, Perth and Vincent Street, Leederville as detailed in this report; and*
- (iii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Parking and Parking Facilities Local Law 2007 as shown in Appendix 10.4.1 to provide for the regulation, control and management of activities on local government property and public property within the district.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

**MOTION PUT AND CARRIED BY
AN ABSOLUTE MAJORITY (9-0)**

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that no submissions were received concerning the local law at the conclusion of the six (6) week statutory public consultation period of the proposed the Town's Local Law and for the Council to adopt the revised Parking and Parking Facilities Local Law 2007.

BACKGROUND:

At the Ordinary Meeting of the Council held on 26 June 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

Comments were received from the Department of Local Government as follows:

1. Title

“The title should be amended to read "Parking and Parking Facilities Local Law 2007" where it appears on the cover page, heading and citation.”

2. Clause 5.17 - Stopping on a carriageway - heavy and long vehicles

For this clause for the purpose of clarity the Town is encouraged to include a similar clause to the effect of clause 7.12 (2) of the Model Local Law. This has been inserted

3. Clauses 5.21(2)(b) - Permits in parking facilities and 8.12 - Local Government may lock parking stations

“The Joint Standing Committee on Delegated Legislation has requested the removal of similar provisions in local laws where some local governments have attempted to limit or abolish a person's common law right to damages or initiate other legal proceedings against a local government.”

Accordingly, these clauses have been amended as recommended. A clause has been added to ensure a person's rights have been protected.

4. Clause 8.4 - Impersonation of an authorised person and 8.10 - No loitering in a parking station

“Similar provisions are contained with the Criminal Code and therefore both clauses should be deleted accordingly together with their corresponding offence and penalty provision.”

These have been deleted.

Schedule 6 has been amended by changing the time from 8pm to 10pm for the Ticket Machine Zone for William Street, between Brisbane and Newcastle Streets. This has been requested by a proprietor in William Street, in order to standardise the time with nearby locations (eg. Forbes Road). It is considered that this is not a material change to the Local Law.

Other minor changes have been made to correct grammar, punctuation and drafting style. These do not change the intent of the local law.

DETAILS:

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out “*in-house*” by the Town's officers.

All local laws have now been advertised and these are progressively being reviewed and will be reported to Council over the forthcoming month.

CONSULTATION/ADVERTISING:

The Town's proposed Parking and Parking Facilities Local Law was advertised in The West Australian Newspaper in July 2007, in a local newspaper and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

Survey for Introduction of Paid Parking in Brisbane Street, Perth and Vincent Street, Leederville

At the Council meeting held on 10 July 2007, the Council resolved to amend Schedule 6 to introduce paid parking in Brisbane Street, Perth. The introduction of paid parking in Vincent Street, Leederville was also advertised.

At the close of the six (6) week public consultation period on 20 August 2007, no written submissions were received.

Survey Results

The Town did letterbox drop all properties in the affected streets and included a reply paid envelope and a survey form for comment.

At the end of the consultation period the following comments were received:

Brisbane Street

Residents

- 15 residents, 4 of which also own/operate businesses in Brisbane Street responded.
- 11 of these residents indicated that they had experienced recent parking difficulties
- 10 indicated that they often parked in the street
- 14 indicated that their visitors also had recent parking difficulties.

Business

- 10 businesses, including the 4 above, responded and 5 indicated that they had experienced recent parking difficulties
- 5 businesses indicated that they had not experienced recent parking difficulties.
- All 10 businesses indicated that their customers used the kerbside parking area, "Often"
- The usage patterns by customers varied from 3 days to 7 days per week
- Number of staff varied from 1 person to 12 people.

Written comments about the introduction of paid parking in Brisbane Street

1	<p>At present we can not park in front of our house, between 9am and 10pm because there are always customers/clients using the bays.</p> <p><u>CEO Comment</u> <i>The introduction of paid parking should encourage a greater turnover of vehicles throughout the specified period. As requested by the Council, eligible residents in Brisbane Street have been advised that they will be able to apply for residential and visitor parking permits prior to the installation of the ticket machines.</i></p>
---	--

2	<p>... agree with the principle of the parking ticket machines, but we are concerned that if we are unable to offer our guests temporary free parking, this will damage our custom. We do have off-street parking, but this is used by staff</p> <p><u>CEO Comment</u> <i>See comment above concerning parking permits.</i></p>
3	<p>There used to be 3 bays on Brisbane St, between Lane and William Streets, but the Council reduced this to 2. Can the third bay be re-instated</p> <p><u>CEO Comment</u> <i>This comment does not relate to the local law. The request for the additional bay will be investigated by the Town's Technical Services Directorate and Ranger Services as part of the administration of the parking operations.</i></p>
4	<p>I have experienced difficulties, due to (Company name provided) not using their parking space for shoppers, as per original Council plans for the redevelopment.</p> <p><u>CEO Comment</u> <i>This comment relates to enforcement, not the local law. If paid parking is approved by the Council, it will be strictly enforced by the Town's Rangers.</i></p>
5	<p>I own, but do not live there. The Unit is occupied intermittently for a few days/weeks at a time. We have off-street parking so the paid parking will not inconvenience us. However our visitors would need to have access to a permit.</p> <p><u>CEO Comment</u> <i>As requested by the Council, eligible residents in Brisbane Street will be able to apply for residential and visitor parking permits prior to the installation of the ticket machines.</i></p>
6	<p>Paid parking will be a problem for my business. Can we have two 15min bays, or a Loading Zone, opposite the Northbridge Hotel</p> <p><u>CEO Comment</u> <i>This comment does not relate to the local law, but an operational matter. The request for the additional "15 Minute" bays will be investigated by the Town's Technical Services Directorate and Ranger Services.</i></p>

Vincent Street

The survey responses are summarised as follows:

Residents

- 6 residents responded.
- 5 of these residents indicated that they had experienced recent parking difficulties
- 3 indicated that they often parked in the street
- All 6 indicated that their visitors also had recent parking difficulties.

Business

- 1 business responded
- This business indicated that they had not experienced recent parking difficulties.
- The businesses indicated that their customers used the kerbside parking area, "Often"
- The usage patterns was stated at 5 days per week
- The number of staff was given as 7.

There were no specific comments about the proposal to introduce paid parking in Vincent Street.

LEGAL/POLICY:

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended. The Parking Local Law was gazetted in May 2000, however there have been numerous changes to legislation and codes since then. Also, the local law needs to be updated to reflect current practices.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law, the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*

- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
 - (5) After the local law has been published in the Gazette the local government is to give local public notice –
-

- (a) stating the title of the local law;
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

NCP Public Benefit Test

The provisions relating to the administration of local government property are contained in the model local law produced by WALGA. This has been assessed for any public benefit test ramifications.

As this local law is widely used by the Town's administration and is the subject of considerable challenge in the Courts, the local law has also been reviewed and amended by the Town's Solicitors.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$5,000 has been included in the Budget for this process.

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$2,000. Legal costs will be approximately \$1,000 for this local law. Final advertising will be approximately \$500. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

Now that the statutory consultation period has been completed, it is recommended that the Parking and Parking Facilities Local Law 2007 be adopted, subject to the amendments recommended by the Department of Local Government.

10.4.2 Dogs Local Law 2007 - Adoption of

Ward:	-	Date:	19 September 2007
Precinct:	-	File Ref:	LEG0009
Attachments:			
Reporting Officer(s):	J MacLean, J Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory six (6) week public consultation period;*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Dogs Local Law 2007 as shown in Appendix 10.4.2 to provide for the regulation, control and management of activities on local government property and public property within the district.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Torre

Against
Cr Messina

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed Town's Dogs Local Law and for the Council to adopt the revised Dogs Local Law 2007.

BACKGROUND:

At the Ordinary Meeting of the Council held on 24 April 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

Comments were received from the Department of Local Government as follows:

1. Title

"The title should be amended to read "Dogs Local Law 2007" where it appears on the cover page, heading and citation."

2. Clause 1.6 - Interpretation

"Change Town Planning and Development Act 1928 with Planning and Development Act 2005."

The definition of "occupier" has been deleted as this is defined by the Dog Act.

3. Clauses 5.1 - Places where dogs are prohibited absolutely

"Reword

- *"Commonwealth Discrimination Act 1992" to "Disability Discrimination Act 1992 (Cth)";*
- *"WA Minister for Local Government" to "Western Australian Minister for Local Government"; and*
- *"Section 8 of the Dog Act 1976" to "Section 8 of the Act"."*

The Town's solicitors recommended the following amendments:

1. Clause 1.4 - Repeal

A minor amendment has been made to insert the date of a local law amendment.

2. Clause 1.6 - Interpretation

The definition of 'authorised person' has been amended to include both the Dog Act and the Dog Local Law.

3. Clause 3.1 - Dogs to confined

A new subclause (3) has been added to address the reference to specified area in section 51(d) of the Act for evidentiary purposes in the event of a prosecution.

3.1(2) - this has been consolidated for consistency purposes.

4. Clause 4.1 - Kennels - Interpretation

The definition of 'applicant' has been amended and the definition of 'application' has been deleted as it is not required.

5. Clause 4.13 - Kennels - variation or cancellation of licence

This clause has been amended to make a reference to the restricted breed regulations.

6. Clause 5.1 - Places where dogs are prohibited absolutely

The introductory wording has been deleted as this is the case as a matter of law. A footnote has been included to the effect -

"note: The application of clause 5.1 is subject to the Disability Discrimination Act 1992 (Cth) and section 8 of the Act."

Clause 5.1(e) has been amended to be consistent with clause 3.1(1)(b).

7. Clause 5.2 - Dog exercise areas

This clause has been amended to make reference to Schedule 4.

8. Clause 6.1(2) - Offence to foul a street or public place

Reference to the penalty of \$1,000 is considered excessive and has been deleted.

Clause 6.1(3) - A new subclause has been added as follows:

"a person disposing of dog excrement into a receptacle or bin, on a park, reserve or land specifically provided by the local government for holding dog excrement does not commit an offence."

