



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

19 September 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, 19 SEPTEMBER 2017 AT 6PM**

| | | |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRESENT: | <p>Mayor Emma Cole Cr Roslyn Harley (Deputy Mayor) Cr Matt Buckels Cr Jonathan Hallett Cr Dan Loden Cr Joshua Topelberg Cr Jimmy Murphy</p> | <p>Presiding Member North Ward North Ward South Ward North Ward South Ward South Ward</p> |
| IN ATTENDANCE: | <p>Len Kosova John Paton John Corbellini (until 8.55pm) Michael Quirk Jeremy Van Den Bok Paola Di Perna (until 8.30pm) Tim Evans Emma Simmons</p> | <p>CEO Director Corporate Services Director Development Services Director Community Engagement A/Director Technical Services Manager Approval Services Manager Governance and Risk Governance and Council Support Officer</p> |
| Media: | Julian Wright | “Journalist – <i>“The Guardian Express”</i> ” |
| Public: | Approximately 19 members of the public. | |

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Emma Cole declared the meeting open at 6.02pm 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”.

Mayor Cole advised members of the gallery that the meeting will be live streamed over the internet. She further advised that the City takes all care to preserve privacy and therefore public question time would not be streamed and the cameras do not capture the public gallery.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Cr Susan Gontaszewski on approved leave of absence from 2 September 2017 to 21 October 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. Amanda Hicks of Leederville – Item 9.6
 - Spoke against the application.
 - Requested that Council reject the extension of trading hours for the Leederville Hotel.
 - Advised that she has an ongoing noise complaint with the venue.

The Presiding Member Mayor Cole thanked Ms Hicks for her comments and advised that the matters raised will be discussed during Councils deliberation on this item.

2. Ian Ker of Mt Lawley – Weeping Fig Trees, Mary Street, Highgate

- Advised that a few weeks ago a City of Vincent contractor, severely cut back five of the Weeping Fig trees at the William Street end of Mary Street.
- Stated that Council policies on Street Trees and Trees of Significance require urgent improvement to prevent future instances.
- Requested that Mary Street treescape be nominated for inclusion on the WA State Heritage Register.
- Requested that Council and the community be advised of what action is taken against the contractor.

The Presiding Member Mayor Cole thanked Mr Ker for his comments and expressed her and the City's disappointment with what had occurred. The Mayor further noted that the CEO was undertaking a review of this matter.

3. Debbie Saunders of Leederville – Item 9.6 and Item 9.11

Item 9.6

- Spoke against the application.
- Stated that Council has no jurisdiction in extending trading hours of a license premises

Item 9.11

- Questioned why the development of the alfresco area is being outsourced.

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

4. Myf Zrinski of Gwelup – Item 9.2

- Spoke in support of the application.
- Noted several errors within the tabled report.

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

5. Habib Almassi of Perth – Item 9.7

- Spoke against the application.
- Raised concerns in relation to parking and safety.
- Requested that Council confirm that there will be a resident only parking permit area?

The Presiding Member Mayor Cole thanked Mr Almassi for his comments and advised that the issues raised will be discussed during Councils deliberation of this item.

6. Helen Skantzios of North Perth – Item 9.5

- Spoke in support of the application.

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

7. Vern Gardam of Mt Lawley – Item 11.1 of the OMC 22 August 2017

Mr Gardam asked the following questions in relation to the 17 Mandatory Building Compliance Upgrades listed in Attachment 1 of Item 11.1 – Financial Statements as at 30 June 2017 of the Council Agenda 22 August 2017.

- *Two buildings were listed for the installation of smoke detectors, what work did the fifteen other buildings require for their mandatory upgrade?*
- *On a building by building basis what was the legislation that required the mandatory upgrade?*
- *Was the City of Vincent exposed to possible prosecution by the need for the mandatory upgrade?*
- *Did the need for this upgrade expose those using the buildings to greater risk?*
- *Leederville Child Care Centre, Forrest Park Clubroom (Croquet) and Leederville Tennis Club were noted as 'Project did not proceed' with a total of \$30,000 saved. Where does the \$30,000 of work appear in the 2017/2018 budget?*
- *When will the work be completed?*
- *How can the capital works schedule 2016/2017 as at 31 May 2017 be reconciled with the end of year figures?*

The Presiding Member Mayor Cole thanked Mr Gardam for his questions and advised that they would be taken on notice and the response provided in the next Council Agenda.

8. Dudley Maier of Highgate – Item 3b

- Queried the City's response to questions taken on notice at the previous Council Meeting.
- Submitted a list of further questions.

