



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

27 June 2017

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**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 27 JUNE 2017 AT 6PM**

PRESENT:	<p>Mayor Emma Cole</p> <p>Cr Matt Buckels Cr Susan Gontaszewski Cr Jonathan Hallett Cr Dan Loden Cr Joshua Topelberg</p>	<p>Presiding Member</p> <p>North Ward South Ward South Ward North Ward South Ward</p>
IN ATTENDANCE:	<p>Len Kosova John Paton John Corbellini Craig Wilson Michael Quirk Tim Evans Emma Simmons</p>	<p>Chief Executive Officer Director Corporate Services Director Development Services A/Director Technical Services Director Community Engagement Manager Governance and Risk Governance and Council Support Officer</p>
Media:	Nil.	
Public:	Approximately 11 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.03pm and read the following Acknowledgement of Country statement:

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Cr Jimmy Murphy on approved leave of absence from 10 June 2017 to 28 June 2017.

Cr Roslyn Harley was an apology and had submitted a request for leave of absence from 27 July 2017 to 4 July 2017.

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following is a summary of questions and submissions received and responses provided at the meeting. This is not a verbatim record of comments made at the meeting.

1. Jason Colins of Highgate – Item 9.1
 - Spoke in support of the application.

The Presiding Member Mayor Cole thanked Mr Colin's for his comments.

2. Colin Cafarelli of North Perth.
 - Advised that he was awaiting a decision on his building licence application from 2015 and was also awaiting a response from the City on the reason for the delay.

The Presiding Member Mayor Cole thanked Mr Cafarelli for his comments and noted that the CEO would follow up on the matter.

3. Janine Lindsay of EcoLogic Homes, Karrinyup – Item 9.6

- Spoke in support of the application.

The Presiding Member Mayor Cole thanked Ms Lindsay for her comments.

4. Ms Caterina Bianchi of Mt Hawthorn – Item 9.2

- Advised that ‘Casa Bianchi’ has been operating at 150 seating capacity for the last 5 years.
- Requested that Council waive its recommendation for cash in lieu of parking.

The Presiding Member Mayor Cole thanked Ms Caterina for her comments.

5. Dudley Maier of Highgate – Item 9.5, 9.1 and 9.3

- Stated that comments regarding maximum height within Item 9.5 were misleading.
- Stated that the planning reports were much better in general but noted that some of the advice notes in Item 9.1 did not match the numbers referred to in the conditions, and there were some spelling errors in Item 9.3.

The Presiding Member Mayor Cole thanked Mr Maier for his comments.

6. Ben Hawthorn of Mt Hawthorn – Item 9.4

- Queried whether residential parking permits will be provided in conjunction with the proposed parking restrictions.

The Presiding Member Mayor Cole thanked Mr Hawthorn for his comments and advised that this will be discussed during deliberation of the Item.

7. Robin McCormack of Leederville – Item 9.6

- Queried how the noise issue arising from the proposed increase of 4 screens to the Luna Cinema will be managed.

The Presiding Member Mayor Cole thanked Ms McCormack for her comments and advised that this will be discussed during deliberation of the Item.

There being no further speakers, Public Question Time closed at approximately 6.18pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Mayor Emma Cole requested a leave of absence from 7 July 2017 to 17 July 2017 due to personal commitments.

Moved: Cr Topelberg, Seconded: Cr Hallett

That Mayor Cole's request for leave of absence be approved.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

- 4.2 Cr Topelberg requested a leave of absence from 4 July 2017 to 11 July 2017 due to work commitments.

Moved: Cr Loden, Seconded: Cr Gontaszewski

That Cr Topelberg's request for leave of absence be approved.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

- 4.3 Cr Buckels requested a leave of absence from 3 July 2017 to 15 July due to personal commitments.

Moved: Cr Loden, Seconded: Cr Hallett

That Cr Buckels' request for leave of absence be approved.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

- 4.4 Cr Harley requested a leave of absence from 27 June 2017 to 4 July 2017 due to personal commitments.

Moved: Cr Loden, Seconded: Cr Buckels

That Cr Harley's request for leave of absence be approved.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the minutes of the Ordinary Meeting of Council held on 30 May 2017 be confirmed.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Emma Cole made the following announcements:

7.1 IMAGINE VINCENT WORKSHOP AND LAUNCH

The City launched Imagine Vincent on Thursday 8 June 2017 with a community workshop and launch event. A large cross section of the community worked together at the North Perth Town Hall to look at current opportunities, issues and challenges that affect the City, to inform the consultation exercise for our new Strategic Community Plan.

Seven questions under seven themes were formed on the day by the residents and ratepayers who came along to the session and these will now be carried forward over the coming months of consultation.

This campaign will run until September 2017 and there are many different ways to get involved and connect with us, such as hosting conversations with your local community group, neighbours, children or sporting clubs and lots of activity on our interactive website at <http://imagine.vincent.wa.gov.au>.

7.2 PLASTIC FREE JULY

Plastic Free July is almost upon us. Vincent is marking the month with a free presentation by Perth writer Lindsay Miles on practical tips for reducing all types of plastics in our domestic lives on Thursday 6 July, 6-7pm at the City of Vincent Administration Centre.

I have also written to the Minister for the Environment seeking a statewide ban on plastic bags, and the Minister for Local Government seeking support for local government in both introducing our own local laws, but also lobbying Ministerial colleagues on a statewide ban.

7.3 REVELATION FILM FESTIVAL

Revelation Film Festival will be taking place from 6-19 July 2017 and will be celebrating 20 years of the festival.

The City is happy to once again sponsor this fantastic community arts event with Leederville becoming a hub for film lovers of all ages.

Watch out for two Vincent-sponsored free events for kids over the school holidays:

- "Revelation Celebration" - Free films for kids at Luna Leederville; and
- "Rev Shorts" - A free pop-up cinema at the Vincent Library with short animations for kids.

7.4 DIRECTOR TECHNICAL SERVICES

I would also like to acknowledge that Rick Lotznicker our Director Technical Services has recently left the City of Vincent after 17 years of service.

Rick was one of our long standing members of staff. The high quality of works that we see in our parks and gardens along with some of our more recent improvements such as bike paths, street planting, the recent change made at the Carr Street and Newcastle Street intersections are just some of the examples of the fine work that has happened in Technical Services during Rick's time as Director.

I did personally thank Rick for all that he has given to the City but I would also like to formally acknowledge him at this meeting tonight and thank him sincerely on behalf of all of us at the City of Vincent .

Rick has left to pursue other opportunities and we wish him well.

