



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

6 OCTOBER 2009

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 6 October 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.04pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Izzi Messina – apologies – arriving late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.20pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”
Christine Ng	Environmental Health Officer – recipient of Employee of Month Award until 6.20pm
Alison Giles	Manager Health Services until 6.20pm

Approximately 8 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

(d) Cr Noel Youngman tendered his resignation as a Councillor at the Town of Vincent effective from Friday 21 August 2009.

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

The following submissions were made by persons in the Public Gallery:

1. Peter Wasser of 33 Milton Street, Mt Hawthorn – Item 9.1.1. Referred to 2002 correspondence concerning this matter. Believes the Agenda summary covers most points well however, in 2000 when plans were submitted applying for a licence to develop his property, it did include a roller door and the person he dealt with at the time was a temporary officer, Gavin Harnett. They had a number of meetings at the property and he indicated the exact door as there were precedence in the area for this type of door. Advised that he went around a few blocks around him and there were about 9-10 doors like this mostly pre-dating his. Therefore, he used this as a

precedent even though at the time, it was pointed out that this would not normally be approved. Stated after a number of revisions of the plans they were submitted and Gavin said that he had spoken to his superiors, it was acceptable and it would go to Council. Advised that he attended the Meeting and the neighbours raised other issues about the proposed development however, the plans were approved and he received them stamped with the door on it (in 2000). Stated in 2001 renovations proceeded and the door was fitted by the builder however, in 2002 Council received a complaint from the neighbour and it addressed a clause in the licence which in their interpretation stated that the door was not permitted however, the plan and licence stated quite clearly that *“This licence is issued in accordance with the approved plans, drawings and specifications. The owner and builder shall ensure that all works are carried out in accordance with these plans.”* Therefore he had two contradictory statements. Believes the temporary officer left around the time that the plans went forward and the officer that took over submitted the clause not approving it. Stated that he wrote to the Council at the time asking for an explanation as to how the door, which he believed was authorised was now unauthorised and, after various correspondence, on 1 October 2002 he received a letter [which he read out] and never heard anything further from the Council. In 2009, the neighbours submitted another complaint. Stated that after discussions, Rob Boardman visited him at his property and Mr Boardman suggested the best way forward was to submit a retrospective planning application. Urged the Council to support the application.

2. Carlo Famiano of Urban and Rural Perspectives, Unit 6, 41 Holder Way, Malaga – Item 9.1.7. Stated that the Council issued an approval on 11 September 2007 for five single bedroom group dwellings on the subject land which included a condition stipulating requirements for a front fence which had been constructed and varies from that condition. Advised that the fence is open style, visually permeable, maintains surveillance between the dwellings and the street and it replaced a “super six” fence which ran down Wylie Place. Stated this is the only visually permeable fence along Wylie Place with the majority of fences being solid and not providing any visual permeability and certainly no visual sight lines. Stated the application varies for the original which was refused in April as it provides a feature panel as well as some landscaping within the verge area which were placed on the application with advice from Town staff as well as provisions in the Policy. Advised that the application was considered again in June and the planning staff recommended it for approval believing the fence itself with the modifications made did not have a negative impact on the Street and was not going to affect the streetscape however, it was refused by the Council. Stated his client’s disappointment with it again being recommended for refusal after modifications have been made as well as it previously being supported by planning staff. Stated the boundary fence does not have an impact on the amenity or the streetscape, it is the only visually permeable fence in the street and it provides passive surveillance as well as adequate sight lines (referred to photographs). Stated the 6m wide verge area does not have a pedestrian access way or a footpath therefore vehicles reversing out of the street have adequate sight lines to allow safe manoeuvring onto the Street. Urged Council to consider this favourably as they believe it is a positive outcome for the site.
3. Warran McGrath of Unit 4, 142 Palmerston Street, North Perth, Chairperson of the Claise Brook Catchment Group a locally based volunteer organisation raising community awareness and involvement in inner city and environmental issues. Presented the Town with a cheque for the value of \$1,375 for the purpose of the prize money for the Catchment Friendly Garden Category for the Annual Town of Vincent Garden Awards. Stated the Catchment Friendly Garden Category recognises those residents’ gardens that have low fertiliser and water requirements and provide natural habitat for the local fauna. Stated the group sees the encouragement of such gardens important for improving the quality of service and

ground water resources in the Town, improving local natural habitat values and increasing public awareness of the beauty and value of such gardens and the benefits they provide. Thanked the Water Corporation who have provided the funding to the Group for the purpose of the garden prize and have done so on an annual basis for a number of years. Stated this year the Catchment Friendly Garden Category is a premier category with more prize money for winners than in other categories.

The Presiding Member, Mayor Nick Catania accepted the cheque and thanked Claise Brook Catchment Group for their donation.

4. Steven McCallum of Unit 1, 205 Coode Street, Como – Item 9.1.6. Believes his application has been under some scrutiny regarding the parking pressures on the area. Stated that although medical consulting rooms do have a higher requirement regarding parking for clients, they are an appointment only business and client ratio's a very low per hour as there are only two consulting rooms and, at any one time they would have a maximum of four clients requiring parking. Advised that they are not an emergency centre they are appointment only and referral based.

There being no further speakers, public question time closed at approx. 6.17pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 22 September 2009.

Moved Cr Ker, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 22 September 2009 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Messina had not arrived at the Meeting at this time.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Cr Messina entered the Chamber at 6.20pm.

7.1 Employee of the Month Award for the Town of Vincent for October 2009

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For OCTOBER 2009, the award is presented to Christine Ng, Environmental Health Officer in the Health Services Section.

Christine was nominated by the Manager Health Services, Alison Giles, for the following reasons:

Christine has been employed with the Town for approximately 2.5 years and is extremely thorough in her approach to her work and often goes 'above and beyond' to assist customers in her role as Environmental Health Officer.

In a predominantly enforcement based role, Christine ensures that customers are aware of their rights and obligations, and takes the time to explain the reasons/processes behind the legislation. There is a tendency for complaints to be lodged when customers are unhappy with the legislative constraints they face, and praise is often not forthcoming.

In the 2.5 years that Christine has been employed with the Town, feedback received has always been positive, a reflection on Christine's pleasant and helpful disposition. Christine addresses all aspects of her work with thoroughness and dedication.

She is an asset to the Town, and is worthy of being recognised accordingly.

These comments were further endorsed by the Chief Executive Officer, John Giorgi and Director Development Services, Rob Boardman.

Congratulations Christine - and well done!

Received with Acclamation!

7.2 2009 Rates Prize Draw Winners

Congratulations to the following winners of the Town of Vincent Rates Prize Draw:

- First Prize – G.R. Oates – 146 Raglan Road, North Perth - *A Commonwealth Bank cash prize of \$1,000;*
- Second Prize – S.M. Ingleson – 98 Bourke St, Leederville - *Bendigo Bank cash prize of \$500;*
- Third Prize – L.D. Cohen – 6/1 Carr St, West Perth - *One night 'Breakaway' package at the Esplanade Hotel Fremantle plus an international buffet breakfast for two;*
- Fourth Prize – D.B. & B.T. Chown – 32/76 Newcastle St, Perth - *One night in a standard family cabin at any Aspen Park quality resort in WA;*
- Fifth Prize – VIR Holdings Pty Ltd – 1/416-430 Fitzgerald St, North Perth - *\$100 voucher for lunch for two at The Oxford Hotel, Leederville;*
- Sixth Prize – B.J. Watson & S.J. Harland – 19 Bruce St, Leederville - *Pest Management to the value of \$1,200 from Stewarts Pest Control;*

- Seventh Prize – P. Shi & L. Mei – 19 Chapman St, Perth - *\$150 voucher for lunch at Divido Restaurant, Mt Hawthorn;*
- Eighth Prize – P. Colangelo – 113 Alma Rd, North Perth - *A three-month membership to the Loftus Recreation Centre, Leederville;*
- Ninth Prize – D. Sansalone – 41 Jugan St, Mt Hawthorn - *A three-month membership to Beatty Park Leisure Centre, North Perth.*

Thank you to all of the Town's Sponsors.

8. DECLARATIONS OF INTERESTS

Nil.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.7 and 9.1.6.

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

Nil.

10.3 Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:

Nil.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

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

Cr Farrell	Nil.
Cr Messina	Item 9.4.3.
Cr Ker	Items 9.1.9, 9.1.12 and 9.2.1.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.3, 9.1.8 and 9.2.3.
Mayor Catania	Nil.

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

10.5 **Unopposed items which will be moved “En Bloc” and the following was advised:**

Items 9.1.2, 9.1.4, 9.1.5, 9.1.10, 9.1.11, 9.1.13, 9.2.2, 9.2.4, 9.3.1, 9.4.1 and 9.4.2.

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

Nil.

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

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

Items 9.1.2, 9.1.4, 9.1.5, 9.1.10, 9.1.11, 9.1.13, 9.2.2, 9.2.4, 9.3.1, 9.4.1 and 9.4.2.

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

Items 9.1.1, 9.1.7 and 9.1.6.

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

Moved Cr Farrell, Seconded Cr Messina

That the following unopposed items be approved “En Bloc”, as recommended;

Items 9.1.2, 9.1.4, 9.1.5, 9.1.10, 9.1.11, 9.1.13, 9.2.2, 9.2.4, 9.3.1, 9.4.1 and 9.4.2.

CARRIED (8-0)

9.1.2 Nos. 193-195 (Lots: 267, 268 and 269 D/P: 3642) Scarborough Beach Road, corner of The Boulevarde, Mount Hawthorn - Proposed Change of Use from Plant Nursery to Plant Nursery, Incidental Shop and Eating House (Café) and Associated Alterations and Additions and Existing Signage (Retrospective Approval)

Ward:	North	Date:	30 September 2009
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO3020; 5.2009.262.1
Attachments:	001		
Reporting Officer(s):	C Harman		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Goldteam Corporation Pty. Ltd. as Trustee for the David Bianchi Family Trust and Ryan John Kelly for proposed Change of Use from Plant Nursery to Plant Nursery, Incidental Shop and Eating House (Café) and Associated Alterations and Additions and Existing Signage (Retrospective Approval) at Nos. 193-195 (Lots: 267, 268 and 269 DP: 3642) Scarborough Beach Road, corner of The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 6 July 2009, subject to the following conditions:

- (i) *the maximum areas for the uses shall be limited as follows:*
 - (a) *display area – 377 square metres;*
 - (b) *showroom/sales – 120 square metres; and*
 - (c) *eating house (café) – 29 square metres;*
- (ii) *the hours of operation for the proposed Plant Nursery, Incidental Shop and Eating House (Café) shall be limited to the following times: 10.00 am to 5.00 pm Monday to Sunday inclusive;*
- (iii) *the eating house use is ancillary to the primary use of the site as a Plant Nursery, and shall not be permitted to operate independently of the primary use; and*
- (iv) *within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$7,840 for the equivalent value of 2.8 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2009/2010 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$7,000 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or*

(3) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

***Note: The above Officer Recommendation was revised and distributed prior to the meeting. Changes are indicated by underline.**

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

ADDITIONAL INFORMATION:

The Applicant has advised that a maximum of four (4) car bays can be provided on the site, not six (6), as determined by the Town's Officers. Accordingly, an additional condition requiring a cash-in-lieu contribution for the car parking shortfall on the site is recommended to be included in the 'Officer Recommendation.'

Landowner:	B R Rispoli
Applicant:	Goldteam Corporation Pty. Ltd.
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Plant Nursery – Unlisted Use
Use Class:	Plant Nursery – Unlisted Use
Use Classification:	Unlisted Use
Lot Area:	1,318 square metres
Access to Right of Way	East side, 6 metres wide, sealed, Town owned

BACKGROUND:

18 January 2005 The Council at its Ordinary Meeting approved an application for a proposed Change of Use from Service Station to Car Wash Facility (Unlisted Use) and Eating House.

13 September 2005 The Council at its Ordinary Meeting approved an application for a proposed Change of Use from Service Station to Plant Nursery (Unlisted Use) and associated signage.

DETAILS:

The proposal involves a change of use from plant nursery to plant nursery, incidental shop and eating house (café) and associated alterations and additions and retrospective approval for existing signage.

The proposal involves the addition of a transportable kitchen and a wheel chair ramp, attached to the existing canopy, to provide for a café and an additional store area. The display area and showroom is existing, and is to remain unchanged. The proposal also involves consideration of eleven (11) existing signs attached in intervals along the Scarborough Beach Road perimeter fencing, and two ground based signs.

The subject site provides for six (6) parking bays on-site.

ASSESSMENT:

***Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Signage: Sign A: Wall Signs	No signage is permitted on fences, walls, or the like structures which do not form an integral part of the building. Be limited to a maximum of two signs on any one wall. Not to exceed a maximum of 10 square metres.	Signage proposed on fencing along the Scarborough Beach Road boundary. Eleven signs proposed along the Scarborough Beach Road fence. 15.84 square metres of signage (each sign is 1.2 metres by 1.2 metres).	Supported – the proposed signage is considered to be of a minor and less obtrusive nature than the type and scale of development that the site has the potential for. Supported – the proposed signage is considered to be of a minor and less obtrusive nature than the type and scale of development that the site has the potential for. Supported – the proposed signage is considered to be of a minor and less obtrusive nature than the type and scale of development that the site has the potential for.
Sign B and C: Ground Based Signs	Be limited to a maximum of one ground based sign per tenancy. Be displayed only during the normal business hours of the business. Have a maximum vertical and horizontal dimension of 1 metre and area of 0.8 square metre.	Two ground based signs proposed. Sign B is made from a permanent structure that can not be moved. Sign B has dimensions of 4 metres by 0.51 metre and a total area of 2.04 square metres.	Supported – the two signs are located on different elevations. Supported – this is not considered to have an undue impact on the amenity of the area. Supported – as the wording of the sign is much smaller than that of the structure that it is attached to.
Car Parking			
Car parking requirement (nearest whole number) Plant Nursery – 1 space per 50 square metres of display and sales area. - Display and Sales Area - 497 square metres - Requires 10 bays			10 bays
Apply the adjustment factors. 0.85 (within 400 metres of a bus stop) 0.8 (within 50 metres of one or more public car parking places with in excess of 50 car parking spaces).			(0.65 <u>0.68</u>) 6.5 car bays

Minus the car parking provided on-site.		6 <u>4</u> car bays
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant shortfall		0.5 <u>2.8</u> car bay
Consultation Submissions		
Support (5)		
Objection (2)	<ul style="list-style-type: none"> Frequent late night and early morning music. 	<ul style="list-style-type: none"> Not Supported – proposed hours of operation are 10am – 5pm. Condition applied to confirm hours of operation.
	<ul style="list-style-type: none"> There is poor drainage on the site which affects the footpath on Scarborough Beach Road. 	<ul style="list-style-type: none"> Not Supported – Technical Services condition applied addressing both drainage of car parking bays and retaining all storm water on-site.
	<ul style="list-style-type: none"> Proposal would increase the accumulation of rubbish on site. 	<ul style="list-style-type: none"> Not Supported – environmental health condition deals with provision of bins.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The shop and eating house components are seen to be ancillary to the predominant Plant Nursery use, as they are confined to the centre of the lot and their visibility from the street is limited, rather than fronting the street. Therefore, the majority of the café patrons will be customers of the plant nursery.

It is noted that when the Plant Nursery was initially approved, a total of ten (10) car parking bays were depicted on a site plan. Six car parking bays are proposed for this application, resulting in a shortfall of 0.5 car bay. The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 0.5 car bay can be waived.

The proposal for a plant nursery, incidental shop and eating house (café) and associated alterations and additions will improve the vitality of the Mount Hawthorn Precinct. With regard to the proposed signage along the perimeter fencing of the site, it is noted that the use of the site is a 'soft' alternative to the potential of the site for a 3-4 storey building, which could be built boundary to boundary. Notwithstanding the use of the site, the proposed signage is not considered unreasonable and can be supported.

In view of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

9.1.4 No. 119 (Lot 5 STR: 2637) Carr Street, West Perth - Proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Grouped Dwelling

Ward:	South	Date:	29 September 2009
Precinct:	Cleaver Precinct; P05	File Ref:	PRO4811; 5.2009.305.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Copraxis Architects on behalf of the owner B M Kelly & T A Smales for proposed Partial Demolition of and Alterations and Second-Storey Addition to existing Grouped Dwelling, at No. 119 (Lot 5 STR: 2637) Carr Street, West Perth, and as shown on plans stamp-dated 12 August 2009, subject to the following conditions:

- (i) any new street wall, fence and gate within the Carr Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (iv) the finished floor area of the proposed decking area shall not be greater than 0.5 metre above the natural ground level;*
- (v) first obtaining the consent of the owners of No. 117 Carr Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 117 Carr Street in a good and clean condition; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the balcony within the 7.5 metre cone of vision to the western boundary; and*
 - (b) the library within the 4.5 metre cone of vision to the western boundary;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR

prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 121 Carr Street stating no objection to the respective proposed privacy encroachment.

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

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

Landowner:	B M Kelly & T A Smales
Applicant:	Copraxis Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	215 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition of, and alterations and additions to existing grouped dwelling, at No. 119 Carr Street.

In support of the application, the applicant has prepared a written submission, which is summarised below:

- *'The design of the proposed extension represents an attempt at making the best of an 'undesirable' situation. The narrow block's north-south orientation makes it relatively difficult to employ solar passive design principles that would keep the home thermally comfortable without the requirement for significant heating and cooling.*
- *The height of the proposed development has been arrived at due to attempts to provide the new living areas with access to ample natural light from the North. This has been difficult to achieve on a site whose orientation is almost North-South and with the proposed extension being located to the rear of the existing building.*
- *The rear portion of the roof has been steeply sloped so that it's impact to all neighbours at eave level is closer to the level of a one story extension, rather than a two storey extension. It is this eave level that is visible from the rear courtyards and outdoor living spaces of the neighbouring properties, with the over height section having been restricted to being located behind the neighbours building-line to minimise its impact.'*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Boundary Setbacks:			
Ground floor to western boundary-	1.5 metres	0.65 - 0.955 metre	Supported - no objection received from adjacent affected neighbour.
Ground floor to eastern boundary-	1.5 metres	Nil	Supported - as the ground floor boundary wall only extends a further 1.8 metres from an existing wall along the eastern boundary.
Upper floor to western boundary-	3.0 metres	0.65 - 0.955 metre	Supported - no objection received from adjacent affected neighbour.
Upper floor to eastern boundary-	1.7 metres	Nil	Supported - as only 1.8 metres extends beyond the existing adjacent single storey boundary wall, as the development complies with overshadowing and as the two-storey boundary wall does not have a direct impact on the streetscape.
Outbuilding to eastern boundary	1 metre	Nil	Supported - the variation is minor and will not impact on adjacent neighbour.
Privacy Setbacks:			
Windows to Master Bedroom-Western Elevation	4.5 metres	2.2 metres	Not supported - potential to impact on adjacent landowners, conditioned to comply.
Balcony-Western Elevation	7.5 metres	0.931 metre	Not supported - as above.
Master Bedroom to Library	4.5 metres	2.2 metres	Not supported - as above.