9. Clause 7.8 - Penalty

This has been deleted as the clause serves no purpose. The retention of this clause may give rise to inconsistencies with the other statements of offence and penalty in the local law.

10. Schedule 1, Schedule 4 and Schedule 5

The Schedule has deleted the reference to the Code of Practice as the Town does not have one.

Other minor changes have been made to correct grammar, punctuation and drafting style. These do not change the intent of the local law and in the opinion of the Town's solicitors should proceed for adoption.

DETAILS:

As has previously been reported, a review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "in-house" by the Town's officers.

All local laws have now been advertised and these are progressively being reviewed and will be reported to Council over the forthcoming month.

CONSULTATION/ADVERTISING:

The Town's proposed Dogs Local Law was advertised in The West Australian Newspaper in June, in a local newspaper and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week public consultation period on 6 July 2007, no written submissions were received.

LEGAL/POLICY:

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended. The Parking Local Law was gazetted in May 2000, however there have been numerous changes to legislation and codes since then. Also, the local law needs to be updated to reflect current practices.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law, the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (2) A notice is also to be published and exhibited as if it were a local public notice.
 - (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*
 - (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
 - (5) After the local law has been published in the Gazette the local government is to give local public notice –
 - (a) stating the title of the local law;
-

- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

NCP Public Benefit Test

The provisions relating to the administration of local government property are contained in the model local law produced by WALGA. This has been assessed for any public benefit test ramifications.

As this local law is widely used by the Town's administration and is the subject of considerable challenge in the Courts, the local law has also been reviewed and amended by the Town's Solicitors.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of the WALGA Model Local Laws cost \$1,500.

An amount of \$5,000 has been included in the Budget for this project.

The cost of advertisements to date was approximately \$2,000. Legal costs will be approximately \$500 for this local law. Final advertising will be approximately \$500. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

Now that the statutory consultation period has been completed and no submissions received, it is recommended that the Dogs Local Law 2007 be adopted, subject to the amendments recommended by the Department of Local Government and the Town's solicitors.

10.4.3 Information Bulletin

Ward:	-	Date:	20 September 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 25 September 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Discussion ensued.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 25 September 2007 are as follows:

ITEM	DESCRIPTION
IB01	Email from Janet Deegan, State Library of Western Australia. "Another Award Win for State Library's <i>Better Beginnings</i> Program!"
IB02	Joint Thank you Letter from Margaret Allen CEO State Library and Ricky Burges CEO WALGA on behalf of JAC of the Public Library Framework Agreement for ongoing support of Public Libraries in WA.
IB03	Progress Report No. 1 – Amendment No. 8 to Planning and Building Policies – Draft Policy Relating to Residential Design Elements.
IB04	Thank you Letter from Department of the Premier and Cabinet regarding Inner Suburbs Regional Cabinet Meeting – 10 September 2007.
IB05	Letter of Thanks from David Templeman MLA, Minister for the Environment, Climate Change, Peel regarding Cabinet Meeting.
IB06	Letter of Thanks from Alannah MacTiernan, MLA, Minister for Planning and Infrastructure regarding Leederville Masterplan.
IB07	Letter from Lotterywest advising Hon Ljiljanna Ravlich has approved recommendation by Lotterywest Board for a grant of \$10,000 to the Town of Vincent.
IB08	Letter to Mr J Bettes, 1B Coogee Street, Mt Hawthorn – Response to Questions taken on Notice at the Council Meeting held on 11 September 2007.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Steed Farrell – Investigation of a Scheme for the provision of Energy and Water Audits for residents and business proprietors in the Town

That;

- (i) the Chief Executive Officer be requested, as part of the Town's Sustainability Environment Plan 2007 - 2012, to investigate the introduction of a scheme for the provision of Energy and Water Audits for residents and business proprietors in the Town;*
- (ii) the report to include;*
 - (a) the benefits, advantages and disadvantages of such Audit Scheme;*
 - (b) cost implications including the provision of subsidies to ratepayers;*
 - (c) information about audit schemes carried out by other Local Governments;*
 - (d) funding sources available to the Town to assist in the implementation of the Audit Scheme (eg. WA Sustainable Energy Development Office, Australian Greenhouse Office, ICLEI); and*
- (iii) the report be submitted to Council as soon as practicable and in any case no later than October 2007.*

Moved Cr Farrell, Seconded Cr Torre

That the Notice of Motion be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.10pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.12pm.

Debate ensued.

Cr Torre departed the Chamber at 7.14pm.

AMENDMENT

Cr Ker requested that a new clause (ii) (e) be added as follows:

“(ii) (e) opportunities to partner with Synergy , Water Corporation or the Department for Planning and Infrastructure to extend recent pilot voluntary behaviour change trials in energy and water to the Town of Vincent.”

The Mover had agreed to include Cr Ker’s request into his Motion.

Debate ensued.

Cr Torre returned to the Chamber at 7.17pm.

AMENDMENT

Cr Doran-Wu requested that a new clause (ii) (f) be added as follows:

“(ii) (f) marketing strategies to promote an audit scheme to residents, businesses and schools;”

The Mover and Seconder of the Motion agreed to incorporate Cr Doran-Wu’s comments into the original Motion.

Cr Doran-Wu requested that clause (ii) (b) be amended by adding the words after ratepayers (*residents and business proprietors*) and clause (ii) (c) by adding after the words Local Governments (*including throughout Australia*).

The Chief Executive Officer requested that Clause (iii) be amended to read as follows:

“(iii) the report be submitted to Council as soon as practicable and in any case no later than November 2007.”

The Mover and Seconder agreed to change the date.

MOTION PUT AND CARRIED AS AMENDED (9-0)

COUNCIL DECISION ITEM 11.1

That;

- (i) the Chief Executive Officer be requested, as part of the Town's Sustainability Environment Plan 2007 - 2012, to investigate the introduction of a scheme for the provision of Energy and Water Audits for residents and business proprietors in the Town;*
 - (ii) the report to include;*
 - (a) the benefits, advantages and disadvantages of such Audit Scheme;*
 - (b) cost implications including the provision of subsidies to ratepayers (residents and business proprietors);*
 - (c) information about audit schemes carried out by other Local Governments (including throughout Australia);*
-

- (d) *funding sources available to the Town to assist in the implementation of the Audit Scheme (eg. WA Sustainable Energy Development Office, Australian Greenhouse Office, ICLEI);*
 - (e) *opportunities to partner with Synergy , Water Corporation or the Department for Planning and Infrastructure to extend recent pilot voluntary behaviour change trials in energy and water to the Town of Vincent;*
 - (f) *marketing strategies to promote an audit scheme to residents, businesses and schools; and*
- (iii) *the report be submitted to Council as soon as practicable and in any case no later than November 2007.*

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

At 7.20pm Moved Cr Torre, Seconded Cr Ker

That the Council proceed Behind Closed Doors to consider the Confidential Item.

CARRIED (9-0)

Cr Maier departed the Chamber at 7.20pm.

14.1 CONFIDENTIAL REPORT - Further Progress Report Mindarie Regional Council - Member Council Guarantees for the Proposed Resource Recovery Facility and Alternative Waste Disposal Options
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Ward:	Both	Date:	19 September 2007
Precinct:	All	File Ref:	ENS0008&FIN0078
Attachments:	-		
Reporting Officer(s):	John Giorgi, R Lotznicker,		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the further progress report on the Mindarie Regional Council (MRC) - Member Council Guarantees for the proposed Resource Recovery Facility (RRF);***

- (ii) *APPROVES of the Deed of Guarantee, as requested by the Mindarie Regional Council, as approved at the MRC Special Meeting of Council dated 29 August 2007, as shown in Appendix 14.1(A) - "Laid on the Table" - subject to the following;*
- (a) *the MRC granting the Town an exemption from disposal of its processible waste for an initial period of ten (10) years and with an option for the Town, at its discretion, to extend the period of exemption for a further ten years (and up to a 20 year maximum period), on condition that the Town gives the MRC 12 months' notice prior to effecting the exemption;*
 - (b) *the exemption referred to in Clause (ii)(a) above shall be similar to the exemption provided by the MRC to the City of Stirling on 26 April 2007, as detailed in the report;*
 - (c) *the MRC continuing to accept the Town's waste for disposal until the exemption is put into effect; and*
 - (d) *during the period of the exemption, the Town and the MRC shall meet in good faith to fairly and equitably resolve any financial and contribution issues consequent upon the Town carrying out and being responsible for the disposal and treatment of waste collected within its boundaries;*
- (iii) *NOTES;*
- (a) *that alternative options are available to the Town concerning the Town's waste disposal and recycling, as detailed in this report;*
 - (b) *that alternative waste disposal options are being investigated and, subject to satisfactory negotiations with interested parties, will result in considerable cost savings per annum; and*
 - (c) *the concerns and risks associated with the RRF, as detailed in the report and as previously reported to the Council and the MRC;*
- (iv) *AUTHORISES the Chief Executive Officer to;*
- (a) *further investigate the alternative waste disposal options and enter into discussions with interested parties;*
 - (b) *enter into discussions with the MRC to give effect to conditions specified in Clause (ii); and*
 - (c) *provide a further report to Council; and*
- (v) *AUTHORISES the Mayor and Chief Executive Officer to sign the Deed of Guarantee and affix the Council's Common Seal, upon satisfaction of the conditions of approval, as specified in Clause (ii) above.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Cr Maier returned to the Chamber at 7.22pm.

The Chief Executive Officer and Director, Technical Services provided a verbal summary of the report.

At 7.37pm Moved Cr Ker, Seconded Cr Torre

That Standing Orders be suspended to allow free and open discussion.

CARRIED (9-0)

Discussion ensued.

At 7.48pm Moved Cr Torre, Seconded Cr Ker

That Standing Orders be resumed.

CARRIED (9-0)

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

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

“(iv) (d) investigate the possibility of establishing a transfer station for use by the Town as well as the City of Perth, City of Stirling, Town of Cambridge and Town of Victoria Park.”

Debate ensued.

AMENDMENT PUT AND LOST (2-7)

For

Cr Lake
Cr Maier

Against

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

MOTION PUT AND CARRIED (9-0)

Moved Cr Torre, Seconded Cr Ker

That the Council resume and Open Meeting.