The Presiding Member Mayor Cole thanked Mr Maier for his comments and advised that the questions raised at the meeting would be taken on notice and the response provided in the next Council Agenda.

9. Gary Shier of Mt Hawthorn – Item 9.3

- Spoke against the application.
- Raised concerns in relation to increasing traffic volume, noise and parking.

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

10. Kara Shead of Mt Hawthorn – Item 9.3

- Spoke against the application.
- Raised concerns in relation to noise and increased traffic.

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

11. Paul Shead of Mt Hawthorn – Item 9.3

- Spoke against the application.

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

12. Dianne Walton of Mt Hawthorn – Item 9.3

- Spoke against the application.
- Voiced concerns relating to noise and traffic.
- Stated that the proposed café is not suitable for a residential zoned area.

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

13. Negril Marcy of Perth – Item 9.7

- Spoke against the application.
- Raised concerns regarding safety.
- Stated that some residents on the street did not receive notification letters.

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

14. Narelle O’Neil of Mt Hawthorn – Item 9.3

- Spoke against the application.

The Presiding Member Mayor Cole thanked Ms O’Neil for her comments.

15. Ben Carter of Pinnacle Planning – Item 9.3

- Spoke in support of the application.

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

16. John Bettles of Mt Hawthorn – Item 9.3

- Spoke against the recommendations.
- Raised concerns regarding parking.

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

There being no further speakers, Public Question Time closed at approximately 6.50pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

[3.1](#) Response to a question from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 22 August 2017.

4 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Dan Loden requested a leave of absence from 26 September 2017 to 28 September 2017 inclusive due to work commitments.

COUNCIL DECISION

Moved: Cr Topelberg, Seconded: Cr Murphy

That Cr Loden’s request for leave of absence be approved.

CARRIED UNANIMOUSLY (7-0)

(Cr Gontaszewski 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 Harley, **Seconded:** Cr Hallett

That the minutes of the Special Council Meeting held on 14 August 2017 be confirmed.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

COUNCIL DECISION

Moved: Cr Loden, **Seconded:** Cr Murphy

That the minutes of the Ordinary Council Meeting held on 22 August 2017 be confirmed.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Gontaszewski 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 – COMMUNITY PANEL

Our Community Engagement Panel commenced their work last Saturday and will be meeting again this Saturday to work through and help prioritise the very extensive feedback and ideas generated from our Imagine Vincent Campaign. Over the last three months we have engaged directly with 1041 people, received 4204 suggestions, more than 32,000 direct mail contacts were made and we also held 38 events and conversations with our community.

We are very excited to be running one of the first truly randomly selected panels in Perth with 40 community members selected completely independently.

We do respect and trust our community to receive the same information that Council would receive and make fair and equitable recommendations for the rest of our community.

The Community Panel will continue to work through some very thought-provoking, interesting and challenging topics and some competing expectations from our broader community.

We wish them well and look forward to seeing the results of their efforts.

7.2 CITIZENSHIP CEREMONY

Last Wednesday we welcomed fifty-one new citizens to Vincent at Royal Park Hall.

We are taking a new approach to our ceremonies by venturing to our halls and moving around Vincent. We have professionalised our ceremonies with our Function Squad.

We have been engaging local choirs and last Wednesday we were very fortunate to experience the Gay and Lesbian Singers of WA. We are also using local eateries and hotels as a part of getting out into our local community.

We have had some very positive feedback from citizens and their families and friends about the celebratory nature of these events; how engaging and welcoming they are.

7.2 LOVE IS LOVE CAMPAIGN OF SUPPORT

I would also like to mention the Vincent Loves Love campaign that Council and staff are supporting during the postal survey period. We are celebrating and supporting our strong LGBTQI+ community with a visual display of support including flying the rainbow flag, our Vincent Loves Love banners on Scarborough Beach Road and Fitzgerald Street.

We're celebrating Vincent love stories on our social media. We want our LGBTQI+ community to know that our Council supports them and to reinforce that we are long-time supporters of marriage equality.

I have received a lot of positive feedback on this, a handful of negative responses, but overwhelmingly this is being received really well and with a lot of community pride and compassion.

7.3 LEEDERVILLE CONNECT AGM

Finally, Leederville Connect is holding its AGM next Wednesday 27 September at 6pm at Kailis Leederville.

Leederville Connect has invited Famous Sharon to speak on their upcoming Fringe Hub Event which is gathering momentum as venues, traders, local businesses and artists get on board.

I encourage residents and businesses in Leederville to come along and see what their town team is up to – always something exciting and innovative in Leederville.