Building Height:	Maximum height of 7 metres from natural ground level to the top of the concealed roof.	Maximum height of 8.01 metres from natural ground level to the top of the concealed roof.	Supported - only a small portion (approximately 1.5 metres) of the roof is over height within the centre of the property. The building height has a significant slope to reduce its impact on adjacent neighbours.
Car parking	2 car bays	Nil	Supported - currently, there are no car parking bays provided on-site. The proposed development does not remove the ability to provide car parking on site in the future.
Building on Boundary	Max height 3.5 metres Av height - 3 metres Length - 30.895 metres	Max height 8.065 metres Av height - 6.5 metres Length: Ground: 23 metres Upper: 12.455 metres	Supported - as only 1.8 metres extends beyond the existing adjacent single storey boundary wall, as the development complies with overshadowing requirements of the R Codes, and as the boundary wall does not have a direct impact on the streetscape.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> • Height destroys streetscape of six heritage listed houses. • The two-storey parapet wall will increase overshadowing to the adjacent courtyard. Resulting in the courtyard being over 50 per cent shaded. 		<p>Not supported - the dwellings are not Heritage Listed, and as the second storey addition is confined to the rear of the dwelling, behind the original roof form.</p> <p>Not supported - refer to above Officer comments in Non-Compliance Table.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The Town's Officers consider that the proposal effectively updates the residence to meet the needs of its 21st century occupants, while respecting the form and scale of its 19th century origins. The proposal is not readily visible from the public domain and has been designed to make optimum use of the northern sunlight and other energy efficient opportunities.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.5 No. 141 (Lot 18 D/P: 13214) Richmond Street, Leederville - Proposed Demolition of Existing Single House and Construction of Two (2) Two - Storey Grouped Dwellings with Roof Top Terrace

Ward:	South	Date:	29 September 2009
Precinct:	Leederville; P03	File Ref:	PRO3275; 5.2009.276.1
Attachments:	001 ; 002		
Reporting Officer(s):	S Kendall, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Harden Jones Architects on behalf of the owner Streetsmart Marketing Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings with Roof Top Terrace, at No. 141 (Lot 18 D/P: 13214) Richmond Street, Leederville and as shown on plans stamp-dated 23 September 2009, subject to the following conditions:

- (i) any new street wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) no permanent development or encroachment shall occur within 0.5 metre of the southern boundary of No. 141 Richmond Street, ~~Leederville North-Perth~~ as a 0.5 metre wide right of way widening is a requirement of the Town;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (v) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) all proposed privacy screening being a permanent obscure material to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (b) the kitchen within the 6 metre cone of vision to the eastern and western properties being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of*

20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 139 and 143 Richmond Street stating no objection to the respective proposed privacy encroachment; and

- (c) *the dwellings being reduced in height to be a maximum of 7 metres above natural ground level.*

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

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

***Note: The above following table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Landowner:	Streetsmart Marketing Pty Ltd
Applicant:	Harden Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	465 square metres
Access to Right of Way	Southern side, 5 metres wide, <u>unsealed</u> , private owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two, two-storey grouped dwellings with roof top terraces.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings	2 dwellings	Noted - No variation.
Plot Ratio	N/A	N/A	Noted.

<p>Street Setbacks:</p> <p>Upper Floor- Units 1 & 2</p>	<p>Upper floor 2 metres behind the ground floor main building line.</p> <p>Balcony to be setback a minimum of 1 metre behind ground floor.</p>	<p>Upper floor 0.527 - 0.647 metre in front of ground floor main building line.</p> <p>Balconies overhang the respective garages on the ground floor by 1 metre.</p>	<p>Supported - refer to comments below.</p> <p>Supported - refer to comments below.</p>
<p>Boundary Setbacks:</p> <p>Eastern Boundary- Unit 1 Upper Floor</p> <p>Western Boundary- Unit 2 Upper Floor</p>	<p>3.3 metres</p> <p>3.5 metres</p>	<p>0.818 – 2.075 metres</p> <p>0.818 - 2.079 metres</p>	<p>Supported - the proposed side elevation has staggered setbacks and varying surface finishes to reduce the impact on the adjacent neighbour.</p> <p>Supported - as above.</p>
<p>Outdoor Living area</p>	<p>16 square metres with minimum dimension of 4 metres</p>	<p>22.8 square metres (6 x 3.8 metres)</p>	<p>Supported - the variation is considered minor and is resultant from the 0.5 metre Right of Way widening requirement. In addition to the ground floor outdoor living area, the units have large balconies on the first floor and a roof top terrace, which will provide additional outdoor living opportunities.</p>
<p>Carpports and Garages:</p>	<p>Garages to be setback 0.5 metre behind the main building line.</p> <p>If located within 1 metre of main building line, garage door to be no more than 50 per cent of lot frontage.</p>	<p>Proposed garages to units 1 and 2 are not setback the required 0.5 metre behind the main building line.</p> <p>75 per cent for both dwellings.</p>	<p>Supported - the narrow nature of the lots makes it impossible to comply with this provision. In order to reduce the impact of the garage, and to increase casual surveillance, the applicant has cantilevered the upper floor and balcony over the garage.</p>

Building Height:	7 metres from natural ground level to the top of the concealed roof.	Maximum height of 7.4 metres	Not Supported - the applicant has agreed to reduce the height, and subsequently a condition of approval requires the building height to be reduced.
Roof Forms	The use of lower pitched roofs where they are compatible with existing development and streetscape.	Adjoining dwellings are predominately pitched roofs. Proposed - concealed.	Supported - refer to comments section below.
Stores	An area of 4 square metres with minimum dimension of 1.5 metres	Two store areas of 4.4 square metres provided for each dwelling. Dimensions of 0.8 metre by 5.5 metres.	Supported - each dwelling has approximately 8.8 square metres of storage area, which is in excess of the requirements and is considered acceptable.
Privacy			
Kitchen to both eastern and western boundaries	6 metres or screening	3 metres	Not supported - as it has the potential to impact on the amenity of adjacent neighbours. Conditioned to comply.
Rear deck to both eastern and western boundaries	7.5 metres or screening	2 metres	Supported - the privacy encroachment into the eastern and western neighbours is minor, in that it is less than two square metres along the rear corners of the adjacent properties. The eastern and western sides of the deck have been screened to prevent direct overlooking.
Southern elevation of roof top deck to both eastern and western boundaries	7.5 metres or screening	2.4 metres	Supported - the privacy encroachment into the eastern and western neighbours is minor, in that it is less than four square metres along the rear corners of the adjacent properties. The eastern and western sides of the roof top deck have been screened to prevent direct overlooking.

Northern elevation of roof top deck to both eastern and western boundaries	7.5 metres or screening	3.6 metres	Supported - there is a lesser need to prevent overlooking to areas which are visible from the street.
Consultation Submissions			
Support	Nil		Noted.
Objection (3)	<ul style="list-style-type: none"> • Construction of the dwellings will cause traffic problems in street. • Risk of spoiling views to city. • Risk of overlooking and privacy encroachment. • Existing setbacks to be maintained so as not to impact on other residents. • The proposal will overshadow adjacent properties. 		<p>Noted - a condition of approval requires a Construction Management Plan to be submitted and approved by the Town to address such issues.</p> <p>Not Supported - as per the Town's Policy No. 4.15 relating to Community Consultation, comments received which are based on civil or non-planning matters (that is, views and vistas) will not be considered.</p> <p>Supported - privacy variations have been addressed in the above Non-Compliant Table.</p> <p>Not supported - the proposed side setbacks are staggered and almost all completely compliant with the R Codes to reduce the impact of the building on adjacent owners.</p> <p>Not supported - the proposal complies with the R Code overshadowing requirement.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Heritage

The place at No. 141 Richmond Street, Leederville is a brick and tile dwelling constructed circa 1946 in the Post-war Bungalow style of architecture. The WA Post Office Directories first list the subject dwelling in 1949; however, no information of the resident or the owner is recorded. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 141 Richmond Street, Leederville, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory and demolition approval is recommended.

Street Setbacks

The Residential Design Elements Policy under Clause 6.4.1, states that: '*residential development should compliment the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties*'. Dwellings along this portion of Richmond Street are inconsistent in architectural style, and the streetscape contains a mix of developments that vary in age, height, style and building materials. In this context, Richmond Street is considered a dynamic and emerging contemporary streetscape.

The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Richmond Street, and that the setback of the balcony will assist in the passive surveillance of the street.

Roof Forms and Design

The Residential Design Elements Policy states that: '*the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style*'. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for the evolving Richmond Street streetscape.

The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal clearly satisfies the Performance Criteria for each of these variations. The development is not considered to compromise the streetscape, but rather contribute to its emerging range of styles and built form. In light of the above, it is recommended that the Council approve the subject application, subject to standard and appropriate conditions to address the above matters.

9.1.10 East Perth Redevelopment Authority – William Street Precinct – Draft Design Guidelines

Ward:	-	Date:	29 September 2009
Precinct:	-	File Ref:	PLA0022
Attachments:	-		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the East Perth Redevelopment Authority’s (EPRA’s) William Street Precinct – Draft Design Guidelines as ‘Laid on the Table’; and*
- (ii) *ADVISES the EPRA that the Council SUPPORTS IN PRINCIPLE the William Street Precinct – Draft Design Guidelines as outlined in this report; however, has concern in relation to the following:*
 - (a) *the suggestion, on page 17 of the Guidelines, that it may be appropriate for a mid-block pedestrian linkage to traverse a site (Rechabites Hall), of state level heritage significance.*

***Note: The above Officer Recommendation was revised and distributed prior to the meeting. Changes are indicated by strike through and underline.**

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the East Perth Redevelopment Authority’s *William Street Precinct – Draft Design Guidelines* currently being advertised for public comment, and to provide a summary of the document to the Council.

BACKGROUND:

The William Street Precinct, to which these Design Guidelines apply, is situated on the east side of William Street between Roe and Aberdeen Streets, and serves as a transition between the Northbridge entertainment area, and the cultural hub of the Project Area (the James Street Precinct).

The Town has received a letter dated 9 September 2009 inviting the Town to comment on the draft Guidelines.

The draft Guidelines have been released for public comment, with submissions closing on 9 October 2009 to ensure that the community has the opportunity to provide feedback on the Guidelines prior to it being finalised by the EPRA.

DETAILS:

As the fine grained, lower scaled physical interface between Northbridge and the larger scaled institutional development in the heart of the Perth Cultural Centre, the EPRA envisages that the William Street Precinct is to be enhanced to become an exciting urban environment, rich with diverse cultural and activities including retail, dining and entertainment through new development activity, better use of existing buildings, and an improved streetscape.

As the William Street Precinct is comprised of buildings that collectively are registered as a heritage precinct on the State's Register of Heritage Places, development of the area will also include conservation of heritage values complemented by sensitive new infill development and improved streetscapes.

The draft Guidelines include the General Guidelines Section, which applies to all developments in the Precinct, as well as the Specific Guidelines Section, which applies specifically to individual sites within the Precinct. If there is any inconsistency between the General Guidelines and the Site Specific Guidelines, the Site Specific Guidelines prevail.

The General Guidelines Section outlines guidelines for sustainability, heritage, the public realm, building design, and service and access. This Section has been structured as follows:

- **Design Intent:** A statement outlining the design philosophy for each Objective;
- **Objective:** Describes the main goal which must be achieved. It is mandatory to meet the Objective; and
- **Acceptable Development Criteria:** Performance standards that identify design criteria which will satisfy the specific Objective. Compliance with all of the criteria will achieve the Objective; however, alternative solutions for complying with the Objective may be considered. Where an Authority policy applies, compliance with the policy will constitute acceptable development.

The Specific Guidelines Section provides the development requirements for each individual development site, including land use and building envelope, that defines setbacks and building height. Development sites are defined according to existing buildings or building elevations, that in some cases extend across more than one lot.

CONSULTATION/ADVERTISING:

The EPRA is currently advertising the draft Guidelines for public comment, which closes on 9 October 2009.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

"Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure

1.1.1 Capitalise on the Town's strategic location, its centres and commercial areas.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Although elements of sustainability are addressed throughout the draft Guidelines, sustainability requirements for development within the William Street Precinct are specifically outlined in the General Guidelines section.

In general, the EPRA encourages 'triple bottom line' sustainability outcomes in all its projects. Therefore, development within the William Street Precinct is expected to contribute to a more sustainable future by incorporating elements that represent best sustainability practice, as a minimum.

Although the best opportunity to incorporate environmentally and socially sustainable features is in new-build developments, EPRA recognises the adaptation of existing development for new uses is also a sustainable practice, and as such, encourages the reuse of existing building fabric and the retention of familiar places that add to local identity and cultural continuity.

EPRA enforces this by requiring development applications for refurbishments or additions to existing buildings to be accompanied by a statement identifying the manner in which the proposal addresses the following with regard to their sustainability credentials:

- *'Disposal of demolition material and construction waste;*
- *New materials and fixtures selected;*
- *The proposed use of the building and its contribution to social and economic benefits for the community.'*

Finally, all development in this Precinct is to comply with the EPRA's Planning Policy 1.4 relating to *Green Building Design*. This Policy promotes high quality environmentally sustainable building design, construction and operation and it is aligned with the Green Building Council of Australia's Green Star rating tool.

COMMENTS:

Relevance to the Town of Vincent

Although the EPRA's William Street Precinct does not extend into the William Street area within the Town, both areas convene at Newcastle Street. As such, it is necessary to ensure that the planning controls/future development for William Street is similar in both the Town of Vincent and the EPRA, in order to maintain consistency of development along this Street.

The Town of Vincent foresees William Street as the gateway into the Perth Central Business District (CBD) from the northern and eastern suburbs. Accordingly, it has been identified that development along this gateway needs to be of a *'standard and class representative of a national capital'*. This is in line with the EPRA, who have identified the William Street Precinct as a key entry into the Perth CBD from the north.

As such, the Town of Vincent has developed the *Design Guidelines for William Street, Between Bulwer and Newcastle Streets, Perth*. The Town's strategic direction for this area is consistent with the EPRA's vision for the William Street Precinct in that the intention of the Town is to *'rejuvenate the area along William Street (all lots between Bulwer and Newcastle Streets, including corner lots to the north of Bulwer Street), to reposition the area (between Brisbane and Newcastle Streets) as a Town Centre, and to strengthen its role as a vibrant cultural precinct. There is an opportunity for this area to become a gateway to the city, by providing a cohesive transition between predominantly residential development which characterises the area to the north of Bulwer Street and inner urban and city-like development that assumes the area south of Brisbane Street.'*

The objectives of the Town's Policy for this area are also similar to EPRA's objectives for their William Street Precinct, and include the following:

- *'To maximise the opportunities afforded by the area's proximity to the Perth Central Business District, major public transport routes, road networks and gateway to the Town of Vincent;*

- *To maximise opportunities for redevelopment of undercapitalised/underdeveloped properties; and*
- *To encourage the principles of sustainability and 'green building' techniques.'*

Finally, both the EPRA and the Town aim to ensure that any new development is respectful of abutting heritage buildings. EPRA's design intent for new development aims to protect the heritage significance of the Precinct by ensuring that *'individual buildings and fabric is not adversely affected by new development,'* while one of the Town's aims for this area is *'to provide design responses to those places which have been identified as having cultural heritage value and are listed on the Town of Vincent Municipal Heritage Inventory/Heritage List and the State Register of Heritage Places.'*

It should be noted that in addition to the similar strategic directions that both the Town of Vincent and the EPRA are proceeding in, the provisions outlined in the *Design Guidelines for William Street, Between Bulwer and Newcastle Streets, Perth*, in terms of building height and setbacks, are also similar to those outlined in the EPRA's draft Guidelines. These similar provisions will assist in reinforcing and enhancing an exciting urban environment, and continuity in development along William Street.

These draft Guidelines have been prepared to guide development within the William Street Precinct to achieve a high standard in keeping with its heritage significance and inner city context, as well as its transitional role between Northbridge and the heart of the Perth Cultural Centre. The information contained within the document confirms that the draft Guidelines are an appropriate planning outcome for the EPRA, that are in line with the Town of Vincent's *Design Guidelines for William Street, Between Bulwer and Newcastle Streets, Perth*.

In light of the above, it is considered that the Council receive the report and support the Officer's Recommendation to advise the EPRA that the Town of Vincent supports the intent and content of the *William Street Precinct Draft Design Guidelines*.

9.1.11 Weld Square - Quotations for Section 18 Approval

Ward:	South	Date:	29 September 2009
Precinct:	EPRA (23)	File Ref:	RES0102
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to quotations to prepare a Section 18 Approval of the Aboriginal Heritage Act 1972 for the landscaping and interpretation of Weld Square, bounded by Beaufort, Stirling, Newcastle and Parry Streets, Perth; and*
- (ii) *AUTHORISES the Chief Executive Officer to engage Australian Interaction Consultants at a cost of \$24,470 to prepare the Section 18 Notice in accordance with the Aboriginal Heritage Act 1972.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

PURPOSE OF REPORT:

The purpose of this report is to seek authorisation from the Council to proceed with engaging Australian Interaction Consultants (AIC) to prepare a Section 18 Notice in accordance with the Aboriginal Heritage Act 1972 for proposed works to be undertaken to Weld Square.

BACKGROUND:

At its Ordinary Meeting held on 14 July 2009 the Council resolved as follows:

"That the Council;

- (i) *RECEIVES progress report No 2 on a suitable location within the Town for the Proposed Vietnamese Boat People Monument of Gratitude;*
- (ii) *NOTES that;*
 - (a) *as requested, the Town's Officers have held a number of further meetings with the President of the Vietnamese Community and representatives to explore other suitable locations within the Town for the memorial;*
 - (b) *locating the Vietnamese Boat People Monument of Gratitude in Hyde Park is NOT supported by the Heritage Council of WA and is no longer considered to be the preferred location by both the Vietnamese Community representatives and the Town's officers;*

- (c) *the President of the Vietnamese Community, representatives and the Town's officers consider that Weld Square is the most suitable location for the Vietnamese Boat People Monument of Gratitude;*
 - (d) *a letter of support from the President of the Vietnamese Community has been received (refer attached) indicating support for locating the Vietnamese Boat People Monument of Gratitude in Weld Square;*
 - (e) *the Town's officers have had informal discussions with the East Perth Redevelopment Authority (EPRA) regarding an improvement plan for Weld Square whereby the East Perth Redevelopment Authority have indicated that they may be in a position to make a financial contribution towards the future improvement of the park; and*
 - (f) *the Town's officers are liaising with Main Roads and the Department of Indigenous Affairs to establish an agreed approach to meet the requirements of the Aboriginal Heritage Act 1972;*
- (iii) *APPROVES IN PRINCIPLE locating the "Vietnamese Boat People Monument of Gratitude" in Weld Square, Perth as shown on attached concept plan No. 2647-LS-01A, for the reasons outlined in the report, subject to;*
- (a) *the proposal meeting the requirements of Section 18 of the Aboriginal Heritage Act 1972 depending on authorisation received from Main Roads and/or the Department for Indigenous Affairs;*
 - (b) *the proposal being assessed by the Town's Heritage Officers in accordance with the principles of The Burra Charter and relevant policies and provisions; and*
 - (c) *all costs associated with design and construction of the Monument and any other costs associated with locating the monument on the site, being borne by the Vietnamese Community of Western Australia;*
- (iv) *CONTINUES its discussions regarding improvements to Weld Square with all stakeholders and RECEIVES a further report once more information is available; and*
- (v) *ADVISES the President of the Vietnamese Community in Western Australia, Main Roads (WA) and the East Perth Redevelopment Authority of its decision."*

22 April 2009

Letter received from Main Roads authorising the Town to peruse documents pertaining to and supporting the Section 18 Notice and clearances obtained for the Graham Farmer Freeway. The research undertaken by the Town's Officers following the authorisation indicated that in a letter dated 16 February 1996 from the then Minister for Aboriginal Affairs, Kevin Prince (MLA), offered consent to Main Roads WA to use the land containing a number of ethnographic sites, for the construction of the City Northern Bypass and associated rail works from the Mitchell Freeway to Great Eastern Highway with a series of conditions. One of the conditions noted that, "impact on the north end of Weld Square is kept to a minimum and the site is rehabilitated in accordance with the wishes of the Aboriginal community."

