

Minutes of the Special Meeting of Council of the Town of Vincent held at the Loftus Community Centre, 99 Loftus Street, Leederville, on Wednesday 7 September 2005, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.00pm.

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

**(a) Apologies:**

The Chief Executive Officer advised that Cr Torre would be a little late.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward (until 8.15pm)
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.13 until 7.35pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – The Perth Voice (until 7.35pm)
Dan Hatch	Journalist – Guardian Express (until 7.35pm)
Louie Kovaceski	Audio Recordist – Kova Sound
14 Members of the Public	

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

Nil.

**3. PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

1. Ms Donna Cole of 198 Carr Place, Leederville – Item 7.1 – Stated that Leederville is a mixed use area and all enjoy the benefits, however believes Council has approved development in a somewhat irresponsible manner, without the adequate infrastructure. Stated that Traders located in Carr Place have also signed a petition for “Residents Only” parking as they have also experienced damage to their vehicles. Asked that the Mayor assure them that he would put the interests of rate-payers before those of his Labor Party allies. Also stated that given the Mayor’s relationship with Mr Little, there could be a perception in the community that he has a conflict of interest.

2. Mr Craig Hutchinson of Leederville Hotel, 742 Newcastle Street, Leederville – Item 7.1 – Wished to back up both the Council and residents and urged them to go forward with the parking trial. Enquired as to the progress of the large carpark to be built in Leederville as outlined in the Vincent Vision.
3. Ms Annie Folk of 204 Carr Place, Leederville – Item 7.1 – Wished to comment on the report given to Council, in particular the Summary. Passed a letter to the CEO that was written when the Leederville Action Group was started in 1994. Stated the map being used as attached to the report was not appropriate to show a few residents in Carr Place and Bold Court compared with the large number of traders in Oxford Street. Asked why the proposed parking was for only one side of the street.
4. Ms Bronwyn Hume of 183 Carr Place, Leederville – Item 7.1 – Stated that although the noise was a large issue, crime was an even more serious issue for residents in Carr Place. Gave examples of multiple crimes committed on her property alone and stated that it was most certainly happening to more vulnerable residents. Applauded the Council on deciding to make Carr Place a residential parking area, but believes that two (2) permits per household are not adequate.
5. Mr Warren Myers of 193 Carr Place, Leederville – Item 7.1 – Stated that he is a business owner in Carr Place and has often witnessed the problems faced by residents. Stated that the Council has neglected Carr Place and although the issues have existed for some time, nothing has been done. Asked that the Council erect a multi-storey carpark for use by those visiting the commercial centre in Leederville and draw traffic away from the residential streets. Also urged the Council to think about Carr Place and make it a better street to live and work in.

**Cr Torre entered the Meeting at 6.13pm.**

6. Mr John Little of 170 Carr Place, Leederville – Item 7.1 – Stated that as the Council is responsible to all the ratepayers of the Town, they made their decision unwisely and went against the wishes of the Town's own Officers. Stated that a public street is not private property and at least 50% of the street is commercial. Reminded the Council that all residences had off street parking but that was given up by the six (6) residences when the land was subdivided. Stated that the Council had made a 'knee-jerk' decision.
7. Mr Cormack Walsh of 183 Carr Place, Leederville – Item 7.1 – Stated that he unable to park in the street when he returns home from work. Hopes that the Council will address the issue of verge parking and take the responsibility off the shoulders of residents to complain before the rangers will come to issue an infringement. Responded to the previous speakers point, saying that yes, some residences did have inadequate off street parking, but so do many of the businesses.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.20pm.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

**6. DECLARATION OF INTERESTS**

- 6.1 Cr Ker declared a proximity interest in Item 7.1 – Motion to Revoke or Change a Council Decision (Ordinary Meeting of Council 23 August 2005 Item 10.1.3) – Introduction of Residential parking in Carr Place, Leederville. The nature of his interest being that he works in Carr Place and as a staff member living closest, is on-call for any security matters affecting the business premises in which he works.
- 6.2 Cr Ker declared a financial interest in Item 7.2 – Motion to Revoke or Change a Council Decision (Ordinary Meeting of Council 23 August 2005 Item 10.1.17) – Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley – Proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two Grouped Dwellings (One Duplex Pair), and One (1) Warehouse. The nature of his interest being that he is currently undertaking development of an integrated transport strategy for the Eastern Metropolitan Regional Council [EMRC] (which includes the City of Bayswater) and the issue of Guildford Road/East Parade will be an issue to be addressed from an EMRC perspective.
- 6.3 Cr Chester declared an interest affecting impartiality in Item 7.2 – Motion to Revoke or Change a Council Decision (Ordinary Meeting of Council 23 August 2005 Item 10.1.17) – Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley – Proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two Grouped Dwellings (One Duplex Pair), and One (1) Warehouse. The nature of his interest being that he holds a position on the Western Australian Planning Commission's Metropolitan Planning Committee.

Mayor Catania advised that Cr Ker had declared a proximity interest in this Item and a financial interest in Item 7.2. Cr Ker departed the Chamber at 6.20 and did not speak or vote on these matters.

**7.1 Motion to Change or Revoke a Council Decision Ordinary Meeting of Council 23 August 2005 (Item 10.1.3) – Introduction of Residential Parking in Carr Place, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	30 August 2005
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	ENS0017
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	J Giorgi, A Munyard, J MacLean, R Lotznicher		
<b>Checked/Endorsed by:</b>	R Boardman, J Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to REVOKE or CHANGE clause (iii) of the resolution adopted by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.1.3);*
- (iii) *Councillor ..... MOVES a motion to REVOKE or CHANGE the decision by deleting the following clause:*  
  
  - “(iii) *APPROVES the immediate introduction of a three-month trial period of ‘Residents Only Parking’, operating from 6pm to 7am, Wednesday to Sunday inclusive, on both the north and the south side of Carr Place and Bold Court, Leederville;”*
- (iv) *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, Councillor Doran-Wu and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
  - (a) *to immediately REMOVE the “Residents Only” parking restrictions on both the northern and southern side of Carr Place and Bold Court (operating 6pm to 7am Wednesday to Sunday) and NOTES that the existing restrictions will remain in place until a Council decision is made;*
  - (b) *to CONSULT in accordance with the Council's Community Consultation Policy 4.1.5 relating to “Parking Restrictions”, with all residents and business proprietors in the Oxford Business Centre, as shown in Plan DRWG.2211-CP-1 at Appendix 7.1 for a period of twenty one (21) days, requesting their comments on the proposed introduction of a three (3) month trial of "Residents Only" parking on the northern side of Carr Place adjoining only the residential component of the street, between 6.00pm and 7.00am Monday to Sunday inclusive, as shown on attached Plan No 2363-PP-1;*

- (c) *to RECEIVE a further report at the conclusion of the consultation period;*
- (d) *to REQUEST the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct three (3) late night random surveys of human activities and/or anti-social behaviour in Carr Place on Wednesday nights and one of either Friday, Saturday or Sunday nights and to advise the Town of;*
- (1) *the findings;*
  - (2) *the permitted hours of operation (particularly closing times) of the liquor licensed establishments in the Oxford Business Centre, Leederville; and*
  - (3) *subsequent recommendations;*
- (e) *upon receiving the report referred to in (d) above, the Council gives consideration to lodging a formal complaint under Section 117 of the Liquor Licensing Act 1988 (as amended) that;*
- (1) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or*
  - (2) *any –*
    - (i) *behaviour of persons on the licensed premises;*
    - (ii) *noise emanating from the licensed premises; or*
    - (iii) *disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises;*

*is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity.*
- (f) *to REQUEST the Western Australian Police to carry out an increased presence and patrols on Wednesday nights, until the problem is abated; and*
- (g) *to arrange a Forum of the various stakeholders including Licensees', business proprietors, residents, Police, Liquor Licensing Officers and Council Officers, with the aim to address the current problems being experienced in the Oxford Business Centre and Carr Place.*

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**Moved Cr Maier, Seconded Cr Torre**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Chester, Seconded Cr Lake**

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

“(v) (b) *to CONSULT in accordance with the Council's Community Consultation Policy 4.1.5 relating to “Parking Restrictions”, with all residents and business proprietors in Carr Place and Bold Court in the Oxford Business Centre, as shown in Plan DRWG.2211-CP-1 at Appendix 7.1 for a period of twenty one (21) days, requesting their comments on the proposed introduction of a three (3) month trial of "Residents Only" parking on the northern side of Carr Place adjoining only the residential component of the street, between 6.00pm and 7.00am Monday to Sunday inclusive, as shown on attached Plan No 2363-PP-1;*”

Debate ensued.

**AMENDMENT LOST (3-5)**

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

(Cr Ker was absent from the Chamber and did not vote.)

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

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

“(v) (b) *to CONSULT in accordance with the Council's Community Consultation Policy 4.1.5 relating to “Parking Restrictions”, with all residents and business proprietors in Carr Place, Bold Court, the north and south side of Newcastle Street between Oxford Street and Carr Place and the east side of Oxford Street, between Vincent Street and Frame Court Carpark the Oxford Business Centre, as shown in Plan DRWG.2211-CP-1 at Appendix 7.1 for a period of twenty one (21) days, requesting their comments on the proposed introduction of a three (3) month trial of "Residents Only" parking on the northern side of Carr Place adjoining only the residential component of the street, between 6.00pm and 7.00am Monday to Sunday inclusive, as shown on attached Plan No 2363-PP-1;*”

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Ker was absent from the Chamber and did not vote.)

**Moved Cr Maier, Seconded Cr Lake**

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

“(v) (a) *to RETAIN ~~immediately REMOVE~~ the “Residents Only” parking restrictions on both the northern and southern side of Carr Place and Bold Court (operating 6pm to 7am Wednesday to Sunday) and NOTES that the existing restrictions will remain in place until a Council decision is made;*

AMENDMENT LOST (3-5)

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

(Cr Ker was absent from the Chamber and did not vote.)

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

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

“(v) (d) to *REQUEST the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct three (3) late night random surveys of human activities and/or anti-social behaviour in ~~Carri-Place~~ the Oxford Centre on Wednesday nights and one of either Friday, Saturday or Sunday nights and to advise the Town of;*”

AMENDMENT CARRIED (8-0)

(Cr Ker was absent from the Chamber and did not vote.)

Moved Cr Doran-Wu, Seconded Cr Farrell

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

“(v) (d) to *REQUEST the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct a minimum of three (3) late night random surveys of human activities and/or anti-social behaviour in the Oxford Centre on Wednesday nights and one of either Friday, Saturday or Sunday nights and to advise the Town of;*”

AMENDMENT CARRIED (8-0)

(Cr Ker was absent from the Chamber and did not vote.)

Mayor Catania spoke for 5 minutes.

Moved Cr Farrell, Seconded Cr Messina

*That the Mayor be permitted to continue speaking for a further five minutes.*

CARRIED (5-3)

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

(Cr Ker was absent from the Chamber and did not vote.)

The Presiding Member advised that there was a requirement for an Elected Member to move the motion to revoke or change the 23 August 2005 decision of Council as indicated in clause (iii).