8 DECLARATIONS OF INTEREST

- 8.1** Cr Hallett declared a Proximity Interest in Item 9.1 - No. 44 (Lot: 13; D/P: 75/1) Brisbane Street, Perth - Change of Use from Office to Non-Medical Consulting Rooms (Pregnancy Day Spa) (Unlisted Use) (Retrospective). The extent of his interest is that he lives across the road directly. Cr Hallett sought approval to remain in the Council Chamber, participate in the debate and to vote on the matter.
- 8.2** Cr Topelberg declared a Proximity Interest in Item 9.2 - No. 562 (Lot: 228; D/P: 2672) Charles Street, North Perth - Proposed Construction of Five Multiple Dwellings Financial Interest. The extent of his interest is that the adjacent property at 560 Charles Street is owned and occupied by an immediate family member. Cr Topelberg did not seek approval to participate in the debate or to remain in the Council Chamber or vote on the matter.
- 8.3** Cr Murphy declared a Financial Interest in Item 9.6 No. 742 (Lot: 30; D/P: 42555) Newcastle Street, Leederville - Proposed Amendment to First Floor Trading Hours of Previous Approval: Partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers and Item 9.11 - Relocation of the Leederville Town Centre Taxi Zone. The extent of his interest is that he received an election-related gift from Jason Antczak of the Leederville Hotel during the 2015 Ordinary Local Government Election when he was last elected to Council and he has also been engaged by Leederville Connect to organise the 2017 Leederville Carnival, which Leederville Hotel may provide support or sponsorship of. Cr Murphy did not seek approval to participate in the debate or to remain in the Council Chamber or vote on the matter.

The Chief Executive Officer advised Council that in accordance with clause 2.17 of the City's Standing Orders Local Law and section 5.68(1) of the *Local Government Act 1995* Council may consider and determine Cr Hallett's request to participate in the meeting during Item 9.1, providing it does so while Cr Hallett is not in the Council Chamber.

At 6:59 pm, Cr Jonathan Hallett left the meeting.

The Chief Executive Officer advised Council that when determining Cr Hallett's request it must have regard to the criteria outlined in s5.68(1)(a) and (b)(ii) of the Act and in doing so, Council must be satisfied that Cr Hallett's interest is either:

- (I) so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
- (II) common to a significant number of electors or ratepayers.

The Chief Executive Officer further advised Council that the nature and extent of Cr Hallett's interest would not be common to a significant number of electors or ratepayers.

Moved: Cr Topelberg, Seconded: Cr Loden

That in accordance with section 5.68(1)(a) and (b)(i) and (ii)(I) of the *Local Government Act 1995* Council **ALLOWS Cr Hallett to remain in the Council Chamber, participate in the debate and to vote on Item 9.1 as Cr Hallett's interest is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter.**

LOST (0-6)

For: Nil

Against: Mayor Cole, Cr Harley, Cr Buckels, Cr Loden, Cr Topelberg and Cr Murphy

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

At 7:03 pm, Cr Jonathan Hallett returned to the meeting.

REPORTS

The Presiding Member, Mayor Emma Cole, advised the meeting of:

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**

Items 9.2, 9.3, 9.5, 9.6, 9.7 and 9.11.

- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**

Items 9.1, 10.1 and 11.1.

- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**

Items 9.1, 9.2, 9.6.

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 |
|-----------------------|------------------------------|
| Mayor Cole | 11.5 and 17.1 |
| Cr Hallett | 11.6 |
| Cr Loden | 10.5 |
| Cr Topelberg | 9.8 |
| Cr Murphy | 9.10 |

The Presiding Member, Mayor Emma Cole therefore requested the Chief Executive Officer to advise the meeting of:

- (e) **Unopposed items which will be moved “En Bloc”, being:**

Items 9.4, 9.9, 10.2, 10.3, 10.4, 11.2, 11.3, 11.4 and 13.1

- (f) **Confidential Reports which will be considered behind closed doors, being:**

Nil

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Murphy, Seconded: Cr Harley

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

Items 9.4, 9.9, 10.2, 10.3, 10.4, 11.2, 11.3, 11.4 and 13.1

CARRIED UNANIMOUSLY (7-0)







For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

9.4 NO. 8 (LOT: 13 D/P: 5993) GIBNEY AVENUE, MOUNT HAWTHORN - NINE MULTIPLE DWELLINGS**TRIM Ref:** D17/124039**Author:** Colin Connor, Planning Officer**Authoriser:** John Corbellini, Director Development Services**Ward:** North**Precinct:** 1 – Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Design Advisory Committee Comments 
5. Attachment 5 - Applicant's Response 
6. Attachment 6 - 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 Nine Multiple Dwellings at No. 8 Gibney Avenue (Lot: 13 D/P: 5993) Mount Hawthorn in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 10 Gibney Avenue, Mount Hawthorn 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;