19 May 2009

Letter sent to the Department of Indigenous Affairs outlining the findings of the research above, and seeking clarification whether the Town was required to obtain a Section 18 approval for proposed landscaping works at Weld Square.

- 15 June 2009 Letter sent to Main Roads Western Australia seeking authorisation on behalf of the Commissioner of Main Roads for the Town to become the agents to complete the redevelopment of Weld Square as per the Section 18 Approval issued in February 2009.
- 14 July 2009 Letter received from Main Roads Western Australia advising that it has met the conditions of the Section 18 Approval for the site during the Graham Farmer Freeway project, and that given the Section 18 approval was specific to the purpose, and to the proponent named on the Section 18, in this case, Main Roads Western Australia, it was advised that the Town of Vincent was to apply for new approvals prior to further disturbing the site.
- 23 July 2009 Letter sent to Department of Indigenous Affairs seeking clarification and interpretation of the letter the Town received from Main Roads Western Australia on 14 July 2009.
- 31 July 2009 Letter received from Department of Indigenous Affairs advising that the Town of Vincent should lodge a section 18 Notice for the proposed Vietnamese Boat People Monument of Gratitude and other associated landscaping of the site.
- 21 August 2009 Letter received from East Perth Redevelopment Authority in response to the resolution of the Council at its Ordinary Meeting held on 14 July 2009. In this letter, the East Perth Redevelopment Authority (EPRA) advised that it recognised the contribution of Vietnamese immigrants to the community and culture of inner city Perth; however, noted that the Aboriginal history and ongoing connection to Weld Square, is an important consideration for any planning, development and public artwork for the Reserve. EPRA also advised that it was interested in providing input in the further development of the Weld Square Landscaping Plan and is willing to make a financial contribution.
- 7 September 2009 The Town's Director Technical Services, the Manager of Parks Services, and the Senior Heritage Officer met with representatives from the East Perth Redevelopment Authority to discuss the proposed landscaping plan to Weld Square. It was agreed in-principle to develop a holistic approach to the interpretation of Weld Square incorporating a layering of cultural interpretation and landscaping options. To address the requirements of the Section 18 Approval, it was agreed that the next step to progress the redevelopment of Weld Square, was to engage the preferred consultant to prepare the Section 18 Notice, prior to any further negotiation with the East Perth Redevelopment Authority.

DETAILS:

Weld Square is listed as a Registered Aboriginal Site (Site ID 17848). As outlined in the letter received from the Department of Indigenous Affairs on 31 July 2009, as the owners of the subject land, the Town is required to submit a notice in writing under section 18 of the Aboriginal Heritage Act 1972 to the Aboriginal Cultural Material Committee to seek approval to install the proposed monument, and undertake any other associated landscaping and interpretation works at this site. Two written quotations were received from consultants to prepare a Section 18 Approval as follows:

- Australian Interaction Consultants \$24,470 (including GST); and
- Fisher Research \$34,948 (including GST).

In the letter dated 31 July 2009, the Department of Indigenous Affairs also advised that the Australian Cultural Material Committee will expect the Notice to be accompanied by evidence of consultation with relevant Aboriginal people including nominees of the Native Title Representative Body (the South West Aboriginal Land and Sea Council), informants of known sites (former members of the Metropolitan Noongar Circle of Elders), and others who are identified through appropriate research, as having cultural knowledge of the area. It was also strongly advised that as part of the consultation, every effort should be made to gather information about the site from the Aboriginal community, to inform the proposed landscaping and interpretation at the site.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Aboriginal Heritage Act 1972.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure

1.1.3 Enhance and maintain the character and heritage of the Town

1.1.5 Enhance and maintain parks, landscaping and community facilities.”

FINANCIAL/BUDGET IMPLICATIONS:

The preferred quotation is a total of \$24,470 (including GST). The 2009/2010 Budget has allocated \$100,000 towards Weld Square - Redevelopment Stage 1.

SUSTAINABILITY IMPLICATIONS:

It is considered that the Section 18 Notice will provide the basis for any proposed landscaping and cultural interpretation to Weld Square to be undertaken in a sustainable manner, and ensure the historical and social appreciation of the site, continues to be recognized.

COMMENTS:

As detailed in the report, the Town has undertaken the necessary investigation with the relevant agencies as how to approach the proposed landscaping and interpretation of Weld Square. As advised by the Department of Indigenous Affairs, Weld Square has a long history of Aboriginal people that continues today. Given this, and the status of the park as a Registered Aboriginal site, the importance of the Town engaging consultants with appropriate expertise to prepare the Section 18 Approval, is considered paramount.

In light of the above, it is recommended that the Council receives the report, and supports the Officers Recommendation to engage Australian Interaction Consultants to prepare a Section 18 Notice for Weld Square.

9.1.13 Bush Fires Act 1954 – Extension of the Bush Fire Control Season

Ward:	Both	Date:	17 September 2008
Precinct:	All	File Ref:	LEG0011
Attachments:	-		
Reporting Officer(s):	P Cicanese, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the extension of the current Bush Fire Control Season under the Bush Fires Act 1954, to commence on 1 November each year and conclude on 30 April the following year; and
- (ii) **ADVERTISES** by way of a Statewide advertisement, the dates of the proposed new Fire Control Season in accordance with the provisions of Section 3.12 of the Local Government Act 1995.

COUNCIL DECISION ITEM 9.1.13

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of the report is to amend the current Fire Control Season to commence on 1 November and to cease on 30 April, each year and enable the Town’s Officers to enforce the Bush Fires Act 1954, during this time.

BACKGROUND:

The Bush Fires Act 1954, Bush Fire Regulations 1954 and the Bush Fire (Infringements) Regulations 1978 outline the requirements for the Town, in relation to the control of fire hazards within the District. Rangers currently undertake the responsibility of enforcing this legislation in their capacity as Authorised Persons and acting under the authority of the Bush Fires Act 1954. "Fire Hazard Clearance", on private land, is a requirement, under the Bush Fires Act 1954, in each local government area. During summer, properties within the Town are required to be clear of all fire hazards in order to minimise the potential for fire to occur and spread and to enable the effective control of any fires, which may break out.

The Bush Fires Act 1954 specifies the Fire Season as being from 1 December in one year to 28 February in the next year, but this has proved to be too short to be an effective control mechanism for fire hazards. On 23 September 2008, the Council considered an amendment to the Bush Fire Season, to 1 November to 31 March, at Agenda Item 10.1.10, which was approved as follows:

“That the Council;

- (i) **APPROVES** the extension of the current Fire Control Season under the Bush Fires Act 1954, to commence on 1 November each year and conclude on 31 March the following year; and

- (ii) *ADVERTISES by way of a Statewide advertisement, the dates of the proposed new Fire Control Season, in accordance with the provisions of Section 3.12 of the Local Government Act 1995.*”

In the 2008/2009 fire season, the Town’s Rangers issued notices to property owners, requiring vacant land and occupied property to be cleared from 1 November 2008 to 31 March 2009. However, because of the long dry summer period, the amount of regrowth on these blocks meant that the fire hazard problems returned and the Town received a number of complaints after 31 March 2009 about overgrown vacant blocks being fire hazards. It is understood that the Bureau of Meteorology have predicted a hotter summer period than last year, with a period-span of hot, dry weather similar to last summer. However, because the authority to require an owner to clear land is only available during the period of the approved Bush Fire Season, Rangers are unable to enforce the clearance of hazards, after 31 March.

As a result, Ranger and Community Safety Services is recommending an extension of the fire restrictions, to operate from 1 November 2009 to 30 April 2010 and that this fire season, from 1 November to 30 April, be made the standard Fire Season in Vincent for future years. The extension of the Bush Fire Season within the Town will reduce the risk of fire in the community and address the demand to provide a response to community concerns about fire hazards later in the year.

It should be noted that a number of other local governments are considering similar changes and it has been confirmed that the Town of Victoria Park have resolved to proclaim the Fire Season as being from 1 November to 30 April.

DETAILS:

Once a "requirement to reduce ground fuel" has been served on an owner, Rangers continue to monitor the properties to ensure compliance. Secondary inspections are conducted by Rangers and the owners of any property, found to still contain fire hazards, are issued with an infringement notice. For serious hazards, or where the owner has refused to comply, the Town's contractor is instructed to undertake the work of removing the hazard and the Town considers whether prosecution action is warranted. The Town's costs, for removing fire hazards from private property, are then passed on to the property owners.

Concerned residents often call Rangers Services in October and November and again in March and April, complaining about the state of their neighbour’s properties in relation to possible fire hazards. However, the Bush Fire Season, as approved by the Council in 2008 does not allow Rangers to act on these concerns and complaints after 31 March 2009. The number of identified hazards each month, for the past five (5) years is shown in the table below.

Year	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
04/05	4	16	12	13	1	4		50
05/06		70	10	11	1	1		93
06/07	91	11	7	7	1	2		119
07/08	13	55	5	4				67
08/09	82	77	37	11	14	32	29	282

For the past three years, it has become normal for residents to be increasingly concerned with the threat of fire hazards, so Rangers have been trying to identify potential fire hazards, in October each year and to maintain an inspection programme till late March each year. This enabled letters to be sent between October and March, requiring immediate clearance of the hazards.

To improve this process and increase responsible property ownership under the Bush Fires Act 1954 the following changes to the Town's Bush Fire Control Procedure is suggested:

- Increase the Bush Fire Season, advertised in the statutory notices, to begin on 1 November each year and end on 30 April in the subsequent year;
- Commence initial inspections from 1 October and continue inspections until 30 April the following year. This change will be advertised and will be included in an initial mail out to all properties, which received warning notices last year; and
- Advertise the "*Fire Hazard Clearance*" period in an awareness campaign by including information on the Town's website and in the Town's newsletter.

CONSULTATION/ADVERTISING:

The Bush Fire Season Notice must be advertised annually and published in the Government Gazette and *The West Australian* newspaper. As in previous years, to reduce the advertising costs, the Town has agreed to insert a joint advertisement, regarding the fire season, in conjunction with the Town of Victoria Park.

LEGAL/POLICY:

The proposed extension to the "*Fire Hazard Clearance*" period is in accordance with Section 33 of the Bush Fires Act 1954.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2009-2014, Objective "3.1.3 (a) *Determine the requirements of the community and ensure that the services provided meet those needs.*"

FINANCIAL/BUDGET IMPLICATIONS:

The proposed change to the "*Fire Hazard Clearance*" will have no financial implications, since the cost of the advertisement will be the same, irrespective of the commencement and conclusion dates. Since the Town of Victoria Park Council has already approved the amendment and is about to undertake advertising, to maintain the shared cost of the advertisement, of approximately \$1,500, the above is recommended for approval.

COMMENTS:

The current Fire Season is from 1 November to 31 March each year, but in the past two years, a localised change to the current summer period, has resulted in hot and dry weather for a longer than normal period. In recent years, a number of complaints about fire hazards have been received after the end of the restricted period, which can not be dealt with under the Bush Fires Act 1954. An extension to the currently approved Fire Season, from a finish date of 31 March to a finish date of 30 April, will enable these complaints to be dealt with by Rangers. The report is recommended for approval.

9.2.2 Traffic Management Matters Referred to the Local Area Traffic Management Advisory Group and Proposed Extension of Road Safety Messages on Mobile Garbage Bins Program, Shakespeare Street, Mount Hawthorn - Further Report

Ward:	Both	Date:	16 September 2009
Precinct:	All	File Ref:	TES0334/TES0057
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Traffic Management matters referred to the Local Area Traffic Management Advisory Group, and proposed Extension of Road Safety Messages on Mobile Garbage Bins Program, Shakespeare Street Mount Hawthorn;*
- (ii) *NOTES the minor measures to be undertaken in Shakespeare Street in the vicinity of the Shakespeare Street reserve to improve safety as agreed to by the Local Area Traffic Management Advisory Group;*
- (iii) *AUTHORISES the Chief Executive Officer to implement the "Road Safety Messages on Mobile Garbage Bins" program along Shakespeare Street, Mt Hawthorn between Green Street and Ellesmere Street and at other appropriate locations adjoining parks and reserves, to be assessed on a case by case basis, where a formal request is received, and*
- (iv) *ADVISES the residents of Shakespeare Street, Mt Hawthorn, Green Street to Ellesmere Street, of the Council's decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a resident initiated request for *Please Slow Down - Consider Our Kids* stickers to be placed on the Mobile Garbage Bins in Shakespeare Street, Mt Hawthorn, between Green and Ellesmere Streets, which encompasses the Shakespeare Street reserve, and by extension all other reserves and parks on Access Roads where requested by residents.

BACKGROUND:

At its Ordinary Meeting held on 14 July 2009 the Council referred several matters to the Town's Local Area Traffic Management Advisory Group as follows:

- "(ii) *REFERS "Shakespeare Street, Edinboro Street, Purslowe Street and the intersection of Hobart and Dunedin Streets, Mount Hawthorn, Randell Street, Perth and Cowle Street, West Perth" to the Town's Local Area Traffic Management Advisory Group for consideration;"*

DETAILS:

Local Area Traffic Management Advisory Group Meeting - 13 August 2009

Shakespeare Street

At its meeting of 13 August 2009, the Town's Local Area Traffic Management (LATM) Advisory Group met with residents of Shakespeare Street, Mt Hawthorn (Green Street to Ellesmere Street) who had concerns about the speed and volume of traffic in the vicinity of the Shakespeare Street Reserve. While the discussion covered a range of topics, of major concern to the residents was the speed of traffic in the vicinity of the Shakespeare Street Reserve. The reserve, which is equipped with a playground, is used primarily by the immediate residents who tend to walk to the park. The reserve is bounded by a white picket fence and is below the road level as the ground falls away sharply to the east.

The residents were of the opinion that motorists, other than those who live in the street, were largely unaware that the reserve existed, and as a consequence most did not show due caution.

It was felt that if motorists were made aware of the reserve and the likely presence of children, it would lead to lower speeds.

Not wanting to resort to traffic calming as the only solution, the Group discussed less intrusive measures such as alerting motorists to the playground existence by installing appropriate signage. To this end, Main Roads WA has been requested to install advisory signs either side of the reserve as shown on attached plan No. 2670-RD-1.

It was also decided that an existing crossover opposite the reserve would be removed and a crossing point would be created.

Please Slow Down – Consider Our Kids Stickers

As a further enhancement, the residents requested that *Please Slow Down – Consider Our Kids* stickers be placed on their mobile garbage bins to re-enforce the message on a weekly basis. The LATM Advisory Group agreed there was merit in the proposal but that as the program had previously been approved by Council, specifically targeting the areas around primary schools, it would require Council's approval to extend the program beyond these areas.

Ordinary Meeting of Council held on 12 July 2005

The Council considered and approved a pilot program to place Road Safety Messages on Mobile Garbage Bins in the area surrounding the Mount Hawthorn Primary School.

Ordinary Meeting of Council held on 8 May 2007

The Council approved the extension of the Mount Hawthorn *Road Safety Messages on Mobile Garbage Bins* program to encompass the following schools:

- (a) Aranmore Catholic Primary School
- (b) Kyilla Primary School
- (c) North Perth Primary School
- (d) Highgate Primary School
- (e) Sacred Heart Primary School

The Mt Hawthorn Primary School Bin Sticker Project was successfully implemented on 12 and 13 March 2007 and involved local residents, several parents, the School Principal, the Deputy Mayor, two Council Members and three of the Town's officers. The project was well received by residents with many expressing positive feedback and encouragement to expand the program.

As a consequence, a further report was presented to the Ordinary Meeting of Council held on 8 May 2007, recommending that the program be extended to include all schools within the Town.

Officer Comments

If approved by Council, the installation of the stickers would be undertaken as per the procedure used for the schools' program, whereby the residents would be involved. To maximise the impact, the stickers would only be installed within the 'block' where the reserve is located, in this case between Green and Ellesmere Streets.

Other possible locations

The Town has a number of other small reserves/playgrounds where this road safety initiative could be applied, such as Auckland Street Reserve, Edinboro Street Reserve and Ellesmere and Matlock Streets Reserve.

The concept, as indicated above, is to alert motorists using access roads that abut the smaller, inconspicuous reserves, by targeting only the area adjacent the reserve to maximise the impact. If every bin within the Town had a bin sticker applied, the message would be become diluted. However, if it is restricted to the area adjacent the reserve it is more likely to capture the motorists' attention.

Another conclusion drawn from the LATM Advisory Group meeting was that for the initiative to work it required some community ownership. Therefore, rather than the Town introducing it across the board, it is suggested that it be offered to the residents in those streets surrounding small reserves on a 'case by case' basis.

CONSULTATION/ADVERTISING:

The residents of Shakespeare Street, between Green and Ellesmere Streets, will be consulted to gauge the level of support and likely participation in the extended *Road Safety Messages on Mobile Garbage Bin* program.

LEGAL/POLICY:

The stickers have no legal status.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

SUSTAINABILITY IMPLICATIONS:

The extended *Road Safety Messages on Mobile Garbage Bins* highlights the Town's commitment to road safety and improved resident amenity.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to undertake minor safety improvements in Shakespeare Street in the vicinity of the Shakespeare Street reserve will be funded from the Town's operational budget.

In addition, there are sufficient stocks of the *Please Slow Down – Consider Our Kids* stickers to implement the extended program to a number of streets surrounding reserves and therefore, other than staff time, there is nil direct cost.

COMMENTS:

As previously reported to Council, the majority of areas in the Mt Hawthorn pilot program recorded a slight decrease in the 85th percentile speed when the bins were out. As a community-based project, this is simple and relatively inexpensive to implement, with many positive responses received from nearby residents and those travelling through the area.

The overall Mount Hawthorn program encouraged community ownership and participation, which is considered to be an essential element in efforts to reduce road trauma and improve road safety.

It is therefore recommended that the Council approves the extension of the program to those streets abutting small reserves where requested by the immediate residents.

9.2.4 Tender No 409/09 - Supply and Delivery of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck

Ward:	Both	Date:	29 September 2009
Precinct:	All	File Ref:	TEN0417
Attachments:	-		
Reporting Officer(s):	C Economo, R Lotznicker		
Checked/Endorsed by:	M Rootsey	Amended by:	-

RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Skipper Trucks for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck for the total cost of \$329,670 (GST inclusive) in accordance with the specifications as detailed in tender No 409/09.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Farrell, **Seconded** Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

PURPOSE OF REPORT:

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

BACKGROUND:

Tenders closed on Wednesday 9 September 2009 for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck Complete and three (3) tenders were received.

DETAILS:

Details of the submissions received for Tender No 409/09 are as follows:

Description	Skipper Trucks	Major Motors	Major Motors	WA Hino*
Iveco - F2350G/285	\$359,700			
Isuzu – FH FVZ 1400		\$379,324	\$370,975	
Hino - 500 Series FM 2630				\$360,286.54
Less Trade-in Iveco 1AZC 805	-\$30,030	-\$48,000	-\$48,000	-\$30,000
Price (incl GST)	\$329,670	\$331,324	\$322,975	\$330,286.54

Note* This tender was considered further, however, the vehicle's turning wheel base was not in compliance with the specification requirements as stated by the tenderer.

Note: All tenders submitted comprised the cab chassis and the compaction unit. The overall prices submitted included either the MacDonald Johnson Sport Gen V series and/or the Superior Pac series 5000 compactor unit. Both these units have been used by the Town's operations and are proven products.