8 DECLARATIONS OF INTEREST

- 8.1 Mayor Cole declared an impartiality interest in Item 9.2 – Nos. 193-195 (Lots: 267, 268 & 269; D/P: 3642) Scarborough Beach Road, Mount Hawthorn - Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions (Retrospective). The extent of her interest being that her sister and friends live on The Boulevarde however they are not neighbours of the development and have not contacted her to discuss the application and she is not aware if they have provided comment during consultation.
- 8.2 The Chief Executive Officer, Len Kosova declared a direct financial interest in Item 18.1 – Chief Executive Officer's Performance Review 2015-16. The extent of his interest being that this matter relates to his performance in the role of Chief Executive Officer, his remuneration and his contract of employment with the City.

REPORTS

The Presiding Member, Mayor Emma Cole requested the CEO to advise the meeting of:

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**
Items 9.1, 9.2, 9.3, 9.4, 9.5 and 9.6.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 10.3 and 11.4.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Item 18.1.

The Presiding Member, Mayor Emma Cole, requested Council Members to indicate:

- (d) **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:**

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Gontaszewski	12.1, 12.3
Cr Hallett	10.2, 14.1
Cr Topelberg	10.1

The Presiding Member, Mayor Emma Cole requested the CEO to advise the meeting of unopposed items to be moved "En Bloc" and Confidential Reports to be considered behind closed doors, and the CEO advised as follows:

- (e) **Unopposed items which will be moved "En Bloc", being:**
Items 11.1, 11.2, 11.3, 12.2 and 13.1
- (f) **Confidential Reports which will be considered behind closed doors, being:**
18.1 and 18.2

ITEMS APPROVED "EN BLOC":

The following Items were adopted unopposed and without discussion "En Bloc", as recommended:

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Hallett

That the following unopposed items be adopted "En Bloc", as recommended:

Items 11.1, 11.2, 11.3, 12.2 and 13.1

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

11.1 INVESTMENT REPORT AS AT 31 MAY 2017**TRIM Ref:** D17/65127**Author:** Sheryl Teoh, Accounting Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:** 1. Investment Report [⇨](#) **RECOMMENDATION:**

That Council **NOTES** the Investment Report for the month ended 31 May 2017 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.1**Moved:** Cr Loden, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 MAY 2017 TO 31 MAY 2017**TRIM Ref:** D17/65183**Author:** Nikki Hirrill, Accounts Payable Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:**
1. Payment by EFT  
2. Payment by Cheque  
3. Payment by Credit Card  **RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 May 2017 to 31 May 2017 as detailed in attachment 1, 2 and 3 as summarised below:

COUNCIL DECISION ITEM 11.2**Moved: Cr Loden, Seconded: Cr Hallett**

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

11.3 FINANCIAL STATEMENTS AS AT 31 MAY 2017

TRIM Ref: D17/67452

Author: Sheryl Teoh, Accounting Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Financial Statements as at 31 May 2017 **RECOMMENDATION:**

That Council:

1. RECEIVES the Financial Statements for the month ended 31 May 2017 as shown in Attachment
2. NOTES the following over-expenditure on two capital expenditure projects:
 - \$39,859 - Raglan Road Roadwork's (Leake to Fitzgerald)
 - \$42,605 - Ellesmere Street Footpath
3. APPROVES the reallocation of \$82,464 to cover the over-expenditure identified in item 2 above as follows:
 - (a) from:
 - \$12,310 – Vincent Street Traffic Calming
 - \$27,000 – Miscellaneous Traffic Management
 - \$ 3,760 – Paddington Street Roadwork's (Charles to Hunter)
 - \$ 8,800 – Shakespeare Street Footpath (Wilberforce to Anzac)
 - \$30,594 – Les Lilleyman Reserve Perimeter Path
 - (b) to:
 - \$39,859 - Raglan Road Roadwork's (Leake to Fitzgerald)
 - \$42,605 - Ellesmere Street Footpath

COUNCIL DECISION ITEM 11.3**Moved: Cr Loden, Seconded: Cr Hallett**

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (6-0)

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

12.2 ADOPTION OF COMMUNITY FUNDING POLICY NO. 3.10.11

TRIM Ref: D17/67260

Author: Karen Balm, Community Partnerships - Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

- Attachments:
1. Draft Revised Community Funding Policy [⇒](#) 
 2. Youth Development Grants Policy [⇒](#) 
 3. Provision of Assistance for Aged People and People with Disability Policy [⇒](#) 
 4. Donations, Sponsorship and Waiving of Fees Policy [⇒](#) 
 5. Community Welfare Grants Policy [⇒](#) 
 6. Festivals Policy [⇒](#) 
 7. Environmental Grants and Awards Policy [⇒](#) 

RECOMMENDATION:

That Council;

1. NOTES the responses received following public advertising of draft revised Policy No. 3.10.11 – Community Funding;
2. ADOPTS draft revised Policy No.3.10.11 – Community Funding (Attachment 1)
3. REVOKES the following Policies (Attachment 2 – 7); and

Policy Number	Policy Name
3.10.3	Youth Development Grants
3.10.4	Provision of Assistance for Aged People and People with Disability
3.10.5	Donations, Sponsorships and Waiving of Fees
3.10.6	Community and Welfare Grants
3.10.8	Festivals
4.1.21	Environmental Grants and Awards

4. NOTES that the Children and Young People Advisory Group continues to investigate youth development funding options for future inclusion within Policy No. 3.10.11 – Community Funding.

COUNCIL DECISION ITEM 12.2**Moved: Cr Loden, Seconded: Cr Hallett**

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

13.1 INFORMATION BULLETIN**TRIM Ref:** D17/63486**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Litis Stadium Master Plan Update No. 2 [⇒](#) 
 2. Minutes of the Reconciliation Action Plan Working Group Meeting held on 1 May 2017 [⇒](#) 
 3. Minutes of the Environmental Advisory Group Meeting held on 1 May 2017 [⇒](#) 
 4. Register of Legal Action and Prosecutions Register Monthly - Confidential
 5. Register of Applications Referred to the Design Advisory Committee – Current [⇒](#) 
 6. Register of Applications Referred to the MetroWest Development Assessment Panel – Current [⇒](#) 
 7. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 8 June 2017 [⇒](#) 
 8. Register of Petitions - Progress Report - June 2017 [⇒](#) 
 9. Register of Notices of Motion - Progress Report - June 2017 [⇒](#) 
 10. Register of Reports to be Actioned - Progress Report - June 2017 [⇒](#) 
 11. Unconfirmed Minutes of the Road Safety Advisory Group Meeting held on 27 April 2017 [⇒](#) 
 12. Unconfirmed Minutes of the Pedestrian and Cycling Advisory Group held on 4 May 2017 [⇒](#) 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated June 2017