Cr Doran-Wu moved the motion.

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (5-3)**

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

(Cr Ker was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 7.1.**

*That;*

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to REVOKE or CHANGE clause (iii) of the resolution adopted by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.1.3);*
- (iii) *Councillor Doran-Wu MOVES a motion to REVOKE or CHANGE the decision by deleting the following clause:*
  - “(iii) *APPROVES the immediate introduction of a three-month trial period of ‘Residents Only Parking’, operating from 6pm to 7am, Wednesday to Sunday inclusive, on both the north and the south side of Carr Place and Bold Court, Leederville;”*
- (iv) *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, Councillor Doran-Wu and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
  - (a) *to immediately REMOVE the “Residents Only” parking restrictions on both the northern and southern side of Carr Place and Bold Court (operating 6pm to 7am Wednesday to Sunday) and NOTES that the existing restrictions will remain in place until a Council decision is made;*



- (b) *to CONSULT in accordance with the Council's Community Consultation Policy 4.1.5 relating to "Parking Restrictions", with all residents and business proprietors in Carr Place, Bold Court, the north and south side of Newcastle Street between Oxford Street and Carr Place and the east side of Oxford Street, between Vincent Street and Frame Court Carpark for a period of twenty one (21) days, requesting their comments on the proposed introduction of a three (3) month trial of "Residents Only" parking on the northern side of Carr Place adjoining only the residential component of the street, between 6.00pm and 7.00am Monday to Sunday inclusive, as shown on attached Plan No 2363-PP-1;"*
- (c) *to RECEIVE a further report at the conclusion of the consultation period;*
- (d) *to REQUEST the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct a minimum of three (3) late night random surveys of human activities and/or anti-social behaviour in the Oxford Centre on Wednesday nights and one of either Friday, Saturday or Sunday nights and to advise the Town of;*
- (1) *the findings;*
  - (2) *the permitted hours of operation (particularly closing times) of the liquor licensed establishments in the Oxford Business Centre, Leederville; and*
  - (3) *subsequent recommendations;*
- (e) *upon receiving the report referred to in (d) above, the Council gives consideration to lodging a formal complaint under Section 117 of the Liquor Licensing Act 1988 (as amended) that;*
- (1) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or*
  - (2) *any –*
    - (i) *behaviour of persons on the licensed premises;*
    - (ii) *noise emanating from the licensed premises; or*
    - (iii) *disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises;*

*is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity.*
- (f) *to REQUEST the Western Australian Police to carry out an increased presence and patrols on Wednesday nights, until the problem is abated; and*
- (g) *to arrange a Forum of the various stakeholders including Licensees', business proprietors, residents, Police, Liquor Licensing Officers and Council Officers, with the aim to address the current problems being experienced in the Oxford Business Centre and Carr Place.*

**PURPOSE OF THE REPORT:**

The purpose of this report is for the Council to consider the motion to revoke or change the Council decision made at the Ordinary Meeting of the Council held on 23 August 2005 (Item 10.1.3).

**BACKGROUND:**

At its ordinary meeting held on 23 August 2005, the Council considered a report on various issues in Carr Place, Leederville, where the following decision was adopted.

*"That the Council;*

- (i) RECEIVES the further report on various issues relating to noise and antisocial behaviour in Carr Place Leederville;*
- (ii) NOTES the progress on the 'outcomes' from the two meetings held between a Carr Place resident and the Town's officers on 31 May 2005 and 5 July 2005 respectively as outlined in the report;*
- (iii) APPROVES the immediate introduction of a three-month trial period of 'Residents Only Parking', operating from 6pm to 7am, Wednesday to Sunday inclusive, on both the north and the south side of Carr Place and Bold Court, Leederville;*
- (iv) REQUESTS that the Leederville Hotel Management immediately undertake the following measures to minimise the use of Carr Place by its patrons:*
  - (a) Implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park and that the lighting in the car park be improved to enhance safety in this area;*
  - (b) Implements measures to promote the use of the Town's Leederville Oval carpark; and*
  - (c) Continue the current security patrol on Wednesday evenings between 11.30pm to 1.00am at the Hotel's expense for at least until the end of September 2005 in order for a combined service to be deliberated at the next Vincent Accord meeting;*
- (v) IMPLEMENTS the following measures to improve the amenity for resident/s in the street:*
  - (a) Continue to investigate the possibility of and appropriate wording for the proposed Advisory Signage at the entrance to Carr Place advising visitors that they should be mindful of resident's local amenity and advising of alternative parking areas in the vicinity;*
  - (b) Liaise with the WA Police to ensure that Police rounds are maintained in Carr Place to minimise anti-social behavior from patrons leaving the Leederville Centre precinct;*
  - (c) Examine ways to provide additional parking in the area and promote, via the production and distribution of a leaflet, the location of existing parking areas and make the existing parking locations more legible;*

- (d) *Implement improvements to lighting in Carr Place; and*
- (e) *Implement an appropriate infrastructure upgrade to improve the amenity of Carr Place in liaison with residents and businesses in 2005/2005 as detailed in the report and notes that funds for this purpose have been allocated in the 2005/2006 budget; and*
- (vi) *RECEIVES a further progress report on the measures outlined in clauses (iv) and (v) no later than October 2005."*

**DETAILS:**

In accordance with the Town's Community Consultation Policy No 4.1.5 Guidelines and Policy Procedure (page 9), which states the following with regard to amending existing or introducing new parking restrictions:

Subject	Minimum Requirement	Additional Consultation or Notification
PARKING RESTRICTIONS – Amending Existing or Introducing New	Consultation with adjacent and/or affected residents (extent of consultation at the discretion of the Executive Manager). (Issue warnings for 7 days after the introduction of change)	Council Website

In accordance with the above policy, a period of public consultation is always undertaken prior to introducing or amending parking restrictions. This process is particularly important in a mixed residential and commercial street such as Carr Place, where there is potential for the restrictions to disadvantage either the residents or the business proprietors or both parties.

Contrary to the Council Policy, no such prior consultation was undertaken for the recent Carr Place restrictions.

As stated in the report presented to Council at its ordinary meeting held on 23 August 2005, the residents of Carr Place had suggested that parking was the main cause of the anti-social behaviour in the street, however, anecdotal evidence indicated that this was more than likely caused by pedestrians using Carr Place as a thoroughfare between the entertainment areas of Leederville and their homes.

Therefore it was considered that although available parking space was at a premium in Carr Place, the request for "Residents Only" parking had been suggested to deal with noise and anti-social behaviour from patrons leaving night spots in the area and not merely to address a parking problem.

Extended time restrictions of two (2) hours *at all times* are already in place on the north side of Carr Place and various restrictions on the south side of the street

Carr Place comprises a mixed residential and commercial street, with the residential component split between single dwellings and unit developments. Six (6) of the single dwellings have no driveway or facilities to park on-site. A breakdown of the parking permits issued in Carr Place is attached at Appendix 7.1A.

On the north side of Carr Place there are only six (6) residential dwellings which do not have off street parking. All residents will be entitled to two (2) visitors permits.

Further, it was reported that the Town was in the process of mapping out the strategic future for the Leederville commercial centre and pivotal to this was the development of additional parking facilities in the area and that this matter had received further impetus following the receipt of a petition from Leederville business proprietors and residents regarding the overall lack of parking in the area. It was considered that as the overall demand for parking in the Leederville area remained extremely high, to preclude visitors from using Carr Place would have a significant adverse impact on the overall amenity of the area.

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

In accordance with Council's Community Consultation Policy 4.1.5, all affected residents and businesses in the immediate vicinity of Carr Place will be consulted for a period of twenty one (21) days requesting their comments on the proposal.

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

##### **Liquor Licensing Act 1988**

##### **“Division 7 – Complaints about noise, etc.**

##### **117. Complaints about noise or behaviour related to licensed premises**

(1) *Where, with respect to licensed premises, a complaint under this section is lodged with the Director alleging –*

(a) *that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or*

(b) *that any –*

(i) *behaviour of persons on the licensed premises;*

(ii) *noise emanating from the licensed premises; or*

(iii) *disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,*

*is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity, or to persons in or make their way to or from a place of public worship, hospital or school.*

*the Director may, by notice in writing, require the licensee to show cause why an order should not be made under this section.*

(2) *A complaint under subsection (1) may be lodged by –*

(a) *the Commissioner of Police;*

(b) *the **local government** of the district in which the licensed premises are situated, or of any other district adjacent to the licensed premises and appearing to the Director to have an interest in the amenity, quiet or good order of the neighbourhood of the licensed premises;*

(c) *a government agency or statutory authority; or*

(d) *a person claiming to be adversely affected by the subject matter of that complaint who –*

(i) *resides, works or worships;*

(ii) *attends, or is a parent of a child who attends, a school; or*

(iii) *attends, or is a patient in, a hospital,*

*in the vicinity of the licensed premises concerned.*

(3) *The Director shall give notice of each complaint lodged to the licensee of the licensed premises with respect to which the complaint is made.*

(Bold added.)

(4) *When a complaint is lodged with the Director under subsection (2), the Director may, after having given –*

- (a) *the complainant;*
- (b) *the licensee, if the licensee appears in answer to the notice; and*
- (c) *any other person appearing to the Director to have a relevant interest in the matter,*

*an opportunity to be heard or to make submissions, determine the matter and, if of the opinion that the allegation in the complaint is established on the balance of probabilities and is of such nature that the matter cannot be settled by conciliation or negotiation, make an order under this section but otherwise may dismiss the complaint.*

(5) *For purposes of this section, whether pursuant to conciliation or negotiation or by way of an order, the Director may –*

- (a) *vary the existing conditions of the licence;*
- (b) *redefine, or redesignate a part of, the licensed premises;*
- (c) *prohibit the licensee from providing entertainment or any other activity of a kind specified by the Director during a period specified **by the** Director of otherwise than in circumstances specified by the Director, and impose that prohibition as a condition to which the licence is to be subject; or*
- (d) *otherwise deal with the matter in such a manner as is likely, in the opinion of the Director, to resolve the subject matter of the complaint.*

(6) *Where, under section 25, a determination made by the Director under this section is to be reviewed by the Court –*

- (a) *effect shall be given to any determination made by the Director; and*
- (b) *any order made, or other action taken, by the Director under subsection (5) remains in force until revoked by the Director or quashed by the Court,*

*unless the Court, by way of interim order, otherwise directs.*

(7) *A licensee who contravenes an order made under this section commits an offence.*

*Penalty: \$5,000."*

### **Standing Orders**

The Town of Vincent Local Law Relating to Standing Orders, Clause 3.21(3) states as follows;

“(3) *The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –*

- (a) *action has been taken to implement the decision; or*
- (b) *where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;*

*without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.*

(Underlining added.)

#### **STRATEGIC IMPLICATIONS:**

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

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

The cost will be determined following the Council's consideration of a further report.

#### **STATEMENT OF IMPACT:**

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a *"Statement of Impact"* of the legal and financial consequences of the proposed revocation or change.

##### **1. Legal Consequences**

There are no legal implications which may result from the change of the Council decision.