An evaluation panel, consisting of the Directors of Technical Services and Corporate Services and the Manager Engineering Operations, assessed the tenders using the selection criteria in accordance with the tender documentation. The following results were obtained:

Selection Criteria

	Weighting	Skipper Trucks	Major Motors	WA Hino
Mandatory Product features	25%	25	18	20
Special facilities	20%	20	20	20
Tender Price	20%	19.59	20	19.56
Life Cycle Costing	15%	5	5	10
Operator Ergonomics	10%	10	7	7
Warranty	5%	5	5	5
Delivery	5%	3.5	4	4
Total	100%	88.09	79	85.56

Following the evaluation process, the submission by Skipper Trucks is recommended by the Town's Officers.

The Iveco Acco with the Mac Donald Johnston compactor unit offers the overall best value for the Town's Waste operations.

The Town's Waste Collection Services currently has a fleet of 7 rubbish trucks comprising 2 x Large rear loaders, 1 x small rear loader, 4 x side lifters and a small rear loader for parks and street litter bin collection.

Comparison and Assessment

The Town's current fleet of Iveco Acco trucks have performed exceptionally well with little down time. The main down time with waste collection vehicles results from repairs, maintenance and general wear and tear to moving parts in the compaction unit, which operates five days per week all year round.

The Iveco Acco is purpose built for waste collection and is used extensively by private waste collection companies and a large number of local governments throughout Australia and has a proven low cost of ownership over the longest possible work life. The Iveco Acco can compact collected waste at lower RPMs, reducing the noise factor for operations. This is a crucial factor for waste collection, especially in the early hours of the morning in residential areas.

The Hino offered by W.A. Hino compared favourably with the Iveco Acco unit offered by Skipper Trucks, however, the Iveco Acco Truck has superior operator Ergonomics specifically designed for waste collection, such as low profile steps with easy access in and out of truck and better controls in general for operator use. In addition, the Hino has a greater turning circle as compared with the Iveco, which makes it less suitable for the Town's narrow road system.

The Isuzu offered by Major Motors also compared favourably with the Iveco Acco unit, however, the maximum engine torque offered was below that of its competitors and some of the other features scored slightly less when compared with the Iveco.

In the past, the Town has mainly used the compaction and bin lift units supplied by MacDonald Johnston and in terms of price, in this tender the MacDonald Johnston unit is slightly cheaper than the alternative Waste Master product. The Town has, however, also successfully used the Waste Master Compaction unit which comprises an alternative compaction and bin lifting system.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Tender 409/09 for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck was advertised in accordance with the Local Government Act Tender Regulations.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$350,000 (excluding GST) has been allocated in the 2004/2005 budget for replacement of this item of plant.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

COMMENTS:

The Town's Manager Engineering Services undertook the bulk of the research with regard to choosing the most appropriate vehicle to meet the requirements of the Town's Waste Collection service. The prices submitted were very competitive, however, a detailed assessment of the features offered by each tenderer determined the final recommendation.

It is therefore recommended that the Council accepts the tender submitted by Skipper Trucks for the Supply of One (1) 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck for the total cost of \$329,670.00 (GST inclusive) in accordance with the specifications as detailed in tender No 409/09.

9.3.1 Community Sporting and Recreation Facility Fund (CSRFF) – Grant Applications

Ward:	South	Date:	30 September 2009
Precinct:	Hyde Park (12), Smith's Lake (6)	File Ref:	FIN0074
Attachments:			
Reporting Officer(s):	J Bennett, D Morrissy		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

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

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council Contribution</i>
<i>1</i>	<i>High</i>	<i>Beatty Park Leisure Centre</i>	<i>\$8,000,000</i>

- (b) *Small grant;*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council Contribution</i>
<i>1</i>	<i>High</i>	<i>Tennis Seniors WA</i>	<i>\$16,000</i>

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to endorse the CSRFF applications for facilities outlined within the Town of Vincent.

BACKGROUND:

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

In July 2009, the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and the Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm, Monday 7 September 2009.

The 2010/2011 grants have been split into three categories:

- Small grants
These are for projects with a basic level of planning and where the total project cost does not exceed \$150,000.
- Annual grants
For larger projects with a planning and construction process that will be completed within 12 months and have a total project cost between \$150,000 and \$500,000.
- Forward planning grants
For more complex projects that require a planning period of between one and three years and have a total project cost over \$500,000. The maximum grant is \$4,000,000.

All applications must be lodged at the Department of Sport and Recreation. Annual and Forward planning applications by 4pm, Friday 30 October 2009 and the Small Grants applications must be lodged by 4pm, Wednesday 31 March 2010.

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

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

DETAILS:

BEATTY PARK LEISURE CENTRE

Proposed Project

Redevelopment of Beatty Park Leisure Centre

Total Costs

\$22,025,199 (of these costs \$13,821,544 is applicable under the CSRFF guidelines)

Amount sought from Council

\$8,000,000 (exclusive of GST)

Amount sought from Department of Sport and Recreation (maximum \$ 4 million)

\$4,000,000 (exclusive of GST)

Background

At the Ordinary Meeting of Council 16 December 2008 the following decision was made:

“That the Council;

- (i) *RECEIVES the report on the Community Consultation on the concept plans for the Redevelopment of Beatty Park Leisure Centre;*

- (ii) *CONSIDERS the submissions received from the Community Consultation;*
- (iii) *AUTHORISES the Chief Executive Officer to:*
- (a) *instruct the Project Architect to prepare the final Plans for the redevelopment at Beatty Park Leisure Centre for the consideration of the Council;*
 - (b) *provide a further report including a detailed Business Plan to support the final Plans, by June 2009;*
 - (c) *call a tender to appoint consultants and sub-consultants to assist in the preparation of the final design;*
 - (d) *investigate the use of geothermal and/or solar technology, water saving and other environmentally sustainable initiatives for the redevelopment project and engage consultants to assist the Town in this matter;*
 - (e) *negotiate and determine the Project Architect fees, depending upon the final project design and costs; and*
 - (f) *instruct the Project Architect to ensure that the redevelopment plans will minimise any further impact on significant trees;*
- (iv) *APPROVES;*
- (a) *the appointment of Peter Hunt Architects for the Design Development, Contract Documentation and Contract Administration stages of the Project, at an estimated cost of \$360,000, in accordance with Tender No. 336-06 Provision of Architectural Services for the Beatty Park Leisure Centre Redevelopment and NOTES that the fees will vary depending upon the final project design and costs; and*
 - (b) *the Revised Timeline, as detailed in this report; and*
- (v) *NOTES that further reports will be submitted to the Council, as the project progresses.”*

At the Ordinary Meeting of Council 14 April 2009 a further report was received and a decision made to seek additional funds in support of the project:

“That the Council;

- (i) *RECEIVES the Progress Report No. 1 as at 7 April 2009, concerning the Beatty Park Redevelopment; and*
- (ii) *NOTES that;*
 - (a) *the Town has submitted an application for the Regional and Local Community Infrastructure Program – Strategic Projects 2008/09 (RLCIP) for the Beatty Park Redevelopment; and*
 - (b) *a further report will be submitted to the Council, once a decision is announced by the Federal Government.”*

The total project is sought to be funded with a combination of Federal, State, internal and reserve funds and borrowings:

Proposed Project Funding	\$
Federal Government	\$10,000,000
CSRFF – State Government	\$4,000,000
Town of Vincent Reserve Funds	\$3,000,000
Town of Vincent Internal Funds and Borrowings	\$5,000,000
	<u>\$22,000,000</u>

The Town has made two applications to the Federal Government; one through the Regional and Local Community Infrastructure Programme (RLCIP) – Strategic Projects 2008/09 and the second application through the Jobs Fund Projects. Both applications have been acknowledged as excellent submissions however, have not, been successful.

Another round of Regional and Local Community Infrastructure Programme (RLCIP) - Strategic Project will be opened in late 2009. The Town will make another application in this round.

Funding support from the State Government is now being sought through the CSRFF process.

A staged approach for the Redevelopment may be considered, dependant on the outcome of the funding applications.

Beatty Park Leisure Centre was built and used for the 1962 Empire and Commonwealth Games. A major refurbishment took place in 1993 resulting in a 50 metre 8-lane outdoor heated pool, a 30 metre heated dive pool, a 25 metre heated indoor lap pool with adjoining water playground, water slides, heated dive pool, freeform pool, sauna, spa and steam room, gymnasium, group fitness room, circuit room, retail shop, café, crèche, office space and a series of activity rooms.

A Needs Analysis and Feasibility Study for the Future Redevelopment of the Beatty Park Leisure Centre was undertaken in 2004 and 2006 and, based on the findings, it has been recommended that the Centre undergo redevelopment in order to meet the on-going needs of its patrons. A concept plan was developed by a working party and further refined through community consultation in 2008 and a study tour of facilities.

Based on the Concept Plans, the redeveloped Beatty Park Leisure Centre would provide the community with a high quality facility that would be comparable with any new facility in the State and this would ensure the operational and financial viability of the Centre for the foreseeable future.

Under CSRFF funding criteria only parts of the redevelopment will be acceptable to the funding guidelines, these are listed below:

- A new 50m x 10 lane outdoor wet deck pool, replacing existing 50m pool. Including disabled access and new plant room.
- Upgrading existing dive pool and the renovation of existing plant room
- Add additional Learn to Swim pool (13m x 10m wet deck pool)
- Add additional Hot Pool (hydrotherapy/swim lessons)
- Renovate main pool change rooms
- New pool concourse
- Renovate existing North toilet block into 5 family change rooms
- New spa with change room facility
- Replace deteriorating concrete slides with fibreglass ones
- Install Geothermal heating for pools.

The following parts do not meet the criteria for CSRFF funding guidelines:

- Two level building to accommodate – new entry reception, retail area, dry lounge, lift, gym, staff administration area, toilet and change facilities for patrons and staff, two group fitness areas and kitchen service zone.
- New leasable area (office space for groups such as physiotherapists, health and wellness practitioners, etc).
- Car parking redevelopment (allow for extra parking and better traffic flow).

Project Rating

This project is identified as 'Well planned and needed by municipality' and the region rating it an A.

Recommendation

The Town's contribution towards the project is supported in principle and it is recommended that the Town support this application with the provision of \$8,000,000 to be sought from the Town of Vincent and other sources of funding.

TENNIS SENIORS WA

Proposed Project

Renovation of the male and female change rooms at Robertson Park Tennis Club.

Total Costs

\$53,003 (exclusive of GST)

Amount sought from Council

\$16,000 (exclusive of GST)

Background

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

Robertson Park, located close to the City Centre and Northbridge, is situated off Fitzgerald St.

The project entails the refurbishment of the male and female change rooms, upgrading the plumbing and replacement of the damaged toilet facilities to ensure that these facilities are of a suitable standard for competitive play.

Tennis Seniors WA has been recently significantly supported by the Town of Vincent and the CSRFF process in 2008 with the conversion of four grass courts to a synthetic surface and the resurfacing of two courts. A successful upgrade of their facilities in 2000 included new offices, kitchen and clubroom facilities to a project cost of \$428,000. The Town contributed \$142,667 to the project. However the change rooms were not upgraded at that time.

Project Rating

This project is identified as 'Well planned and needed by municipality' rating it an A.

Recommendation

The Council to support the project in principle to ensure that all facilities on site are of a modern standard and allow for the hosting of local, and regional tennis competitions such as the International Tennis Federation Super-Seniors World Team Championships.

CONSULTATION/ADVERTISING:

All developments will require community consultation prior to final planning approval.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2009-2014 – Key Result Area 1.1.6: *"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment"*.

SUSTAINABILITY IMPLICATIONS:

The CSRFF funding allows for the ongoing investment in the upgrading of Town sport and recreation facilities to ensure their sustainability in providing quality recreational opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the project has been listed for consideration in the 2009/2010 Budget and further consideration will be required for the 2010/2011 Draft Budget. Council contribution to Tennis Seniors WA will only be approved if the funding application to the Department of Sport and Recreation is successful.

COMMENTS:

Beatty Park Leisure Centre not only caters for the Town of Vincent residents, but draws patrons from across the metropolitan area and has been the pre-eminent choice for sporting groups and schools as a venue for aquatic events.

Supporting funding through the CSRFF process provides the opportunity to ensure that Town sporting and recreation assets continue to meet and exceed the expectations of their patrons and are able to cater for the diverse needs of the community into the future.

The project for Tennis WA is seen as a valuable and essential contribution to these existing facilities, which are used regularly for National and International events.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	30 September 2009
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of September 2009.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
15/09/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Coke Vending Conference - 15 September 2009 (Suites 4 and 5)
16/09/09	Section 70A Notification	3	Town of Vincent and A J Burns and A M Dragojevich of 68 Wasley Street, North Perth and J L Dragojevich of 148 Carr Street, West Perth re: No. 148 (Lot 64) Carr Street, West Perth - <i>To satisfy conditional approval (under Delegated Authority) for an application for additional three (3) two-storey plus lofts grouped dwellings and alterations to existing single house which states; "The Town of Vincent will not issue a residential or visitor parking permit to any owner or occupier of the Land. This is because at the time the planning application for the development of the Land, the Registered Proprietors claimed that the on-site parking provided would adequately meet the current and future parking demand of the development."</i>

Date	Document	No of copies	Details
16/09/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: RWA Grand Final Breakfast - 18 September 2009 (Gareth Naven Room)
17/09/09	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Andrew McManus Presents (International Pty Ltd) of 460 Brunswick Street, Fitzroy, Victoria 3065 re: Fleetwood Mac Concert - 11 December 2009 and, if required, 12 December 2009 (Stadium)
17/09/09	Deed of Extension of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and South Sydney District Rugby League Football Club of 104 George Street, Redfern, NSW - <i>Effective from 1 September 2009 to 31 August 2011</i> (Stadium).
17/09/09	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville and Mrs J M Treadgold re: Unit 46, Leederville Gardens
21/09/09	Lease	3	Town of Vincent and the Owners of Tyne Square, Strata Plan No. 52843 of 154 Newcastle Street, Perth (Lessor) and PakWest Pty Ltd of Level 50, Bank West Tower, 108 St Georges Terrace, Perth (Lessee) re: Nos. 154 Newcastle Street, Perth - <i>Proposed Lease of Common Property - Tyne Square</i>

9.4.2 Loftus Centre, 99 Loftus Street, Leederville – Management Committee

Ward:	South	Date:	22 September 2009
Precinct:	Oxford Centre, P4	File Ref:	PRO3829
Attachments:	001		
Reporting Officer(s):	M. Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Centre Management Committee Meeting held on 15 September 2009, as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Centre Management Committee meeting held on the 15 September 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 December 2006, Item 10.4.9 the Council approved of a Management Committee for the Loftus Centre, as follows;

“OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) *pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to determine the day-to-day operational issues of the Loftus Centre, 99 Loftus Street, Leederville;*
- (ii) *the Committee shall comprise of the following persons;*
 - (a) *the Town's Chief Executive Officer or his representative;*
 - (b) *a representative of Belgravia Leisure Pty Ltd;*
 - (c) *a representative of Gymnastics WA;*
 - (d) *a representative of the Loftus Community Centre; and*
 - (e) *the Town's Manager Library and Information Services;*
- (iii) *in accordance with the Lease between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer (with the and Executive Manager Corporate Services as Deputy) to the Committee; and*

- (iv) *to delegate the following functions to the Committee;*
- (a) *to determine day to day operational issues (including without limitation, use of the Premises, Common Areas cleaning, security issues, and use of the car park) which may arise as a result of the Lessee's use of the Loftus Centre Facilities with a view to ensuring the safe and efficient use of the Centre's Facilities by all users;*
 - (b) *to establish and review risk management plans for the Centre's Facilities;*
 - (c) *to consider and approve, if satisfactory, temporary structures within the Centre's Facilities;*
 - (d) *to make recommendations for the maintenance of Common Areas;*
 - (e) *to make recommendations for any capital improvements to the Centre's Facilities; and*
 - (f) *to do all such other things and to determine all such other issues in respect of the Centre's Facilities as are incidental or conducive to the above objects or any of them."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

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

9.1.1 No. 33 (Lot 439 D/P: 1939) Milton Street, Mount Hawthorn - Proposed Panel Lift Door Addition to Existing Carport of Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	29 September 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4828; 5.2009.387.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner P Wasser for proposed Panel Lift Door Addition to Existing Carport of Existing Single House (Application for Retrospective Approval) at No. 33 (Lot 439 D/P: 1939) Milton Street, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2009;

OFFICER RECOMMENDATION:

That the Council;

- ~~(i) — in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by owner P Wasser for proposed Panel Lift Door Addition to Existing Carport of Existing Single House (Application for Retrospective Approval) at No. 33 (Lot 439 D/P: 1939) Milton Street, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2009, for the following reasons:~~
- ~~(a) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and~~
- ~~(b) — the non-compliance with both the Acceptable Development Criteria and Performance Criteria for the Setback of Garages and Carports as outlined in the Town's Policy No. 3.2.1 relating to Residential Design Elements;~~
- ~~(ii) — the Council ADVISES the applicant that the panel lift door shall be removed and the carport be made one hundred (100) per cent open on all sides at all times (open style gates/panels with a minimum permeability of 80 percent is permitted), except where it abuts the eastern boundary parapet wall. These works shall be completed within twenty-eight (28) days of the refusal notification; and~~
- ~~(iii) — the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the subject works not be completed within this twenty-eight (28) day period.~~

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

Landowner:	P Wasser
Applicant:	P Wasser
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

19 December 2000 The Council at its Ordinary Meeting conditionally approved an application (Serial No. 00/33/0420) for proposed alterations and additions to the existing single dwelling and the construction of a double carport with a parapet wall on the eastern side boundary. A condition of approval required:

"(iv) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the eastern boundary parapet wall."

27 April 2001 The Town issued a Building Licence for the works and imposed the above planning condition (iv) as a condition of the Building Licence. One of the plans of the Building Licence, annotated that the carport would have a roller door.

29 July 2002 The Town received a letter of complaint regarding the addition of a solid door to the existing carport at the subject property.

22 August 2002 The Town wrote to the owner advising that condition (iv) of planning approval Serial No. 00/33/0420 requiring the carport to be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the eastern boundary parapet wall had not been complied with. The owner was requested to comply with condition (iv) of the planning approval by 5 September 2002.

17 September 2002 The Town wrote to the owner providing an extension of time to comply with the above condition.

There is no further correspondence on file relating to the subject unauthorised door, or what further action was taken.

17 August 2009 The Town received a letter of complaint regarding the addition of a solid door to the existing carport at the subject property. The complainant requested advice as to whether the addition was authorised.

DETAILS:

The proposal involves the consideration of an application for retrospective approval for a panel lift door addition to the existing carport at No. 33 Milton Street. The applicant has submitted a letter in support of the application which is 'Laid on the Table'.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
SADC 8. Setback of Garages and Carports	Carports to be one hundred (100) per cent open on all sides at all times (open style gates/panels with a minimum permeability of 80 percent is permitted).	Solid Panel Lift door to carport.	<p>Not supported – a condition of planning approval, dated 19 December 2000, for the subject carport structure required that it be 100% open on all sides at all times, except where it abuts the eastern boundary.</p> <p><u>Supported – the subject solid door reflects that of No. 35 Milton Street, in which a Building Licence for a solid door was issued by the Town on 31 January 1996.</u></p> <p>See further comments below.</p>
	<p>Solid roller doors, tilt doors and the like are not permitted for any carports located within the street setback area.</p> <p>Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling (not open verandah, porch, portico and the like).</p>	<p>Solid Panel Lift door to carport.</p> <p>Garage door approximately 7 metres in front of main building line.</p>	<p>Not supported – refer to comments section below.</p> <p><u>Supported – refer to Director Development Services Comments below.</u></p> <p>Not supported – refer to comments section below.</p> <p><u>Supported – refer to Director Development Services Comments below.</u></p>
Consultation Submissions			
Support	N/A		Noted.
Objection	N/A		Noted.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

~~The addition of a solid panel lift door to the existing carport results in the structure being considered a garage, as per the definition provided in the Residential Design Codes. It is considered that the subject garage does not satisfy either Performance Criteria or Acceptable Development provisions of the Town's Residential Design Elements Policy for the following reasons:~~

- ~~(a) — it is located in front of the main building line (1.5 metres behind the property's street/front boundary);~~
- ~~(b) — it obstructs views between Milton Street and the dwelling; and~~
- ~~(c) — the bulk of the solid door detracts from the character of the subject dwelling, and prevents continuity in the openness and rhythm of the Milton Street streetscape which limits casual surveillance.~~

~~The Town's Officers acknowledge that there are two solid roller doors to existing carports in the immediate vicinity of the subject place at Nos. 30 and 35 Milton Street. These other examples which show deterioration of the streetscape however, reinforce the need for policy requirements for the setback of garages and maintaining open carports.~~

~~In light of the above, it is recommended that the application be refused, and that the Council authorise the Chief Executive Officer to initiate legal proceedings in the event that removal of the panel lift roller door is not completed within 28 days of the refusal notification.~~

The Town is aware that there is on-going disagreement between the Applicant and one of the neighbours and this has been the case for a number of years.