COUNCIL DECISION ITEM 13.1

Moved: Cr Loden, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

9 DEVELOPMENT SERVICES

9.1 FURTHER REPORT: NO. 94 (LOT: 5 & 261; D/P: 1044 & 33978) BOURKE STREET, LEEDERVILLE - PROPOSED FOUR GROUPED DWELLINGS

TRIM Ref: D17/53728

Author: Paola Di Perna, Manager Approval Services

Authoriser: John Corbellini, Director Development Services

Ward: North

Precinct: 3 - Leederville

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Determination Advice Notes 

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for Four Grouped Dwellings at No. 94 (Lots: 5 & 261; D/P: 1044 & 33978) Bourke Street, Leederville in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Revised Plans

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1. the roof pitch to each dwelling within the development be increased to between 28° and 30°;
- 1.2. the eaves to Unit 1, in particular along the Bourke Street Façade, be increased in depth to a minimum of 500mm;
- 1.3. a brick pier be inserted beneath the Sitting Room overhang to Unit 1; and
- 1.4. the front fence be modified to include brick piers at intervals along the fence line with a maximum width of no greater than 400mm and vertical visually permeable picket infill;

2. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 256 Oxford Street, Leederville in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

3. Car Parking and Access

- 3.1. A minimum of 8 resident bays shall be provided onsite, with a minimum of two resident car parking bays allocated to each dwelling;
- 3.2. Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 3.3. The car parking and access areas shall be sealed, drained, paved and line marked in

accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development;

4. **External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City;

5. **Landscape and Reticulation Plan**

5.1. A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

5.1.1. The location and type of existing and proposed trees and plants;

5.1.2. The provision of mature tree planting with a canopy cover, at maturity, of 36% of the site area, and the provision of 16 percent of the site area as deep soil zones as shown on the approved plans; and

5.1.3. Areas to be irrigated or reticulated;

5.2. All works shown in the plans as identified in Condition 5.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5.3. The Owners are to advise any prospective purchasers, in writing, of the requirements to comply with any approved landscape and reticulation plan relating to this development;

6. **Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

7. **Schedule of External Finishes**

7.1. Prior to the commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City for the development. The schedule shall show:

7.1.1. the cladding to the façade of Unit 1 extended to include the upper floor bedroom 2; and

7.1.2. the cladding to the dwellings along the common access driveway modified to be applied horizontally across the entire upper portion of the development;

7.2. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

8. **Construction Management Plan**

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. The Construction Management Plan shall be prepared in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans, Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

9. Clothes Drying Facility

All external clothes drying areas shall be adequately screened in accordance with the State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City;

10. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City; and

11. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

COUNCIL DECISION ITEM 9.1

Moved: Cr Buckels, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

9.6 NO. 169 - 171 (LOTS: 5 & 6 D/P: 867) OXFORD STREET, LEEDERVILLE - CHANGE OF USE FROM SHOP TO CINEMA AND ASSOCIATED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDINGS

TRIM Ref: D17/64809

Author: Rob Sklarski, A/Coordinator Statutory Planning

Authoriser: John Corbellini, Director Development Services

Ward: South Ward

Precinct: 4 – Oxford Centre

Attachments: 1. Attachment 1 - Location and Consultation Map  
2. Attachment 2 - Development Plans  
3. Attachment 3 - Determination Advice Notes  

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for a Change of Use from Shop to Cinema and associated alterations and additions to the existing buildings at No. 169 – 171 (Lots: 5 and 6; D/P: 867) Oxford Street, Leederville in accordance with the development plans included as Attachment 2, subject to the following conditions, with associated determination advice notes provided in Attachment 3:

1. Revised Plans

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1 To include an awning over the new southern entrance to be contiguous with the existing awning along Oxford Street; and
- 1.2 The visitor bicycle bays relocate so that they are convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

The development shall be undertaken in accordance with the revised plans approved by the City;

2. Interactive Front

Windows and doors fronting Oxford Street shall maintain an active and interactive relationship to the street. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;

3. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City for the development, and is to include (in particular) details of varying materials and finishes to the development Façade to Oxford Street. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

4. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 7.12 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$38,448;

5. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City;

6. Waste Management

A plan indicating the location of a bin store of sufficient size to accommodate the City's maximum bin requirement shall be lodged with and approved by the City prior to the commencement of the development. The bin store shall be provided in accordance with the plan approved by the City prior to the occupation or use of the development and to the satisfaction of the City;

7. Noise Management

An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

8. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. The Construction Management Plan shall be prepared in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

9. Landscape and Reticulation Plan

9.1. A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

9.1.1. The location and type of existing and proposed trees and plants;

9.1.2. The provision of mature tree planting with a canopy cover, at maturity, of 17.5% of the rear and side setback area, and the provision of 2.5% of the site area as deep soil zones as shown on the approved plans; and

9.1.3. Areas to be irrigated or reticulated;

9.2. All works shown in the plans as identified in Condition 9.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

10. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

11. Signage

11.1. Shall not have flashing or intermittent lighting;

- 11.2. All signage shall be safe, non-climbable, and free from graffiti and kept in a good state of repair for the duration of its display on-site;
- 11.3. The signage is to be entirely contained within the property boundary;
- 11.4. The proposed signage is to advertise the cinema and associated services only; and
- 11.5. The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising; and

12. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be adopted.

PROPOSED AMENDMENT:

Moved: Cr Buckels, Seconded: Cr Topelberg

That condition 1.2 be deleted.

AMENDMENT CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.6

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the development application for a Change of Use from Shop to Cinema and associated alterations and additions to the existing buildings at No. 169 – 171 (Lots: 5 and 6; D/P: 867) Oxford Street, Leederville in accordance with the development plans included as Attachment 2, subject to the following conditions, with associated determination advice notes provided in Attachment 3:

1. Revised Plans

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1 To include an awning over the new southern entrance to be contiguous with the existing awning along Oxford Street;

The development shall be undertaken in accordance with the revised plans approved by the City;

2. Interactive Front

Windows and doors fronting Oxford Street shall maintain an active and interactive relationship to the street. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;

3. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City for the development, and is to include (in particular) details of varying materials and finishes to the development Façade to Oxford Street. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

4. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 7.12 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$38,448;

5. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City;

6. Waste Management

A plan indicating the location of a bin store of sufficient size to accommodate the City's maximum bin requirement shall be lodged with and approved by the City prior to the commencement of the development. The bin store shall be provided in accordance with the plan approved by the City prior to the occupation or use of the development and to the satisfaction of the City;