2. Car Parking and Access

2.1. Car parking on site shall only be used by occupants or visitors of the development;

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

2.3. 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;

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 surrounding properties to the satisfaction of the City;

4. Visual Privacy

The privacy screens to windows and/or balconies to the eastern and western elevations are to accord with the requirements of State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development to the satisfaction of the City;

5. Front Fence

The proposed metre boxes attached to the façade of the proposed front fence, as depicted on the approved plan, be relocated to the satisfaction of the City, prior to the commencement of development;

6. Acoustic Report

6.1. 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; and

6.2. 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;

7. Schedule of External Finishes

7.1. 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. The schedule is to demonstrate how the materials found within the local area have been re-interpreted into the development; and

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 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 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;

11. Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge, prepared by a landscape architect, is 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:

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

11.2. Areas to be irrigated or reticulated;

11.3. The provision of 17 per cent of the site area as deep soil zones as shown on the approved plans; and

- 11.4. The on-site provision of canopy cover be increased to satisfy the intent of the City's Built Form Policy;

All works shown in the plans as identified in Condition 14. shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

12. Verge Trees

- 12.1. 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; and

- 12.2. Prior to the commencement of development and to the satisfaction of the City, an Arborist report is to be submitted and approved by the City, ensuring the existing verge tree as depicted on the approved plans will not be impacted by the proposed crossover construction and includes measures during and after construction to ensure the long term health of the tree is protected;

13. Notification on Title

- 13.1. The owner shall prepare and lodge a Notification Under Section 70A of the *Transfer of Land Act 1997* on the land title(s) advising the proprietor(s) and/or (prospective) purchaser(s) of the property(s) of the following:

- 13.1.1. The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling; and

- 13.1.2. The use and enjoyment of the property may be affected by traffic, car parking and other impacts associated with the nearby commercial and residential activity; and

- 13.2. The owner will agree in writing to provide a notice in any sales contract for the development on the matters in 13.1 above; and

14. Environmentally Sustainable Design

Prior to the commencement of development that the applicant demonstrate, to the satisfaction of the City, that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 5.30 of the City's Policy No. 7.1.1 – Built Form; and

15. 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 exist.

COUNCIL DECISION ITEM 9.4

Moved: Cr Murphy, Seconded: Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)


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


9.9 REVIEW OF POLICY NO. 4.2.13 - DESIGN ADVISORY COMMITTEE


TRIM Ref: D17/70107

Author: Tim Elliott, Strategic Planning Officer

Authoriser: John Corbellini, Director Development Services

Attachments: 1. Attachment 1 - Policy No. 4.2.13 - Design Advisory Committee [⇒](#) 

2. Attachment 2 - Schedule of Modifications: Policy No. 4.2.13 - Design Advisory Committee [⇒](#) 

3. Attachment 3 - Draft Terms of Reference [⇒](#) 

RECOMMENDATION:

That Council:

1. **ADOPTS** the draft Terms of Reference for the Design Review Panel as shown in Attachment 3, to guide an Expression of Interest process to appoint a new Design Review Panel;
2. **APPOINTS:**
 - 2.1. the following people as members to the City's Design Advisory Committee for the period 22 October 2017 until 30 April 2018:

| No. | Name |
|-----|------------------|
| 1. | Stephen Carrick |
| 2. | Joe Chindarsi |
| 3. | James Christou |
| 4. | Adrian Iredale |
| 5. | Sasha Ivanovic |
| 6. | Munira Mackay |
| 7. | Damien Pericles |
| 8. | Jeff Thierfelder |
| 9. | Carmel Van Ruth |
| 10. | Simon Venturi |

- 2.2. the following people to the position of Chair of the City's Design Advisory Committee for the periods shown below:

| No. | Name | Appointment Period |
|-----|----------------|------------------------------------|
| 1. | James Christou | 22 October 2017 – 31 December 2017 |
| 2. | Sasha Ivanovic | 1 January 2018 – 28 February 2018 |
| 3. | Munira Mackay | 1 March 2018 – 30 April 2018 |

3. NOTES:

- 3.1. Administration's review of the City's design review process and Policy No. 4.2.13 – Design Advisory Committee as shown in Attachment 2; and
- 3.2. That Administration will undertake an Expression of Interest process before presenting the respondents to Council to appoint a new Design Review Panel and revoke the City's current Policy No. 4.2.13 – Design Advisory Committee.