Director Development Services Comments:

The Director Development Services has amended this Agenda Report to recommend APPROVAL of the application, having consideration of:

- the Town issued a Building Licence for a carport with solid door at No. 35 Milton Street on 31 January 1996;
- other similar garage/carports along Milton Street;
- the garage/carport has been finished in an attractive and professional manner;
- the garage/carport is in keeping with the existing dwelling;
- the Town's Officers did not follow up on correspondence that was sent to the owner on 17 September 2002 regarding the non-complying garage door – the Town's records do not show any reason. The Officers dealing with the matter at the time have long since departed; and
- the non-complying garage door reflects the solid door approved at the adjoining property at No. 35 Milton Street, and has now been installed for over seven (7) years, with no concern being raised over this time.

9.1.7 No. 301 (Lot 1, 2, 3, 4 and 5 on Strata Plan 57379) Oxford Street, Leederville - Front Fence Addition to Existing Grouped Dwelling – Application for Retrospective Approval

Ward:	North	Date:	29 September 2009
Precinct:	Leederville; P03	File Ref:	PRO3902; 5.2009.180.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Urban & Rural Perspectives on behalf of the owner Esteem Pty Ltd for proposed Front Fence Addition to Existing Grouped Dwelling – Application for Retrospective Approval, at No. 301 (Lot 1, 2, 3, 4 and 5 on Strata Plan 57379) Oxford Street, Leederville and as shown on plans stamp-dated 1 September 2009, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with clause SADC 13 of the Town’s Policy No. 3.2.1 relating to Residential Design Elements, which requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level and posts and piers to have a maximum height of 1.8 metres above the adjacent footpath level;*
 - (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
 - (d) *the non-compliance with the Town’s Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways;*
- (ii) *advises the applicant and owners that the unauthorised front/street fence shall be modified to comply/removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above front/street fence remain after this twenty-eight (28) days period.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-6)

For: Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

Reasons:

1. **The fence is considered to be in the spirit of the Town’s Policy;**

2. The fence provides surveillance;
3. The fence is visually permeable; and
4. Considered an improvement of the previous fence.

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Urban & Rural Perspectives on behalf of the owner Esteem Pty Ltd & D J Condidorio for proposed Front Fence Addition to Existing Grouped Dwelling (Retrospective Application), at No. 301 (Lot: 1 D/P: 5184) Oxford Street, corner Wylie Place, Leederville, and as shown on plans stamp-dated 20 March 2009, subject to the following conditions:

- (i) *the owner(s) of the subject property shall be responsible for all watering and maintenance of the landscaping on the verge; and*
- (ii) *within twenty eight (28) days of the issue date of the Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject front fence shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

MOTION PUT AND CARRIED (6-2)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina
Against: Cr Lake, Cr Maier

ADDITIONAL INFORMATION:

Photographs area attached, together with a letter from the Applicant's Town Planner.

Landowner:	Esteem Pty Ltd
Applicant:	Urban & Rural Perspectives
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	594 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 September 2007 The Council at its Ordinary Meeting conditionally approved an application for the demolition of the existing single house and the construction of five (5), two-storey single bedroom grouped dwellings.
- 28 July 2008 The Town under delegated authority from the Council conditionally approved a vergola addition to approved five (5), two-storey single bedroom grouped dwellings.
- 16 February 2009 The unauthorised construction of a front fence came to the Town's attention, and after further investigation, was found to be non-compliant with the Town's policies.
- 17 February 2009 The Town's Development Compliance Officer advised the owner of the non-compliant fence and advised that they are required to comply with the Town's requirements.
- 20 March 2009 The applicant submitted a retrospective application for the non-compliant front fence.
- 14 April 2009 The Council at its Ordinary Meeting refused the retrospective application for the non-complaint front fence and resolved as follows:
- “(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Urban & Rural Perspectives on behalf of the owner Esteem Pty Ltd & D J Condidorio for proposed Front Fence Addition to Existing Grouped Dwelling (Retrospective Application), at No. 301 (Lot: 1 D/P: 5184) Oxford Street, corner Wylie Place, Leederville, and as shown on plans stamp-dated 20 March 2009, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level and posts and piers to have a maximum height of 1.8 metres above the adjacent footpath level;*
- (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (d) *the non-compliance with the Town's Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways;*

- (ii) *ADVISES the applicant and owners that the unauthorised front/street fence shall be modified to comply/removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above front/street fence remain after this twenty-eight (28) days period.”*

23 June 2009

The Council at its Ordinary Meeting refused the retrospective application for the non-complaint front fence and resolved as follows:

- “1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
- 2. *The non-compliance with clause SADC 13 of the Town’s Policy No. 3.2.1 relating to Residential Design Elements, which requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level and posts and piers to have a maximum height of 1.8 metres above the adjacent footpath level.*
- 3. *The street walls and front fences requirements proposed to be varied are as specified in the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements.*
- 4. *The non-compliance with the Town’s Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways.”*

DETAILS:

The proposal involves the reconsideration of the refusal resolved by the Council at its Ordinary Meeting held on 14 April 2009 and 23 June 2009 for proposed front fence addition to existing grouped dwelling – application for retrospective approval at the subject property.

The current application is a replica of the application refused by the Council at its Ordinary Meeting held on 23 June 2009. The plans detail the inclusion of timber panels into the high solid portions of the fence adjacent to Wylie Place to act as a design feature and landscaping to the street verge, in front of the solid portions of fencing where the meter boxes are located.

The applicant's submission is "*Laid on the Table*" and partly stated below.

“The provision of additional landscaping as proposed is considered to be of significant benefit for the following reasons:

- i. *It will allow for retention of the solid fence panels which provide much needed privacy to the outdoor living area located within the front setback area of each dwelling;*
- ii. *It will screen any impact the solid panels may have on the local streetscape and help improve the overall amenity, character, visual appearance of the fence when viewed from the street; and*
- iii. *It will allow for retention of the visually permeable panels which provide opportunity for passive surveillance of the street and ensure that adequate sightlines are maintained for vehicle and pedestrian movement.”*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
SADC 13. Street Walls and Fences	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.	Maximum height of 2.4 metres	Not supported – see ‘Comments’ section.
	Posts and Piers to have a maximum height of 1.8 metres above adjacent footpath level and side boundaries.	Maximum height of 2.22 metres	Not supported – see ‘Comments’ section.
Policy No. 2.2.12 relating to Truncations	The area within a sight line shall be maintained clear of obstructions above the height of 650 millimetres for 1.5 metres by 1.5 metres.	Height of walls adjoining access leg Unit 3- 990 millimetres Unit 4 – 780 millimetres Unit 5 – 890 millimetres	Not supported - this requirement is to ensure adequate visibility of pedestrians, cyclists or other vehicles by the driver of the vehicle exiting the parking space and non-compliance would result in a potential safety hazard.
Consultation Submissions			
No consultation was required as the Officer Recommendation is for refusal.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The Town’s Residential Design Elements Policy requires that the solid portion of street walls and fences within the primary street setback area, including along the side boundaries are to have a maximum height of 1.2 metres above adjacent footpath level and a minimum of fifty percent visual permeability above 1.2 metres. The application also proposes a variation to the 1.8 metre height requirement for the piers of the walls. As variations to the street walls and fences requirements are contained in the Town’s Policy relating to Non-Variations of Specific Development Standards and Requirements, it is not supportable at Officer level.

In light of the above, it is recommended that the Council refuse the front/street fence and duly authorise the Chief Executive Officer to commence legal proceedings in the event the fence is not removed or modified to comply within 28 days of the date of determination.

9.1.6 No. 356 (Lots 1 and 2) Oxford Street, Corner Salisbury Street, Leederville - Proposed Change of Use from Office to Two (2) Medical Consulting Rooms (Dentist)

Ward:	North	Date:	30 September 2009
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO3688; 5.2009.289.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S McCallum on behalf of the owner Heal & Brandli Services Pty Ltd & J & A Matta for proposed Change of Use from Office to Two (2) Medical Consulting Rooms (Dentist), at No. 356 (Lots 1 and 2) Oxford Street, Leederville, and as shown on plans stamp-dated 31 July 2009, subject to the following conditions:

- (i) this approval is for Medical Consulting Rooms use only, and any change of use from Medical Consulting Rooms shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) doors, windows and adjacent floor areas fronting Salisbury Street shall maintain an active and interactive relationship with this street;*
- (iii) the Medical Consulting Rooms shall be limited to a maximum of 2 consulting rooms/consultants operating at any one time, as shown on the approved plans. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
- (iv) the subject property shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (v) the hours of operation for the proposed Medical Consulting Rooms shall be limited to the following times: 8am to 5 pm weekdays, 8.00am to 5 pm Saturdays, inclusive;*
- (vi) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (vii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$8,120 for the equivalent value of 2.9 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$8,120 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

Landowner:	Heal & Brandli Services Pty Ltd & J & A Matta
Applicant:	S McCallum
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Mixed Use development comprising offices, shops and multiple dwellings.
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	890 square metres
Access to Right of Way	East side, 5 metres wide, sealed, privately owned

BACKGROUND:

19 December 2006 The Council at its Ordinary Meeting conditionally approved demolition of shed and construction of a three-storey mixed use development comprising offices, shop, five (5) multiple dwellings plus basement car parking.

4 December 2007 The Council at its Ordinary Meeting conditionally approved demolition of vehicle sales premises and construction of three-storey mixed use development comprising offices, shop, five (5) multiple dwellings and basement car parking.

DETAILS:

The proposal involves the change of use from office to consulting rooms (dentist) which is located on the first floor of the existing building. The applicant first submitted plans for three (3) consulting rooms; however, subsequently, revised the proposal to two (2) consulting rooms.

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

The applicant's Architect has provided additional justification as follows:

"Attached is a diagram ('Laid on the Table') indicating parking embayment's that we propose for the southern side of Salisbury St. In the design, we have used similar dimensions to those bays that are now constructed on the northern side. We argue strongly that you support Mr. Mc Callum's proposal for a dental consultant tenancy because:

- *We can create 10 bays on Salisbury Street that covers your requirement for six "in lieu bays" (originally 6.08 required) as well as the 4.5 bays required for the dental tenancy (total 10.58 in lieu bays required).*
- *Our clients (owners of 356 Oxford) have already spent approximately \$31,000 upgrading the northern verge at no cost to the Town.*
- *Our clients have already contributed \$15,080 for parking in lieu of 6 bays.*
- *The formalization of Salisbury St bays is, in our minds, exactly as "in lieu" payments intend. In this case, we have a corner site that affords us the opportunity of providing bays on a side street exactly where they are required.*
- *It should also be noted that the dental surgery will operate during office/shop hours thus demand for bays will not compete with other hotel and restaurant facilities in the locale. There will be no "emergency" out of hours services provided."*

The Town's Technical Services have provided the following comments with respect to the Applicant's car parking proposal on Salisbury Street as follows:

While there is merit in the applicant's proposal for parking spaces on the southern side of Salisbury Street, there are other issues to be considered which may have a substantial impact upon the cost.

The embayed nib at the intersection, while desirable, will create a drainage issue requiring a minimum of two gullies, possibly a manhole and piped road crossing, estimated at a cost of \$15,000-\$20,000. Further, as the Town is in the process of preparing Oxford Street for re-surfacing in November 2009, any works would have to be undertaken as a priority.

The proposed nib adjacent to the crossover at the rear of No. 352 Oxford Street would impact upon the ingress/egress of the immediate residents, and would not be approved. Furthermore, any parking would have to be subject to time restrictions.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.

Car Parking		
Car parking requirement (nearest whole number) Shop: 1 car bay per 15 square metres of gross floor area (proposed 269 square metres)= 17.93 car bays Office = 1 space per 50 square metres of gross floor area (proposed 441 square metres)= 8.82 car bays Consulting Rooms= 3 car bays per Consulting Room= 6 car bays Total= 32.75= 33 car bays		33 car bays
Apply the adjustment factors.		(0.72675)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 50 metres of one or more public car parks in excess of 25 spaces) ▪ 0.9 (end of trip bicycle facilities) 		23.98 car bays
Minus the car parking provided on-site		15 car bays
Minus the most recently approved on-site car parking shortfall		6.08 car bays
Resultant shortfall		2.9 car bays
Bicycle Parking		
Given that the building is existing and bicycle parking facilities have already been provided on-site, there is no requirement for bicycle parking.		
Consultation Submissions		
Support	Two	Noted.
Objections (5)	<p>Parking</p> <p>Lack of parking will impact on the adjoining residential area. Salisbury Street is already congested due to the restricted parking on Anzac Road, resulting in patrons of the Oxford Hotel parking on Salisbury Street. When this building starts operating, there will be major parking issues along Salisbury Street.</p>	Not Supported- refer to "Comments" below.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability Implications		Nil

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

COMMENTS:

Planning

The subject application for No. 356 Oxford Street has a total car parking requirement of 23.98 car bays (after adjustment factors). Fifteen car bays are provided for the total development.

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

"If the total requirement (after adjustment factors have been taken into account) is between 11-40 bays, a minimum of 15 per cent of the required bays is to be provided."

The subject application for No. 256 Oxford Street has a total car parking requirement of 23.98 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, a total of 3.597 car bays are required to be provided on-site; fifteen car bays are provided on-site for the existing and proposed development.

It is noted that for the original approval for the mixed use development, the Applicant paid \$15,836 cash-in-lieu for the car parking shortfall of 6.08 car bays. The additional shortfall of 2.9 car bays as a result of this application is not considered to have an impact on the surrounding area. It is considered the cash-in-lieu for the total 8.98 car bays (\$23,956) shortfall could reasonably be used to upgrade the parking on the southern side of Salisbury Street as outlined in the Applicant's submission. Moreover, the Medical Consulting Rooms will operate within business hours except on Saturday, whereby they propose to open until 5.00 pm. Accordingly, it is considered that the intensity of the use is not dissimilar to that of an office use on the first floor and is supported.

The Town's Policy for Medical Consulting Room specifies that the time of operation on Saturday shall be limited from 8.00am to 1.00pm on Saturday. The applicant has however, requested that the Medical Consulting Rooms operate from 8 am to 5 pm on Saturday. Given that the site is located in a Commercial zone, the variation to the operation hours is supported.

In light of the above, it is recommended that the application be approved as per the Officer Recommendation.

9.1.3 No. 32 (Lot: 21 D/P: 100843) Church Street, Perth - Proposed Three - Storey Single House

Ward:	South	Date:	29 September 2009
Precinct:	Beaufort; P13	File Ref:	PRO4604; 5.2009.303.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by MacCormac Architects on behalf of the owner K & A Seng for proposed Three-Storey Single House, at No. 32 (Lot: 21 D/P: 100843) Church Street, Perth, and as shown on plans stamp-dated 12 August 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the windows to the TV Room and the Living Room on the first floor on the western elevation;*
 - (b) the balcony to the Dining/Meals on the first floor on the north-west and east elevations; and*
 - (c) the balcony to the Master Bedroom on the first floor on the west and north elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 56, 58, 60 and 62 Palmerston Street and No. 30 Church Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and

- (iii) first obtaining the consent of the owners of No. 30 Church Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 30 Church Street and the western and northern right of way in a good and clean condition.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

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

“(iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the western elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town’s Policies.”

Debate ensued.

AMENDMENT PUT AND CARRIED (5-3)

For: Cr Burns, Cr Ker, Cr Lake, Cr Maier, Cr Messina

Against: Mayor Catania, Cr Doran-Wu, Cr Farrell

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by MacCormac Architects on behalf of the owner K & A Seng for proposed Three-Storey Single House, at No. 32 (Lot: 21 D/P: 100843) Church Street, Perth, and as shown on plans stamp-dated 12 August 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the windows to the TV Room and the Living Room on the first floor on the western elevation;*
 - (b) the balcony to the Dining/Meals on the first floor on the north-west and east elevations; and*

- (c) *the balcony to the Master Bedroom on the first floor on the west and north elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 56, 58, 60 and 62 Palmerston Street and No. 30 Church Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;

- (iii) *first obtaining the consent of the owners of No. 30 Church Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 30 Church Street and the western and northern right of way in a good and clean condition; and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portions of the western elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	K & A Seng
Applicant:	MacCormac Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	185 square metres
Access to Right of Way	West side, 3 metres wide, sealed, privately owned North side, 4 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a three-storey single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -East	1.5 metres	Nil	Supported – no objection received from neighbouring landowner and the proposed building will be built up against an existing three-storey dwelling.
First Floor -South (Church Street)	A balcony is required to be setback 1 metre behind the portion of the ground floor main building line that it lies above.	In line to 1.5 metres in front of the ground floor main building line.	Supported – the proposed development is not considered to have an undue impact on the streetscape and reflects other three-storey developments along Church Street that have the upper floors in line with the ground floor.
-West	2.4 metres	1.5 metres to the centre of the right of way.	Supported – there is a three metre wide right of way along the western boundary, which acts as a significant setback for the development.
-East	2.4 metres	Nil	Supported – no objection received from neighbouring landowner and the proposed building will be built up against an existing three-storey dwelling.
-North	2.8 metres	2 metres to the right of way.	Supported – there is a four metre wide right of way along the northern boundary, which acts as a significant setback for the development.
Second Floor -West	4.8 metres	1.5 metres to the centre of the right of way.	Supported – there is a three metre wide right of way along the western boundary, which acts as a significant setback for the development.

-East	4.8 metres	Nil	Supported – no objection received from neighbouring land owner and the proposed building will be built up against an existing three-storey dwelling.
-North	4.8 metres	2 metres to the right of way.	Supported – there is a four metre wide right of way along the northern boundary, which acts as a significant setback for the development.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (20.44 metres on the eastern and western boundaries and 3.99 metres on the northern boundary) of the length of the balance of the boundary behind the front setback, to one side boundary.	Walls proposed on three boundaries. -East Wall Height = 9.8 metres Wall Length = 26 metres -West Wall Height = 9.8 metres Wall Length = 26 metres -North Wall Height = 9.8 metres Wall Length = 5.99 metres	Supported – no objection received from neighbouring landowner and the proposed building will be built up against an existing three-storey dwelling. Supported – there is a three metre wide right of way along the western boundary, which acts as a significant setback for the development. Supported – there is a four metre wide right of way along the northern boundary, which acts as a significant setback for the development.
Open Space:	45 per cent or 83.25 square metres of the total site area.	41 per cent or 75 square metres of the total site area.	Supported – the proposed development is consistent with other three-storey developments along Church Street and the development proposes two large and usable balconies for private open space for the residents. In addition, the property is within the immediate vicinity of a local park located on Stuart Street and Hyde Park.
Building Height:	Maximum height for a concealed roof development is 7 metres.	Maximum height of proposed building is 9.8 metres.	Supported – the proposed development is consistent with other three-storey developments along Church Street.