##### **2. Financial Consequences**

The expenditure to date has been as follows:

<b>Item</b>	<b>Cost</b>
Three large signs	761.09
Installation of large signs (approx)	300.00
Small signage – for whole street*	1200.00
Administration Costs - letters, delivery etc. (approx)	1100.00
Cost to date	<u>\$3361.09</u>

\*Order placed "on hold" pending Council's reconsideration of the matter.

#### Costs directly associated with any change of the previous Council decision:

Amendment to three large signs	300.00
Removal of three large signs	<u>100.00</u>
	\$400.00

**COMMENTS:**

Prior to the Council decision, Rangers were enforcing restrictions, when they were in the area, dealing with Frame Court and The Avenue Car Parks. Rangers issued 31 infringement notices in Carr Place between 1 August and 31 August 2005, primarily on Wednesday nights.

As a result of the Council decision to introduce residential parking restrictions on both sides of Carr Place, appropriate signage had to be put in place. The signage was completed on Sunday 28 September 2005, so Cautions were issued from Wednesday 31 August 2005. A total of 47 Cautions were issued.

Rangers returned to Carr Place on 3 occasions on 31 August 2005, but this meant that they did not undertake enforcement duties in a number of other streets, including Beaufort Street and Fairfield Street.

It is a reality that, once Rangers have enforced in a street, the vehicles that have been issued with infringement notices or Cautions will remain there, until the drivers are ready to go home. As a result, while it may seem appropriate to check on further occasions, there are few additional offenders.

Upon erection of the signs in Carr Place, the Town's Administration received a number of irate calls business proprietors and Carr Place residents. The business proprietors complained about the potential impact on their businesses and the lack of compliance with the Council's normal practice of consultation with the persons in the affected area. The residents complained that they were unable to receive permits, if they have off street parking.

It would therefore appear that there is a degree of dissatisfaction in the affected area and accordingly it would be appropriate for the Council to re-consider the matter.

The Town's Administration recommends that the services of the Liquor License Inspector of the Department of Racing, Gaming and Liquor and the Western Australian Police be requested to carry out surveys in the vicinity of the licensed premises. It is well known that Wednesday nights at Leederville licensed premises are particularly popular with the younger generation. The residents petition presented to the Council requested restrictions only be introduced on a Wednesday night. The Wednesday night appears to be the prime night whereby the amenity of the area in Carr Place is particularly affected.

The Town should make use of the Liquor Licensing Act and subject to justification, should consider lodging a complaint or assisting the residents to lodge a complaint with the Director of Liquor Licensing, under Section 117 of the Liquor Licensing Act.

It is considered this is the correct and appropriate method to deal with anti-social behaviour of persons who have frequented licensed premises in the Oxford Business Centre. One difficulty will be identifying the licensed premises whose patrons are the cause of the problem. This can be overcome by carrying out late night surveys.

It would also be appropriate to arrange a meeting of Licensees, business proprietors, residents, Police and Liquor Licensing Officers, through the Vincent Accord Group. This will open dialogue with all stakeholders and will assist in overcoming the current problems. It will also remind Licensees' of their responsibilities to control their patron's behaviour in the vicinity of their licensed premises.

A co-ordinated approach of stakeholders meetings, late night surveys, greater Police patrols, introduction of Carr Place Resident Only restrictions and seeking assistance from the Office of Gaming, Racing and Liquor will provide a more effective means of a long term solution.

In summary, the Council should consider a more co-ordinated approach to finding a long term solution to the current problem. This will involve more than just introducing Resident Only restrictions, which will only provide some relief, but is not addressing the cause of the problem, which is, anti-social and disruptive persons who frequent licensed premises in the Oxford Business Centre.



Cr Ker had declared a financial interest in this Item and had already departed the Chamber. Cr Ker did not speak or vote on the matter.

**7.2 Motion to Change or Revoke a Council Decision Ordinary Meeting of Council 23 August 2005 (Item 10.1.17) – Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley – Proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two Grouped Dwellings (One Duplex Pair), and One (1) Warehouse**

<b>Ward:</b>	South	<b>Date:</b>	31 August 2005
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2552; PRO2962; PRO0985; TES0295; TES0303; 5.2005.2727.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Giorgi, H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to REVOKE or CHANGE the resolution adopted by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.1.17);*
- (ii) *Councillor ..... MOVES a motion to CHANGE the decision;*
- (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, Councillor Doran-Wu and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (iv) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*

*That;*

- (a) *in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Main Roads Western Australia on behalf of the owners Main Roads WA, WA Planning Commission, B Epps, Chelmsford House Pty Ltd., Jaimi Pty Ltd., and Volga Pty Ltd for proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley, and as shown on plans stamp-dated 8 July 2005, subject to:*
  - (1) *plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for the subject properties shall be submitted and approved prior to the commencement of demolition works. Clause (iv) (a) (1) is not applicable to the owners of private properties;*

- (2) *an archival documented record of the places including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the commencement of demolition works;*
  - (3) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
  - (4) *demolition of the existing buildings may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community; and*
  - (5) *any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (b) *the Town WRITES to the Western Australian Planning Commission and Main Roads WA to express its concerns at their property management strategies and the detrimental effect it has on the residents of the Town of Vincent.*

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**Moved Cr Torre, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

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

*That clause (iv)(a)(1) be amended to read as follows:*

- (iv) (a) (1) *plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for the subject properties shall be submitted and approved prior to the commencement of demolition works. Clause (iv) (a) (1) is not applicable to the owners of private properties. The landscaping shall be undertaken within three (3) months of the demolition of the subject properties and shall be maintained as a temporary park by the land owners until such time as the land is finally developed;*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Ker was absent from the Chamber and did not vote.)

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

*That new clauses (iv) (a) (7) and (8) be added as follows:*

- “(iv) (a) (7) *a minimum of 10 per cent of the subject properties under the ownership of the WAPC and MRWA shall be provided and landscaped as public open space by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works; and*
- (8) *the following previous Council resolutions relating to the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, shall be complied with by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works:*

*Ordinary Meeting of Council held on 28 March 2000 -*

- '(ii) (c) *a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 –254 (Nos.20 – 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issued;'* and

*Ordinary Meeting of Council held on 23 May 2000 -*

- '(iii) *the Council advises the Ministry for Planning that the hypothetical indicative plan accompanying its letter dated 18 April 2000 does not satisfy condition (iii) on the planning approval for the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, and this condition is still required to be complied with accordingly; and*
- (iv) *the Ministry develop 10% of the site including the slip road, as public open space."*

**AMENDMENT CARRIED (8-0)**

(Cr Ker was absent from the Chamber and did not vote.)

**Moved Cr Chester, Seconded Cr Maier**

*That a new subclause (iv)(a)(2) be added as follows and the remaining subclauses renumbered:*

- “(iv) (a) (2) *an indicative development plan for the redevelopment of the subject properties owned by the Western Australian Planning Commission and Main Roads Western Australia shall be submitted and approved prior to the commencement of the demolition works;”*

**Cr Messina departed the Chamber at 7.30pm.**

**Debate ensued.**

**Cr Messina returned to the Chamber at 7.32pm.**

**AMENDMENT CARRIED (8-0)**

(Cr Ker was absent from the Chamber and did not vote.)

The Presiding Member advised that there was a requirement for an Elected Member to move the motion to revoke or change the 23 August 2005 decision of Council as indicated in clause (ii).

Cr Torre moved the motion to change the decision

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (7-1)**

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

(Cr Ker was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 7.2**

***OFFICER RECOMMENDATION:***

***That;***

- (i) ***in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to REVOKE or CHANGE the resolution adopted by the Council at its Ordinary Meeting held on 23 August 2005 (Item 10.1.17);***
- (ii) ***Councillor Torre MOVES a motion to CHANGE the decision;***
- (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, Councillor Doran-Wu and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion; and***
- (iv) ***the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:***

***That;***

- (a) ***in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Main Roads Western Australia on behalf of the owners Main Roads WA, WA Planning Commission, B Epps, Chelmsford House Pty Ltd., Jaimi Pty Ltd., and Volga Pty Ltd for proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley, and as shown on plans stamp-dated 8 July 2005, subject to:***

- (1) *plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for the subject properties shall be submitted and approved prior to the commencement of demolition works. Clause (iv) (a) (1) is not applicable to the owners of private properties The landscaping shall be undertaken within three (3) months of the demolition of the subject properties and shall be maintained as a temporary park by the land owners until such time as the land is finally developed;*
- (2) *an indicative development plan for the redevelopment of the subject properties owned by the Western Australian Planning Commission and Main Roads Western Australia shall be submitted and approved prior to the commencement of the demolition works;”*
- (3) *an archival documented record of the places including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the commencement of demolition works;*
- (4) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
- (5) *demolition of the existing buildings may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
- (6) *any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (7) *a minimum of 10 per cent of the subject properties under the ownership of the WAPC and MRWA shall be provided and landscaped as public open space by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works; and*
- (8) *the following previous Council resolutions relating to the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, shall be complied with by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works:*

*Ordinary Meeting of Council held on 28 March 2000 -*

- ‘(ii) (c) a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 –254 (Nos.20 – 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issued;’ and*

*Ordinary Meeting of Council held on 23 May 2000 -*

- '(iii) the Council advises the Ministry for Planning that the hypothetical indicative plan accompanying its letter dated 18 April 2000 does not satisfy condition (iii) on the planning approval for the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, and this condition is still required to be complied with accordingly; and*
- (iv) the Ministry develop 10% of the site including the slip road, as public open space.'; and*
- (b) the Town WRITES to the Western Australian Planning Commission and Main Roads WA to express its concerns at their property management strategies and the detrimental effect it has on the residents of the Town of Vincent.*

**ADDITIONAL INFORMATION:**

The Council at its Ordinary Meeting held on 28 March 2000 considered the matter of the proposed demolition of dwellings on Nos. 20 - 40 (Lots 244 - 254) Guildford Road, Mount Lawley. The area on which the subject dwellings were located had been identified by Main Roads Western Australia for road widening. In relation to this matter, the Council resolved as follows:

*"That the Council;*

- (i) receives the Heritage Assessments submitted by Main Roads Western Australia on 28 February 2000 which fulfil the conditions outlined in the Town of Vincent's Heritage Assessment Policy 3.1.36;*
- (ii) in accordance with the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 APPROVES the application submitted by Main Roads WA on behalf of the owners, Western Australian Planning Commission, for the proposed demolition of dwellings at Lots 244 (No.20), 245 (No.22), 246 (No.24), 247 (No.26), 248 (No.28), 249 (No.30), 250 (No.32), 251 (No.34), and 252 & Pt 253 (No.38), excluding Pt Lots 253 & 254 (No.40), Guildford Road, Mount Lawley, subject to:*
  - (a) a Demolition Licence being obtained from the Town of Vincent prior to the commencement of any demolition works on site;*
  - (b) all mature and significant trees as identified by the Town shall be retained, and appropriate measures for the protection of these trees shall be submitted and approved prior to the issue of the Demolition Licence, and thereafter implemented and maintained; and*
  - (c) a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 -254 (Nos.20 - 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issued;*