7. Noise Management

An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

8. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. The Construction Management Plan shall be prepared in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

9. Landscape and Reticulation Plan

9.1. A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

9.1.1. The location and type of existing and proposed trees and plants;

9.1.2. The provision of mature tree planting with a canopy cover, at maturity, of 17.5% of the rear and side setback area, and the provision of 2.5% of the site area as deep soil zones as shown on the approved plans; and

9.1.3. Areas to be irrigated or reticulated;

9.2. All works shown in the plans as identified in Condition 9.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

10. **Stormwater**

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

11. **Signage**

11.1. Shall not have flashing or intermittent lighting;

11.2. All signage shall be safe, non-climbable, and free from graffiti and kept in a good state of repair for the duration of its display on-site;

11.3. The signage is to be entirely contained within the property boundary;

11.4. The proposed signage is to advertise the cinema and associated services only; and

11.5. The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising; and

12. **General**

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

- 9.2 NOS. 193-195 (LOTS: 267, 268 & 269; D/P: 3642) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN – CHANGE OF USE FROM PLANT NURSERY (UNLISTED USE) AND INCIDENTAL SHOP AND EATING HOUSE TO EATING HOUSE AND INCIDENTAL SHOP AND PLANT NURSERY (UNLISTED USE) AND ASSOCIATED ALTERATIONS AND ADDITIONS (RETROSPECTIVE)

TRIM Ref: D17/57247

Author: Steve Laming, Statutory Planning Officer

Authoriser: Rob Sklarski, A/Coordinator Statutory Planning

Ward: North

Precinct: 2 - Mount Hawthorn Centre

- Attachments:
1. Attachment 1 - Consultation and Location Map [⇒](#) 
 2. Attachment 2 - Development Plan [⇒](#) 
 3. Attachment 3 - Summary of Submissions [⇒](#) 
 4. Attachment 4 - Applicant's response to neighbour submissions [⇒](#) 
 5. Attachment 5 - Acoustic Report [⇒](#) 
 6. Attachment 6 - Applicant's Car Parking Survey [⇒](#) 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for the proposed Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions (Retrospective) at Nos. 193-195 (Lots: 267, 268 & 269; D/P: 3642) Scarborough Beach Road, Mount Hawthorn subject to the following:

1. Revised Plans

1.1 Revised plans shall be submitted to the City within 28 days of the issue date of this approval and shall depict the following to the satisfaction of the City:

- An alternative location of the proposed Toilet Facility additions away from The Boulevard and the adjoining residential property, to the satisfaction of the City;
- Depict additional landscaping to screen the Toilet Facility additions from the street and adjoining neighbouring property;
- Provide a floor and elevation plan of the Toilet Facility additions that outlines the floor level of the building and demonstrates that it complies with the deemed-to-comply standards of Clause 5.4.3 of the State Government's Residential Design Codes; and
- Provide a schedule of external colours and finishes for the Toilet Facility additions;

1.2 Within 28 days of the approval of the revised plans by the City the Toilet Facility and landscaping shall be located and installed in accordance with the approved revised plans;

2. Interactive Front

Windows, doors and adjacent areas fronting Scarborough Beach Road and The Boulevard shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

4. Noise Management and Use of Premises

- 4.1 The Shop and Plant Nursery shall be incidental to the primary use of the site as an Eating House, and shall not be permitted to operate independently of the primary use;
- 4.2 The hours of operation shall be limited to the hours of 7:00am to 5:00pm Monday to Saturday inclusive and 8:30am to 5:00pm Sunday, unless and an Acoustic Report and Noise Management Plan is submitted to and approved by the City that sets out additional hours, in which case the hours of operation and the operation of the development shall accord with the approved Acoustic Report and Noise Management Plan. The Acoustic Report and Noise Management Plan shall be in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and include measures and actions to mitigate noise impacts on adjoining and nearby residential properties such as limitation to patron numbers, hours of operation, areas of the site which may be provided with limited patron access, or the like. The maximum hours of operation under an Acoustic Report and Noise Management Plan approved by the City shall not exceed the following times:
- Monday to Saturday: 7:00am to 11:00pm;
 - Sunday: 8:00am to 11:00pm; and
 - Christmas Day, Good Friday and Anzac Day: CLOSED;
- 4.3 The total occupancy associated with the eating house shall not exceed a maximum of 150 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise limited by the approved Noise Management Plan or by the City;

5. Car Parking and Access

- 5.1 A minimum of four car bays shall be provided and maintained as shown on the approved plans to the satisfaction of the City;
- 5.2 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development; and
- 5.3 Vehicle and pedestrian access points are required to match into existing footpath levels;

6. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 11.44 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$61,776; and

7. General

Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT:

Moved: Cr Loden, Seconded: Cr Gontaszewski

That Recommendations 4.3 and 6 be amended as follows:

“4.3 The total occupancy associated with the eating house shall not exceed a maximum of ~~150~~ 120 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise limited by the approved Noise Management Plan or by the City;”

“6. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of ~~11.44~~ 7.792 car bays, based on the cost of ~~\$5,400~~ \$4,048 per bay ~~as set out in the City’s 2016/2017 Schedule of Fees and Charges~~ as estimated by the City as being the actual cost of constructing additional parking bays immediately adjoining the subject site being a contribution of ~~\$61,776~~ \$31,542; and”

AMENDMENT CARRIED UNANIMOUSLY (5-1)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett and Cr Loden

Against: Cr Topelberg

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.2

Moved: Cr Loden, Seconded: Cr Gontaszewski

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for the proposed Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions (Retrospective) at Nos. 193-195 (Lots: 267, 268 & 269; D/P: 3642) Scarborough Beach Road, Mount Hawthorn subject to the following:

1. **Revised Plans**

1.1 Revised plans shall be submitted to the City within 28 days of the issue date of this approval and shall depict the following to the satisfaction of the City:

- An alternative location of the proposed Toilet Facility additions away from The Boulevard and the adjoining residential property, to the satisfaction of the City;
- Depict additional landscaping to screen the Toilet Facility additions from the street and adjoining neighbouring property;
- Provide a floor and elevation plan of the Toilet Facility additions that outlines the floor level of the building and demonstrates that it complies with the deemed-to-comply standards of Clause 5.4.3 of the State Government’s Residential Design Codes; and
- Provide a schedule of external colours and finishes for the Toilet Facility additions;

1.2 Within 28 days of the approval of the revised plans by the City the Toilet Facility and landscaping shall be located and installed in accordance with the approved revised plans;

2. **Interactive Front**

Windows, doors and adjacent areas fronting Scarborough Beach Road and The Boulevard shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