Privacy Setbacks: -First Floor Windows to the TV Room and the Living Room on the west elevation.	6 metres	3.5 metres to the western property boundary.	Not supported – condition applied for the windows to be screened in accordance to the R Codes.
Balcony to the Dining/Meals on the north-west elevation and east elevation	7.5 metres	3 metres – 5 metres to the western property boundary.	Not supported – condition applied for the balcony to be screened in accordance to the R Codes.
		Nil to the eastern property boundary.	Not supported – condition applied for the balcony to be screened in accordance to the R Codes.
-Second Floor Balcony to the Master Bedroom on the west and north elevation.	7.5 metres	3 metres to the western property boundary.	Not supported – condition applied for the balcony to be screened in accordance to the R Codes.

Consultation Submissions

Support	Nil.	Noted.
Objection (3)	<ul style="list-style-type: none"> • Building height. • Boundary walls. 	<ul style="list-style-type: none"> • Not supported – the proposed development is consistent with other three-storey developments along Church Street. • Not supported – no objection was received from the eastern neighbouring landowner and the proposed building will be built up against an existing three-storey dwelling. Furthermore, there is a three metre wide right of way along the western boundary, which acts as a significant setback for the development.
	<ul style="list-style-type: none"> • Privacy. • Overshadowing • Noise from the proposed air conditioning unit. • The proposed development will set a precedence in the area. 	<ul style="list-style-type: none"> • Supported – all windows and balconies are required to be screened in accordance with the R Codes. • Not supported – the proposed development is compliant with the overshadowing requirements of the R Codes. • Not supported – this is a non-planning related matter; however, will be required to comply with the Health (Noise) Regulations. • Not supported – there are currently two existing three-storey developments along Church Street and, therefore, it is the opinion of the Town’s Officers that a precedence has already been set in the area.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
Sustainability Implications	Nil

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

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

COMMENTS:

In light of the above, it is recommended that Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.8 Amendment No. 62 to Planning and Building Policies – Policy No. 3.5.2 Relating to Signs and Advertising

Ward:	Both Wards	Date:	29 September 2009
Precinct:	All Precincts	File Ref:	PLA0188
Attachments:	001 ; 002		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising as shown in Attachment 001 resulting from the advertised version having been reviewed and with regard to two (2) written submissions received during the formal advertising, as shown in Appendix 9.1.8, in accordance with Clauses 47 (4), and (5)(a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001 in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.5.2 relating to Signs and Advertising as shown in Appendix 9.1.8, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

- “(i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising as shown in Attachment 001 resulting from the advertised version having been reviewed and with regard to two (2) written submissions received during the formal advertising, as shown in Appendix 9.1.8, in accordance with Clauses 47 (4), and (5)(a) of the Town's Town Planning Scheme No. 1; subject to the Policy being further amended as follows:*

(a) Clause 2 Standard i) Standards Common to all Signs: d) bb) be amended to read as follows;

“bb) not comprise flashing, intermittent or running lights, ~~text or animation~~ or images that change more than once in any five minute period;”

Debate ensued.

AMENDMENT PUT AND CARRIED (5-3)

For: Cr Burns, Cr Ker, Cr Lake, Cr Maier, Cr Messina

Against: Mayor Catania, Cr Doran-Wu, Cr Farrell

MOTION AS AMENDED PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 9.1.8

That the Council;

- (i) *RECEIVES the final amended version of the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising as shown in Attachment 001 resulting from the advertised version having been reviewed and with regard to two (2) written submissions received during the formal advertising, as shown in Appendix 9.1.8, in accordance with Clauses 47 (4), and (5)(a) of the Town's Town Planning Scheme No. 1, subject to the Policy being further amended as follows;*
- (a) *Clause 2 Standard i) Standards Common to all Signs: d) bb) be amended to read as follows;*
- “bb) not comprise flashing, intermittent or running lights, ~~text or animation~~ or images that change more than once in any five minute period;”*
- (ii) *ADOPTS the final amended version of the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001 in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.5.2 relating to Signs and Advertising as shown in Appendix 9.1.8, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Amended Policy relating to Signs and Advertising, to present to the Council the final amended version of the Draft Amended Policy, and to seek final adoption of the Policy.

BACKGROUND:

The Signs and Advertising Policy was first adopted by the Council at its Ordinary Meeting held on 20 November 2001. It was last amended by the Council at its Ordinary Meeting held on 6 November 2007 following a minor amendment to remove any anomaly between ground based signs under the Town's Signs and Advertising Policy and portable signs under the draft new Local Government Property Local Law.

6 November 2007 The Council at its Ordinary Meeting held on 6 November 2007 considered the proposed Amendment to the Signs and Advertising Policy, and resolved as follows:

“That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Signs and Advertising, as attached to this report, resulting from the advertised version having been reviewed and with regard to nil (0) written submissions received during the formal advertising period, in accordance with Clauses 47 (3), (4) and (5)(a) of the Town's Town Planning Scheme No. 1;*

- (ii) *ADOPTS the final amended version of the Policy relating to Signs and Advertising, as attached to this report, in accordance with Clause 47 (5) (b) of Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Signs and Advertising, as attached to this report, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1."*

23 June 2009

The Council at its Ordinary Meeting held on 23 June 2009 considered the proposed Amendment to the Signs and Advertising Policy, and resolved "that the item be DEFERRED for further consideration."

14 July 2009

The Council at its Ordinary Meeting held on 14 July 2009 considered the progress report relating to the Signs and Advertising Policy, and resolved as follows:

"That the Council;

- (i) *RECEIVES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, as shown in Attachment 001; subject to the Policy being further amended as follows:*
 - (a) *Clause 3 Sign Specific Standards (xvi) Tethered Signs: (a) (cc) be amended to read as follows:*
 - 'cc) *not be less than ~~2.7~~ 2.75 metres from the finished ground level to the lowest part of the sign or greater than ~~8~~ 6 metres from the finished ground level to the highest part of the sign ~~from the finished ground level to the lowest part of the sign;~~"; and*
 - (b) *Clause 1 Definitions be amended to read as follows:*
 - "Thoroughfare" shall have the same meaning as "Thoroughfare" in the Local Law relating to Local Government Property.";*
- (ii) *ADVERTISES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, having regard to any written submissions; and*
- (b) *DETERMINES the Draft Amended Policy No. 3.5.2 relating to Signs and Advertising, with or without amendment, to or not to proceed with it."*

Following on from this however, Council requested that further investigation be carried out regarding electronic signs and three dimensional signs. They also requested that the Town's Officers write to the Western Australian Local Government Association (WALGA) regarding a definition for 'thoroughfare'.

DETAILS:

1. Submissions Received:

The Draft Amended Policy relating to Signs and Advertising has been advertised as required by Clause 47 of the Town's Town Planning Scheme No. 1, commencing on 28 July 2009 and closing on 24 August 2009. Following the completion of the advertising period, the Policy was further considered in light of the submissions received, and where appropriate, the draft amended Policy has been amended.

The Town received a detailed submission from the East Perth Redevelopment Authority (EPRA), where a number of amendments were proposed. The submission from EPRA has been considered, and in general, the proposed amendments relate to clearer and simpler language throughout the Policy, and are considered appropriate and logical.

A summary of the proposed key amendments to the Policy following the advertising period, together with the justification, are outlined below, and depicted using strikethrough and underline. Details of all amendments are outlined in Appendix 9.1.8.

- **Reword Clause 3 i):**

Clause 3 i) is to be amended to read as follows;

- b) an Above Roof Sign other than those identified in a) above, are only permitted where it can be demonstrated that, ~~having regard to the character of the area in which they are to be situated,~~ they do not adversely affect the character or amenities of the area in which they are to be situated, ~~its amenities~~ or those of other areas;

- **Reword Clause 3 ii) b):**

Clause 3 ii) b) is to be amended to read as follows;

- ee) be ~~so~~ placed so ~~such~~ that the centre of its base longitudinally is ~~equidistant~~ halfway from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign;

- **Reword Clause 3 xii) b):**

Clause 3 xii) b) is to be amended to read as follows;

b) not have, in ~~aggregate~~ total, a combined area greater than 20 square metres per lot;

- **Reword Clause 3 xiv):**

Clause 3 xiv) is to be amended to read as follows;

b) The structure to which a pylon sign is affixed is to comprise only one or more supports with ~~an aggregate~~ a total width not exceeding 300 millimetres unless a sign strategy acceptable to the Town of Vincent for the whole site has been submitted and approved.

- **Reword Clause 3 xvii):**

Clause 3 xvii) is to be amended to read as follows;

b) not exceed 10 percent in area in ~~aggregate~~ total on any one wall (excluding projecting signs), unless a sign strategy acceptable to the Town of Vincent for the whole site has been submitted and approved. To ensure consistency in determining the area of a sign, the following guidance is provided:

- **Reword Clause 3 xvii):**

Clause 3 xvii) d) is to be amended to read as follows;

bb) not be erected for more than 14 days in ~~aggregate~~ total in any one calendar year;

- **Reword Clause 3 xviii):**

Clause 3 xviii) is to be amended to read as follows;

a) not cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area in ~~aggregate~~ total per tenancy on a lot.

It is considered that these changes will assist in the streamlining of the Signs and Advertising Policy.

2. Research into Three-Dimensional and Electronic Signs:

The Town's Officers undertook the following research in relation to three-dimensional and electronic signs:

- research into signs and advertising policies and guidelines operational worldwide;
- research into signs and advertising policies and guidelines operational in interstate Local Governments; and
- research into signs and advertising policies and guidelines operational in Local Government Authorities within Western Australia.

Following this research, the Town's Officers could not obtain adequate additional policy provisions concerning three-dimensional and electronic signs, above and beyond the current provisions outlined in the Town's Policy No. 3.5.2 relating to *Signs and Advertising*.

Three-Dimensional Signage:

It is considered that Section 2 of the Policy, relating to Standards Common to all Signs, contains sufficient provisions for three-dimensional signs. Furthermore, three-dimensional signage could take the form of one or more of the specific sign types detailed in clause 3 of the Policy, and thus, does not on its own warrant a specific 'sign type'.

Also, some three-dimensional signs are a standard requirement of the relevant franchise the development application relates to (for example, the Kentucky Fried Chicken bucket). Further, at the Council Meeting held on 20 December 2005, the Council received a report relating to No. 338 (Lots 710 and 711) Bulwer Street, West Perth, for proposed signage to an existing fast food outlet (Kentucky Fried Chicken). The proposed signage was in the form of a three-dimensional pylon sign (refer to Figure 1). Although originally rejected, it was approved because *'the applicant has advised that the pylon sign (sign type 8) is a fundamental requirement of the business franchise and that the business is unable to be in operation without it.'*

It is considered that three-dimensional signs can be adequately assessed according to the provisions outlined in Section 2 of the Policy, and that prescriptive details relating to three-dimensional signs would not provide any benefit in assessing these sign types.



Figure 1: Example of Three-Dimensional Signage

Electronic Signage:

It is considered that the Policy currently outlines sufficient provisions relating to electronic signage in the provisions relating to illuminated signs. However, to ensure that electronic signs support the key objectives of the *Signs and Advertising Policy*, it is recommended that Clause 2) i) d) bb) of the Policy be amended as follows *'Standards...Standards Common to all Signs...if illuminated...not comprise flashing, intermittent or running lights, text or animation.'*

3. Definition for 'Thoroughfare':

The Town wrote to WALGA on 23 July 2009 requesting advice on a clear and comprehensive definition for 'thoroughfare.'

In a letter dated 29 July 2009, WALGA advised that it 'is aware of the lack of clarity in the definition in the Local Government Act and several conflicting definitions in other policies and legislation.' However, they were unable to offer a clear definition, but stated that 'WALGA's future intention is to holistically and in consultation with stakeholders review this and facilitate a whole of government definition. This is likely to take some time and is not a current priority.'

Additional contact was made with the relevant agencies, including the Department of Planning, Landgate, Main Roads Western Australia, the Department of Local Government and Regional Development, and the City of Perth in an attempt to determine whether any have developed a clear and comprehensive definition of 'thoroughfare'. None of those contacted however, could offer a definition beyond what was currently in the *Local Government Act 1995*.

Therefore, at this time, the Town's Officers consider it sufficient to utilise the definition found in the *Local Government Act 1995*.

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 28 July 2009 and closed on 24 August 2009.

In total, two (2) submissions were received, both of which supported the proposed Amendment No. 62.

The key amendments made as a result of the submissions received, together with the justification, are outlined in the Details section of this report.

A summary of the comments received in the submissions can be found in Appendix 9.1.8.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area One: Natural and Built Environment:

"1.1 Improve and maintain environment and infrastructure. . .

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

It is considered that these amendments will result in a comprehensive and transparent Signs and Advertising Policy that provides clear, detailed information to the public with regard to the requirements relating to signs and advertising within the Town.

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Amended Policy in accordance with the Officer Recommendation.

9.1.9 East Perth Redevelopment Authority – Draft Redevelopment Scheme 2 and Revised and Draft Development Policies - Stakeholder Consultation

Ward:	-	Date:	29 September 2009
Precinct:	-	File Ref:	PLA0022
Attachments:	001 , 002		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the East Perth Redevelopment Authority’s (EPRA) Draft Redevelopment Scheme 2, a summary of which is shown in Appendix 9.1.9, and Draft Development Policies, a summary of which is shown in Appendix 9.1.9;*
- (ii) *advises the EPRA that the Council SUPPORTS IN PRINCIPLE the Draft East Perth Redevelopment Authority Scheme 2 and Draft Development Policies as outlined in this report, however, notes the significant departure from the Model Scheme Text, and the removal of density and plot ratio provision; and*
- (iii) *ADVISES the EPRA that the Council has the following concerns subsequent to the normalisation process:*
 - (a) *ambiguous Land Use System as no ‘x’ use is stipulated, but instead, ‘contemplated uses’;*
 - (b) *the Land Use Table leaves the uses blank for some of the Precincts within the Project Areas that are also within the Town of Vincent;*
 - (c) *although the Draft Scheme 2 clearly states what activities are excluded from requiring Development Approval, there is no information in terms of when and if a Building Licence is required; and*
 - (d) *the ‘maximum parking’ approach that the EPRA has proposed as this will result in severe parking problems within the Town.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 6.45pm.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Farrell

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

“(iii)(d) the ‘maximum parking’ approach that the EPRA has proposed as this ~~will~~ may result in severe parking problems within the Town.”

AMENDMENT PUT AND CARRIED (7-0)

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

MOTION AS AMENDED PUT AND CARRIED (7-0)

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

COUNCIL DECISION ITEM 9.1.9

That the Council;

- (i) *RECEIVES the report relating to the East Perth Redevelopment Authority's (EPRA) Draft Redevelopment Scheme 2, a summary of which is shown in Appendix 9.1.9, and Draft Development Policies, a summary of which is shown in Appendix 9.1.9;*
- (ii) *advises the EPRA that the Council SUPPORTS IN PRINCIPLE the Draft East Perth Redevelopment Authority Scheme 2 and Draft Development Policies as outlined in this report, however, notes the significant departure from the Model Scheme Text, and the removal of density and plot ratio provision; and*
- (iii) *ADVISES the EPRA that the Council has the following concerns subsequent to the normalisation process:*
 - (a) *ambiguous Land Use System as no 'x' use is stipulated, but instead, 'contemplated uses';*
 - (b) *the Land Use Table leaves the uses blank for some of the Precincts within the Project Areas that are also within the Town of Vincent;*
 - (c) *although the Draft Scheme 2 clearly states what activities are excluded from requiring Development Approval, there is no information in terms of when and if a Building Licence is required; and*
 - (d) *the 'maximum parking' approach that the EPRA has proposed as this may result in severe parking problems within the Town.*

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the East Perth Redevelopment Authority's draft *Redevelopment Scheme 2* and draft *Development Policies* currently being advertised for public comment, and to provide a summary of both documents to the Council.

BACKGROUND:

The *East Perth Redevelopment Scheme 1* was gazetted in 1992 and has since been administered by the EPRA. After 17 years of operation in the East Perth Redevelopment Area, and 20 amendments, it was recognised that a review of the Scheme was appropriate.

In 2006, the Town was given the opportunity to review the draft *Scheme 2*. At its Ordinary Meeting held on 28 March 2006, the Council resolved to:

- “(i) *RECEIVES this report and the letter dated 20 February 2006 and associated documentation in relation to the Draft East Perth Redevelopment Scheme No. 2, as shown in Attachment 10.1.18; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed changes outlined in the documentation provided in relation to Draft East Perth Redevelopment Scheme No. 2, subject to the following matters being addressed as part of the final review:*
 - (a) *consideration being given to the zoning and development of areas within the Town of Vincent which abut the East Perth Redevelopment Authority land, to ensure complementary development outcomes; and*

- (b) *the outcomes of the Town's Vincent Vision 2024 Community Visioning project, in particular, the Perth and Leederville 2024 Vision Reports, be taken into consideration for those areas which abut the EPRA land."*

Following this, substantial work was undertaken in late 2007 to review EPRA's current *Scheme 1* and to prepare a fully revised *Scheme 2*. This work included internal and external stakeholder and industry workshops; thorough research and analysis; and collaboration with several consultants from a variety of disciplines. This resulted in a complete redrafting of *Scheme 2*, to produce a more user-friendly scheme.

The Town's Officers reviewed the revised draft *Scheme 2* early in 2009, and received a letter dated 13 August 2009 thanking the Town for its submission. The draft *Scheme 2* was subsequently revised in response to stakeholder submissions, and the EPRA has invited the Town to comment on the revised draft document, as well as the EPRA's revised draft *Development Policies*.

The Town's Officers have attended two briefing sessions relating to the revised draft *Scheme 2* and *Development Policies*. Both documents have been released for public comment, with submissions closing on 12 October 2009 to ensure that the community has the opportunity to provide feedback on the amendments prior to it being finalised by the EPRA.

DETAILS:

The EPRA envisage that the draft *Redevelopment Scheme 2*, along with the draft *Development Policies* now open for public comment, will facilitate the planning and development control of each project area within EPRA's Redevelopment Area.

Unlike all Local Government Authorities in Western Australia, the EPRA's Scheme is prepared in accordance with the *East Perth Redevelopment Act 1991*, not the *Planning and Development Act 2005*. It is not restricted to the confines of the *Model Scheme Text* or *Town Planning Regulations 1967*, allowing the EPRA to streamline their Scheme in order to meet the specific planning requirements of the East Perth Redevelopment Area.

The draft *Scheme 2* provides less focus on controlling development and more focus on what 'can be' developed, with information relating to development control being included in the various Design Guidelines EPRA has prepared as opposed to the Scheme itself. The Design Guidelines set out the requirements for building design and other development standards for land within a specific area of the Redevelopment Area, such as a Project Area or a Precinct. They also provide the detailed guidance for designing and assessing development proposals, and include standards such as building design and materials, building height and setbacks, and car parking requirements.