*to the satisfaction of the Chief Executive Officer;*
- (iii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular;*

- (a) *is not consistent with the orderly and proper planning and preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*
- (b) *the existing place being Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley, has cultural heritage significance in terms of its aesthetic, historical and rarity values;*

*the Council REFUSES the application dated 18 February 2000, submitted by Main Roads WA on behalf of the owners, Western Australian Planning Commission, for the demolition of the existing dwelling at Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley;*

- (iv) *notifies the owners of Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley of the intention to include No. 40 Guildford Road, Mount Lawley (the place) on the Town of Vincent Municipal Heritage Inventory and give the owners the right of reply and comment within 28 days of notification;*
- (v) *considers the proposed listing of Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley on the Town of Vincent Municipal Heritage Inventory should the owners of the place submit objections to the proposed listing; and.*
- (vi) *requests Main Roads Western Australia to reconsider plans for the slip-lane on Guildford Road to account for the cultural heritage significance and subsequent retention of the dwelling at Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley."*

The Council at its Ordinary Meeting held on 23 May 2000 considered the matter of the proposed demolition of the dwelling on No.40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley, and resolved as follows:

*"That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally and specifically;*
  - (a) *is not consistent with the orderly and proper planning and preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing dwelling; and*
  - (b) *the existing place being Pt Lots 253 and 254 (No.40) Guildford Road, Mount Lawley, has cultural heritage significance in terms of its aesthetic, historic, rarity and representative values;*

*the Council REFUSES the application dated 18 April 2000, submitted by the Ministry for Planning on behalf of the owners Western Australian Planning Commission, for the demolition of the existing dwelling at Pt Lots 253 and 254 (No.40) Guildford Road, Mount Lawley;*

- (ii) *in accordance with the policies relating to the Town of Vincent Municipal Heritage Inventory and having regard to the matters it is required to consider generally, and in particular the objections submitted by and on behalf of the owner to the proposed listing of the place on the Town of Vincent Municipal Heritage Inventory, the Council LISTS the place at No. 40 (Pt Lot 253 and 254) Guildford Road, Mount Lawley on the Town of Vincent Municipal Heritage Inventory;*

- (iii) *the Council advises the Ministry for Planning that the hypothetical indicative plan accompanying its letter dated 18 April 2000 does not satisfy condition (iii) on the planning approval for the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, and this condition is still required to be complied with accordingly; and*
- (iv) *the Ministry develop 10% of the site including the slip road, as public open space."*

The land would be best developed into a passive reserve, retaining only the existing trees after the houses have been demolished.

If the ultimate proposal is to widen the road and allow for future housing abutting the existing right of way (ROW), it would not be prudent to plant any additional trees.

There are two (2) options in maintaining the open space:

#### **Option 1 - Maintain as a Dry Reserve**

This option would require removal of rocks and other large inert waste material, levelling and filling where required to provide an even grade over the site.

Couch grass which spreads via underground rhizomes would then be rotary hoed into the upper soil surface layers and allowed to establish over time.

It should be noted that only a grass type that spreads via underground rhizomes will establish using this method. A surface runner, such as Buffalo grass whilst being the most "Water wise" grass available, would require some summer watering or it will die off during establishment.

It should be also noted that reasonable grass coverage may take up to two (2) years from the time it was first planted.

#### **Option 2- Maintain as Reticulated Parkland**

This option would require removal of rocks and other large inert waste material, levelling and filling where required to provide an even grade over the site.

An in-ground automatic reticulation system would have to be installed using groundwater supplied by a submersible pump/bore.

It should be noted that this general area, as experienced at Forrest Park and Banks Reserve, does not produce a significant volume of water from one bore hole due to the clay seams that are running through the soil strata. Therefore, several smaller bores may have to be constructed to enable efficient irrigation of the entire site.

Grass rhizomes (recommend Kikuyu) would then be either rotary hoed into the upper soil surface layers. This method usually provides reasonable grass coverage within 12-16 weeks.

Alternatively "instant turf" could be supplied and laid as has been the case in recent park developments undertaken by the Town.

The DPI/WAPC would be responsible for all on-going maintenance of the open space.



**PURPOSE OF THE REPORT:**

The purpose of this report is for the Council to consider the motion to revoke or change the Council decision made at the Ordinary Meeting of Council held on 23 August 2005 (Item 10.1.17).

**LEGAL:**

**Statement of Impact**

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a "*Statement of Impact*" of the legal and financial consequences of the proposed revocation or change.

The motion to revoke or change the decision was received prior to the decision being implemented. Therefore, there are no legal or financial implications which may result in the revoking or change of the decision.

The following is a verbatim copy of the Minutes of Item 10.1.17 of the Ordinary Meeting of Council held on 23 August 2005:

**"OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Main Roads Western Australia on behalf of the owners Main Roads WA, WA Planning Commission, B Epps, Chelmsford House Pty Ltd., Jaimi Pty Ltd., and Volga Pty Ltd for proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley, and as shown on plans stamp-dated 8 July 2005, subject to:*

- (i) a development proposal for the redevelopment of the subject properties shall be submitted and approved prior to the commencement of demolition works;*
- (ii) an archival documented record of the places including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the commencement of demolition works;*
- (iii) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
- (iv) demolition of the existing buildings may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community; and*
- (v) any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Doran-Wu, Seconded Cr Torre

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Doran-Wu, Seconded Cr Messina

*That clause (i) of the recommendation be amended as follows:*

“(i) ~~a development proposal for the redevelopment~~ plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for ~~of the subject properties shall be submitted and approved prior to the commencement of demolition works - not applicable to the owners of private properties;~~”

AMENDMENT CARRIED (7-0)

*(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)*

*Debate ensued.*

Moved Cr Chester, Seconded Cr Messina

*That the Town write to the Western Australian Planning Commission and Main Roads WA to express its concerns at their property management strategies and the detrimental effect it has on the residents of the Town of Vincent.*

AMENDMENT CARRIED (7-0)

*(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)*

MOTION LOST (3-4)

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

*(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)*

*Reasons:*

- 1. No demonstrated need for demolition and it is considered irreversible.*
- 2. Heritage values of the properties.*

*Cr Ker returned to the chamber at 9.27pm.*

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<i>Landowner:</i>	<i>WA Planning Commission, B Epps; Main Roads of Western Australia; Chelmsford House Pty Ltd., Jaimi Pty Ltd., &amp; Volga Pty Ltd.</i>
<i>Applicant:</i>	<i>Main Roads Western Australia</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Residential; Warehouse; Local Shop; Vacant Dwellings</i>
<i>Use Class:</i>	<i>Single House; Warehouse; Local Shop</i>
<i>Use Classification:</i>	<i>"P"; "X"; "SA"</i>
<i>Lot Area:</i>	<i>Various</i>
<i>Access to Right of Way</i>	<i>Three (3) Rights of Way in relation to the subject properties.</i>

**SITE HISTORY:**

*At the Special Meeting of Council held on 15 October 2002, representatives from Main Roads Western Australia (MRWA) made a presentation to the Mayor and Councillors on the proposed changes to East Parade. MRWA advised that several studies has been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road / East Parade intersection prior to and after the opening of the Graham Farmer Freeway.*

*Further to the above, a detailed report was presented to the Ordinary Meeting of Council held on 3 December 2002. The report outlined the scope of the project, heritage issues, information on the road network usage and a number of options available for consideration. The Council resolved the following at this meeting:*

*Heritage assessments should be undertaken of the buildings proposed to be demolished and such heritage assessments should assess the buildings not only at the state level but also the local level in terms of the Town's Policies relating to Heritage Assessment and Heritage Management - Municipal Heritage Inventory."*

*At the Ordinary Meeting of Council held on 23 September 2003, the following information was stated:*

*"In reference to the Council's previous resolution DPI's Network Integration section, formerly a function of MRWA, has advised that a heritage assessment of the properties fronting East Parade has now been completed. It is DPI's intention to submit the documentation to the Town's Heritage Officer once the Minister has had an opportunity to review MRWA's East Parade/Guildford Road/Whatley Crescent Planning and Traffic Study."*

*The Council at that Meeting resolved as follows:*

*"(ii) DEFERS its decision until Main Roads WA furnishes the Town with previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade include an archival documented record of the place (with photographs, floor plans and elevations) for the Town's Historical Archive Collection."*

*The abovementioned 'Heritage Assessments' were provided to the Town's Heritage Officer via the Town's Technical Services. At that time, the documentation was not considered to comply with the specifications outlined at the Ordinary Meeting of Council held on 3 December 2002 and 25 September 2003.*

*At the Ordinary Meeting of Council held on 16 December 2003, the Council considered the proposed demolition of the buildings at Nos. 204, 206, 206A, 208, 210 and 220 (Lots 202, 203, 204, 205, 208 and 209) East Parade, Mount Lawley. The Council resolved to recommend refusal to WAPC for the proposed demolition of the buildings at Nos. 206 (Lot 203) and 220 (Lot 208) East Parade, Mount Lawley and further resolved to defer the consideration of the remaining properties relating to this application until such time as the Town had received the previously requested heritage documentation.*

*Since the Ordinary Meeting of Council held on 16 December 2003, additional heritage documentation has been commissioned by Main Roads WA in accordance with the Town's requirements. These are considered acceptable by the Town's officers and are "Laid on the Table".*

**BACKGROUND:**

*This application is as a result of Western Australian Planning Commission (WAPC) acquiring property to address road widening and other strategic planning initiatives for this area. The application was first submitted to the Town in 2003. Since this time, a number of additional properties have been acquired by the applicant and supporting documentation required by the Town has been completed.*

*The single dwelling at No.222 (Lot 233) East Parade remains in private ownership. The owners had signed the required Metropolitan Region Scheme - Form 1 as part of this development application. The remainder of the places are owned by WAPC and Main Roads WA (Nos. 212 and 214 East Parade).*

*WAPC and Main Roads WA have held a number of meetings with the Town's Officers to establish the required documentation to satisfy Policies relating to development applications for proposed demolition. As such, the required Heritage Assessment documentation is 'Laid on the Table'. Each of the Heritage Assessments provides descriptions, floor plans and photographs of the subject buildings. The significance statements from the Heritage Assessments have been included in Table 1, which is shown as an attachment to this report.*

*The proposed demolition is considered to be public works and, therefore, does not require a Demolition Licence or Planning Approval under the Local Government (Miscellaneous Provisions) Act 1960 and the Town Planning and Development Act 1928 and the Town's Town Planning Scheme No. 1 respectively. Planning Approval is required from the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS).*

*There are no significant trees on these properties.*

**DETAILS:**

*A summary of the affected properties are shown in Table 1 as an attachment to this report.*

*The applicant's Heritage Assessments (11 volumes), prepared by Palassis Architects on behalf of Main Roads WA, as required by the Town's Policy, are "Laid on the Table". They are considered to satisfy the requirements of the Town's Policy 3.6.2 - Heritage Management.*

*Two of the properties are included on the Town's Municipal Heritage Inventory. These properties were advertised in accordance with Community Consultation Policy 4.1.5 Section 3.6 - Demolition - Heritage. No supporting or objecting submissions were received.*