CARRIED (9-0)

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

PURPOSE OF THE REPORT:

The purpose of this report is to inform the Council of the progress of the Mindarie Regional Council's (MRC) proposed Resource Recovery Facility (RRF), the need for the Town to approve of the Deed of Guarantee and alternative waste disposal options available to the Town.

BACKGROUND:

The Town has been a Member of the Mindarie Regional Council (MRC) since the creation of the Town. The MRC Constitution requires the Town to deliver its waste to Tamala Park Refuse facility located in Mindarie unless it is granted an exemption by the MRC or the Town withdraws its membership with the agreement of the other parties.

The MRC has been investigating alternatives to landfill disposal for a number of years.

In late 2005, it called tenders for a Resource Recovery Facility (RRF). A number of companies submitted tenders and after an exhaustive process, the MRC resolved to reject all tenders (for a variety of reasons) and negotiate with two companies who provide composting as their prime method of refuse treatment. A world study tour was also carried out in early 2006 to inspect a variety of Resource Recovery technologies.

Due to a change in Contractor in early 2007, there have been changes to the Resource Recovery Facility Agreement (RRFA) and this report advises and seeks the Council's approval of the revised Deed of Guarantee associated with the Resource Recovery Facility (RRF).

The Council's approval of the Deed of Guarantee, whether to remain or withdraw from the MRC and determination of its future waste disposal options is an extremely important decision. The decision will have very important financial implications for the Town in both the short term (if the Deed is not approved) and in the long term (if the Deed is approved).

PREVIOUS COUNCIL DECISIONS

Town of Vincent Ordinary Council Meeting - 21 November 2006

At this meeting the Council considered a Confidential report on Mindarie Regional Council (MRC) Member Council Guarantees for the Proposed Resource Recovery Facility where it was advised (in part that):

- June 2006: WorleyParsons consortium was nominated as the preferred bidder for the project.
- August 2006: Contract signed by MRC and BioVision 2020 (*the contractor for WorleyParsons consortium*), conditional upon a number of matters including the provision of guarantees by the Member Councils.

The Council was further advised that the Contractor for the RRF project and its financiers required a financial guarantee of the MRC's payment obligations for the project for the project to be bankable as the MRC was not a signatory to its own existence (*through it's Constitution*) and ultimately its liability rested with Member Councils. The guarantee could be called upon due to the occurrence of a prolonged uninsurable Force Majeure or a default due to MRC's non-payment of amounts owing under the agreement.

The following decision was made (in part):

"That the Council

- (ii) APPROVES the financial guarantees required by the Mindarie Regional Council to progress the Resource Recovery Project and the identified associated risks as outlined in the report; and*
 - (iii) AUTHORISES the Mayor and the Chief Executive Officer to sign the Deed of Guarantee as Laid on the Table and apply the Council's Common Seal."*
-

Town of Vincent Ordinary Council Meeting - 13 February 2007

Following concerns expressed by both the Mayor and Town's Chief Executive Officer regarding the increasing costs and the length of time the negotiations with BioVision 2020 were taking, the Council considered a further report on the Member Council Guarantees for the Proposed RRF and resolved as follows;

That the Council

- (i) *EXPRESSES its concern to the Mindarie Regional Council (MRC) relating to the expenditure and costs concerning the activities of the proposed Resource Recovery Facility (RRF);*
- (ii) *REQUESTS the Mayor (Member of the MRC) and Chief Executive Officer, as a matter of urgency, to meet with the MRC Chief Executive Officer and seek further information concerning;*
 - (a) *the activities of the proposed RRF;*
 - (b) *the environmental impact relating to the proposed RRF (in light of the problems being experienced by the South Metropolitan Regional Council at its Canning Vale plant); and*
 - (c) *the financial costs associated with the Town's continuing participation as a member of the MRC, consultants' costs associated with the proposed RRF and future costs for the Town's waste disposal;*
- (iii) *REQUESTS the Chief Executive Officer of the MRC to take all appropriate action to ensure that legal and other consultants' costs relating to the RRF are kept to an absolute minimum and strictly in accordance with the MRC's decision, made at its December 2006 meeting relating to this matter;*
- (iv) *REQUESTS the Mayor and Chief Executive to defer signing the Financial Guarantee, as approved by the Council at its meeting held on 21 November 2006, until the Council has further considered the information in Clause (ii) above; and*
- (v) *REQUESTS the Chief Executive Officer to submit a further report as soon as practicable concerning this matter.*

In view of the Council's decision, the Town did not sign the Deed of Guarantee. At the Special Meeting of the Mindarie Regional Council held on 27 June 2007, the Council was advised that "*WorleyParsons intended to withdraw from its involvement in BioVision 2020*". In view of this significant change, the original Deed of Guarantee was not progressed or signed.

CHANGES TO THE RRF

Recently there have been further changes to the Resource Recovery Facility Agreement (RRFA) due to, among other things, the withdrawal from the 'Project' by the shareholder and Asset Manager, Worley Parsons. This has resulted in the following chain of events.

The MRC Council's appointed Tender Evaluation Committee (TEC) for the establishment of a RRF completed supplementary contract negotiations. A recommendation from the Tender Evaluation Committee was provided to the Mindarie Regional Council administration regarding the final contract documentation and Financial Guarantee from participant Councils.

In accordance with the MRC Council's decision, the Financial Guarantee needed to be signed by each of the Member Councils by 26 September 2007. (Following discussions with the MRC, this was extended from 20 September 2007.) BioVision 2020 advised this deadline was crucial for the achievement of financial close by 30 September 2007. BioVision 2020 further advised that the non-achievement of financial close by this date was likely to terminate the project on the basis of inability of the financier (ANZ) to:

- Sign off in their financial year (which ends end September 2007);
- Their inability to “hold” contractor prices; and
- The potential for a Macquarie Bank withdrawal based on their inability to conclude the deal in a timely manner.

The MRC advisers assessed this position as real rather than disproportionate anxiety or a "bluff". However, there is no way of verifying this.

The CEO of the MRC requested that member Councils commence the process to consider the guarantee documentation in a time frame that enables the 26 September 2007 target to be met.

DETAILS

The withdrawal of Worley Parsons was a major set back for the Project, however BioVision secured SITA Environmental Solutions (SITA) (*which is the trading name for SITA Australia Pty Ltd*) as the new Asset Manager and shareholder. Changes to the RRFA under this arrangement has been the cause of subsequent changes to the risk profile, gate fee, shareholdings and the financial guarantees of the Member Councils.

The Proposed Replacement for WorleyParsons

BioVision2020 requested that the MRC approve replacing WorleyParsons with SITA Environmental Solutions. SITA was previously associated with the TEST tender submission (which was previously rejected by the MRC - primarily due to cost), hence has extensive knowledge of the history of the proposed RRF development project and the necessary project requirements.

SITA has recently purchased two Bedminster facilities in the Eastern States of Australia (Cairns and Port Stephens) and more recently has been awarded two (2) contracts to develop similar facilities for the Penrith and Liverpool Councils in NSW, hence SITA has significant involvement in the biological Alternative Waste Treatment (AWT) industry in Australia.

BioVision2020 proposed to replace Worley Parsons with SITA as the:

- Owner's Engineer;
- Asset Manager; and
- BioVision2020 Holdings Pty Ltd Shareholder*

MRC Special Council Meeting on 27 June 2007

At the above Special Council Meeting the MRC Council resolved to accept SITA Environmental Solutions Pty Ltd as the replacement for WorleyParsons.

MRC - Tender Evaluation Committee's (TEC) Assessment

Following the request by BioVision2020 to replace WorleyParsons with SITA, extensive negotiations between all parties commenced. These included:

- SITA reviewing all relevant BioVision2020 and WorleyParsons related documentation;
 - SITA visiting Conporec facilities in North America;
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- SITA/BioVision2020 firming up contract negotiations;
- SITA through BioVision2020 advising the MRC of its wish to take over the WorleyParsons commitments in BioVision2020, the associated gate fee increase and amendments to the RRFA and associated documentation;
- TEC meeting to discuss SITA involvement, the gate fee increase and amendments to the RRFA and associated documentation;
- TEC / BioVision2020 / SITA meeting;
- Ongoing negotiations amongst all parties to clarify and refine gate fee increases and amendments to the RRFA and associated documentation; and
- Additional TEC meetings.

Following an extensive assessment process, the TEC was able to determine a position on the BioVision2020 request to replace WorleyParsons and make a recommendation to the MRC that the request be accepted.

Special MRC Council Meeting 29 August 2007

At the above Special Council Meeting, the MRC Council formally considered the final draft RRFA. Following finalisation of project costs and financing arrangements the financial guarantee values were reassessed. The following tables set out the changes in the Member Council's Financial Guarantees since 31 September 2006:

Termination Payment for <u>MRC</u> <u>Default</u> (Real \$000's)	Year 1	Year 5	Year 10	Year 15	Year 19
<i>MRC Default November 2006</i>	\$86,000	\$81,000	\$68,300	\$43,900	\$11,300
MRC Default September 2007	\$88,268	\$83,642	\$70,563	\$46,493	\$18,021
Change in Value	+\$2,268	+\$2,642	+\$2,263	+\$2,593	+\$6,721

Termination Payment for <u>Force</u> <u>Majeure</u> (Real \$000's)	Year 1	Year 5	Year 10	Year 15	Year 19
<i>MRC Default (November 2006)</i>	\$68,200	\$65,500	\$52,400	\$28,500	\$1,200
MRC Default (September 2007)	\$77,433	\$72,478	\$59,125	\$36,024	\$5,000
Change in Value	+\$9,233	+\$6,978	+\$6,725	+\$7,524	+\$3,800

It is noted that the tables provide approximate values as the absolute values cannot be calculated as they are based on future CPI and other related indices.

The MRC also approved that a special purpose vehicle within the SITA group will hold the shares in BioVision 2020 Holdings, subject to the MRC receiving information as to the identity of the shareholder. In addition, SITA, through a subsidiary, will assume Conporec's shareholding in BioVision 2020 Holdings. Conporec remains as a critical subcontractor to the Project.