COUNCIL DECISION ITEM 9.9

Moved: Cr Murphy, Seconded: Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

10.2 TENDER NO. 538/17 - PROVISION OF SMALL MAINTENANCE SERVICES**TRIM Ref: D17/103907****Author: James Hopper, Coordinator Asset Management****Authoriser: Craig Wilson, A/Director Technical Services****Attachments: 1. Tender No. 538/17 - Pricing Schedule and Evaluation - Confidential****RECOMMENDATION:**

That Council **ACCEPTS** Tender No. 538/17 from DEVCO Holdings Pty Ltd for the provision of small maintenance services for the City of Vincent for a period of three years, with an option period of one year at the sole discretion of the City, for the fixed hourly rate as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 10.2**Moved: Cr Murphy, Seconded: Cr Harley****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (7-0)****(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

10.3 TENDER NO. 537/17 - PROVISION OF PLUMBING AND GAS FITTING SERVICES**TRIM Ref: D17/105993****Author: James Hopper, Coordinator Asset Management****Authoriser: Craig Wilson, A/Director Technical Services****Attachments: 1. Tender No. 537/17 - Pricing Schedule and Evaluation - Confidential****RECOMMENDATION:**

That Council **ACCEPTS** Tender No. 537/17 from AWB Building Co. for the provision of plumbing and gas fitting services for the City of Vincent for a period of three years, with an option period of one year at the sole discretion of the City, for the fixed hourly rate as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 10.3**Moved: Cr Murphy, Seconded: Cr Harley****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (7-0)****(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

10.4 TENDER NO. 536/17 - PROVISION OF ELECTRICIAN SERVICES**TRIM Ref: D17/115945****Author: James Hopper, Coordinator Asset Management****Authoriser: Craig Wilson, A/Director Technical Services****Attachments: 1. Tender No. 536/17 - Pricing Schedule and Evaluation - Confidential****RECOMMENDATION:**

That Council **ACCEPTS** Tender No. 536/17 from KP Electric (Australia) Pty Ltd for the provision of electrician services for the City of Vincent for a period of three years, with an option period of one year at the sole discretion of the City, for the fixed hourly rate as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 10.4**Moved: Cr Murphy, Seconded: Cr Harley****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (7-0)****(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

11.2 FINANCIAL STATEMENTS AS AT 31 JULY 2017**TRIM Ref:** D17/113263**Author:** Nilesh Makwana, Accounting Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:** 1. Financial Statements as at 31 July 2017 **RECOMMENDATION:**

That Council RECEIVES the Financial Statements for the month ended 31 July 2017 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.2**Moved:** Cr Murphy, **Seconded:** Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 29 JULY 2017 TO 23 AUGUST 2017**TRIM Ref:** D17/116091**Author:** Nikki Hirrill, Accounts Payable Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:**

1. Payments by EFT August 2017 
2. Payments by Cheque August 2017 
3. Payments by Credit Card August 2017 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 29 July 2017 to 23 August 2017 as detailed in attachment 1, 2 and 3 as summarised below:

COUNCIL DECISION ITEM 11.3**Moved:** Cr Murphy, **Seconded:** Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

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

11.4 INVESTMENT REPORT AS AT 31 AUGUST 2017**TRIM Ref: D17/122750****Author: Sheryl Teoh, Accounting Officer****Authoriser: John Paton, Director Corporate Services****Attachments: 1. Investment Report 31/08/2017** **RECOMMENDATION:**

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

COUNCIL DECISION ITEM 11.4**Moved: Cr Murphy, Seconded: Cr Harley****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (7-0)****(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

13.1 INFORMATION BULLETIN**TRIM Ref:** D17/95465**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Minutes of the Design Advisory Committee Meeting held on 7 June 2017  [⇒](#)
 2. Minutes of the Design Advisory Committee Meeting held on 5 July 2017  [⇒](#)
 3. Minutes of the Design Advisory Committee Meeting held on 19 July 2017  [⇒](#)
 4. Minutes of the Environmental Advisory Group Meeting held on 7 August 2017  [⇒](#)
 5. Unconfirmed Minutes of the Road Safety Advisory Group Meeting held on 10 August 2017  [⇒](#)
 6. Unconfirmed Minutes of the SVCPP Meeting 3 August 2017  [⇒](#)
 7. Statistics for Development Applications as at the end of August 2017  [⇒](#)
 8. Register of Legal Action and Prosecutions Register Monthly - Confidential
 9. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 24 August 2017  [⇒](#)
 10. Register of Applications Referred to the MetroWest Development Assessment Panel – Current  [⇒](#)
 11. Register of Applications Referred to the Design Advisory Committee – Current  [⇒](#)
 12. Register of Petitions - Progress Report - September 2017  [⇒](#)
 13. Register of Notices of Motion - Progress Report - September 2017  [⇒](#)
 14. Register of Reports to be Actioned - Progress Report - September 2017  [⇒](#)

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated September 2017.