ASSESSMENT:

<i>Consultation Submissions</i>		
<i>Support</i>	<i>No Submissions received</i>	<i>Noted</i>
<i>Objection</i>	<i>No submissions received</i>	<i>Noted</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>Metropolitan Region Scheme</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

COMMENTS:

*The majority of the properties have been identified as having some degree of significance in terms of local heritage. In most cases, the buildings are representative of their types and have historic value because they form part of the original East Norwood Estate development circa 1900 through to the First World War.*

*It is considered that the historic and representative values identified are common elements of most original building stock in the Town and are not unique to the subject buildings to warrant inclusion on the Town's Municipal Heritage Inventory. In most cases, some degree of aesthetic significance has been attributed. Aesthetic value requires particular consideration as it relates to the intrinsic physical fabric of the place and cannot be recognised through interpretation or other post-demolition documentation.*

*Broader strategic considerations for the subject properties and the immediate vicinity relate to road safety and traffic between Guildford Road and the Graham Farmer Freeway; the retention of Eucalyptus trees to the western side of East Parade; and problems associated with anti-social behaviour as a result of long term vacancy of the subject buildings. In relation to the road improvements proposed by Main Roads WA, a report was presented to the Ordinary Meeting of Council held on 23 September 2003 that outlined three options for the road improvements. The matter has not been progressed due to the outstanding matter of demolition of existing buildings within the road widening area, for which the Council has requested the attached heritage assessment documentation.*

*In considering all aspects of the application, including that of comparable thresholds for including properties on the Town's Municipal Heritage Inventory, it is considered that the application should be recommended for approval, subject to archival and interpretive conditions."*

**7.3 Confidential Report: Review of the Town's Boundaries and Submission of a Proposal to the Local Government Advisory Board**

<b>Ward:</b>	-	<b>Date:</b>	1 September 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with Clause 2(1)(b) of Schedule 2.1 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to submit a proposal to the Local Government Advisory Board and Minister for Local Government and Regional Development to alter the Town's boundaries as follows;*
  - (a) *to transfer the following part of the City of Stirling into the Town of Vincent:*
    - *for the suburb of Glendalough - east of the Mitchell Freeway (bounded by the Mitchell Freeway, Powis Street, Brady Street and Scarborough Beach Road, Mount Hawthorn) as shown in the plans Appendices 2 and 3; and*
  - (b) *to transfer the following part of the City of Perth into the Town of Vincent:*
    - *for the area bounded by Loftus Street, Newcastle Street, Lindsay Street, Little Parry Street, Parry Street, Lord Street, Summers Street, Swan River and the Graham Farmer Freeway as shown in plans Appendices 4-9;*
- (ii) *is of the opinion that its proposal is one of a minor nature, as referred to in Clause 3(3) of Schedule 2.1 of the Local Government Act 1995, as it involves a small area of approximately 27.3 hectares (176 lots and 622 residents) within the City of Stirling and an area of approximately 49 hectares (282 lots and approximately 50 residents) in the City of Perth and, accordingly, REQUESTS the Local Government Advisory Board to deal with its proposal in this manner;*
- (iii) *ADVISES the City of Stirling and City of Perth respectively, of its intention to submit a proposal to the Local Government Advisory Board;*
- (iv) *AUTHORISES the Mayor and Chief Executive Officer to meet with the Local Government Advisory Board, Minister for Local Government and Regional Development and other relevant persons to progress the Council's proposal;*
- (v) *NOTES that the details of this report are to remain strictly confidential until publicly announced by the Mayor; and*
- (vi) *AUTHORISES the Mayor and/or Chief Executive Officer to make public this report, or parts of this report at the appropriate time.*

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

*That the recommendation be adopted.*

**Cr Ker returned to the Chamber at 7.36pm.**

**Debate ensued.**

**Moved Cr Maier, Seconded Cr Ker**

*That the Item be DEFERRED to allow for further information to be provided.*

**LOST ON THE CASTING VOTE OF THE MAYOR (4-5)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Mayor Catania (2 votes)
Cr Ker	Cr Doran-Wu
Cr Lake	Cr Farrell
Cr Maier	Cr Messina

(Cr Torre had left the meeting at 7.35pm.)

Debate ensued.

**Moved Cr Ker, Seconded Cr Chester**

*That clause (iii) be amended and a new clause (vii) be added as follows:*

*“(iii) **DEFERS** adviseing the City of Stirling and City of Perth respectively, of its intention to submit a proposal to the Local Government Advisory Board until Council has considered the final report referred to in clause (vii);*

*(vii) **REQUESTS** the Chief Executive Officer to submit a final report to Council addressing the matters raised by Elected Members, prior to submission to the Local Government Advisory Board.”*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Torre had left the meeting at 7.35pm.)

Debate ensued.

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

(Cr Torre had left the meeting at 7.35pm.)

**COUNCIL DECISION ITEM 7.3**

*That the Council;*

*(i) in accordance with Clause 2(1)(b) of Schedule 2.1 of the Local Government Act 1995, **APPROVES BY AN ABSOLUTE MAJORITY** to submit a proposal to the Local Government Advisory Board and Minister for Local Government and Regional Development to alter the Town's boundaries as follows;*

*(a) to transfer the following part of the City of Stirling into the Town of Vincent:*

- for the suburb of Glendalough - east of the Mitchell Freeway (bounded by the Mitchell Freeway, Powis Street, Brady Street and Scarborough Beach Road, Mount Hawthorn) as shown in the plans Appendices 2 and 3; and*

*(b) to transfer the following part of the City of Perth into the Town of Vincent:*

- for the area bounded by Loftus Street, Newcastle Street, Lindsay Street, Little Parry Street, Parry Street, Lord Street, Summers Street, Swan River and the Graham Farmer Freeway as shown in plans Appendices 4-9;*

- (ii) *is of the opinion that its proposal is one of a minor nature, as referred to in Clause 3(3) of Schedule 2.1 of the Local Government Act 1995, as it involves a small area of approximately 27.3 hectares (176 lots and 622 residents) within the City of Stirling and an area of approximately 49 hectares (282 lots and approximately 50 residents) in the City of Perth and, accordingly, REQUESTS the Local Government Advisory Board to deal with its proposal in this manner;*
- (iii) *DEFERS advising the City of Stirling and City of Perth respectively, of its intention to submit a proposal to the Local Government Advisory Board until Council has considered the final report referred to in clause (vii);*
- (iv) *AUTHORISES the Mayor and Chief Executive Officer to meet with the Local Government Advisory Board, Minister for Local Government and Regional Development and other relevant persons to progress the Council's proposal;*
- (v) *NOTES that the details of this report are to remain strictly confidential until publicly announced by the Mayor;*
- (vi) *AUTHORISES the Mayor and/or Chief Executive Officer to make public this report, or parts of this report at the appropriate time; and*
- (vii) *REQUESTS the Chief Executive Officer to submit a final report to Council addressing the matters raised by Elected Members, prior to submission to the Local Government Advisory Board.*

Cr Farrell departed the meeting at 8.15pm.

Moved CrKer, Seconded Cr Doran-Wu

*That an "open" meeting be resumed.*

**CARRIED (7-0)**

(Cr Torre left the meeting at 7.35pm. Cr Farrell left the meeting at 8.15pm.)

---

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

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

The purpose of the report is to request the Council to approve of a proposal to the Local Government Advisory Board, to transfer a part of the Cities of Stirling and Perth into the Town and authorise the Mayor and Chief Executive Officer to progress the proposal.

#### **BACKGROUND:**

When the Town as created on 1 July 1994, its boundaries were determined by the former State Government, following the re-structure of the former City of Perth (see Appendix 1). They did not follow logical routes or natural and/or physical topographical features (e.g. freeways, major roads). The current boundaries do not meet the criteria determined by the Local Government Advisory Board. In some areas, they are confusing to local residents.

#### **Stirling**

The area of Glendalough east of the Mitchell freeway has caused considerable confusion. This part of Stirling projects into the Town of Vincent and the current boundary along the rear of the properties fronting Brady Street is most illogical.

#### **Perth**

The boundary along the City of Perth is illogical and causes confusion as it does not follow significant features.



It is believed that this boundary was determined by the route of the Graham Farmer Freeway, however, as this was not constructed at the time of the creation of the Freeway, other minor streets were used as the local government boundary.

This proposal can be viewed as a re-alignment of the Town's boundaries and involves a small number of residents. The proposal requires the Local Government Advisory Board to;

- (a) transfer the following part of the City of Stirling into the Town of Vincent:
- for the suburb of Glendalough - east of the Mitchell Freeway (bounded by the Mitchell Freeway, Powis Street, Brady Street and Scarborough Beach Road, Mount Hawthorn);
- an area of approximately 27.3 hectares, 176 lots and 662 residents within the City of Stirling; and
- (b) transfer the following part of the City of Perth into the Town of Vincent:
- for the area bounded by Loftus Street, Newcastle Street, Lindsay Street, Little Parry Street, Parry Street, Lord Street, Summers Street, Swan River and the Graham Farmer Freeway;
- an area of approximately 49 hectares, 282 lots and approximately 50 residents in the City of Perth.

The following are relevant parts of the Council's proposal:

## "1. INTRODUCTION

- 1.1 This proposal outlines to the Minister for Local Government and Regional Development and the Local Government Advisory Board that it meets and in many cases, exceeds the criteria as outlined in the document *"Guiding Principles for the Structure of Local Government and Local Government Boundaries - November 1996"*.

This proposal has been developed and takes into account a broad range of considerations including;

- (a) community of interests;
- (b) physical and topographic features;
- (c) demographic trends;
- (d) financial impact;
- (e) the history of the area;
- (f) transport and communication;
- (g) matters affecting the viability of local governments; and
- (h) the effective delivery of local government services.

## 1.2 Principles for the Structure of Local Government and Local Government Boundaries

### Resource Base

1. A local government should have a sufficient resource base:
  - to be able to efficiently and effectively exercise its proper functions and delegated powers and operate facilities and services;
  - to be flexible and responsive in the exercise of its functions and powers and operation of its facilities and services;
  - to be capable of employing appropriate professional expertise and skills; and
  - to be capable of embracing micro-economic reform.
2. Each local government should have a diverse and sufficient rate base to ensure that general purpose grants do not represent the major revenue source.

Boundaries

3. The external boundaries of a local government entity should facilitate the planning and development of its area and the efficient and effective provision of facilities and services.
4. The external boundaries of a local government should have regard to existing and expected population growth, with jurisdiction over sufficient urban land for adequate planning, development control and future urban expansion.
5. The external boundaries of a local government should as much as possible be clearly identifiable, following natural geographic features, and relate to distinctive natural geographic regions or reflect distinct communities of interest.
6. The external boundaries of a local government should recognise the economic and social interdependence of town and country, and have regard to other boundaries (e.g. regional and electoral boundaries) and areas of regional cooperation.
7. Boundaries should not divide a local community such as a neighbourhood, suburb or country town.