Draft Redevelopment Scheme 2

According to the EPRA, the draft *Scheme 2* includes many improvements on *Scheme 1*, which also sets it apart from traditional local government town planning schemes. These improvements include:

- *'Reflects EPRA's inner city focus, by supporting urban (not suburban) development and accommodating the unique community needs and market demands of the inner city.*
- *Facilitates EPRA's strategic direction, including a scheme vision, principles of sustainable urban renewal, and a vision for each project area.*
- *Embeds triple bottom line sustainability in all aspects.*
- *Articulates and raises the expectation of quality design and development.*
- *Provides greater emphasis on the amenity and enjoyment of the public realm.*
- *Provides improved planning for inner city land uses such as entertainment, dining, cultural and creative industries.*

- Takes a “people focused” approach which recognises that planning great cities is about planning for people not just buildings, or cars.
- Improves clarity of the steps involved in Development Applications and other development related process (such as Development Audits).
- Reduces the need for planning approval for minor, low impact activities.
- Removes the R-Codes document and density coding, as this is a suburban planning tool that doesn’t facilitate EPRA’s aims of mixed-use, housing diversity, or innovative development.
- Takes a maximum approach to parking provision, instead of minimum requirements, to encourage sustainable transport, walking and cycling.
- Presented in a user friendly format with easy to use language and layout.’

The draft *Scheme 2* has nine chapters that make up the legal ‘scheme text’. This text is supported by a User Guide at the start of the document and a Notes Column along each page - these do not form part of the legal requirements, and are provided only to assist the user. The structure of the *Redevelopment Scheme 2* is as follows:

- User Guide;
- Chapter 1 – The Vision;
- Chapter 2 – Scheme Principles;
- Chapter 3 – Project Areas;
- Chapter 4 – Land Use;
- Chapter 5 – Development Management;
- Chapter 6 – Heritage and Community Assets;
- Chapter 7 – Development Contributions;
- Chapter 8 – Administration; and
- Chapter 9 – Appendices.

A summary of each chapter is provided in Appendix 9.1.9.

Draft Development Policies

EPRA has undertaken a review of the policies adopted with its first *Redevelopment Scheme 1*. EPRA is proposing to revoke the current 43 policies when the proposed draft *Redevelopment Scheme 2* is adopted, and replace them with a set of 10 new *Development Policies*. These Policies will support the implementation of *Redevelopment Scheme 2*.

The new Policies seek to achieve best practice in statutory planning by providing a small set of clear, consistent, yet flexible, policies that focus on the key issues of inner city redevelopment. The Policies take a “performance based” or “outcomes focused” approach to assessing development applications. They also follow the *Redevelopment Scheme 2* approach to “level of impact assessment” whereby small, low impact activities may not require planning approval, and large proposals with higher impacts, will have greater policy requirements.

The 10 *Development Policies* are as follows:

- Green Building Design;
- Development of Heritage Places;
- Sound Attenuation;
- Providing Public Art;
- Additional Structures to Buildings;
- Signs and Advertising;
- Working from Home;
- Hosting Public Events;
- Diverse and Affordable Housing; and
- Adaptable and Accessible Housing.

Appendix 9.1.9 provides a brief description of each of the *Development Policies*.

CONSULTATION/ADVERTISING:

The EPRA is currently advertising the draft *Redevelopment Scheme 2* and draft *Development Policies* for public comment, which closes on 12 October 2009.

LEGAL/POLICY:

Legislative Tools - The East Perth Redevelopment Act 1991, the East Perth Redevelopment Regulations, and the Redevelopment Scheme.

Statutory Tools - Development Policies, Design Guidelines, a Heritage Inventory, and Development Contribution Plans.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure

1.1.4 Minimise negative impacts on the community and environment.”

Economic Development

2.1 Progress economic development with adequate financial resources

2.1.2 Develop and promote partnerships and alliances with key stakeholders.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Draft Redevelopment Scheme 2

The EPRA envisage that the draft *Redevelopment Scheme 2* will be a sustainable planning tool that will guide the future redevelopment of EPRA’s inner city project areas. The Vision chapter in the draft *Scheme 2* sets out how the document assists in delivering this vision by facilitating sustainable development and improved social, economic, environmental, urban design and governance outcomes. According to the EPRA, who are aiming to embed the triple bottom line of sustainability into all aspects of redevelopment, the draft *Scheme 2* will facilitate ‘*strategic direction, including a scheme vision, principles of sustainable urban renewal, and a vision for each project area.*’

Draft Development Policies

In relation to the draft *Development Policies*, the draft *Scheme 2* includes provisions for EPRA to prepare policies for any matter relating to the planning and development of the Scheme Area and requires these policies to promote sustainable development and high levels of amenity. The following *Development Policies* address aspects of environmental and social sustainability:

Development Policy 1. Green Building Design

‘The EPRA adopted the new policy Green Building Design in February 2009. The policy promotes high quality environmentally sustainable building design, construction and operation and it is aligned with the Green Building Council of Australia’s Green Star rating tool. The policy sets out a Green Star design rating requirement for each new building in the Redevelopment Area. EPRA’s research and industry consultation has demonstrated that any increased cost of developing buildings to achieve a high green star rating can be offset by savings in reduced energy, water, waste and materials use as well as profitability from improved marketability and potential increased rental values.’

Development Policy 9. Diverse and Affordable Housing

'This is a new policy for EPRA and replaces EPRA's older Residential Development policy. The policy supports EPRA's position of achieving 10-15 per cent affordable housing in each of its project areas. The policy requires new residential development to include a range of dwelling types, so that housing in the Redevelopment Area provides options for the needs of a variety of residents. This includes providing a mixture of different size dwellings and also providing 12 per cent of dwellings for sale as social housing or owner occupier affordable housing (under a shared equity programme).'

COMMENTS:

Relevance to the Town of Vincent

A review of both of the draft documents was undertaken by the Town's Officers. The review revealed that the draft *Scheme 2* and *Development Policies* may have implications for the Town, particularly in relation to the normalisation process, for the following reasons:

Firstly, the draft *Scheme 2* removes the *Residential Design Codes (R-Codes)* document and density coding, because according to the EPRA, *'this is a suburban planning tool that doesn't facilitate EPRA's aims of mixed-use, housing diversity, or innovative development.'* Although in the Town of Vincent, the Town's Officers utilise Policy No. 3.2.1 relating to *Residential Design Elements* to assess residential development applications, the Table 1 – General site requirements in the *R-Codes* is still employed to ascertain the minimum site area per dwelling, and open space requirements, etc. for the various density codes. Therefore, once any residential development under the planning control of the EPRA becomes normalised, it may have different site area, open space requirements, etc. to other residential development within the Town of Vincent, resulting in inconsistent requirements for residential development within the Town. It is noted however, that the draft *Scheme 2* is supported.

Secondly, the draft *Scheme 2* does not offer a land use/zoning table for developers to cross reference between the use classes and the zones. Rather, the Scheme simply designates any of the following seven land use categories as preferred or contemplated for each Precinct within the Redevelopment Area:

- Culture and Creative Industry;
- Commercial;
- Light Industry;
- Retail;
- Residential;
- Community; and
- Dining and Entertainment.

Therefore, once the land under the EPRA's control becomes normalised and comes under the planning control of the Town, there may be problems in relation to land uses conflicting with what is permitted according to the Zone Table in the Town's *Town Planning Scheme No. 1*. This may result in the need to include additional land uses in any new Scheme the Town develops.

Finally, the draft *Scheme 2* does not specify any “x” (not permitted) uses. Therefore, if under the EPRA a land use is approved that is considered an “x” use under the Zone Table in the Town’s *Town Planning Scheme No. 1*, this will cause problems as to how the Town manages non-conforming uses as a result of the above, once the land on which the development is located becomes normalised, as the Town would not have any planning policies, etc. to control such developments.

A review of both of the draft documents also revealed that the draft *Scheme 2* and *Development Policies* may have implications for certain areas within the Town, as some of the areas within the East Perth Redevelopment Area are also located within the Town of Vincent. These include the East Perth Power Station Project Area (Precincts 17 and 18), and the New Northbridge Project Area (Precincts 23 and 24).



East Perth Power Station Project Area (Precincts 17 and 18)



New Northbridge Project Area (Precincts 23 and 24)

According to the draft *Scheme 2*, 'the Vision for the East Perth Power Station Project Area is to transform the derelict industrial site into a vibrant waterfront destination and a thriving community with a mix of urban living, working and leisure opportunities.' A mixture of land uses will be pursued to provide public and private use of the site, ensuring that any contemporary additions are sympathetic to the existing heritage buildings. This is in line with the Town's Local Planning Strategy (LPS), which realises EPRA's planning control of the area: 'following the boundary realignments effected on 1 July 2007, the former East Perth Power Station was transferred to the Town of Vincent. The planning control of the land however remains under the auspices of the East Perth Redevelopment Authority until normalisation is enacted and planning control is returned to the Town of Vincent.' Also, in the LPS, this area within the Town has been identified as an area to facilitate Transit Oriented Development. This has been clearly identified in the EPRA's draft *Scheme 2* which states 'it will be a highly connected locality, optimising the Transit Integrated Development benefits presented by the site's proximity to rail...'

In regards to the New Northbridge Project Area, the Town's LPS states 'much of the area within an 800 metre radius of the Perth Station is currently governed by the East Perth Redevelopment Authority (EPRA)...The recommended desired future character for the area and key objectives...are generally supported. In sum this area has the potential to accommodate a range of residential/mixed use forms through the combination of adaptive re-use and new development demonstrating innovative and contemporary design...' In relation to Precinct 23 of this Project Area, EPRA's *Scheme 2* states 'The Lindsay Street Precinct will include a range of residential, commercial, retail and sensitively designed entertainment development.' In relation to Precinct 24, EPRA's *Scheme 2* states 'The Precinct will be developed as a mixed land use office, showroom and residential area. Newcastle Street will accommodate new medium scale mixed-use and residential development...'

Notwithstanding the strategic direction for both areas are similar, the Town's Officers are unable to ascertain whether the EPRA's provisions relating to building heights, setbacks, etc. are in accordance with the Town's planning controls for the area, as the planning control provisions have been outlined in the EPRA's Design Guidelines, which have not been released with the draft *Scheme 2* and *Development Policies* for public comment.

The EPRA Scheme Review was initiated with the intent to review the existing Scheme and its relevance to modern day planning principles and practices. In addition, the review sought to re-align the scheme provisions with the additional land areas that have come under the EPRA's jurisdiction since the *Redevelopment Scheme 1* was promulgated, to make it more applicable.

There have been a number of changes as outlined in the details section of this report. On reviewing the draft *Scheme 2* along with the draft *Development Policies*, the Town's Officers consider that the general strategic principles, particularly in relation to the provision of triple bottom line sustainability principles, and the people focused approach that the EPRA has taken to development, are consistent with the strategic objectives of the Town. However, while the Town's Officers support in principle the draft *Redevelopment Scheme 2* and draft *Development Policies*, there are a number of issues that the Town's Officers consider should be further addressed by the EPRA prior to the Town fully supporting both of the draft documents.

While the Town's Officer's acknowledged that the EPRA's draft *Scheme 2* sits under the *Redevelopment Act*, there is some concern that the amended draft Scheme shows significant departure from the Model Scheme Text provisions. Officers concerns relate directly to the content of the draft *Scheme 2*, as by departing from the Model Scheme Text, there are implications for the Town following the normalisation process for the following reasons:

- Ambiguous Land Use System as no 'x' use is stipulated, but instead, 'contemplated uses';
- The Land Use Table leaves the uses blank for some of the Precincts within the Project Areas that are also within the Town of Vincent; and
- Although the draft *Scheme 2* clearly states what activities are excluded from requiring Development Approval, there is no mention in terms of when and if a Building Licence is required.

Also, one of the major amendments to the draft *Scheme 2* has been the removal of the built form controls in relation to density and plot ratio, with the intention of allowing for the optimisation of density and innovative design. The EPRA, in proposing this amendment, is confident that its other residential development control mechanisms are sufficiently robust to deliver high quality built form outcomes and a high level of amenity for its residents. Built form control in relation to height, site cover and setbacks will form part of EPRA's current Design Guidelines. EPRA proposes to review and amend these Design Guidelines to cover built form and development standards for each project area or precinct, such as building height and carparking. It should be noted that although the Town's Officers support the draft *Scheme 2* in principle, the amendments to the draft Scheme represent a significant departure from conventional planning practice, and therefore, the Town's Officers have concerns that the removal of density and plot ratio provisions from the draft Scheme may not allow for the certainty and clarity for the EPRA and developers/owners of land within the project areas.

Finally, it should be noted that the Town's Officers also have concerns regarding the carparking requirements EPRA has proposed, as no consideration is given to the existing parking usage patterns. Both Project Areas within the Town of Vincent (the East Perth Power Station Project Area and New Northbridge Project Area), have inherent parking issues that require management. This is in contrast to EPRA's '*maximum approach to parking provision, instead of minimum requirements...*'

While the disregard for orderly parking management in the East Perth Power Station Project Area may not have as severe an impact as it will in the New Northbridge Project Area, it is not considered appropriate to ignore the potential problems that may be imposed on the surrounding amenity. The Town's Rangers patrol this area regularly and report that the current parking usage rates are high. If extra businesses are introduced, without corresponding requirement to provide adequate on-site parking, the existing problems will only be exacerbated. A total of 34 infringement notices have been issued in this area since 1 July 2009.

The New Northbridge Project Area creates the most parking congestion and generates the most parking complaints within the Town. The William Street, Monger Street, Money Street and Lindsay Street area has been the subject of 237 complaints regarding parking, and Rangers have issued 519 Parking Infringement Notices (PINs), since 1 July 2009, as shown in the following table:

Street Name	No. of PINs Issued
William Street	252
Monger Street	91
Money Street	109
Lindsay Street	67
TOTAL	519

Parking is currently at a premium, so an approach that does not manage future parking requirements but rather advocates a maximum parking approach is not appropriate. Rather, such an approach will result in severe parking problems, which in turn will reduce the areas attractiveness to businesses and users alike.

In light of this, it is recommended that the Council receives the draft *Redevelopment Scheme 2*, along with the draft *Development Policies*, and advises the EPRA that the Town supports in principle both documents, however, it has some concerns regarding the implications for the Town of Vincent following the normalisation process.

9.1.12 Petition Opposing the Continuing Operation of No. 19 Lincoln Street, Perth as a Hostel

Ward:	South	Date:	29 September 2009
Precinct:	Forrest; P14	File Ref:	PRO0303
Attachments:	-		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the petition from residents/owners in Lincoln Street, Perth, opposing the continuing operation of No. 19 Lincoln Street, Perth as a hostel; and*
- (ii) *REQUESTS the Chief Executive Officer to take no further action.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Messina returned to the Chamber at 6.49pm.

Debate ensued.

Cr Farrell departed the Chamber at 6.54pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

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

“(ii) REQUESTS the Chief Executive Officer to ~~take no further action~~ write to Uniting Care West expressing the Council’s preference for live-in supervision at this facility.”

Debate ensued.

Cr Farrell returned to the Chamber at 6.56pm.

Debate ensued.

AMENDMENT PUT AND LOST (1-7)

For: Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Messina

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Messina

That the item be DEFERRED to obtain further information to make better judgements and ensure residents and ratepayers are informed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

PURPOSE OF REPORT:

The purpose of the report is to acknowledge receipt of a petition from local residents in Lincoln Street, Perth who oppose the continuing operation of a hostel at No. 19 Lincoln Street, Perth.

DETAILS:

The subject petition was received by the Town on 15 July 2009 and was signed by 27 residents on Lincoln Street and the surrounding area. The petition concerned the following: *“request the Town of Vincent to withdraw the necessary permission for the property to continue to operate as a hostel”*.

The subject property has been registered as a licensed lodging house since 1997; and no complaints have been received by the Town's Health Services since commencement. A routine lodging house assessment of the property was conducted on 17 August 2009 by the Town's Environmental Health Officers. The inspection revealed that the property is currently occupied by two lodgers but has the potential to have a maximum of 6 lodgers at any one time, and was observed to be well presented. In view of the assessment findings, the property complies with the overall requirements (includes the structural, equipment, maintenance and local requirements for lodging houses) of the *Town's Health Local Law 2004*, and the *Health Act 1911 (as amended)*.

The definition of a Lodging House in the Town's Town Planning Scheme No. 1 (which defers to the meaning given to it, and for the purposes of the Health Act 1911), is as follows:

“A Lodging House is defined as any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include –

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911;*
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats.”*

COMMENTS:

In view of the inspection carried out by the Town's Officers, and the definition of a 'lodging house' as outlined above, Planning Approval is not required. It is further noted that the premises is not required to be registered as a 'Lodging House' as it accommodates a maximum of 6 lodgers. The owner has chosen to register the house with Health Services however, for independent auditing and accountability purposes. It is also noted that by their very nature, the concerns raised in the petition such as urinating on property, obscene language, and prowling neighbours' yards, are associated with antisocial behaviour, and are generally a WA Police matter.

In terms of placement of supported accommodation for rehabilitation purposes and housing to those in need, the Town has no powers to prevent such tenancies and use of such premises occurring. Encouragingly, the Town is aware that despite a number of similar supported accommodation premises (run by numerous agencies) operating within the Town's suburbs and broader metropolitan areas, most are run to a very high standard and with very little or no issues presenting.

In the past and where there have been concerns, the Town has acted swiftly to raise residents concerns with relevant parties and seek prompt rectification. The Town facilitates the *Safer Vincent Crime Prevention Partnership*, which includes representatives from WA Police, Government, non-government agencies, Town Elected Members and Officers and community representatives, who are prepared to make additional representation in response to resident safety and crime prevention issues, if required.

In response to concerns raised by the local community, the Town has sought additional assurances from UnitingCare West with regard to the operation of this property;

UnitingCare West has confirmed;

- They are aware of families and children living in close or neighbouring vicinity to this property and take this factor into due consideration when placing residents at this property;
- The house provides transitional accommodation to men who have been homeless or are at risk of homelessness for a variety of reasons. It is not crisis accommodation;
- Accommodation provided is for periods of approximately 6 to 18 months duration;
- All residents are strictly screened as to their suitability and placement in this location prior to them taking up residence at the house;
- UnitingCare West has confirmed all residents in hostel are low risk and do not present a danger to the community;
- Whilst supervision is not live in, residents are supervised on a regular and ongoing basis and provided with appropriate case support to assist residents achieve social and life goals, and to live by their own means in the broader community;
- UnitingCare West has confirmed that regular inspections are conducted of the property several times a week to ensure compliance with the organization's conditions of stay;
- The number of clients to be housed has been confirmed as a maximum of 6 persons at any one time;
- Upgrades have been made to the property in order to maintain the property to a suitable standard;
- It is important to emphasise that the use of the property and the client group has not changed for at least 6 years; and
- UnitingCare West has provided to the Town and residents an additional direct contact number should any concerns need to be raised. The contact is the Executive Manager of Independent Living and Accommodation Services, Adele Stewart on 1300 663 528.

Given the further assurances provided, the Town's Officers are satisfied that UnitingCare West are meeting the Town's requirements and have strategies in place to supervise and support their clients, along with the willingness to respond promptly to any future concerns.

Accordingly, no further action is required in respect of the petition.

9.2.1 Possible New Town of Vincent Entry Signage – Progress Report No 2

Ward:	Both	Date:	29 September 2009
Precinct:	All	File Ref:	TES0558
Attachments:	001		
Reporting Officer(s):	R Lotznicker,		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No 2 on the possible new Town of Vincent Entry Signage;*
- (ii) *NOTES the information contained in the report regarding the research undertaken to date with regard to this matter and examples of signage contained in Appendix 9.2.1;*
- (iii) *REFERS the matter to the Town’s Art Advisory Group to consider the Town’s Entry Signage and possible incorporation of art; and*
- (iv) *RECEIVES a further report once the Town’s Art Advisory Group have considered the matter.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on progress regarding proposed entry signage for the Town.