COUNCIL DECISION ITEM 13.1

Moved: Cr Murphy, **Seconded:** Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

9 DEVELOPMENT SERVICES

9.6 NO. 742 (LOT: 30; D/P: 42555) NEWCASTLE STREET, LEEDERVILLE - PROPOSED AMENDMENT TO FIRST FLOOR TRADING HOURS OF PREVIOUS APPROVAL: PARTIAL DEMOLITION OF AND ADDITIONS AND ALTERATIONS TO EXISTING HOTEL, DEMOLITION AND CONSTRUCTION OF BOTTLE SHOP AND ALTERATIONS TO CAR PARKING AREA AND CROSSOVERS

TRIM Ref: D17/109662






Author: Steve Laming, Statutory Planning Officer

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 4 – Oxford Centre

Attachments:

1. Attachment 1 - Location and Consultation Plan [⇒](#) 
2. Attachment 2 - Previous Planning Approval and Approved First Floor Plans [⇒](#) 
3. Attachment 3 - Applicant's Submission Including Liquor Licence Business Management Plan [⇒](#) 
4. Attachment 4 - Acoustic Assessment (June 2017) [⇒](#) 
5. Attachment 5 - Summary of Submissions [⇒](#) 

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 application to amend planning approval 5.2006.397.1 granted on 22 August 2006 for partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers at No. 742 (Lot: 30; D/P: 42555) Newcastle Street, Leederville, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2006.397.1 granted on 22 August 2006 included in Attachment 2 continue to apply to this approval, subject to the following amendments:

1.1. Condition (xii) of the planning approval is amended as follows:

a) “(xii) The hours of operation of the First Floor, excluding balcony Areas 5, 6 and 7, shall be limited as follows:

Monday – Thursday: 11:00am to midnight;
 Friday – Saturday: 11:00am to 3:00am; and
 Sunday: 11:00am to 11:00pm; inclusive.

The hours of operation of the First Floor balcony Areas 5, 6 and 7, shall be limited as follows:

Monday – Saturday: 11:00am to midnight; and
 Sunday: 11:00am to 10:00pm; inclusive.

The hours of operation of the Ground Floor are to coincide with the operating hours set out on the ‘Leederville Hotel: Trading Hours – Proposed Ground Floor/Beer Garden’ plan attached dated 21 March 2006.

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;”

1.2. The annotation for the First Floor, excluding Areas 5, 6 and 7, on the approved ‘Leederville Hotel: Trading Hours – Proposed First Floor’ plan dated 21 March 2006 is amended as follows:

“11:00am → midnight
Mon – Thurs

11:00am → 3:00am
Fri – Sat

11:00am → 11:00pm
Sun”;

2. The First Floor shall operate in accordance with the measures outlined in the approved Acoustic Assessment dated June 2017. All of the recommended measures included in the approved Acoustic Assessment dated June 2017 shall be implemented as part of the use of the First Floor at the expense of the owners/occupiers, prior to the operation of the additional hours of the First Floor and to the satisfaction of the City;
3. A Management Plan that details how the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City’s Policy No. 7.5.7 – Licenced Premises is to be submitted to, and approved by the City prior to the operation of the additional hours of the First Floor. The operation of the development shall thereafter comply with the approved Management Plan; and
4. 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.

At 7:09 pm, Cr Jimmy Murphy left the meeting.

Moved: Cr Buckels, Seconded: Cr Loden

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Hallett, Seconded: Cr Loden

That recommendation 3 be deleted and replaced with the following:

3. In accordance with the requirements of the City’s Policy No. 7.5.7 – Licenced Premises, a Management Plan is to be submitted to and approved by the City prior to the operation of the additional hours of the ‘supper club’ on the First Floor, detailing how the proposed ‘supper club’ will be managed to minimise the impact on the surrounding area, including the following:
 - How the ‘Supper Club’ on the First Floor will be promoted and advertised;
 - The type and provision of live music in the ‘Supper Club’ on the First Floor;
 - When food will be served in the ‘Supper Club’ on the First Floor;
 - How the First Floor will be set out and furnished;
 - The management of private functions; and
 - Security, including lighting, CCTV and crowd control;

The operation of the development shall thereafter comply with the approved Management Plan; and”

CARRIED UNANIMOUSLY (5-1)