Community of Interest

8. The external boundaries of a local government should have regard to communities of interest.
9. A local government area should generally:
  - reflect local communities, for example the geographical pattern of human activities (where people live, work and engage in leisure activities), and the various linkages between local communities;
  - have a centre, or centres, of administration and service easily accessible to its population; and
  - ensure effective elected representation for residents and ratepayers; and
  - have external boundaries which integrate land use, environmental and transport systems and water catchment areas.

**1.3 Previous Investigations/Proposals**

In April 1997, the Board released its report "*Options for Stirling and Wanneroo - Volumes I and II*". This report recommended a number of changes. In reference to the Town of Vincent, it recommended five (5) options, namely;

Options 1-4:

Increasing the size of Vincent by annexing the suburbs of **Glendalough** (east of Mitchell Freeway), **Joondanna**, **Mount Lawley**, **Menora** and **Coolbinia**, thereby increasing the Town's population to 49,755.

Option 5:

Increasing the size of Vincent by annexing the suburbs of **Mount Lawley**, **Menora**, **Coolbinia** and **Glendalough** (east of Mitchell Freeway), thereby increasing the Town's population to approximately 38,154.

It is important to note that the Board reported as follows;

*"Following extensive research and community and industry consultation, the five options were formulated.*

*All five options developed involve:*

- *Retaining the Cities of Stirling and Wanneroo, and the adjacent Councils of Bayswater, Cambridge and Vincent.*
- *Decreasing significantly the size and population of the Cities of Stirling and Wanneroo.*
- *Establishing between one and three new local governments.*
- *Redistributing populations to the existing and adjoining local governments of Bayswater, Cambridge and Vincent.*

*In addition to satisfying the requirements of the key principles, all five options take into account:*

- *Population growth;*
- *Future development;*
- *Geographic areas and boundaries;*
- *Accessibility of administration centres and public facilities.*

*All five options would facilitate better service and improved efficiency.*

*All five options are robust, workable and sensible. It is the view of the Board that they would be acceptable to the communities they affect."*

A number of changes were made; namely the creation of the new City of Joondalup and the transfer of Maylands to the City of Bayswater. Recommendations 1-5, involving the transfer of the older suburbs from Stirling to Vincent did not eventuate.

### **Vincent's Joondanna Proposal 1997-1998**

At a Special Meeting of Council held on 26 November 1996, the Council approved of a proposal to alter its boundaries.

This proposal was submitted to the Local Government Advisory Board on 11 November 1997.

In April 1998, the Board published its report "*An Assessment of the Town of Vincent to annex part of the City of Stirling bounded by Green Street, Charles Street, Wiluna Street, Flinders Street, the Mitchell Freeway and Brady Street*".

The Board recommended that the proposal be rejected on the basis of "*community of interest and public opinion*".

### **Board's Expression of Concern Against City of Stirling**

In reaching its decision for the Town's Joondanna proposal, the Board reported as follows;

*"The Board has significant concerns over the manner in which the City of Stirling portrayed the proposal, both in terms of statements to the media and letters and brochures sent to the residents of the affected area. Information provided to residents was misleading and designed to cause unnecessary concern especially in relation to rating levels. The Board has requested its consultant to examine this matter further and it is satisfied that the figures in relation to possible rate increases quoted by Stirling are incorrect. The Board believes that this may have had an impact on the public feedback but it is recognised that the vast majority of those who commented on the proposal were opposed to it".* (Page 6)

## **2. HISTORY OF CHANGE - AFFECTED LOCAL GOVERNMENTS**

### **2.1 Historical Reference**

The history of change to the City of Stirling has been the subject of previous reports to the Local Government Advisory Board and most recently the report to the Board titled "*Options for Wanneroo and Stirling 1997*". That report has provided much of the information used in this section of the report on the Vincent/Stirling proposal.

### **2.2 Town of Vincent and City of Perth**

The Town of Vincent, along with the Towns of Cambridge and Victoria Park, were established as local governments in their own right on 1 July 1994, as a result of the City of Perth Restructuring Act. The Town of Vincent encompasses the suburbs of North Perth, Highgate, Mount Hawthorn and parts of East Perth, West Perth, Northbridge, Perth City, Leederville and Mount Lawley, and has a current population of 25,918.

All three new local governments are classified as "Small, Metropolitan Developed", in accordance with the *Australian Classification of Local Governments*.

The City of Perth is predominantly a central business district Council.

Prior to the restructuring of the former City of Perth in 1994, there had been a number of reports recommending the City of Perth be reduced to a central business district Capital City. This would allow for it to concentrate on the activities associated with the Capital City and central business district.

### **2.3 City of Stirling**

#### **2.3.1 Pre-1986**

The Perth Roads Board was established in 1871, however it was much larger than the existing City of Stirling, stretching from Buckland Hill to Wanneroo. With the creation of new local governments for Nedlands, Leederville, Peppermint Grove, Cottesloe, Subiaco, Bayswater and North Perth during the 1890s and the creation of the Wanneroo Roads Board in 1902, the Perth Roads Board was reduced in size to be similar to that existing today as the City of Stirling.

With the introduction of the Local Government Act 1960, the Perth Roads Board became the Shire of Perth and in 1971 was declared a city and renamed the City of Stirling.

Numerous proposals have been considered to alter the boundaries of the City of Stirling as far back as 1953. That review suggested that the Perth Roads Board was "*too large and holds too many diverse elements without any core commanding any district loyalty to enable it to function effectively as a single district*". It was suggested by the Assessment Committee in 1968 that the suburbs of Maylands, Mount Lawley, Inglewood, Coolbinia, Menora, Glendalough, Churchlands, Woodlands (part) and Wembley Downs, be transferred to the City of Perth. This was however, not acted upon.

In 1968, the Assessment Committee suggested some changes to the Perth Road District involving the transfer to the City of Perth, the areas of Maylands, Mount Lawley, Inglewood, Coolbinia, Menora, Glendalough, Churchlands, Woodlands (part) and Wembley Downs. The suggestion was not acted upon.

The Boundaries Commission in 1972, proposed changes similar to the 1968 report, but the City of Stirling opposed the change and no further action resulted. In 1974, the Royal Commission on Metropolitan Boundaries (Judge Johnston, Chairman) recommended no change to the City of Stirling.

In 1980, the City of Stirling itself considered the possibility of creating two local governments, by dividing the then existing area along Wanneroo Road, with a second option to use Main Street as the dividing line, however this proposal was not proceeded with. Nevertheless, some residents agitated for change over the years for some parts of the City to secede, as exemplified by the Inglewood and Mount Lawley Ward residents in 1986 as a result of their perceived lack of representation on Council.

### 2.3.2 Post 1986

The Local Government Department received a petition in November 1986 to divide the City of Stirling into two portions, however the matter lapsed.

An invalid petition was lodged by the Maylands Ratepayers and Residents Association, to have Maylands secede from the City of Stirling and to amalgamate with the City of Bayswater. In view of its invalidity, the petition lapsed.

The City of Stirling commissioned a consultant in August 1995 to conduct a management review and feasibility study of the City's organisational structure and size. Five options for splitting the City were examined. These were:

1. an arbitrary division of the City east/west along Wanneroo Road;
2. a marginal contraction of the southern and south-eastern border (favouring the Towns of Cambridge and Vincent);
3. the transfer of Maylands to either the Town of Vincent or the City of Bayswater;
4. the creation of a "Boutique" local government of "Lawood" (consisting of either Inglewood and Mount Lawley or Inglewood and Maylands); and
5. the transfer of Maylands and parts of Mount Lawley and Inglewood to the Town of Vincent and the City of Bayswater.

The consultants did not make any recommendations favouring any of the options or splitting the City.

"As a result of the Report of the Structural Reform Advisory Committee, which recommended that the Cities of Wanneroo and Stirling be assessed for possible division, the Minister in August 1996, directed the Local Government Advisory Board *"...to assess the options for the division of the cities of Wanneroo and Stirling into smaller units."*

The Local Government Advisory Board subsequently presented its report titled *"Options for Wanneroo and Stirling"* to the Minister in April 1997. That report put forward five options, all of which included proposed changes to the boundaries affecting the Town of Vincent and the City of Stirling. Four of the five options suggested that the population of the Town of Vincent be increased by approximately 25,500 people to 49,755 and take in the suburbs of Joondanna, parts of Tuart Hill and Yokine, Coolbinia, Menora and Mount Lawley.

The fifth option suggested that the suburbs of Mount Lawley, Menora and Coolbinia be added to the Town of Vincent, resulting in a total population of 38,154.

Subsequently, the Minister determined that the City of Wanneroo be split into two local governments and the suburb of Maylands be excised from the City of Stirling and added to the City of Bayswater. This adjustment saw the population of the City of Stirling reduced by an estimated 10,580, to an estimated 171,000."

The Town of Vincent lodged a formal proposal with the Local Government Advisory Board on 11 November 1997, as follows;

*"It is proposed that an order be made so as to cause the boundary of the Town of Vincent to be altered so that the section of the City of Stirling, bounded by Cape Street, the Freeway, Brady Street, Green Street, Charles Street, Wiluna Street and Flinders Street, is transferred to the Town of Vincent."*

In April 1998, the Local Government Advisory Board recommended to the Minister for Local Government that the proposal submitted by the Town of Vincent on 11 November 1997, requesting that an area of approximately 3.5km<sup>2</sup> (comprising the suburb of Joondana) be rejected on the basis of "community of interest" and "public opinion".

### **3. THE PROPOSAL - A NEED FOR CHANGE**

This section of the proposal will provide information in support of change, in accordance with the provisions of Section 5(2) of Schedule 2.1 of the Local Government Act 1995. In particular;

- community of interests
- physical and topographical features
- demographic trends
- economic factors
- the history of the area
- transport and communications
- matters affecting the viability of local governments
- the effective delivery of local government services.

#### **3.1 Community of Interests**

The term "Community of Interests" can include a sense of community identity and belonging, similarities in the characteristics of the residents, and similarities in the economic activities. It can also include dependence on shared facilities such as catchment areas for schools, shopping centres, sporting team and other facilities.

##### **3.1.1 Sense of Identity**

Many residents of the area under consideration have lived in the area for many years, they have worked in the community and have contributed to the facilities, and have an attachment and belonging to the area and a degree of "ownership" of the facilities.

However, the proposed boundary change will have little effect as it will only be the local government boundary which will change, and access to the facilities will not be affected. There is evidence that there are considerable levels of cross-boundary activity occurring across the existing borders in both directions.

Several schools are located either within the proposal areas or in close proximity to them and the catchment areas for these schools would span any new local government boundaries. There is no evidence that a change to the local government boundaries would have any effect on the school catchment areas or the operations of the schools themselves. It is suggested that most likely students would have a sense of identity with their school rather than the local government.

### 3.1.2 Similarities in Population

The demographic information on the area under consideration indicates that there is considerable similarity to the population of Vincent. These figures are further examined in the section of the report covering "Demographic Trends".

### 3.1.3 Neighbourhoods and Suburbs

#### *Stirling:*

The current boundary is at the rear of properties fronting Brady Street, Mount Hawthorn. This existing boundary causes confusion, does not follow any natural or artificial feature and is considered illogical.