4. Noise Management and Use of Premises

4.1 The Shop and Plant Nursery shall be incidental to the primary use of the site as an Eating House, and shall not be permitted to operate independently of the primary use;

4.2 The hours of operation shall be limited to the hours of 7:00am to 5:00pm Monday to Saturday inclusive and 8:30am to 5:00pm Sunday, unless and an Acoustic Report and Noise Management Plan is submitted to and approved by the City that sets out additional hours, in which case the hours of operation and the operation of the development shall accord with the approved Acoustic Report and Noise Management Plan. The Acoustic Report and Noise Management Plan shall be in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and include measures and actions to mitigate noise impacts on adjoining and nearby residential properties such as limitation to patron numbers, hours of operation, areas of the site which may be provided with limited patron access, or the like. The maximum hours of operation under an Acoustic Report and Noise Management Plan approved by the City shall not exceed the following times:

- Monday to Saturday: 7:00am to 11:00pm;
- Sunday: 8:00am to 11:00pm; and
- Christmas Day, Good Friday and Anzac Day: CLOSED;

4.3 The total occupancy associated with the eating house shall not exceed a maximum of 120 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise limited by the approved Noise Management Plan or by the City;

5. Car Parking and Access

5.1 A minimum of four car bays shall be provided and maintained as shown on the approved plans to the satisfaction of the City;

5.2 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development; and

5.3 Vehicle and pedestrian access points are required to match into existing footpath levels;

6. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 7.792 car bays, based on the cost of \$4,048 per bay as estimated by the City as being the actual cost of constructing additional parking bays immediately adjoining the subject site being a contribution of \$31,542; and

7. General

Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg
Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

9.5 SUBMISSION TO WALGA - THIRD PARTY APPEAL RIGHTS IN PLANNING**TRIM Ref:** D17/63931**Author:** John Corbellini, Director Development Services**Authoriser:** John Corbellini, Director Development Services**Attachments:** 1. Attachment 1 - WALGA Discussion Paper **RECOMMENDATION:**

That Council:

1. **ADVISES** the Western Australian Local Government Association that it supports the introduction of third party appeal rights for Development Assessment Panel applications to allow the relevant local government and/or a person who made a submission and the land on which the application is proposed adjoins that person's land (as defined by section 5.60B of the *Local Government Act 1995*) to apply to the State Administrative Tribunal for review of the Development Assessment Panel's decision and to join as a party to any review of a Development Assessment Panel decision by the State Administrative Tribunal;
2. **REAFFIRMS** its position in relation to Development Assessment Panels adopted at the Ordinary Council Meeting of 8 March 2016;
3. **ADVISES** the Minister for Planning of its position in relation to Third Party Appeals and Development Assessment Panels and its concerns regarding recent decisions of the Metro West Joint Development Assessment Panel; and
4. **ADVISES** the Attorney General of its position in relation to Third Party Appeals and Development Assessment Panels and requests that the State Administrative Tribunal process be altered to allow the relevant local government and adjoining land owners the right to join as a party to any review of a Development Assessment Panel decision by the State Administrative Tribunal.

COUNCIL DECISION ITEM 9.5**Moved:** Cr Buckels, **Seconded:** Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)**For:** Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

9.4 PROPOSED AMENDED PARKING RESTRICTIONS - MOUNT HAWTHORN TOWN CENTRE

TRIM Ref: D17/61524

Author: Stephen Schreck, Strategic Planning Officer

Authoriser: John Corbellini, Director Development Services

Attachments:

1. Attachment 1 - Mount Hawthorn Parking Surveys Boundary [⇒](#) 
2. Attachment 2 - Mount Hawthorn Parking Restrictions Survey Results [⇒](#) 
3. Attachment 3 - Category Matrix [⇒](#) 
4. Attachment 4 - Advertised Parking Restrictions [⇒](#) 
5. Attachment 5 - Summary of Submissions [⇒](#) 
6. Attachment 6 - Proposed Parking Restriction Changes [⇒](#) 

RECOMMENDATION:

That Council:

1. **ADOPTS** the proposed changes to parking restrictions in the Mount Hawthorn Town Centre, as shown in Attachment 6; and
2. **NOTES:**
 - 2.1. The results of the surveys undertaken as shown in Attachment 2;
 - 2.2. The summary of submissions and Administration's responses as shown in Attachment 5;
 - 2.3. The amendment to the 'North Perth Parking Improvements' 2016/2017 budget item to be named 'Parking Restriction Implementation' in the 2017/2018 budget and the carry forward of \$20,000 in this budget item from 2016/17 to 2017/18; and
 - 2.4. The parking occupancy rates in and around the Mount Hawthorn Town Centre will be reviewed within six months of the introduction of the parking restriction changes and the results along with any recommendations will be reported back to Council.

COUNCIL DECISION ITEM 9.4**Moved:** Cr Topelberg, **Seconded:** Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)**For:** Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil**(Cr Harley was an apology for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)**

9.3 NO. 211 (LOT: 7; DP: 56031) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A SERVICE STATION

TRIM Ref: D17/56058

Author: Rob Sklarski, A/Coordinator Statutory Planning

Authoriser: John Corbellini, Director Development Services

Ward: North

Precinct: 1 - Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Transport Statement 
4. Attachment 4 - Summary of Submissions 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 2 REFUSES the application for development approval for the demolition of Existing Buildings and Construction of a Service Station and Convenience Store (Unlisted Use) at No. 211 (Lot 7 D/P; 56031) Scarborough Beach Road, Mount Hawthorn in accordance with the plans date stamped 3 January 2017, as shown in Attachment 2, subject to the following reasons:

1. The proposed Service Station use is not compatible with the Local Centre and surrounding residential uses and does not meet the objectives of the City's Town Planning Scheme No. 1 specifically Clause 6 (3)(b) *"to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment due to the intensity of the use"* as it is considered to have an adverse impact on the residential amenity of the immediate locality due to insufficient separation to existing sensitive uses and the potential impact of gas, odour and noise emissions;
2. The development does not meet the design principles of P1.2.5 of Clause 2.1 of Local Planning Policy No. 7.1.1 – Built Form as the street setback does not facilitate the provision of useable open space, alfresco dining opportunities and landscaping;
3. The proposal does not meet the design principles of P1.3.1, P1.3.2 and P1.3.3 of Clause 1.3 of Local Planning Policy No. 7.1.1 – Built Form as the development is not designed to frame the corner to define the built form and public realm, does not provide strong visual elements to Buxton Street or Scarborough Beach Road and does not create cohesion to the street frontages thus not considered to contribute to a conformable pedestrian environment;
4. The proposal does not meet the design principles of P1.4.1 and N1.4.2 of Clause 1.4 of Local Planning Policy No. 7.1.1 – Built Form as the development does not provide building frontages that contribute to the liveliness, interest, conform and safety of these public spaces and proposes floor to ceiling glazing;
5. The proposal does not meet the design principles of P1.5.1, 1.5.3, P1.5.4 and N1.5.1 of Clause 1.5 of Local Planning Policy No. 7.1.1 – Built Form as the development does not provide a shelter along street frontages to encourage walking and provide protection from the elements;
6. The proposal does not meet the design principles of P1.6.1 and P1.6.2 of Clause 1.6 of Local Planning Policy No. 7.1.1 – Built Form as the development does not incorporate design elements or materials which are reflective of the existing local character;
7. The proposal does not meet the design principles of P1.7.1 and P1.7.7 of Clause 1.7 of Local Planning Policy No. 7.1.1 – Built Form as landscaping would not reduce the impact of development on the adjoining properties and public spaces;

8. The proposal does not meet the design principle of P1.8.4 of Clause 1.8 of Local Planning Policy No. 7.1.1 – Built Form as the development has not demonstrated that it is capable of achieving one of the environmental performance ratings outlined in the Policy;
9. The proposal does not meet the design principles of P1.10.1 and P1.10.5 of Clause 1.8 of Local Planning Policy No. 7.1.1 – Built Form as the development has not demonstrated that the visual impact of car parking and supporting infrastructure from the primary or secondary streets is minimised, given the location of on-site parking;
10. Having regard to the City’s Local Planning Strategy, as adopted by Council on 20 December 2011, the proposed Service Station use is likely to prejudice the effective function of the designated local centre within the City; and
11. Having regarding to Clause 67(n) of the *Planning and Development (Local Planning Schemes Regulations) 2015*, the proposal does not suitably demonstrate that the Service Station use will not have an adverse impact on the amenity of the nearby and adjoining residential properties as a result of gas, odour, traffic and noise being generated by the proposed development.

Moved: Cr Buckels, Seconded: Cr Hallett

That the recommendation be adopted.

PROPOSED AMENDMENT:

That Recommendation 1.1 be amended as follows:

Moved: Cr Buckels, Seconded: Cr Topelberg

11. Having regarding to Clause 67(n) of Schedule 2 of the *Planning and Development (Local Planning Schemes Regulations) 2015*, the proposal does not suitably demonstrate that the Service Station use will not have an adverse impact on the amenity of the nearby and adjoining residential properties as a result of gas, odour, traffic and noise being generated by the proposed development.

AMENDMENT CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.3

Moved: Cr Buckels, Seconded: Cr Hallett

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 2 REFUSES the application for development approval for the demolition of Existing Buildings and Construction of a Service Station and Convenience Store (Unlisted Use) at No. 211 (Lot 7 D/P; 56031) Scarborough Beach Road, Mount Hawthorn in accordance with the plans date stamped 3 January 2017, as shown in Attachment 2, subject to the following reasons:

1. The proposed Service Station use is not compatible with the Local Centre and surrounding residential uses and does not meet the objectives of the City’s Town Planning Scheme No. 1 specifically Clause 6 (3)(b) “to protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment due to the intensity of the use” as it is considered to have an adverse impact on the residential amenity of the immediate locality due to insufficient separation to existing sensitive uses and the potential impact of gas, odour and noise emissions;

2. The development does not meet the design principles of P1.2.5 of Clause 2.1 of Local Planning Policy No. 7.1.1 – Built Form as the street setback does not facilitate the provision of useable open space, alfresco dining opportunities and landscaping;
3. The proposal does not meet the design principles of P1.3.1, P1.3.2 and P1.3.3 of Clause 1.3 of Local Planning Policy No. 7.1.1 – Built Form as the development is not designed to frame the corner to define the built form and public realm, does not provide strong visual elements to Buxton Street or Scarborough Beach Road and does not create cohesion to the street frontages thus not considered to contribute to a conformable pedestrian environment;
4. The proposal does not meet the design principles of P1.4.1 and N1.4.2 of Clause 1.4 of Local Planning Policy No. 7.1.1 – Built Form as the development does not provide building frontages that contribute to the liveliness, interest, conform and safety of these public spaces and proposes floor to ceiling glazing;
5. The proposal does not meet the design principles of P1.5.1, 1.5.3, P1.5.4 and N1.5.1 of Clause 1.5 of Local Planning Policy No. 7.1.1 – Built Form as the development does not provide a shelter along street frontages to encourage walking and provide protection from the elements;
6. The proposal does not meet the design principles of P1.6.1 and P1.6.2 of Clause 1.6 of Local Planning Policy No. 7.1.1 – Built Form as the development does not incorporate design elements or materials which are reflective of the existing local charter;
7. The proposal does not meet the design principles of P1.7.1 and P1.7.7 of Clause 1.7 of Local Planning Policy No. 7.1.1 – Built Form as landscaping would not reduce the impact of development on the adjoining properties and public spaces;
8. The proposal does not meet the design principle of P1.8.4 of Clause 1.8 of Local Planning Policy No. 7.1.1 – Built Form as the development has not demonstrated that it is capable of achieving one of the environmental performance ratings outlined in the Policy;
9. The proposal does not meet the design principles of P1.10.1 and P1.10.5 of Clause 1.8 of Local Planning Policy No. 7.1.1 – Built Form as the development has not demonstrated that the visual impact of car parking and supporting infrastructure from the primary or secondary streets is minimised, given the location of on-site parking;
10. Having regard to the City's Local Planning Strategy, as adopted by Council on 20 December 2011, the proposed Service Station use is likely to prejudice the effective function of the designated local centre within the City; and
11. Having regarding to Clause 67(n) of Schedule 2 of the *Planning and Development (Local Planning Schemes Regulations) 2015*, the proposal does not suitably demonstrate that the Service Station use will not have an adverse impact on the amenity of the nearby and adjoining residential properties as a result of gas, odour, traffic and noise being generated by the proposed development.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg
Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

10 TECHNICAL SERVICES

10.1 HYDE STREET RESERVE - PROPOSED EXTENSION

TRIM Ref: D17/61617

Author: Jeremy van den Bok, Manager Parks & Property Services

Authoriser: Craig Wilson, A/Director Technical Services

Attachments: 1. Plan No 3435-CP-01 [↗](#) 

RECOMMENDATION:

That Council:

1. **CONSULTS** with the local community on the concept plan to close Hyde Street to through traffic, other than pedestrians and bicycles, between Forrest Street and Alma Road, to facilitate the extension of the Hyde Street Reserve as a 'roads to parks' demolition project, as shown on attachment 1;
2. **LISTS** for consideration an amount of \$120,000 in the Draft 2017/18 Budget to extend Hyde Street Reserve, subject to Councils formal approval after consideration of feedback received during community consultation.