BACKGROUND:

On 25 March 1996, the Council approved the manufacture and erection of locality *Welcome* signs at 15 locations on roads entering the Town. On 12 June 2007, the following motion was passed by the Council, resulting from a Notice of Motion from Cr Izzi Messina:

"That;

- (i) *the Chief Executive Officer be requested to investigate and report on options for possible new Entry Signage for the Town;*

- (ii) *the report include types of signage available, purchase costs, maintenance, possible suggestions for a new slogan, the appropriateness of the current slogan - "The Town of Vincent is a Nuclear Free Zone"; and*
- (iii) *the report be submitted to the Council no later than September 2007."*

On 23 September 2008, the Council considered a report on the proposed new Town of Vincent Entry Signage and Entry Signage Slogan. The report contained the following officer recommendation:

"That the Council;

- (i) *Receives the report on the proposed Town of Vincent Entry Signage and NOTES the design philosophy used to develop the proposed entry signage design as detailed in the report;*
- (ii) **APPROVES IN PRINCIPLE;**
 - (a) *the entry signage types and design as shown in Appendix 10.4.6B, 10.4.6C and 10.4.6D;*
 - (b) *the deletion of the current entry signage slogan "The Town of Vincent is a Nuclear Free Zone"; and*
 - (c) *a new entry signage slogan, as follows;*
"Enhancing and celebrating our diverse community";
- (iii) **AUTHORISES the Chief Executive Officer to;**
 - (a) *advertise the proposed new entry signage and proposed new entry signage slogan for a period of twenty-one (21) days, seeking public comment; and*
 - (b) *report back to Council with any submissions received."*

The Council, following consideration of the report and officer recommendation, decided as follows:

"That the item be DEFERRED for further consideration, including the investigation of more design options, investigating the costing and consideration of a community competition for the new signage and slogan."

FURTHER REPORT:

Consideration of design options:

Following deferral by the Council, more design options were considered by the Town's officers. It was previously considered that the existing "hoop-style" signs were outdated, and there was a need for contemporary signage solutions. It was considered that the use of the diamond shape accentuated the Town's logo and, in conjunction with the text layout, suggested strength and progressive thinking.

Designs on the same theme as previously reported to the Council were investigated and research into what other Councils around Australia have used for entry signage was undertaken. These have been included in appendix 9.2.1.

As previously reported to the Council, a design theme including materials and textures were considered. Cost was also a factor determined mainly by size and materials used. There are many different design possibilities and colours that could be chosen. One factor, however, is the relatively narrow verges in the Town where the signs would be located would influence the size and design. Hence the single pole option previously recommended.

Possible competition for design of signs

This was discussed with the Town's Community Development Services and may still be an option, however, no further action with regard to this has been undertaken to date.

At a recent Council meeting where the Annual Art Competition was debated, it was suggested that artwork could possibly be incorporated in the Town's new entry signage where this could possibly form part of the competition. While no formal position on this was reached, the suggestion may have merit.

Alternatively, a suitable design brief could be developed in consultation with the Art Advisory Group to have entry signage that represents the community aspirations and the cultural landscape of the Town.

It is therefore considered that the information contained in this report should be referred to the Town's Art Advisory Group for their consideration and that a further report be presented to the Council following this to determine a possible way forward.

Costs:

As previously reported to the Council, the estimated cost of the signs previously considered ranged between \$3,000 and \$9,000 dependent on the size of sign chosen. Further investigations have revealed that this cost could be reduced if alternative materials were used, however, these costs would need to be determined on a case by case basis depending on the nature of sign chosen.

A total amount of \$95,000 has been allocated in the 2009/2010 budget for entry signage.

Previous report of Council - 23 September 2008

The following information was contained in the previous report to Council (23 September 2008):

DETAILS:

The Town's officers have been researching this matter for some time to determine the best and most innovative solution for new Town entry signage.

Signage

Following this research and investigation, in late 2007 the Town's Director Technical Services met with an Australian company who specialises in the design, manufacture and supply of unique handcrafted dimensional signage.

The company, Danthonia Designs, has implemented its unique range of signage in many local governments, particularly on the eastern seaboard of Australia.

Following the meeting, the company was commissioned to prepare a 'preliminary' design for an entry statement sign for the Town.

The designers were provided with information on the Town to enable them to incorporate this in the design. The following methodology was used to develop a design based on 'a unified look'.

As an affluent, young, and vibrant community, the Town requires gateways that reflect the forward-thinking attitude of its residents. The area's diverse demographics present an opportunity for distinctive signs that convey the 'Vincent Vision' – a green, nuclear-free, and tolerant municipality.

This recognition led representatives of the Town to request Danthonia Designs assistance in creating a new look for the Town's entrance signs, where the following suggestions were subsequently made:

The Town of Vincent's four-cornered logo is a well-conceived expression of the Town's lifestyle, goals, and aspirations:

- the sun – reflecting the warmth and energy of the pleasant lifestyle; the tree branch – symbolizing the Town's green, eco-friendly attributes;*
- the bird – representative of the peace, and friendliness that make the community a place of welcome;*
- the cornice – highlighting the Town's connection to its history and heritage.*

Concept

In designing the sign concept, we sought to accentuate the logo for three primary reasons:

- to promote the symbolic significance of the logo*
- to make a strong pride-of-place statement; and*
- to assist Council's efforts to brand the Town.*

It was agreed at the outset that the existing 'hoop-style' signs were outdated, and that the Town of Vincent needed contemporary signage solutions. The use of the diamond shape accentuates the Town's logo and, in conjunction with the text layout, suggests strength and progressive thinking. Single-post construction seems best suited to the signs' locations – alongside busy streets and walkways – and complements the sign shape.

Choice of Colours

Given the design strength of the logo, it seems intuitive to continue its colour theme across the sign design. The use of the same colour palette brings into focus the values conveyed by the logo: deep red, traditionally associated with heritage, works in conjunction with the green and blue tones to suggest vitality, strength, and reliability. The use of a 'watermark' as a background element reinforces the Town's 'green' aspirations by subtly reiterating the tree branch motif from the logo.

Typeface

The main text – 'Town of Vincent' – is set in Aldine. We chose this typeface for its classic appeal, and its readability. Century Gothic, a sophisticated and uncomplicated typeface, accents the awareness expressed by the 'Nuclear Free Zone' tagline.

Rendering

Our designer recommends incise-carved lettering, to give the sign dimension and prestige.

The logo would also be rendered dimensionally, using sandblasting to create depth of field against the white background.

The proposed sign design is attached at appendix 10.4.6B (slogans are indicative only).

Proposed Materials

High Density Urethane (HDU)

The signs are made from high-density, closed-cell urethane. HDU carves, sculpts, paints and gilds very much like traditional carving timbers. HDU has a ten year manufacturer's guarantee and will not be eaten by white ants.

PVC

Tough PVC is used as backing to stiffen and strengthen its signs to provide a solid base to attach hanging hardware.

Paints

Dulux Weathershield paints, chosen to withstand the Australian climate, are used. These paints have a 10 year manufacturer's guarantee against cracking and blistering.

Gold Leaf – 23 kt

Signs are gilded with 23kt gold. Gilded elements will not fade in UV light or tarnish in the elements. Its weather resistance surpasses that of even the finest paints.

Posts and Hanging Systems

Post and hanging systems are fabricated using steel, covered with a two pack acrylic industrial paint.

Installation

Signs are supplied with a cage of bolts appropriate to the structure. Templates made in the factory guarantee the accurate placement of the cage of bolts in wet concrete. Once footings are cured, signs are simply bolted in place.

Officer's Comments:

Three (3) sizes have been proposed. The appropriate size for each location, e.g. verge width, etc. will be determined in a further report to Council.

Proposed Slogan

In keeping with the Town's Strategic Plan the wording could originate from this document.

The Town's Public Relations Officer has suggested the following as a replacement slogan for "The Town of Vincent is a Nuclear Free Zone";

- (i) Enhancing and celebrating our diverse community*
- (ii) A sustainable community built with vibrancy and diversity*
- (iii) A community of communities (Vincent Vision 2024)*
- (iv) Tapestry of life with flair (Vincent Vision 2024)*
- (v) Indifference to the ordinary (Vincent Vision 2024)*
- (vi) Rich heritage and cultural contrasts (Vincent Vision 2024)*
- (vii) A fabulous diversity of lifestyles and cultures (Vincent Vision 2024)*
- (viii) Unique, friendly and inviting.*

Chief Executive Officer's Comment:

The Town's slogan "Enhancing and celebrating our diverse community" has been used on the Town's letterhead and internal documentation for many years and is generally well accepted by the community. Notwithstanding this suggestion, a slogan is like art and obviously there are diverse views and opinions. Accordingly, whatever slogan is adopted, consultation with the community should be carried out.

Excerpts from the Town's published documents such as advertisements, etc, could also be considered and modified to suit. For example:

- (i) *An incredible fusion*
- (ii) *Embracing diversity*
- (iii) *Cosmopolitan yet close-knit*
- (iv) *Truly Cosmopolitan*
- (v) *Something for everyone*
- (vi) *An Abundance*
- (vii) *Iconic*
- (viii) *experience the incredible fusion*
- (ix) *an enviable cosmopolitan lifestyle*
- (x) *valuing diversity*
- (xi) *a rich mix*
- (xii) *where people are the focus*
- (xiii) *warmly welcoming.*

Alternatively other 'slogans' could be investigated either through brainstorming, engaging a marketing firm or holding a community naming competition.

Or it could simply be "Welcome to our Town".

Preferences are:

- (i) *"An incredible fusion or fabulous fusion"*
- (ii) *"Where life and style meet"*
- (iii) *"Experience the incredible fusion"*
- (iv) *"Truly Cosmopolitan"*
- (v) *"A community of communities"*
- (vi) *"Vibrancy and diversity or vibrant and diverse"*
- (vii) *"Indifference to the ordinary"*
- (viii) *"Tapestry of life with flair"*
- (ix) *"A fabulous diversity of lifestyles and cultures"*
- (x) *"Life with flair", or variant : "live with flair" or "living with flair" or "lifestyle with flair".*

The suitability of the Town's current entry signage slogan

It is considered that the Town's current entry signage slogan "The Town of Vincent is a Nuclear Free Zone" is outdated and no longer deemed appropriate or suitable.

The slogan is no longer relevant as there is State and Commonwealth legislation covering nuclear material. The Town's policy is superfluous.

The Nuclear Waste Storage and Transportation (Prohibition) Act 1991 (WA) prohibits the storage or transportation of nuclear waste in Western Australia.

“Nuclear Waste” as defined under the Act is radioactive waste from a nuclear plant, or from the creation, testing and decommissioning of nuclear weapons. Constructing or operating a nuclear storage facility results in a maximum fine of \$500,000. Transporting nuclear waste incurs a fine of up to \$500,000.

The Commonwealth Radioactive Waste Management Act 2005 (Cth) regulates the acquisition and nomination of sites for nuclear waste facilities, as well as the conduct of activities for nuclear waste facilities, including transport.

CONSULTATION/ADVERTISING:

Public consultation will be carried out for twenty-one (21) days.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

The existing ‘hoop-style’ signs are outdated and in need of replacement due to their condition. There is a need for contemporary signage solutions, and the proposed use of the diamond shape accentuates the Town’s logo and, in conjunction with the text layout, suggests strength and progressive thinking.

High quality materials are proposed with a 10 year guarantee.

FINANCIAL/BUDGET IMPLICATIONS:

The Director Technical Services was initially presented with Option 1 – Alternative (refer 10.4.6B). This proposal comprised three signs which ranged in size and price. The appropriate size for each location, e.g. verge width, etc. would be determined on a case by case basis depending on what sign type was adopted.

The estimated cost of the signs in option 1 (alternative) where as follows

- *Large Sign - \$8,400.*
- *Medium Sign - \$4,500.*
- *Small Sign - \$2,000.*

Note: Design fees, shipping and erection costs would be additional as follows:

- *Design/Shipping costs and design fees- (\$5,000)*
- *Erection costs would be approximately \$500 per sign- (\$7,500)*

Following this further designs were explored and costed as shown in appendix 10.4.6C, D and E. These costs ranged from \$5,600 to \$8,900 (for the large signs indicated)

A total amount of \$95,000 has been allocated in the 2008/2009 budget for entry signage.

Financial implications will be further discussed in a further report to the Council at the conclusion of the Community consultation.

If approved, a shortfall of \$73,500 would occur.

COMMENTS:

The Town's officers have been researching this matter for some time to determine the best and most innovative solution for new Town entry signage.

It is considered that the proposed sign provides a distinctive sign design that will convey the 'Vincent Vision' of a "green", diverse and tolerant local government, which is nuclear-free.

It is considered that the existing 'hoop-style' signs are outdated, and that there is a need for contemporary signage solutions, and the proposed use of the diamond shape accentuates the Town's logo and, in conjunction with the text layout, suggests strength and progressive thinking.

Whilst the Council decision required a report to be submitted no later than September 2007. Considerable delay has been experienced in investigating a suitable sign which is also cost efficient. Furthermore, insufficient funds on the Town's budget prevented the matter being progressed, as requested.

Approval of the Officer Recommendation is requested.

9.2.3 Proposed Naming of Private Right of Way Bounded by York, Monmouth, Venn & Walcott Streets, Mount Lawley

Ward:	South	Date:	29 September 2009
Precinct:	Norfolk P10	File Ref:	TES0225
Attachments:	001		
Reporting Officer(s):	A Scott		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the report on the proposed naming of the Private Right of Way Bounded by York, Monmouth, Venn & Walcott Streets, Mount Lawley;*
- (ii) *APPROVES the application of the name "Luce Lane" to the Right of Way as shown on attached plan No. 2673-RP-1 subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and poles/s;*
- (iii) *REQUESTS the Geographic Names Committee to approve the naming subject to clause (ii) above; and*
- (iv) *ADVISES the applicant and all adjacent residents of the approved name once formal approval has been received from the Geographic Names Committee.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

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

- “(ii) *APPROVES the application of the name "Luce Gamble Lane" to the Right of Way as shown on attached plan No. 2673-RP-1 subject to the applicant agreeing to pay all costs associated with the supply and erection of street name plate/s and poles/s;”*

Debate ensued.

Cr Maier spoke to his amendment.

Mayor Catania spoke.

Cr Maier spoke again.

Cr Messina spoke.

Cr Maier spoke again.

Mayor Catania spoke.

Cr Maier requested that he provide a point of clarification to his comments. Mayor Catania stated that he could do so, after Cr Burns had spoken – as she had indicated her desire to do so.

Cr Burns spoke and asked Director Technical Services a question.

The Director Technical Services replied to Cr Burns' question.

Mayor Catania spoke to the amendment.

Cr Lake stated that she objected to the Presiding Member, Mayor Catania using the words “*stupid*” and “*codswallop*” in his comments and the way he responded to her objection. Cr Lake requested the Presiding Member, Mayor Catania to withdraw his words.

The Presiding Member, Mayor Catania stated that his comments were not directed at Cr Lake or any other Councillor and were not considered derogatory or offensive. He therefore refused to withdraw his comments.

Cr Lake requested that her objections be recorded.

The Presiding Member, Mayor Catania stated that it was not the usual practice for the Council to record statements by Councillors and that the correct procedure is for her to move a Motion of Dissent with the ruling of the Presiding Member.

PROCEDURAL MOTION

Moved Cr Lake, **Seconded** Cr Maier

That the ruling of the Presiding Member be disagreed with.

PROCEDURAL MOTION PUT AND LOST (2-6)

For: Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

AMENDMENT PUT AND LOST (2-6)

For: Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

MOTION PUT AND CARRIED (8-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the private Right of Way (ROW) bounded by York, Monmouth, Venn and Walcott Streets, Mount Lawley.

BACKGROUND:

The Town has previously named those ROWs which are dedicated as public roads with the naming of other ROWs facilitated upon the request from residents (provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee.

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

Naming of ROWs may also be an effective way of remembering those early residents who have contributed to the richness of the developing suburbs in which they lived.

DETAILS:

The Town has received an application from the owner of 12b Venn Street requesting that the Council name the ROW that runs between the two properties at 90 and 92 Monmouth Street, Mt Lawley.

The applicant, the owner of 12b Venn Street, has concerns of adequate property identification for her house. She has no direct access to *Venn Street*, and feels her property is hard to find and identify quickly. She is concerned for her personal safety in an emergency situation such as fire or medical attention if no one can work out how to access her property.

She wishes also to have mail delivery considered for the ROW. It should be noted that there are two (2) properties in this particular ROW subject to a unique position of having been granted a strata without the provision for pedestrian access to Venn Street. This was issued by the former City of Perth.

Australia Post has advised that no street numbers should be issued for properties abutting a "private street" and until such time as a lane becomes Dedicated, no mail will be delivered there, however, they may consider making an exception in this case.

It should, however, be noted that due to width restrictions, the Town will generally not collect rubbish from a private ROW. The width of the ROW in this case is only 3m wide, and as the two adjoining properties run longitudinally, it is unlikely that widening to 6m will occur in the near future.

The ROW is the property of the Public Trustee. The Geographic Names Committee has advised that naming of private streets is a function of local government and that a ROW fits into that category.

The names suggested for the ROW by the resident are as follows:

- **Gamble Lane:** Surname of North Perth Mayor - 1910, Robert Gamble. Also surname of the builder of the Town Hall (now known as Lesser Hall – RA Gamble in 1902).
- **Little Venn St*:** In keeping with similar naming of Little Walcott Street and Little Russell Street.
- **Luce:** Italian word for light.

Note*: "Little Venn Street" was considered by the Geographic Names Committee at Landgate but does not conform to the guidelines.

Officers Comments:

It is recommended that the ROW be named "Luce Lane". The Geographic Names Committee has indicated they have no objection to either "Gamble" or "Luce" lane but will require a formal submission to approve.

CONSULTATION/ADVERTISING

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

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The applicant will be required to pay the costs of manufacture and installation of the street nameplates estimated to cost \$350.

COMMENTS:

The naming of the ROW will improve the amenity of the adjacent resident and in this case provide an identifiable frontage for the applicant. Australia Post has indicated to the applicant that they may collect mail from the lane if it were to be named. It is therefore requested that the officer recommendation be adopted.

9.4.3 Information Bulletin

Ward:	-	Date:	29 September 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 6 October 2009, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

DETAILS:

The items included in the Information Bulletin dated 6 October 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Builders' Registration Board of Western Australia regarding Change of Address due to plans to consolidate building industry regulation and development
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/478 of 2008 – Jones v Town of Vincent (No. 165 Scarborough Beach Road, Mount Hawthorn)
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/165 of 2009 – MacCormac & Ors v Town of Vincent (No. 57 View Street, North Perth)
IB04	Letter from Lotterywest regarding Approval of Lotterywest Grant
IB05	Letter from Council on the Ageing Western Australia (COTA(WA)) regarding Successful Application for Seniors Week 2009 Grant Application for "Get Up and Go to Have a Go"
IB06	Letter of Appreciation from Highgate Primary School regarding the Town of Vincent Environmental Awards
IB07	Letter of Appreciation from Learning Centre Link regarding Adult Learner's Week 2009: Dip into Learning
IB08	Letter and Certificate of Appreciation from Toodyay District High School regarding Librarian Work Experience

ITEM	DESCRIPTION
IB09	Abridged Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 3 September 2009 (Note: full Minutes can be viewed at www.mrc.wa.gov.au/About-MRC/MRC-Minutes.aspx)
IB10	Register of Petitions - Progress Report - October 2009
IB11	Register of Notices of Motion - Progress Report - October 2009
IB12	Register of Reports to be Actioned - Progress Report - October 2009
IB13	Register of Legal Action - Progress Report - October 2009
IB14	Register of State Administrative Tribunal Appeals - Progress Report – October 2009
IB15	Forum Notes - 15 September 2009
IB16	Forum Advice - 13 October 2009

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.20pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	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	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”

One Member of the Public was present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 6 October 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009