The Town believes that the majority of residents want this area to be transferred into the Town of Vincent.

It is acknowledged that part of the Glendalough suburb, east of the Mitchell Freeway, will split the locality suburb over two local governments. However, Vincent proposes to lobby to have this area included in the suburb of Mount Hawthorn, thereby ensuring the suburb is no longer split. This area is significantly cut off from the remainder of Glendalough by the Mitchell Freeway and makes sense, as this area is very similar to the adjoining suburb of Mount Hawthorn, which is located in the Town of Vincent - (Appendices 2 and 3).

#### *Perth:*

The Town's proposal will have the effect of transferring the area north of the Graham Farmer Freeway ("Northbridge Tunnel") into Vincent. The area is bounded by Loftus Street, Newcastle Street, Lindsay Street, Parry Street, Lord Street, Summers Street, Swan River and Graham Framer Freeway - (Appendices 4-9).

The Power Station site in particular has a sense of identity and belonging to the adjoining "Banks Precinct", which is located in the Town of Vincent. Any redevelopment of this site will have a major impact on the amenity of the precinct (for example, traffic, parking and the like). As such, it is logical that this land be a part of the Town of Vincent.

The existing suburbs of West Perth, Perth and East Perth (which are currently split) will still be split, however the Graham Framer Freeway is a major physical barrier and is the logical boundary. The suburb of Northbridge will remain unchanged.

The proposal area will add approximately 76.3 hectares to the Town of Vincent.

The proposal area:

Glendalough (East of Freeway)	27.3 hectares (Approx) 176 lots
Newcastle, Loftus, Charles, Graham Farmer Freeway	12 hectares (Approx) 77 lots
Newcastle, Lindsay, Little Parry, Parry, Lord	8 hectares 50 lots
Graham Farmer Freeway, Lord, Summers	19.4 hectares 155 + Reserves = 160 lots
Power Station Site, Graham Farmer Freeway, East Parade, Summers Street, Swan River	9.6 hectares Unspecified Lots*
<b>Total</b>	<b>(Approx) 76.3 hectares</b>

\* *Masterplan being finalised.*

#### 3.1.4 Other Relevant Boundaries

(a) State Electoral Districts:

In general, electoral districts are of limited relevance to community of interest. The process of boundary delineation is therefore primarily driven by the number of electors, although the Electoral Distribution Act 1947 also prescribes a number of matters which must be given due consideration, including community of interests and existing local government boundaries. Electoral boundaries are reviewed approximately every eight years.

The following Electoral Districts (2003 redistribution) are wholly or partly within the proposed area;

- "Perth" covers most of the Town of Vincent; and
- "Yokine" (links the northern part of Vincent with adjacent parts of Stirling, including Yokine and Tuart Hill).

(b) Commonwealth Electoral Districts:

These districts are defined in a similar manner to the State electoral districts, being primarily *numbers* driven, but having regard to such matters as community of interests and existing local government boundaries.

The following Electoral Districts (2004 redistribution) are wholly or partly within the area;

- "Curtin", which picks up territory west of Charles Street, towards the ocean; and
- "Perth", east of Charles Street, towards the hills.

(c) Ministry of Education Districts:

The districts of the Ministry of Education are an administrative structure only, with little relevance as an indicator of community of interest, which would affect this proposal.



(d) Department of Community Development:

This government agency maintains four district offices, one of which serves the whole of the study area:

- Perth, serving parts of Vincent, Bayswater, Subiaco, Nedlands and Stirling (localities of Coolbinia, Dianella, Inglewood, Maylands, Menora, Mount Lawley and Yokine).

(e) Western Australian Police:

All of Vincent is covered by the Central Metropolitan Police District, except for a very small area bounded by Walcott, Norfolk, Vincent, Harold, Lord, Cherstsey, Gardiner Streets and Joel Terrace.

(f) Newspaper circulation areas:

Newspaper circulation areas can provide an indication of community of interest. Two local papers circulate in the proposed area:

- the "Guardian Express" (Yokine and Mount Lawley areas, also Vincent); and
- the "Perth News" circulates in the area and extends into the City and eastwards as far as the suburbs of Morley and Bayswater.

**Summary and Conclusions:**

Community of interest can be regarded as the primary basis for establishing boundaries. However, it is acknowledged that this is extremely difficult to apply in a metropolitan area, given the mobility of the population. People generally have the mobility to live and work and recreate and participate in a range of activities in dispersed locations.

The demographic character of the population, as well as indicators such as high school catchments, electoral districts and the location and catchments of regional centres can all provide a relevant basis for determining communities of interest. The boundaries established for various government purposes also provide a useful perspective.

**Vincent is of the strong opinion that the proposal areas have a strong community of interest with the Town of Vincent and are a natural re-alignment of the Town's boundaries.**

**3.2 Physical and Topographical Features**

The proposal presented by the Town of Vincent has utilised a number of very clear and definable man-made barriers to delineate the proposed boundaries of the extended local government.

The proposal uses the Mitchell Freeway as the west boundary (as is current), Graham Farmer Freeway on the southern boundary and the natural boundary of the Swan River on the east (as is current).

The Town's proposed new boundaries use major physical barriers such as freeways and major roads where possible.

### 3.3 Demographic Trends

Projections by the Western Australian Planning Commission (WAPC) indicate that the populations of both Stirling and Vincent are likely to show a slight decline through to the year 2011 and those estimates are shown in the following table:

	1991	1996	2001	2006	2011
Stirling	180,002	181,600	178,000	176,000	176,000
Vincent	25,790	25,500	25,300	24,700	24,200

*Source: WA Planning Commission*

(It should be noted that as at 2005, the current Vincent population is approximately 25,918 and Stirling population is 181,079.)

#### 3.3.1 Comparisons

When comparing the area under consideration with the two local governments it is evident that they are all similar, but with some minor variations in relation to particular categories.

#### 3.3.2 Demographic Summary

Glendalough (East of Freeway)	Total Persons/ Male	Total Persons/ Female	Total Persons/ Persons	Born in Australia / Persons	Born oversea s/ Persons	Italian/ Persons	Speaks English only/ Persons	65 years and over/ Persons	15 years and over/ Persons	Total/ Dwelling /s	Size/ Mean House- hold Size
5101211	129	166	295	184	98	3	228	35	257	154	2
5101219	190	177	367	167	172	9	222	19	345	190	2
<b>Total</b>	<b>319</b>	<b>343</b>	<b>662</b>	<b>351</b>	<b>270</b>	<b>12</b>	<b>450</b>	<b>54</b>	<b>602</b>	<b>344</b>	<b>4</b>

### 3.4 Economic Factors

#### 3.4.1 Rates

*City of Stirling:*

The issue of Rates is obviously a very important issue when considering the matter of possible boundary changes with neighbouring Councils.

In the scenario considered the following tables have been prepared using information from the City of Stirling and the Town of Vincent's 2004 – 2005 budgets.

In summary the information from the schedules provided is as follows.

Both the Town of Vincent and the City of Stirling use a single rate for all properties on Gross Rental Value (GRV). Having made that statement the City of Stirling does have four specified area rates, three are for underground power and one area rate established for the Mirrabooka Trades area. There is also a single rate for those properties on Unimproved Value (UV)

The City applies a Minimum Rate of \$505 to the general properties with a minimum, rate of \$337 applicable to the Specified Rate areas.

The City of Stirling allows a 7% discount for the early payment of rates within the statutory thirty – five day payment period.

The City of Stirling charges a refuse charge for the 240 litre bin for all residential properties. It requires business and industrial properties to pay for all refuse services in addition to rates on a volume basis.

The Town of Vincent has one single rate, it does not provide a discount for early payment, rather it offers early payment incentive prizes a feature that the City of Stirling provides in addition to the discount.

The City of Stirling also applies a service charge of \$18 for the security service that it provides.

The Town has a minimum rate of \$464, compared with City of Stirling's \$505.

The Town includes one 240 litre bin service per week for residential properties. Rates for Business and Industrial properties include one 240 litre bin service per week per tenancy, additional services are charged for.

A comparison of the rate in the dollar between the City of Stirling and the Town of Vincent will note that the City of Stirling has a lower rate in the dollar at 6.691cents compared to 8.24 cents.

However, this can be explained as the Town's rate in the dollar cover its charge for rubbish as well as generating general rates income whereas the City of Stirling has a separate service charge for both its rubbish and security services.

A comparison made on an average GRV of 10,440 indicates that ratepayers would be a marginally better off in the Town of Vincent as can be seen from the table below.

A proper owner in the Town of Vincent would pay annual rates of \$860 whereas in the City of Stirling the payment would be \$865. This includes of course includes a service charge for the security service of \$18. It should be noted that the Town does not have a separate security service.

*Information based on City of Stirling Budget 2004/2005:*

Gross Rental Value - All properties	6.691 cents
Unimproved Value - All properties	1.340 cents
Specified Area Rate	
Mirrabooka Trades Area	2.0286 cents
Scarborough - Underground Power	0.095 cents
Inglewood - Stage 1	0.3990 cents
- Stage 2	0.5630 cents
Minimum Rate	\$505
Specified Area Minimum Rate	\$337
Discount on early payment of rates	7%
Rubbish charges - additional charge to rates	
120 L	\$125
x 240 L	\$153
480 L	\$258
Shared bin	\$125
Bulk Bin	\$125
2 services	\$153
<b>Rate Revenue 2004/05</b>	<b>\$65,597,810</b>

*Information based on Town of Vincent Budget 2004/2005:*

Single General Rate	8.24 cents
Minimum Rate	\$464
Discount on early payment of rates	Nil
Rubbish charge (residential)	Included in rates
Rubbish charge on non-rateable properties and properties that have more than one rubbish service	\$206
<b>Rates Revenue 2004/05</b>	<b>\$13,662,193</b>

<b>Rates Comparison:</b>					
Residential property with GRV of 10,440:					
<i>Rates</i>		<i>Min</i>	<i>Rubbish</i>	<i>Security</i>	<i>\$</i>
Vincent	8.24	464	0	0	860
Stirling	6.6910	505	148	18	865

**Summary:**

*City of Perth:*

The City of Perth uses a differential rating system and generates a significant amount of its rating revenue from its retail, commercial and office properties. As a result, it has a reduced rate in the dollar on its residential properties.

The table below indicates the differential rates used for the 2004/05 year:

	<b>Rate in the dollar</b>	<b>Minimum Rate</b>
Residential	5.31300	380
Retail	7.23200	
Industrial	8.03100	
Hotel	7.27700	
Commercial	7.15600	
Office	4.81600	
Vacant Land	9.63200	

A comparison of a residential property with a GRV of 10440 in the City of Perth and the Town of Vincent will result in the following outcome.

The property in the City of Perth will be charged \$675 which includes a separate rubbish charge of \$120. The Town of Vincent property with the same GRV will be charged \$860 - a difference of \$185. As mentioned above, as the City of Perth derives a significant amount of its rates income from its commercial property, it is in a position to charge a lower rate in the dollar for its residential properties. The Town would consider a differential rate for the proposal area within Perth, to allow for a rates adjustment over a period of time. This will minimise the impact of any rates increase.