Moved: Cr Topelberg, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT:

Moved: Cr Topelberg, **Seconded:** Cr Loden

That Recommendation 1 be amended by deleting the word "demolition" and replacing it with the word "demonstration".

AMENDMENT CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 10.1**Moved: Cr Topelberg, Seconded: Cr Gontaszewski****That Council:**

1. **CONSULTS** with the local community on the concept plan to close Hyde Street to through traffic, other than pedestrians and bicycles, between Forrest Street and Alma Road, to facilitate the extension of the Hyde Street Reserve as a 'roads to parks' demonstration project, as shown on attachment 1;
 2. **LISTS** for consideration an amount of \$120,000 in the Draft 2017/18 Budget to extend Hyde Street Reserve, subject to Councils formal approval after consideration of feedback received during community consultation.
- .

CARRIED UNANIMOUSLY (6-0)**For:** Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil**(Cr Harley was an apology for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)**

10.2 PROPOSED ROAD SAFETY AND TRAFFIC MANAGEMENT IMPROVEMENTS IN REDFERN STREET, NORTH PERTH AND RANDELL STREET, PERTH

TRIM Ref: D17/66238

Author: Craig Wilson, A/Director Technical Services

Authoriser: Craig Wilson, A/Director Technical Services

Attachments: 1. Plan No 2724-LM-01A 
2. Plan No 3432-CP-01 **RECOMMENDATION:**

That Council:

1. **CONSULTS** with the residents of Redfern Street, North Perth, on the proposed raised plateau to be constructed at the intersection of Redfern and Hunter Streets, as shown on Plan No 3432 (Attachment 1);
2. **APPROVES** the modifications to the intersection of Redfern and Walcott Streets, as shown on Plan No 3432 (Attachment 1), to be funded from the 2017/2018 Miscellaneous Traffic Management budget;
3. **CONSULTS** with the residents of Randell Street, Perth, on the proposed traffic calming measures as shown Plan No 2724-LM-01A (Attachment 2); and
4. **RECEIVES** a further report at the conclusion of the consultations.

Moved: Cr Topelberg, **Seconded:** Cr Loden

That the recommendation be adopted.

PROPOSED AMENDMENT:**Moved:** Cr Topelberg, **Seconded:** Cr Loden

That Recommendation 1 be deleted and the remaining recommendations be re-numbered accordingly.

AMENDMENT CARRIED UNANIMOUSLY (6-0)**For:** Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 10.2

That Council:

1. **APPROVES** the modifications to the intersection of Redfern and Walcott Streets, as shown on Plan No 3432 (Attachment 1), to be funded from the 2017/2018 Miscellaneous Traffic Management budget;
2. **CONSULTS** with the residents of Randell Street, Perth, on the proposed traffic calming measures as shown Plan No 2724-LM-01A (Attachment 2); and

3. RECEIVES a further report at the conclusion of the consultations.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

10.3 BEATTY PARK LEISURE CENTRE - REMEDIAL WORKS

TRIM Ref: D17/57319

Authors: James Hopper, Asset Management Coordinator
Len Kosova, Chief Executive Officer

Authoriser: Len Kosova, Chief Executive Officer

Attachments: Nil

RECOMMENDATION:

That Council:

1. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$400,000 to carry out the remedial works outlines in this report to the Beatty Park Leisure Centre plant rooms and two pool deck light towers, to ensure they are operationally safe and structurally sound; and
2. **REQUIRES** a further report to be submitted to Council by March 2018 outlining a long term asset management plan for Beatty Park Leisure Centre.

COUNCIL DECISION ITEM 10.3**Moved:** Cr Topelberg, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (6-0)**For:** Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil**(Cr Harley was an apology for the Meeting.)****(Cr Murphy as on approved leave of absence for the Meeting.)**

11 CORPORATE SERVICES

11.4 DELEGATED AUTHORITY REVIEW 2017

TRIM Ref: D17/65088

Author: Tim Evans, Manager Governance and Risk

Authoriser: Len Kosova, Chief Executive Officer

Attachments: 1. Council Delegated Authority Register 2017/18 - with tracked changes. [⇒](#) 
2. Council Delegated Authority Register 2017/18 - For Council Adoption [⇒](#) 

RECOMMENDATION:

That Council:

1. NOTES the annual review of its Delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report; and
2. DELEGATES BY ABSOLUTE MAJORITY the local government functions listed in the City's Council Delegated Authority Register 2017/18 included as Attachment 2; and
3. NOTES that a separate report will be presented to Council in the second half of 2017 to amend and rationalise delegations relating to planning.

COUNCIL DECISION ITEM 11.4

Moved: Cr Gontaszewski, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

12 COMMUNITY ENGAGEMENT

12.1 NO. 34 (LOT 1) CHERITON STREET, PERTH - PROGRESS REPORT NO. 8

TRIM Ref: D17/55850

Author: Angela Birch, Senior Community Development Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Norwood Community Facility Needs Analysis - Outcomes Report  
2. Norwood Community Facility Needs Analysis - Study Area Map  

RECOMMENDATION:

That Council:

1. RECEIVES Progress Report No. 8 relating to No. 34 (Lot 1) Cheriton Street, Perth;
2. ADVISES the Department of Lands that the City of Vincent will not be extending the Management Order for No. 34 (Lot 1) Cheriton Street, Perth beyond the 30 June 2017 expiry date;
3. REQUESTS the Chief Executive Officer to liaise with the Department of Lands in order to seek approval for the Norwood Neighbourhood Garden portion of No. 34 (Lot 1) Cheriton Street, Perth to be excised through an agreement acceptable by all parties;
4. NOTES that Administration will;
 - 4.1. Review the amenities at Gladstone Reserve and Norwood Park following completion of the Public Open Space Strategy in 2017/18; and
 - 4.2. Facilitate improved access by the Norwood Neighbourhood Association to City owned community buildings within close proximity to No. 34 (Lot 1) Cheriton Street, Perth and the broader Norwood Precinct.