Biovision2020 Pty Ltd is a wholly owned subsidiary of BioVision2020 Holdings Pty Ltd.

The MRC Council accepted BioVision's proposal to replace WorleyParsons with SITA in the Project based on the following:

- SITA is a large multi-national company dealing in the waste industry;
- SITA has extensive worldwide experience and more recently Australian experience in similar Alternative Waste Treatment facilities;
- SITA is actively involved in the Perth waste industry (largest collector of industrial waste in Metro area) and owns and operates the Biowise composting facility (in partnership with the Water Corporation) in Kwinana;
- That the associated gate fee increase has been negotiated to achieve the *minimum* increase to the MRC without taking on unnecessary risk or loss of control mechanisms; and
- The benefit of having SITA involved in the Resource Recovery Facility project is seen as outweighing the disadvantage of the increase in Gate Fee.

The MRC extended the Scheduled Conditions Satisfaction Date to 30 September 2007 in order to conclude negotiations with BioVision 2020 and to achieve financial close.

Changes to the Guarantee that the Town is required to approve

Documentation presented contains changes made to the RRFA since 21 November 2006 (the last time Council considered the full RRFA). These changes include:

Documentation Changes

- Delivery of processable waste under default conditions; additional conditions on payment to the Contractor on Contract Default. MRC able to use facility during default.
- Mechanism for payment of Compost Fee; MRC to pay a Compost Fee for the marketing and transport of compost, with a potential recovery of the costs due to revenue received from compost sales.
- Clarification of Asset Manager, Owner's Engineer and Shareholders; MRC to revoke previous decision and accept amended company name. Administrative change.
- MRC payment of **\$2,093,000** commissioning costs; MRC to make payment during commissioning, (this reduces the gate fee for the term of the contract).
- Compost revenue distribution; 5% of gross compost revenue to be paid to the compost marketing contractor as an incentive to increase sales. Increased sales revenue equates to increased opportunity for MRC to off-set the compost marketing and transport costs.
- Project development timetable; refinement of the project timetable due to delays in finalising financial close.
- Control of the identification of the Marketing Contractor; MRC is unable to influence the replacement of the compost marketing contractor. There is the potential that the replacement contractor may not be suitably qualified; however, it is most unlikely that BioVision2020 would do this as it is in everyone's best interest to have a suitable replacement.
- Time of last right of refusal (15 days) for MRC and Member Council agreements for supply of compost; MRC able to obtain access to compost product.
- Contractor Default under subcontracts; clarification of the conditions under which Contractor Default can occur.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The MRC RRF Contract requires all member Councils to approve of the Deed of Guarantee.

By not approving of the requested Deed of Guarantee;

- (a) the MRC RRF contract is highly unlikely to proceed unless the other member Councils assume responsibility for the Town's Deed of Guarantee;
- (b) the Town will be liable for one twelfth of the MRC costs incurred to date for the RRF project, amounting to approximately \$4.9 million and therefore, the Town's proportion of this is approximately \$408,500; and
- (c) the MRC believes the opportunity to construct a RRF at today's costs will be lost as they believe that any future tender will have increased expenditure to construct, resulting in higher costs per tonne for disposal.

Withdrawing from the MRC

The following information was provided by Woodhouse Legal, who are solicitors for the MRC (and also on the panel for the Town's solicitors);

- "1. The local government wishing to withdraw (i.e. to be removed from the regional district) must make a written request to the Minister to that effect. See section 699(1).*
 - 2. That local government (called "the retiring municipality" in section 699) must also give written notice of the request to each of the other Participants and to the regional council. See section 699(2).*
 - 3. The withdrawal occurs only if the Governor makes an order to that effect. The withdrawal takes effect according to the terms of the Governor's order.*
 - 4. The Governor may only make an order on the recommendation of the Minister. See section 699(1).*
 - 5. Subject to the position explained below, the Minister cannot make a recommendation to the Governor unless:*
 - (a) there is an agreement between the retiring municipality and the regional council as to the adjustments of assets and liabilities between them; and*
 - (b) there is an agreement between the other continuing municipalities varying the constitution agreement so as to make provision for financial contributions by the continuing municipalities and for the alteration of the number of regional councilors,*

And the Minister has approved of those 2 agreements. See section 699(3).
 - 5. However, if after 12 months has expired from the date when the Minister was given the request by the retiring municipality, the 2 agreements have not been entered into or are not satisfactory to the Minister, then the Minister can take one of a number of alternative steps. See section 699(4) and (7).*
 - 6. If an agreement (satisfactory to the Minister) concerning the adjustment of assets and liabilities is not entered into then:*
 - (a) the Minister may extend the time for the agreement to be entered into for such period as he thinks fit; or*
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- (b) *the Minister may waive the requirement for the agreement; or*
 - (c) *the Minister may decline to make a recommendation to the Governor. See section 699(4).*
7. *If an agreement (satisfactory to the Minister) between the continuing Participants concerning financial contributions and regional councilors is not entered into, then:*
- (a) *the Minister may extend the time for the agreement to be entered into for such period as he thinks fit; or*
 - (b) *the Minister may vary the constitution agreement as he considers appropriate; or*
 - (c) *the Minister may decline to make a recommendation to the Governor. See section 699(7).*
8. *If the Minister extends the time for a satisfactory agreement to be reached and, at the expiry of that period, no satisfactory agreement has been entered into, then he can, once again, take any of the alternative steps. See section 699(5) and (8).*
9. *If the Minister waives the requirement for the agreement between the retiring Participant and the regional council then the Minister may make a recommendation and the Governor may make an order which adjusts the assets and liabilities as between the retiring municipality and the regional council. See section 699(6).*

Summary:

It may be useful for me to further summarise the position as follows;

1. *The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.*
 2. *In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:*
 - (a) *the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and*
 - (b) *the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councilors (in the event that withdrawal is ordered); and*
 - (c) *the 2 agreements are considered satisfactory by the Minister and are approved by the Minister.*
 3. *The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no "formula" for the adjustment, rather it is a matter for agreement.*
 4. *In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above."*
-

In view of the importance and complexity of the matter, the Town obtained legal advice from Mony de Kerloy, Barristers and Solicitors. Mony de Kerloy have considerable experience in this matter as they drafted the original MRC Constitution and also have extensive knowledge of the WMRC documentation. Mony de Kerloy are on the Town's legal panel of solicitors.

STRATEGIC IMPLICATIONS:

This matter is in keeping with;

- (i) the Town's Strategic Plan 2006-2011 - Key Objective 1.1.4(e) - "*Prepare a Waste Management Strategy that is aligned with stage legislation and the Mindarie Regional Council's strategic direction*"; and
- (ii) the Town's Sustainable Environment Plan 2007-2012 - Key Result Area 5 - "*Waste Management*".

Risk Management considerations:

Risks of the Town being called upon to provide the guarantees are detailed in the above under Force Majeure events and where the MRC is in default for non-payment of the gate fee or other amounts owing to BioVision 2020 under the agreement. Default by the MRC for non-payment of the gate fee is considered a low risk.

Steps will be taken to insure all Force Majeure events where possible and commercially reasonable.

If the Resource Recovery Facility does not proceed then landfill continues to be the disposal option. In this case, the risks are far greater to MRC because landfill events like slow seepage to ground is uninsurable and therefore the MRC and ultimately the members, would bear the full risk and financial impact of such an event.

In terms of Force Majeure (uninsurable events) like war, sea damage or tidal wave, it is worth noting that the Town would have the same risk for all of its assets.

Regional Significance:

It is proposed that the proposed RRF will divert up to **70%** of the waste it receives from landfill which will be converted to high quality. **The remaining municipal solid waste from the region will continue to be deposited in landfill until Stages 2 and 3 are constructed.** All local governments in the region will be diverting a portion of their waste from landfill. This assists in achieving Local, State and National goals.

Sustainability Implications:

The State Government through the Statement of Strategic Direction for Waste Management in Western Australia, (September 2004), has set an action agenda for moving forwards towards a waste-free society, embracing the vision of '*Towards zero waste in Western Australia*'.

To achieve this requires a shift toward a closed loop system, where waste from one part of society becomes the raw materials for another. Programs will also be needed to support waste avoidance initiatives and develop markets for recycled materials. State policies 'Hope for the Future: the Western Australian' *State Sustainability Strategy* and the Federal Government's initiative - the *National Packaging Covenant* shows a broad Government commitment to a vision of '*Towards Zero Waste*'.

FINANCIAL/BUDGET IMPLICATIONS:

The replacement of WorleyParsons with SITA will result in an increase in the gate fee paid to BioVision2020. **The gate fee increase is \$3.65/tonne in year one.** There is a progressive increase over the first few years, in addition to the agreed escalation methods, that relates to the method of paying for facility maintenance costs. **The Chief Executive Officer and Town's Directors express concern at the costs incurred to date and the uncertainty of increasing costs in the future.**

BioVision2020 has requested an increase in the Gate Fee to cover the additional Asset Manager costs being requested by SITA to become involved in the project

A summary of the gate fees that will be payable is as follows (based on current costs):

Item	Tender February 2006	Financial Close September 2007	RRF Operation May 2009
RRF Gate Fee	\$115.74	\$119.29	\$126.37
Processable Gate Fee	\$101.18	\$104.87	\$114.32
Non Processable Gate Fee	\$43.95	\$47.90	\$61.80

An additional impact on the Member Councils will be that MRC has agreed to pay the gate fee to BioVision2020 during the 13 week commissioning period, hence Member Councils will be required to pay the processable rate earlier than would have occurred with WorleyParson's involvement.

Estimated Costs to Member Councils

The MRC had previously agreed a gate fee model, for implementation upon the establishment of the Resource Recovery Facility, which comprised the categorisation of waste as follows:

- Processable Waste
- Non Processable Waste

The philosophy associated with this model recognises that not all processable material will be delivered to the Resource Recovery Facility initially. Therefore, an equitable charging model was required, in order to manage, in a fair manner, all processable material, with respect to charges. This model is important because it provides a clear picture to Member Councils of the impact of Resource Recovery Facility Gate Fee charges on the overall charges to Member Councils.