For: Mayor Cole, Cr Harley, Cr Hallett, Cr Loden and Cr Topelberg

Against: Cr Buckels

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

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

COUNCIL DECISION ITEM 9.6

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amend planning approval 5.2006.397.1 granted on 22 August 2006 for partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers at No. 742 (Lot: 30; D/P: 42555) Newcastle Street, Leederville, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2006.397.1 granted on 22 August 2006 included in Attachment 2 continue to apply to this approval, subject to the following amendments:

- 1.1. Condition (xii) of the planning approval is amended as follows:

- b) “(xii) The hours of operation of the First Floor, excluding balcony Areas 5, 6 and 7, shall be limited as follows:

Monday – Thursday: 11:00am to midnight;

Friday – Saturday: 11:00am to 3:00am; and

Sunday: 11:00am to 11:00pm; inclusive.

The hours of operation of the First Floor balcony Areas 5, 6 and 7, shall be limited as follows:

Monday – Saturday: 11:00am to midnight; and

Sunday: 11:00am to 10:00pm; inclusive.

The hours of operation of the Ground Floor are to coincide with the operating hours set out on the ‘Leederville Hotel: Trading Hours – Proposed Ground Floor/Beer Garden’ plan attached dated 21 March 2006.

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;”

- 1.2. The annotation for the First Floor, excluding Areas 5, 6 and 7, on the approved ‘Leederville Hotel: Trading Hours – Proposed First Floor’ plan dated 21 March 2006 is amended as follows:

“11:00am → midnight
Mon – Thurs

11:00am → 3:00am
Fri – Sat

11:00am → 11:00pm
Sun”;

2. The First Floor shall operate in accordance with the measures outlined in the approved Acoustic Assessment dated June 2017. All of the recommended measures included in the approved Acoustic Assessment dated June 2017 shall be implemented as part of the use of the First Floor at the expense of the owners/occupiers, prior to the operation of the additional hours of the First Floor and to the satisfaction of the City;
3. In accordance with the requirements of the City’s Policy No. 7.5.7 – Licenced Premises, a Management Plan is to be submitted to and approved by the City prior to the operation of the additional hours of the ‘supper club’ on the First Floor, detailing how the proposed ‘supper club’ will be managed to minimise the impact on the surrounding area, including to the following:
 - How the ‘Supper Club’ on the First Floor will be promoted and advertised;
 - The type and provision of live music in the ‘Supper Club’ on the First Floor;
 - When food will be served in the ‘Supper Club’ on the First Floor;

- How the First Floor will be set out and furnished;
- The management of private functions; and
- Security, including lighting, CCTV and crowd control;

The operation of the development shall thereafter comply with the approved Management Plan; and

4. 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 Harley, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil.

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

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

9.11 RELOCATION OF THE LEEDERVILLE TOWN CENTRE TAXI ZONE**TRIM Ref:** D17/114295**Author:** David Doy, Place Manager**Authoriser:** John Corbellini, Director Development Services**Attachments:**

1. Attachment 1 - Existing Taxi Zone and Options Explored During Preliminary Consultation 
2. Attachment 2 - Existing Taxi Zone Restrictions 
3. Attachment 3 - No Parking Pick Up & Set Down Locations 
4. Attachment 4 - Proposed Layout of New Taxi Zone Location and Other Changes 

RECOMMENDATION:**That Council:**

1. **SUPPORTS** the proposed trial of the:
 - 1.1. relocation of the Leederville Taxi Rank as shown in Attachment 4;
 - 1.2. Ride Share Pick Up/Set Down locations as shown in Attachments 3; and
 - 1.3. public alfresco area in part of the existing Leederville Taxi Zone as shown in Attachment 4;
2. **ADOPTS** the changes to the parking restrictions shown in Attachments 3 and 4;
3. **REQUIRES** that any outdoor eating area permit issued for the public alfresco area in part of the existing Leederville Taxi Zone, as shown in Attachment 3, be limited to the trial period up until 30 April 2018 and be conditioned to require the area to be open to the public at all times and not be restricted to patrons of the permit holder at any time;
4. **AUTHORISES** the Chief Executive Officer to negotiate and enter into an appropriate written agreement with any:
 - 4.1. ride share operators proposing to fund ride share totems in the road reserve at the Pick Up/Set Down locations identified in Attachment 3; and
 - 4.2. taxi organisations proposing to fund Taxi Zone wayfinding signage in the road reserve for the proposed Taxi Zone location identified in Attachment 4;
5. **NOTIFIES** Leederville Connect, all residents, landowners and businesses within 500 metres of the existing Leederville Taxi Zone of Council's decision;
6. **CONSULTS** with Leederville Connect, all residents, landowners and businesses within 500 metres of the Taxi Zone location on the:
 - 6.1. need for a Taxi Zone in the Leederville Town Centre;
 - 6.2. impact and performance of the relocated Taxi Zone and Ride Share Pick Up/Set Down locations during the trial; and
 - 6.3. future use and design of the existing Leederville Taxi Zone area; and
7. **NOTES** that Administration will prepare a report to Council nine months after the implementation of the changes shown in Attachment 3 and 4 summarising the results of the community consultation and the impact of the trial on the Leederville Town Centre and any subsequent recommendations.