COUNCIL DECISION ITEM 12.1

Moved: Cr Gontaszewski, Seconded: Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

12.3 PUBLIC OPEN SPACE STRATEGY**TRIM Ref:** D17/68600**Author:** Karen Balm, Community Partnerships - Projects Officer**Authoriser:** Michael Quirk, Director Community Engagement**Attachments:**

1. Public Open Space - Inventory 
2. Public Open Space - Classifications 
3. Public Open Space - Classification Framework 

RECOMMENDATION:**That Council:**

1. **RECEIVES** Administration's response to the Notice of Motion dated 13 December 2016 regarding current Public Open Space provision and classification, and the requirement for a Public Open Space Strategy; and
2. **NOTES** the allocation of \$50,000 within the Draft 2017/18 Budget for development of the City of Vincent Public Open Space Strategy

COUNCIL DECISION ITEM 12.3**Moved:** Cr Gontaszewski, **Seconded:** Cr Loden**That the recommendation be adopted.****CARRIED UNANIMOUSLY (6-0)****For:** Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil**(Cr Harley was an apology for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)**

14 COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.1 NOTICE OF MOTION - CR JONATHAN HALLETT - WORKFORCE GENDER PAY EQUITY REPORTING**

That Council:

1. REQUESTS the Chief Executive Officer to include information relating gender pay equity in the City's workforce in its Annual Report;
2. REQUESTS the Western Australian Local Government Association (WALGA) to encourage Western Australia Local Governments to report on workforce gender pay equity as is required of medium and large non-public sector companies; and
3. REQUESTS the Minister for Local Government and the Department of Local Government and Communities to consider including mandatory reporting on workforce gender pay equity local government Annual Reports, under the Local Government (Administration) Regulations 1996, as part of the government's recently announced review of the Local Government Act 1995.

COUNCIL DECISION ITEM 14.1

Moved: Cr Hallett, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

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

Nil

16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

17 URGENT BUSINESS

Nil

PROCEDURAL MOTION:

Moved: Cr Gontaszewski, **Seconded:** Cr Hallett

Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, the Meeting proceeds “behind closed doors” at the conclusion of the items, to consider confidential Item 18.1 as this matter contains information concerning a matter affecting an employee and confidential Item 18.2 as this matter contains information concerning a contract entered into, or which may be entered into, by the local government.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg
Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

At 8.10pm all staff members left the meeting and live streaming was stopped.

PRESENT:	Mayor Emma Cole	Presiding Member
Cr Matt Buckels	North Ward	
	Cr Susan Gontaszewski	South Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Joshua Topelberg	South Ward

No members of staff were present

No members of the public or media were present.

18 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

18.1 CHIEF EXECUTIVE OFFICER’S PERFORMANCE REVIEW 2015-16

Disclosure of Financial Interest

The Chief Executive Officer, Len Kosova, has disclosed a direct financial interest in this matter as it relates to his performance and remuneration in the role of CEO and his contract of employment with the City.

Local Government Act 1995 - Section 5.23(2):

(a) a matter affecting an employee or employees

LEGAL:

2.14 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

COUNCIL DECISION ITEM 18.1

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That Council:

1. **RECEIVES** the Chief Executive Officer's Annual Performance Review (2015-16) Summary Report included as Confidential Attachment 1 and **ENDORSES** the outcome of the review that the Chief Executive Officer has met the performance expectations of the position for the 2015-16 review period;
2. **APPOINTS** Ms Natalie Lincolne of Price Consulting Group P/L to conduct the Chief Executive Officer's Performance Review for the period August 2016 – August 2017 as outlined in its confidential response to the City's Request for Quotation, and **REQUIRES** the review process to be concluded with a report to Council by no later than 17 October 2017;
3. **ESTABLISHES** a CEO Performance Review Panel comprised of Mayor Emma Cole, Cr Gontaszewski, Cr Topelberg and Cr Loden to manage and have oversight of the CEO's Annual Performance Review for the period August 2016 – August 2017 in liaison with Council's appointed consultant in 2 above; and
4. **REQUESTS** the Mayor and Chief Executive Officer to develop a Draft CEO Performance and Remuneration Review Policy for Council's consideration by 17 October 2017, setting out (among other things):
 - (a) Roles, responsibilities and timeframes for initiating, conducting and concluding the CEO's annual review process;
 - (b) The term of membership for Council Members on the appointed CEO Performance Review Panel;
 - (c) The term of appointment for a consultant to assist Council in conducting the CEO's annual performance review; and
 - (d) The minimum mandatory methodology for reviewing the CEO's performance and remuneration.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg
Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

At 8.20pm, at the request of Council, the Chief Executive Officer and A/Director Technical Services returned to the meeting prior to consideration of Item 18.2.

18.2 MINDARIE REGIONAL COUNCIL JOINING THE EASTERN METROPOLITAN REGIONAL COUNCIL RESOURCE RECOVERY FACILITY TENDER - PROGRESS REPORT NO 2

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

Local Government Act 1995 - Section 5.23(2):

- (c) a contract entered into, or which may be entered into, by the local government and which related to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

COUNCIL DECISION ITEM 18.2

PROCEDURAL MOTION:

Moved: Cr Loden, Seconded: Cr Topelberg

That Council DEFERS consideration of this matter pending the following:

- 1. Receipt of a report from the Mindarie Regional Council (MRC) that consolidates into a single document under relevant subjects/themes, the various questions raised by the City of Vincent and all of the answers provided by the MRC and its consultant(s) regarding the proposed Waste to Energy Tender, since 18 May 2017;**
- 2. Provision of the report referred to in 1. above by the MRC to all member councils so that all members are provided with the same information regarding the proposed Waste to Energy Tender; and**
- 3. Confirmation of the resolutions adopted by all other MRC member councils regarding the proposed Waste to Energy Tender.**

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg
Against: Nil

PROCEDURAL MOTION:

At 8.39pm **Moved:** Cr Gontaszewski, **Seconded:** Cr Hallett

That the Council resume an “open meeting”.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Harley was an apology for the Meeting.)

(Cr Murphy was on approved leave of absence for the Meeting.)

At 8.39pm the Manager Governance and Risk returned to the meeting, Live Streaming resumed and Mayor Emma Cole read out Council’s resolutions relating to Items 18.1 and 18.2.

19 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 8.43pm with the following persons present:

PRESENT:	Mayor Emma Cole Cr Matt Buckels Cr Susan Gontaszewski Cr Jonathan Hallett Cr Dan Loden Cr Joshua Topelberg	Presiding Member North Ward South Ward South Ward North Ward South Ward
IN ATTENDANCE:	Len Kosova Craig Wilson Tim Evans	Chief Executive Officer A/Director Technical Services Manager Governance and Risk
Media:	Nil	
Public:	Nil	

These Minutes were confirmed by the Council as a true record and accurate of the Ordinary Meeting of the Council held on 25 July 2017.

Signed: Mayor Emma Cole

Dated this day of2017