The fee arrangements associated with SITA (some of which were also included in the Worley Parsons agreement) are as follows:

- The gate fee payable to BioVision 2020 is dependent on various facility operating performances and market forces;
- A risk sharing model has been accepted by the MRC whereby revenue from compost sales is shared provided certain management and transport costs are met.
- The abatement regime is based on poor performance. It is expected the RRF will operate within the performance criteria and will meet the KPI's. An abatement regime has been set whereby poor performance will be penalized;
- The gate fee will be increased in line with various cost escalation indices throughout the term of the contract.

Cost implications for the Town with the revised RRF with SITA

As reported to the Council (*Ordinary Meeting of Council held on 28 August 2007*) currently the tipping costs for Putrescible waste at Tamala Park (2007/2008) are \$47/tonne.

- Based on 14,500 tonnes per annum x \$47 = \$681,500
- RRF with Worley Parsons 14,500 tonnes x \$101.18 = \$1,467,111
- RRF with SITA 14,500 tonnes x \$104.87 = \$1,520,615*

Therefore the difference in tipping costs (Worley Parsons/SITA) per annum = **\$53,500/annum.**

Note: This is for the processable waste. (In 2009 when the RRF is operational in current dollar value it is estimated the fee will increase to \$114/t or \$1,653,000/annum.)

It must also be noted that if the Town were to introduce an improved recycling service and the participation rate increased from 30% to say 80%, with increased size of receptacle, the tonnages of processable waste could reduce to say 10,500 tonnes per annum. This would reduce the cost as follows:

- RRF with SITA 10,500 tonnes x \$104.87 = \$1,101,150* (*annual reduction of \$419,465/annum*)

*Note: This is for the processable waste. (**In 2009** when the RRF is operational the fee will be at least **\$114/tonne** or \$1,197,000/annum (*with reduced tonnages*).

The MRC made a confidential presentation to a briefing of the Town on 4 September 2007.

Financial Guarantee Requirements

As previously reported to the Council financial security requirements were identified by all Tenderers through the tender process. These financial security requirements, as requested by all Tenderers, related to the need for any appointed contractor to have some certainty about the source and availability of funds to cover potential risks albeit with some low probability, should certain circumstances arise.

The financial guarantee is to provide comfort to the prospective contractor (*and its financiers*) by providing a direct contractual relationship between each Member Council and the contractor.

The Town's Solicitors (Mony de Kerloy) have examined the Guarantee and advise as follows;

"The guarantee given severally by the Town guarantees payment of the "MRC Payment Clauses" – paragraph 6.5 of the RRF main document.

The "MRC Payment Clauses" are extensively defined and include all payments which the MRC and its constituent bodies are or could be liable for under the RRF main document, including for "force majeure" events. Some of the other areas of liability include:

- *Clause 6.4(c) in respect of any money wrongfully taken under the Contractor's guarantee.*
- *Clause 8.6(g) being for the payment for processing waste during commissioning.*
- *Clause 9.1(d) cost of delays cause by MRC default.*
- *Clause 11.2(f) cost of procuring additional water in the event that the water available from the supplied bore is insufficient and so on.*

The Report under "Financial Guarantee Requirements" contains a summary of the implication and effect of the guarantee and we would agree with it.

We add that these sorts of guarantees (especially when financiers underwrite the construction of the facilities such as the planned RRF) are common and it is unlikely that such a facility would be built without them."

The trigger events for an obligation to pay under the Guarantee can be described as follows.

Default by MRC

Non-payment of the monies due by the MRC to BioVision 2020, which has led to an MRC default occurring. This is unlikely to occur as long as waste is received by the MRC and MRC receives and income from the waste it receives.

Force Majeure Event

"Force Majeure" means any cause or event which is not reasonably within the control of the party affected and includes Acts of God; strikes; lockouts; stoppages or restraints of labour or other industrial disturbances; war, acts of public enemies, nuclear war, contamination by radioactive waste, riot or civil commotion or sabotage; confiscations; fire, explosion, earthquake, landslide, flood, washout, sea damage, tidal wave or high water; lightning, storm or tempest; spontaneous combustion, fermentation or any process involving the application of heat; breakdown or an accident to plant, machinery, equipment, lines or pipes howsoever caused; failure of suppliers to supply equipment or machinery; and restraints, embargoes or other actions of any government.

MRC obligation to settle a debt to BioVision 2020, due to the agreement being terminated because of the occurrence of a prolonged Force Majeure event.

For this obligation to arise, the Force Majeure must have been continuing for a continuous period of 365 days or 200 days in any 400 day period, and MRC has chosen to terminate the RRFA.

Many events of Force Majeure are insurable and there is an extensive insurance regime that applies in respect of the Project. To the extent that insurance responds to the event and, upon termination, the insurance proceeds have not otherwise been spent rectifying the Force Majeure, they would be applied to reduce or, if sufficient, eliminate the amount that MRC owes to BioVision 2020. This would have the corresponding effect of reducing the amount that must be paid pursuant to the Guarantee, if MRC does not pay BioVision 2020 the amount owed. MRC has significant rights to ensure that insurance coverage is sufficient for the Project and to direct BioVision to obtain certain insurances, in order to mitigate its risk.

Some events of Force Majeure are uninsurable and, in those cases, MRC (and therefore the Guarantors) would not have access to insurance funds to alleviate the cost of the event. Examples of events that would be uninsurable and may have a material impact on the Resource Recovery Facility.

Earthquake risk can be covered at an additional premium and with reasonable excess. Terrorism is covered by the Australian Federal Government's Insurance Industry Fund.

It is important to note that only MRC can terminate the agreement due to extended Force Majeure and, therefore, trigger the potential payout by MRC.

The MRC has two further alternatives if there is an extended Force Majeure. It can continue paying the Contractor the Capital Costs and the Fixed Operating Costs whilst the Force Majeure is continuing, regardless of whether the Contractor is able to operate the Resource Recovery Facility. It can also negotiate with the Contractor to determine whether the terms of the Resource Recovery Facility Agreement (for example, increasing the gate fee) can be amended to enable the necessary investment to be made to rectify the effect of the Force Majeure.

The financial characteristics of the Contractor for the establishment of this resource recovery capability have enabled the quantification of the extent of financial security requirements. This extent can be described, in dollar terms as follows:

Note: The potential financial liabilities, as a result of the changes under the RRFA for the Town of Vincent, as a one twelfth equity holder in the MRC, has only altered marginally from the figures reported as at 21 November 2006, as shown in the following table (worst case – MRC Default or Force Majeure year 1).

MRC Default Comparative Liability Table Between November 2006 And September 2007

<i>Termination payments for Default (Real \$'000s)</i>					
	Year 1	Year 5	Year 10	Year 15	Year 19
MRC Default (November 2006)	86,000	81,000	68,300	43,900	11,300
MRC Default (September 2007)	88,268	83,642	70,563	46,493	18,021
ToV Liability (November 2006)	7,167	6,750	5,692	3,658	942
ToV Liability (September 2007)	7,356	5,692	5,880	3,875	1,502

Force Majeure Liability Table

<i>Termination payments for extended Force Majeure (Real \$'000s)</i>					
	Year 1	Year 5	Year 10	Year 15	Year 19
Force Majeure (November 2006)	68,200	65,500	52,400	28,500	1,200
Force Majeure (September 2007)	77,433	72,478	59,125	36,024	5,000
ToV Liability (November 2006)	5,684	5,459	4,367	2,375	600
ToV Liability (September 2007)	6,453	6,040	4,923	1,802	2500

The relative impact on Member Councils, in terms of financial security commitments, is as follows:

- The financial guarantee would not directly impact on the Town of Vincent's borrowing capacity.
- The financial guarantee would not be reflected as a liability in the individual member Council's Financial Statements as the liability has not crystallized. However it would be required to be disclosed as a contingent liability in the notes.

Disadvantages of Project Not Proceeding with MRC

- An inability to progress a key element of the MRC's Strategic Plan.
- The risk of recalling tenders may result in a future tenderer submitting increased costs to construct a RRF.
- The potential increased cost of a 'do again' exercise, particularly in relation to a future gate fee for disposal.
- The potential for 'one off' payment by Member Councils to cover 'project costs to date'. Approximately \$5.5 million has been spent to date, with a debt of \$4.9 million. (\$660,000 was spent prior to 2004/05.) The Town's payment would be one twelfth of the \$4.9 million (approximately \$408,500).

In the event that the Town does not approve of the Deed of Guarantee, the MRC advises that the RRF contract cannot proceed in its current format.

Whilst the Town's approval of the Deed of Guarantee is essential under the current arrangements, it is the Town's view that there is nothing to preclude the MRC to continue with the RRF and this could be achieved by other member Councils assuming responsibility for the Town's Deed of Guarantee requirements and continuing with the RRF. The MRC does not agree with this view. This would be the subject of future negotiations.

Meeting with MRC - 12 September 2007

On Wednesday 12 September 2007, the Mayor and Chief Executive Officer met with the MRC Chairman, Cr Rod Willox, Deputy Chair, Cr Corinne MacRae and Chief Executive Officer, Kevin Poynton at their request.

The MRC deputation expressed the following views;

1. The MRC is deeply concerned that the Town's possible non-approval of the Bank Guarantee would result in the RRF being terminated.
2. The termination of the RRF will result in substantial costs incurred to date.
3. That the Town should approve the Bank Guarantee to enable the RRF to continue.
4. The MRC could not give any assurances (as it cannot bind a future Council) about how it would treat the Town's possible request to withdraw from the MRC, however, it would more favourably consider terms, than if the Town did not approve the Bank Guarantee.
5. That other Member Councils would most likely take a hostile and aggressive stance to the Town's possible withdrawal from the MRC.