**3.4.2 Community Assets**

The area under consideration contains a number of community facilities and other items of infrastructure which would pass to the Town of Vincent. No attempt has been made to place a valuation on these assets.

**3.4.3 Current Financial Position of Councils**

Consideration of the financial positions of all local governments reveals that each can be considered as very satisfactory. All Councils provide and maintain services and facilities for their constituents at a level of rating which is comparable to the other local governments in their region and both maintain healthy reserve funds.

The straight comparison of the three Councils reveals that they may have differing approaches to some aspects of their financial management (e.g. one charges separately for refuse removal and the other does not) but local governments must maintain the autonomy to manage their affairs to suite the needs of their people.

### **3.5 History of the Area**

#### **Glendalough:**

"Glendalough" means "valley of the two lakes" and is appropriate because the suburb is located between Lake Monger and Herdsman Lake. The name honours a Catholic centre in Ireland in which a hermitage was established in the seventh century .

#### *A Brief History*

A crown grant for Glendalough and a portion of Herdsman Lake was made in 1837 to Thomas Helms. After several changes of ownership, the land was transferred to Bishop Gibney in 1887, who leased much of it to market gardeners. The locality of Glendalough has a strong association with the Catholic Church. The northern portion passed through several orders of the Roman Catholic Church until 1921, when it was used by the Little Sisters of the Poor as the site for a rest home. In 1949 the State Housing Commission purchased part of Glendalough for subdivision and began to develop the area. Five of the early streets surveyed in the locality, including Leeder Street and Powis Street, were named after passengers on the ship "Rockingham".

#### *Residential Development*

Glendalough is characterised by a significant number of grouped and multiple unit residential developments, with older character housing interspersed throughout. The majority of post-war housing was built of brick and tile, often with timber floors. The unit developments in Glendalough were constructed around the 1970's. The majority of units contained within the area are concentrated around Harbourne Street and Cayley Street, adjacent to the Glendalough Railway Station. With the exception of the high-rise unit developments, the majority of residential development does not exceed two storeys.

#### *Community Services*

Glendalough contains little public open space; however, the suburb is located adjacent to the significant regional recreational reserves of Lake Monger and Herdsman Lake.

#### *Significant Landmarks*

Glendalough Railway Station: The railway station was constructed as part of Perth's northern suburbs transit system. The attractive modern station provides Glendalough residents with convenient access to public transport.

### **3.6 Transport and Communication**

Both the Town of Vincent and the area under consideration are well serviced by public transport provided by TransPerth and Westrail. Bus services provide residents with direct services to the City Centre and routes throughout the area provide a network of transport options to and from civic and community facilities.

### **3.7 Matters Affecting the Viability of Local Governments**

#### **3.7.1 Economies of Scale**

The transfer of the proposal area to Vincent would provide it with minimal benefits through economies of scale.

*Assets and Liabilities:*

The existing assets in the proposal area are minimal. Transfer of those assets would not in itself alter the financial stability of the City of Stirling and City of Perth and would almost be negligible.

*Population:*

There has been a great deal of debate about the ideal size for a local government. The report by the Local Government Advisory Board titled "*Options for Stirling and Wanneroo April 1997*", indicates that the Board considers the optimum size for local governments in metropolitan Western Australia to be 80,000 to 120,000. On that basis, the reduction of the City of Stirling to a population of approximately **180,417** after the excision of the area to Vincent, would still see Stirling's population in excess of the optimal size.

#### **3.7.2 Rates**

*Economies of Scale:*

Vincent recognises the benefits of economies of scale and the addition of the proposal area to its district, together with the additional revenue, is anticipated to improve the economies for existing services and to provide options for new services. The proposals would have an insignificant effect on the Cities of Stirling and Perth.

*Assets and Liabilities:*

Vincent has considerable levels of reserve funds, shown in the 2005/2006 Budget to be \$6,040,739, as at 30 June 2005.

Vincent is therefore in a sound position to accommodate future facility provision and property acquisition costs which may flow from this proposal.

#### **3.7.3 Population**

The population of Vincent according to the ABS 2001 census data is 25,918 using the same data for the proposal area, that population would rise by approximately 1,000 to approximately 26,918 should the proposal be successful.

The Town acknowledges that the resultant total still falls well short of the Local Government Advisory Board's optimal population for metropolitan local governments, but would provide Vincent with a substantial population base.

The proposal areas are similar in their demographic features to that of Vincent generally. The extension of the boundaries of Vincent to encompass the proposal area would not therefore create any particular difficulties for Vincent.

### **3.8 Effective Delivery of Local Government Services**

#### **3.8.1 Employee Issues**

The Town of Vincent would not require additional employees to operate if the proposal is accepted. The existing employees of the Town of Vincent have the expertise and experience to handle the issues and minimal increase in workload from the proposal area.

#### **3.8.2 Customer Service**

Vincent enjoys good levels of customer satisfaction as shown in the Town's independent Community Satisfaction survey conducted in November 2004.

The Town of Vincent fosters an interest in Council affairs and receives a high level of participation at Council meetings during question time and when the opinions of the residents is sought. It is committed to further developing public participation in Council affairs. The average number of attendances at Council meetings is approximately 30 per meeting.

#### **3.8.3 Continuation of Services**

The Town of Vincent will continue to provide all services currently provided to the residents of the proposal area by the City of Stirling and City of Perth.

#### **3.8.4 Elected Member Representation**

City of Stirling Elected Members are each required to serve 12,071 ratepayers. The Town of Vincent Elected Members currently represent 2,879 electors.

It can be argued therefore, that the Elected representatives of Vincent should be able to provide a much higher level of contact and representation than can the current Stirling Elected representatives.

##### *Stirling:*

The City of Stirling has a population of 181,079, comprising of over 83,200 electors. With 14 Councillors, each Councillor represents approximately 12,071 ratepayers in broad terms. There are 14 Councillors elected in ~~eight~~ seven wards; all wards have two Councillors.

##### *Perth*

City of Perth Elected Members are each required to serve 1,038 electors. However, it is acknowledged that this representation does not take into account the business proprietors of the city.

##### *Postal Voting:*

Vincent has used postal voting since its creation in 1994.

Stirling used "in person voting" until several years ago, when it introduced postal voting.

### 3.8.5 Election of Mayor

#### *Stirling:*

A Mayor is elected by the Councillors every two (2) years, following the election of new Councillors, from among the ~~15~~ 14 sitting Councillors. The Mayor is elected for a two year term. A Deputy Mayor is similarly elected.

#### *Perth:*

A Lord Mayor is elected every four (4) years, by the electors. A Deputy Mayor is elected from the eight (8) Councillors.

#### *Vincent:*

A Mayor is elected by the electors (ratepayers) every four (4) years.

The Deputy Mayor is elected from the eight (8) Councillors every two (2) years."

### **CONSULTATION/ADVERTISING:**

Not applicable - this may be carried out by the Local Government Advisory Board.

### **LEGAL/POLICY:**

#### **Local Government Act 1995:**

Schedule 2.1 - Provisions about creating, changing the boundaries of, and abolishing Districts:

"2.(1) *a proposal may be made to the Advisory Board by -*

- (a) the Minister'*
- (b) an affected local government;*
- (c) 2 or more affected local governments, jointly; or*
- (d) affected electors who -*
  - (i) are at least 250 in number; or*
  - (ii) are at least 10% of the total number of affected electors.*

2.(2) *a proposal is to -*

- (a) set out clearly the nature of the proposal, the reasons for the proposal, and the effects of the proposal on local governments;*
- (b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; ...*
- (c) comply with any regulations about proposals.*

3.(1) *The Advisory Board is to consider any proposal.*

3.(2) *The Advisory Board may, in a written report to the Minister, recommend\* that the Minister reject a proposal if, in the Board's opinion -*

- (a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
- (b) the proposal is frivolous or otherwise not in the interests of good government.*

*\* Absolute majority required.*



3.(3) *If, in the Advisory Board's opinion, the proposal is -*

- (a) *one of a minor nature; and*
- (b) *not one about which public submissions need be invited,*

*the Board may, in a written report to the Minister, recommend\* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

*\* Absolute majority required.*

3.(4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal."*

\* An "affected local government" means a local government directly affected by a proposal.

### **Dealing with the Proposal**

This proposal is considered to be one of a minor nature, in accordance with Clause 3(3) of Schedule 2.1 of the Local Government Act 1995, as it involves an area of approximately 27.3 hectares, 176 lots and 662 residents within the City of Stirling and an area of approximately 49 hectares, 282 lots and approximately 50 residents in the City of Perth.

Accordingly, the Town should request the Local Government Advisory Board to deal with the Town's proposal in this manner.

### **STRATEGIC IMPLICATIONS:**

This proposal re-aligns its southern boundary and a small area in its north-west area, where it adjoins the City of Stirling. The most important aspect being that it will transfer the old power station site to the Town. The future redevelopment of this site will have important implications for the Town and particularly the Banks Precinct.

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

This proposal has been prepared "in-house" by the Chief Executive Officer, with input from the Executive Managers. No additional employees or resources will be required by the Town, if this proposal is approved.

### **Rates Impact**

#### Stirling:

The proposal area of Glendalough comprises of 27.3 hectares with approximately 176 lots. It has approximately 662 persons (ABS census 2001).

The area of Glendalough (east of the Freeway) will generate approximately \$152,240 per annum.

(176 lots x minimum rate of \$860 = \$152,240).

#### City of Perth:

The proposal area (currently under the City of Perth) will generate approximately \$248,255 for the Town.

#### *Vincent Rates*

287 lots x \$860 = \$248,255

#### *Perth Rates*

(287 lots x \$675 = \$193,725)

**Therefore, the Town of Vincent will receive approximately \$400,000 annually in additional rates. It is envisaged that this money will be expended to provide services to the affected area of the proposal.**

#### (Note:

*The Power Station site has not been included in the above calculation, as this land is currently undeveloped and the future plan has not been determined.)*

**COMMENTS:**

The Town of Vincent currently provides a broad range of services to its community and has the facilities and resources to accommodate the additional population resulting from the proposal. The following benefits will be provided to its ratepayers and residents in the proposal area:

- increased Elected Member representation
- election of Mayor by the ratepayers (for Glendalough area)
- lower rates (for Glendalough area)
- a more personal service
- close and more inclusive community consultation
- greater access to a Council which is responsive to community sentiment and opinion
- continued maintenance and improvement of existing services and facilities
- continued promotion and protection of heritage
- less confusion about boundaries, which are considered inappropriate and illogical.

The proposal is considered to be of a minor nature and as such should be dealt with by the Local Government Advisory Board. In reality, any change to local government boundaries is a "sensitive" matter and usually evokes emotional responses. The Town can expect that the Cities of Stirling and Perth will oppose the Town's proposal, but given that size of the areas and number of residents involved, any opposition will be on the basis of "protecting their territory" and not on a logical or rational decision making basis.

It is therefore recommended that the Council approve of the recommendation.

**8. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.16pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Louie Kovaceski	Audio Recordist – Kova Sound

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 7 September 2005.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2005