The Town advised that;

1. It has concerns about the expenditure and costs concerning the activities of the proposed RRF and the MRC's handling of this matter to date.
2. It has serious concerns about the long term financial costings regarding the RRF Stage 1 (and subsequent Stages 2 and 3) and its long term financial implications to the Town.
3. It believes (based on the investigations to date) that the Town may be financially better off if it pursued other options (e.g. WMRC).
4. It has concerns about the handling of the project to date, including the tender process and substantial costs incurred.
5. It will give consideration to approving the Bank Guarantee and this would be subject to the Town's legal advice.

The RRF Document Itself – Brief Comments

The Town's Solicitors (Mony de Kerloy) have provided the following comments;

"The RRF Agreement provided runs to over approximately 300 pages. On that basis alone, the RRF agreement is a substantial piece of work and deals with issues in some degree of complexity. In our opinion the breadth of scenarios that the document attempts to encompass together with the degree of complexity with which they are treated seems somewhat unnecessary and excessive given the document also purportedly attempts to establish a cooperative positive working relationship."

There are several examples of the extent to which the draft of RRF agreement has gone in attempting to deal with every possible scenario and do it with some degree of detail. These include:

- *Clause 1.2 interpretation where at (o) it states that periods of time are in the Gregorian calendar.*
- *5.3(c) where an independent chairperson is appointed to convene and facilitate regular advisory group meetings with the chairperson's costs to be met by the MRC.*
- *Clause 7.2(a) where a year is specified to be a period of 365 days where over the lease term of 25 years the lease will in fact end approximately 4 years prior to the 25 year anniversary of the lease as no account is taken for leap years.*
- *Clause 8.4(d) where an independent expert is to be engaged to determine whether or not roads, fences weighbridges and bores have been installed.*
- *Clause 8.10 where copies of all specifications, manuals, as built drawings are to be provided to the MRC even though there is no handover or change in ownership or operation.*
- *Clause 15.3 where the treatment of composting and a whole new fee is dealt with individually.*

These are just a few examples which add to the complexity of the document.

Regarding the dispute resolution mechanism and the potential for litigation the procedure is governed by clause 31. This clause provides that no court can hear a dispute until the provisions are dealt with. While courts will not generally entertain their jurisdiction being excluded entirely they have upheld clauses of this nature that require certain procedures to be followed prior to the implementation of the court proceedings. The Town's solicitors certainly see nothing particularly unusual or difficult about the dispute resolution mechanism.

Finally while there are many things in the RRF agreement that this firm would not have necessarily included there are a couple of things not included in the RRF agreement that we might well have sought but which have not been provided for. We are aware that in other agreements of this nature it is not uncommon for there to be market testing clauses. These types of provisions would allow the parties at periodic intervals to gauge what developments have occurred in the market outside of the particular relationship or agreement between the parties and to reassess their commitment to each other on the basis thereof. For example when new providers have come into the marketplace or the cost of provision of services have altered significantly periodic market testing allows the parties to review their respective positions and amend the agreement accordingly. Likewise a changing technology provision may also work to allow the parties to periodically assess their position. In an area like this where technology is changing extremely rapidly and fundamental to the efficiency of the process the parties may wish to periodically gauge what other providers and technologies are out there. In the event that the position has changed financially between the execution of the original agreement and the technology testing the parties may be able to reassess their positions.

Ultimately the most important aspects that must be guarded against are:

- (a) *fundamental failure in the facility to provide the anticipated process and capability;*
 - (b) *the cost consequences of having to continually inject finances into an insufficient enterprise; and*
 - (c) *the public relation and environment impact of the above two consequences."*
-

Notwithstanding the above, the Contract has been negotiated and there is little the Town can do to alter this situation.

ALTERNATIVE WASTE DISPOSAL OPTIONS FOR THE TOWN

Possible Waste Disposal Options

The Town's Director Technical Services and Chief Executive Officer have been investigating alternative options and these are as follows;

South Metropolitan Regional Council (SMRC)

The SMRC is a statutory local government authority established by seven (7) local governments in the southern part of metropolitan Perth. It is responsible for receiving and processing waste for the local government areas of Canning, Cockburn, East Fremantle, Fremantle, Kwinana, Melville and Rockingham.

The SMRC was established to provide a collective response to waste management for its member council with the primary objective of reducing waste sent to landfill. It has an operational role in the planning, coordination and implementation of the removal, processing, treatment and disposal of waste for the benefit of communities within its regional boundaries.

The SMRC undertook 4 years of extensive consultation with their community and findings revealed an overwhelming demand for an effective waste management system that allowed residents to play an active part in resolving this waste problem and minimising negative environmental impact. So the local governments of Canning, Cockburn, East Fremantle, Fremantle and Melville joined together and under the SMRC banner, implemented a regional waste management strategy.

The strategy in the form of a regional resource recovery cycle has dramatically reduced household material sent to landfill by combining world-leading technology with a simple, community-friendly collection system waste as a valuable resource for ultimate reuse by the community. The SMRC In-Vessel Composting Facility in Canning Vale processes all collected household organic material and turns 85% of it into high quality compost. The facility also has a state of the art material recycling facility.

It should be noted that the SMRC facility experienced serious technology problems in 2006 and \$2-3 million was needed to rectify the problem. Considerable odour pollution occurred, resulting in extensive negative publicity. The SMRC believe the problem has been resolved.

The SMRC facility is located at Canning Vale, which is 15 kilometres from the Town (30km for both trips. Travel time is approximately 2-2.5 hours)

Officer Comments:

The Town's Chief Executive Officer and Director Technical Services met with the Chief Executive Officer of the SMRC on Friday 7 September 2007.

The SMRC advised of the following:

- The SMRC may be able take some of the Town's waste at its plant in Canning Vale at approximately \$127/tonne.
 - The SMRC cannot provide security of tenure to the Town, as it has factored in expansion capacity for its members.
-

Conclusion:

- There would be no long term benefit for the Town to dispose of its waste at the SMRC.
- Cost per tonne would be approximately \$13/tonne higher than the MRC RRF in 2009 costing an additional \$188,500 per annum (based on 14,500 tonnes per annum)
- There would be no security of tenure for the Town.
- The Town would most likely need to purchase another truck (due to increased travel time).

Accordingly, it is recommended that the SMRC not be pursued as an alternative option to the MRC.

Eastern Metropolitan Regional Council (EMRC)

Waste disposal was a common issue being faced by the EMRC's member Councils back in 1983. The Councils pulled together and the EMRC was constituted to handle waste management on behalf of the six (6) member Councils.

The EMRC is a regional local government working on behalf of six (6) member Councils including the Town of Bassendean, City of Bayswater, City of Belmont, Shire of Kalamunda, Shire of Mundaring and City of Swan.

The EMRC's operations are governed by a Council consisting of two (2) Councillors and one (1) Deputy from each member Council. The Council works through approximately 70 skilled and dedicated staff who work across three (3) divisions; Corporate Services, Regional Services, Waste Management Services, as well as a separate Resource Recovery Project unit.

Waste management is the main function of the EMRC and includes the operation of the Red Hill Waste Management Facility. Red Hill is approximately 20 kilometres from the Town (40 km for both trips) and travel time is 2-2.5 hours.

Officers Comments:

The EMRC can take all of the Town's waste. It would continue to be deposited in landfill. The landfill site is 25kms from the Town's Administration and Civic centre. The cost would be \$60/tonne.

The Town, as part of its proposal to introduce an improved kerbside recycling service, is also committed to reduce the quantity of waste going to landfill. This would not be achieved if the Town were to dispose of its waste at the EMRC site.

Conclusion:

- The EMRC is an alternative to the MRC.
- There are reduced disposal and travel costs when compared to the MRC.
- The EMRC's disposal is landfill and therefore, is not meeting one of the Town's strategic objectives to divert waste from landfill.

Accordingly, it is recommended that the Town continue discussions with the EMRC, but it be viewed as a compromised option.

Western Metropolitan Regional Council (WMRC)

In the mid 1980's the western suburbs' local governments operated the Brockway landfill site off Brockway Road, Shenton Park. With the imminent closure of the landfill (early 1991) and limited opportunity to establish any further landfills in the western suburbs the member councils needed to plan for an alternative method or methods of disposing of their municipal solid waste (MSW).

In 1989 the member Councils of Claremont, Cottesloe, Mosman Park, Peppermint Grove and Subiaco with the consent of the Minister for Local Government established the WMRC.

The City of Nedlands was an original member, however withdrew from the WMRC several years ago, allegedly over a differing view. However, Nedlands continue to dispose their waste at WMRC (but not as a member).

The WMRC is a regional local government with perpetual succession under Section 3.62 of The Local Government Act and is empowered to act in accordance with its "Establishment Agreement". In short the WMRC's establishment agreement empowers it to undertake waste management functions on behalf of its member councils.

Brockway Waste Transfer Station, Shenton Park

After consideration of a number of waste disposal options the WMRC let a contract in 1990 to construct a waste transfer station whereat rubbish collection trucks from member councils and others would deposit their Municipal Solid Waste (MSW) and this was transported to distant landfills using heavy haulage vehicles.

In February 1991 the Brockway Waste Transfer Station situated on the corner of Brockway Road and Lemnos Street, Shenton Park was officially opened. Currently the transfer station receives over 33,000 tonnes of MSW per annum, the bulk of which is transported to the Red Hill landfill site in Toodyay Road, Red Hill operated by the Eastern metropolitan Regional Council.

The former Brockway landfill was capped to enable methane gas collection which is currently used at the adjacent Challenge Stadium to heat the swimming pool.

In more recent times the WMRC branched out into environmental initiatives and established a greenwaste recycling operation in the mid 1990's. From very modest beginnings that enterprise now diverts some 8,000 tonnes of mulch (ground and composted greenwaste) annually. The mulch is sold to commercial landscape companies, as well as being used by the local governments.

Proposed Resource Recovery Facility (RRF) – (DiCOM® Plant)

The WMRC has formalised an agreement with a company called AnaeCo to construct and demonstrate Stage 1 of a commercial-scale single vessel DiCOM® Plant at the Brockway Waste Transfer Station. The demonstration plant is currently under construction and will include a waste sorting and preparation facility and a single DiCOM® biological processing vessel, including associated ancillary equipment. The plant will be located immediately adjacent to the existing Transfer Station building.

In addition, the WMRC and AnaeCo have entered into an additional agreement that enables the expansion of the Stage 1 plan (upon successful commissioning to pre-agreed performance criteria) to 55,000 tonnes.

The Stage 1 Plant is designed to be progressively increased up to 55,000 tonnes per annum processing capacity through the construction of two additional DiCOM® process vessels, and enhancement of the MSW sorting facility. Total land area to be occupied by the 55,000 tpa plant, adjacent to the existing Transfer Station building, is approximately 2,000m².

DiCOM-ORT Technology (DiCOM)

The patented DiCOM process, invented by Mr Thomas Rudas, has been developed by AnaeCo Limited. DiCOM is a hybrid biological system that seamlessly integrates the natural aerobic and anaerobic bioconversion cycles in a continuous, in-vessel process.

The system incorporates advanced sorting, recycling, anaerobic digestion and aerobic composting to recycle municipal solid waste (MSW) into renewable energy from biogas, agricultural grade compost and recyclables such as steel, aluminum, glass and plastics, thus ensuring maximum diversion from landfill and ensuring social, economic and environmentally sustainable management of MSW.

The process integration is achieved at the biological, rather than infrastructure or logistical level, in contrast with traditional approaches. This integration creates a new process with a unique set of biological conditions for the micro organisms, resulting in accelerated bioconversion of organic material to stabilised compost, together with a period of biogas production. All of this is achieved with unparalleled efficiency in terms of materials handling, conversion time, biological stability, energy usage and robustness of process.

The desirable outcomes of anaerobic digestion and aerobic composting are accomplished at significantly lower capital and operational costs, within a closed-vessel system.

The facility, once completed, will be able to accept 'unsegregated' Municipal Solid Waste (MSW), separates marketable recyclable materials and converts the organic fraction to compost and renewable energy. In summary, the bioconversion process comprises:

- loading of the vessel over a 5 day period, combined with controlled aerobic biological heating, prior to;
- a 7 day thermophilic anaerobic digestion phase;
- then 7 days of intensive aerobic conditioning, leaving;
- 2 days for controlled extraction of compost from the vessel, ready for the next batch.

Overall batch cycle time is 21 days. Continuous processing therefore requires three identical bioreactor vessels, operated concurrently, each one week out of phase with the next.

Officer Comments:

The Town's Chief Executive Officer and Director Technical Services met with the Chief Executive Officer and Operations Manager of the WMRC on Friday 7 September 2007.

The Chief Executive Officer and Director Development Services (due to unavailability of the Directors Technical and Corporate Services) met with the Chairman and Chief Executive Officer of the WMRC on Wednesday 12 September 2007.

The WMRC advised the following:

- The WMRC can take the Town's waste at the Brockway Transfer Station now.
 - The proposed DiCOM facility, if it meets all the required KPIs, will be fully operational by the end of 2009 with a capacity of 55,000 tonnes per annum.
 - The DiCOM facility once up and running, will require additional MSW and therefore the WMRC will be able to take all of the Town's MSW (approx 14,500 tonnes per annum) and process it through the DiCOM facility.
-

- There is a possibility the Town could become a member of the WMRC. (However, the Local Government Act, prohibits a local government to be a member of two Regional Councils.)
- There is a possibility that the Town could enter into a long term contract (20 years) with the WMRC to deliver MSW to the DiCOM facility from late 2009.
- The current member rate (transfer to Red Hill) is \$89/tonne.
- The projected rate through the DiCOM facility will be approximately \$107/tonne (based on current costs).
- The DiCOM facility has been fully funded by investors. There is no risk for the WMRC (or the Town, if it decides to dispose waste at WMRC).

The Chairman and Chief Executive Officer of WMRC stated the following;

1. They are very supportive and keen for the Town to dispose of its waste at WMRC, as this gives them surety on providing approximately 48,000 tonnes of waste each year to the DiCOM facility and reduces their overhead costs per tonne.
2. They prefer the Town to come a Member.
3. Alternatively, a 20 year Contract at Member rates could be negotiated.
4. Payment for full membership is to be negotiated (e.g. could cost up to \$2.5 million, which could be paid in installments over five (5) years.)
5. All WMRC members would need to approve membership and a decision could be achieved relatively quickly.
6. A Memorandum of Understanding (MOU) could be signed by the WMRC and this could include the matters for negotiations, which could take up to a year.

Advantages for the Town:

- The DiCOM facility located at the Brockway Transfer Station is very close to the Town, being located approximately 6 km from the Town's Administration and Civic Centre. By comparison, the other facilities require extensive travel - MRC, Tamala Park - 35kms, MRC RRF site Neerabup - 40kms, SMRC - 15kms, EMRC - 20kms. *Refer Plan shown at Appendix 14.1(B).*
- There would be significant cost savings in travelling time (\$53,000), reduced fuel costs (\$49,000) and reduced wear and tear on the vehicles by not travelling to MRC (\$6,000) - **Total: \$108,000.**
- The indicative cost of processing waste at Brockway in late 2009 is estimated to be \$107/tonne (excluding projected increase in landfill levy) for member Council's as compared with \$114 at the proposed MRC RRF i.e. at 14,500 per tonne this would equate to **an annual saving of approximately \$101,500. Therefore, the cost savings for tipping fees, travel, fuel and vehicle maintenance would amount to about \$214,000 per annum.** (Note: Costs are indicative only.)
- **All** of the Town's MSW will be composted through the plant. (With MRC the Town's waste will continue to be landfilled.)
- The DiCOM-ORT process will be able to **recover all recyclables** – except for paper, from the MSW waste stream. MRC RRF will only be able to recover metals.
- There will be considerable savings in operational costs, because of the close proximity of the facility (e.g. attending to breakdown of vehicles).
- Security of tenure – The residual (non recyclable fraction) will be transported to Red Hill, which has a 20 year plus life.

Disadvantages for the Town:

- The DiCOM-ORT technology (whilst promising) has not yet been proven on a large commercial scale.

- The Town cannot be a member of the WMRC whilst remaining a member of the MRC, as this is prohibited by the Local Government Act.
- The cost of joining the WMRC (potentially up to \$3 million) together with the costs of withdrawing from the MRC (yet to be determined) could be prohibitive to the Town.

Summary:

	MRC - Tamala	MRC - RRF (Neerebup)	WMRC Transfer	WMRC RRF	EMRC	SMRC
Rate per Tonne (current)	\$47.00*	-	\$96.50*	-	\$60.00*	\$125.00
Rate per Tonne RRF (2009)	\$61.80*	\$114.32*	-	\$107.00*	\$63.00* (Land fill only)	\$128.00
Annual Tipping Fee Cost to Town** (2009)	\$896,100	\$1,657,640	\$1,399,250	\$1,551,500	\$913,500	\$1,856,000
	MRC - Tamala	MRC - RRF (Neerebup)	WMRC Transfer	WMRC RRF	EMRC	SMRC
Labour (Driver) Costs for travel time per year##	\$65,000	\$79,000	\$26,000	\$26,000	\$65,000	\$65,000
Fuel Costs per year	\$55,000	\$60,000	\$11,000	\$11,000	\$39,000	\$25,000
Vehicles (x 6) Maintenance Costs per year	\$11,200	\$12,000	\$6,000	\$6,000	\$10,000	\$9,000
Annual Disposal Costs	\$1,018,900	\$1,799,640	\$1,437,750	\$1,590,000	\$1,020,000	\$1,948,250
Cost saving +/- (when compared with MRC at RRF Stage)	N/A	0	\$366,390	\$214,140	\$781,140	-\$146,360
Resource Recovery	None	Yes***	No	Yes***	None	Yes
Security of Tenure/Member	Yes Member	Yes Member	Yes#	Yes#	Yes#	None
% of Town's Waste processed	0%	0%	0%	100%	0%	100%
Recyclables Recovered	None	Metals only	None	All - except paper (which is composted)	None	Partial
Financial Guarantee Required	-	Yes	N/A	No	N/A	N/A
Level of Risk to the Town	Low	High	Low	Low*****	Low	Very High
Distance from the Town (Total km)	35km (70km)	40km (80km)	6km (12km)	6km (12km)	20km (40km)	15km (30km)
Travelling Time	2.5hrs	3hrs	2hrs	2hrs	2-2.5hrs	2-2.5hrs

Note: * A possible increase in the landfill levy of \$3/tonne may apply to all Councils by 2009 (not included)

** Based on 14,500 tonnes per annum

*** RRF in 2009

**** DiCOM® process needs a trial commissioning period to determine whether all the KPI's have been met prior to full production commencing

To be negotiated

Hourly rate for a truck driver with 120% on cost = \$50.45 approx.

(Note: The costings in this report are indicative only.)

Should the Town remain a Member of the MRC?

The question to be asked is whether the Town should remain a member of the MRC for the long term? The Chief Executive Officer and Town's Directors consider that if the Town withdraws from the MRC, consideration needs to be given to the available options or fallback positions available to the Town. These are somewhat limited.

The Withdrawal Issue

The Town's Solicitors (Mony de Kerloy) advise as follows;

"1. Cost:

The procedure for withdrawal from the MRC is well documented in Mr Woodhouse's advice and reproduced in the Report.

The devil (if there is one) will be in resolving the financial separation including the adjustment of assets and liabilities.

The entry into the proposed Deed of Guarantee in favour of BioVision 2020 Pty Ltd would almost certainly add to the Towns' cost of withdrawing as a member of the MRC. It would add a liability namely the cost of replacing the Towns' share of the guarantee. That cost could be, on one view, very substantial.

It is very difficult to determine how advantageously or with how much penalty the Town would emerge with following a withdrawal from the MRC.

Generally one would expect that a party withdrawing from any sort of joint enterprise (whilst not necessarily being treated unfairly) is likely to receive less than if that part remained in the joint enterprise. The cost would also increase as a consequence of the MRC having to replace the Town as a guarantor under the BioVision 2020 guarantee.

Calculations can be done on this and a comparison drawn between the cost/benefit of withdrawal versus the cost of staying in (even with the increased costs brought about by the MRC's dealings with the Resource Recovery Facility).

[Note: Calculations cannot be carried out until the MRC determines a split of the assets and liabilities.]

2. Options:

One issue that needs consideration by the Town is the available options or fallbacks in respect to its waste disposal strategies.

This is particularly important as each metropolitan council increasingly looks to green (i.e. non-landfill) solutions.

Pulling out of the MRC as a member will in all likelihood (at least for the short to midterm) lead to an unwillingness on the part of the MRC to be of any future help or assistance. In that sense, this option for the Council is eliminated for the time being.

This may not matter if there are other options but these other options need very careful consideration. A very detailed analysis of alternative options with other regional councils is explored with the possibility of joining the WMRC considered a reasonable alternative. The Town's solicitors counsel caution for the following reasons:

- (i) the DiCOM-ORT technology, personnel and general approach to instituting its treatment plant with the WMRC is positive according to the Town's solicitors. However the technology – at least on a large commercial scale – has yet to be proven. It may prove more costly, time consuming and difficult to implement than presently thought; and*
- (ii) the WMRC's approach to matters may not necessarily be different to the approach of the MRC in the long term. In other words there is a devil you know versus the one you don't argument here.*

3. *Exemption/Withdrawal:*

Largely because of the above, the Town's solicitors consider that the better way for the Town to proceed rather than leave the MRC as a member, would be to seek an exemption from the MRC to enable the Town to dispose of all (or a proportion) of its waste for a period of say 10 or 20 years. The trade off for that exemption would be the Town agreeing to the Deed of Guarantee.

Advantages/Benefits of a Withdrawal from MRC

The relative benefits or advantages of this proposal over a withdrawal, as the Town's solicitors see it, are:

- 1. The Town keeps its position, status and entitlement to assets within the MRC; that option and door is kept open.*
- 2. The Town avoids a present penalty of wasting its share of the costs invested by the MRC in the Resource Recovery Facility and of potentially an even greater penalty, being the costs of withdrawing from the MRC.*
- 3. An exemption can be granted at a meeting of the MRC; it does not need the convoluted procedure necessitated by a withdrawal.*
- 4. From a practical viewpoint the MRC is not likely to want access to the Town's waste stream until the Resource Recovery Facility is both operational and advanced in its development. That period may in fact coincide with the period of exemption sought, i.e. 10 or so years.*
- 5. With an exemption, the Town would be free to enter into a commercial arrangement with Di-COM/WMRC for the disposal of its waste at the WMRC's facility for the period of the exemption. That would be on commercial contractual terms and would not require the Town to join the WMRC as a formal member. That would achieve two goals:*
 - (i) it would be in line with the Town's green recycling policy; for the next 5-8 or more years we understand the Town's waste stream is scheduled for land-fill at Tamala Park because the Resource Recovery Facility will not be sufficiently advanced; and*

- (ii) *it would assist both the Town (and indeed the State) with the development of another option (i.e. an alternative to the MRC's facility) for green waste recycling. There is, after all, no guarantee that either facility will work as planned.*

Disadvantages of Remaining with MRC

The chief downside of the proposal is that as a continuing member of the MRC, the Town will continue to foot its share of the bills and will be required to execute the guarantee. On those two downsides, the Town's solicitors comment:

- (i) *without a detailed comparison of the cost of withdrawing from the MRC versus the cost of joining and staying in any other regional council (and that will be difficult to obtain or do) it is impossible to say what this extra cost may be. Also the cost of withdrawing from the MRC would also need to be considered;*
- (ii) *an analysis of the legal triggers for the guarantee has been conducted. The Town's solicitors' view is that the legal risk is within reasonable limits and manageable;*
- (iii) *in relation to ongoing costs of being a member in the MRC but with an exemption to deal with the Town's waste stream as it sees fit, there may be an opportunity to save some costs. The Town's solicitors advise that when the MRC was established (and Stirling had an exemption) it also had a further allowance from the other constituent municipalities, at clause 5.3 of the original deed of settlement dated 25 November 1996, which stated:*

"For so long as the City of Stirling shall carry out the receipt, treatment and/or disposal of waste collected within its district, then the City of Stirling shall not be liable to contribute to any annual contribution or capital contribution levied by the Regional Council."

How this actually worked in practice or whether it still applies is not known by the Town's solicitors. However there may be some scope for negotiation and this has been provided for in the Recommendation.

Town's Solicitors' Conclusion and Recommendation

The Town's solicitors' conclusion from a legal perspective is that the best result for the Town is to remain in the MRC but seek a reasonable exemption to enable the Town to pursue the option of disposing all or some its waste stream elsewhere to its advantage.

The exemption should be for a minimum period of 10 years with an option at the Town's discretion to extend for up to a further 10 years.

(The length of the exemption needs to coincide with the length of waste contracts that recyclers are looking for. In our experience – at the present – these time frames are at least 10 years because they are looking to amortise the cost of building the recycling facilities over a lengthy period.)

If, however, the Town determines that it, either now or in the near term, wishes to pull out of the MRC then we would counsel caution in respect to the guarantee. Signing the guarantee and then pulling out may cost the Town the price of somebody else taking over the Town's share of the guarantee. That price may be more than the potential one off payment which we note the Report estimates at \$408,500; presumably that cost as well would have to be paid. At the very least a considered analysis of these costs should be undertaken." [Underlining added.]

On 26 April 2007, the MRC considered a request from the City of Stirling and resolved as follows;

"That Council;

- (i) note the request from the City of Stirling for exemption from disposal of particular waste at Mindarie Regional Council facilities; and*
- (ii) authorise the exemption with details as follows:*
 - (a) Tonnage: 22,000 max*
 - (b) Time Frame: 20 years max."*

COMMENTS:

The Contractor for the Resource Recovery Facility project and its financiers require a financial guarantee of the MRC's payment obligations for the project. This is necessary for the project to be bankable. Legally the MRC is not a signatory to its own existence (through the Constitution) and ultimately its liability rests with the Member Councils. Also, the MRC does not have the capital reserve to fund a call in the case of being required to purchase the Resource Recovery Facility if the agreement is terminated due to the occurrence of a prolonged uninsurable Force Majeure or a default due to MRC's non-payment of amounts.

Chief Executive Officer and Director Technical Services Conclusion:

The Chief Executive Officer and Director Technical Services advise as follows;

- (a) the alternative options and fallback positions available to the Town are limited and also involve a degree of risk (e.g. the WMRC's technology is yet to be proven on a commercial basis);
 - (b) there is concern about the expenditure and costs concerning the activities of the proposed RRF and the MRC's handling of this matter to date and there is no guarantee that these costs will be contained and will not escalate in the future;
 - (c) the risk associated with the Bank Guarantee is considered reasonable (and this view is supported by the Town's solicitors);
 - (d) the RRF contract is a very lengthy and complex document and the risk of protracted and expensive litigation in the event of a dispute is considerable;
 - (e) there is concern about the long term financial costings regarding the RRF Stage 1 (and subsequent Stages 2 and 3) and its long term financial implications to the Town and the uncertainty of any future Bank Guarantees;
 - (f) whilst there are concerns about the MRC's handling to date of the RRF and the long term financial costings concerning the RRF, Bank Guarantee risk and contractual litigation risk, it is considered the Town should still remain a member of the MRC until a possible alternative "suitable" waste disposal facility and contract, which meets the Town's needs, has been investigated, assessed and approved;
 - (g) the Town should continue to dispose of its waste at the MRC's Tamala Park (at the current cost of \$47.90 per tonne) and should continue to do so until the Town exercises the requested exemption. This would most likely coincide with the commissioning of the WMRC's Di-COM plant. At the earliest, this would be some two (2) years away (2009); and
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- (h) In the event that the WMRC's Di-COM plant is successful on a large scale and the Town can negotiate a long term contract, considerable benefits to the Town will be achieved as follows;
1. annual cost savings of approximately \$214,000;
 2. 100% of the Town's waste would be processed (as opposed to Nil);
 3. Greenhouse emissions will substantially be reduced due to the closeness of the plant to the Town's boundaries; and
 4. greater efficiencies in collection of waste (due to less travel time).

In summary, therefore, there are definite cost advantages to the Town by remaining at the MRC, at least in the short term, until the Town has satisfactorily negotiated an alternative disposal option. However, whatever decision is ultimately made by the Council, there are associated inherent risks.

Approval of Guarantee by other Member Councils

At the time of writing this report, the Bank Guarantee was approved by: Cities of Joondalup, Perth, Stirling and Wanneroo and Towns of Cambridge and Victoria Park.

The Town has previously expressed concerns about the RRF, the MRC's handling of the matter and the high costs incurred by the MRC to date.

Despite the assurances of the MRC, costs are still being incurred pursuing the SITA proposal and the requested changes have a negative financial implication to the Town (due to increased disposal costs and assuming a greater proportion of the risk - as detailed in the Deed of Guarantee.)

The Town's Chief Executive Officer and Directors, whilst supporting the need for alternative waste disposal methods, continue to have serious concerns about the MRC RRF to date and, more importantly, the financial implications to the Town if Stages 2 and 3 are constructed.

The Town's investigations reveal that there are considerable benefits by disposing of its waste at the WMRC (both financial and environmental) and therefore the Town should enter into negotiations with the WMRC to dispose of the Town's waste at their facility (either as a Member or on a long term contractual basis). Should the negotiations be successful, the Town should consider withdrawing from the MRC entirely (subject to further investigation) or at least obtaining a long term exemption (say, 10 years + 10 year option) to dispose of its waste at WMRC.

Accordingly, qualified support for the revised Deed of Guarantee is recommended, as there are increased financial costs and greater unacceptable risks to the Town. Approval of the Officer Recommendation is requested.

At 7.55pm Moved Cr Torre, Seconded Cr Ker

That the Council resume and Open Meeting.

CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Nick Catania JP, declared the meeting closed at 7.55 pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell	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	Director Development Services
Mike Rootsey	Director Corporate Services
Rick Lotchnicker	Director Technical Services

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 September 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007