COUNCIL DECISION ITEM 9.11

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)

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

Against: Nil







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

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

At 7:42 pm, Cr Jimmy Murphy returned to the meeting.

9.2 NO. 562 (LOT: 228; D/P: 2672) CHARLES STREET, NORTH PERTH - PROPOSED CONSTRUCTION OF FIVE MULTIPLE DWELLINGS**TRIM Ref:** D17/79893**Author:** Remajee Narroo, Senior Statutory Planning Officer**Authoriser:** John Corbellini, Director Development Services**Ward:** North**Precinct:** 8 – North Perth

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Letter from Applicant 
4. Attachment 4 - Summary of Submissions and Administration's Response 
5. Attachment 5 - Design Advisory Committee Comments 
6. Attachment 6 - 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 Five Multiple Dwellings at No. 562 (Lot: 228; D/P: 2672) Charles Street, North Perth in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 564 Charles Street, North Perth 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;

2. Fencing in the Front Setback Area

All fencing within the front setback area shall be visually permeable, as defined by State Planning policy 3.1 Residential Design Codes, above 1.2 metres;

3. Car Parking and Access

3.1. A minimum of five resident bays and two visitors bays shall be provided onsite;

3.2. Vehicle and pedestrian access points are required to match into existing footpath and right of way 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. Right of Way

5.1. The Right of Way widening of 0.5m, as depicted on the approved plan, is to be ceded free of cost at the time of subdivision (including built strata subdivision) of the development to the satisfaction of the City; and

5.2. The Right of Way widening of 0.5m, as depicted on the approved plan, shall be sealed, drained and graded +2% from the existing Right of Way levels to the satisfaction of the City prior to the occupation or use of the development;

6. Privacy

The proposed screening devices depicted on the balconies and windows on the plans are to be provided in accordance with the Residential Design Codes of WA prior to the use or occupation of the development to the satisfaction of the City;

7. Acoustic Report

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. Landscape and Reticulation Plan

8.1. 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:

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

8.1.2. Areas to be irrigated or reticulated; and

8.2. All works shown in the plans as identified in Condition 7.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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

10. 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 on and management of the site shall thereafter comply with the approved Construction Management Plan;

11. Retaining Wall

11.1. The existing retaining wall on the boundary between Nos. 560 and 562 Charles Street shall be retained; and

11.2. Prior to the commencement of development, approval is to be sought from Main Roads regarding for any earthworks, including construction of retaining walls, within the road widening area;

12. Clothes Drying Facility

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

13. Stormwater

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

14. 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.

At 7:43 pm, Cr Joshua Topelberg left the meeting.

COUNCIL DECISION ITEM 9.2

Moved: Cr Buckels, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden and Cr Murphy

Against: Nil

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

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

At 7:45 pm, Cr Joshua Topelberg returned to the meeting.

9.7 NOS. 84-92 (LOT 501; D/P 56750) PARRY STREET, PERTH - PROPOSED CHANGE OF USE FROM SHOWROOM AND OFFICE TO PLACE OF PUBLIC WORSHIP AND OFFICE**TRIM Ref:** D17/102832**Author:** Remajee Narroo, Senior Statutory Planning Officer**Authoriser:** John Corbellini, Director Development Services**Ward:** South**Precinct:** 13 – Beaufort**Attachments:**

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Management Plan 
4. Attachment 4 - Summary of Submissions 
5. Attachment 5 - 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 application for development approval for a Change of Use from Showroom and Office to Place of Public Worship and Office at Nos. 84-92 (Lot: 501 ; D/P: 56750) Parry Street, Perth, in accordance with the plans shown as Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Use of Premises

- 1.1. This approval for use of the premises as a Place of Public Worship is limited to a period of 5 years from the date of the approval;
- 1.2. The number of persons attending the Place of Public Worship at any one time shall be limited to the following:
 - 1.2.1. The 'office' area as depicted on the approved plan be limited to five persons;
 - 1.2.2. Any 'Prayer Meetings' held on the subject site be limited to 12 persons; and
 - 1.2.3. The 'Church Service' be limited to 70 persons;
- 1.3. The operating hours of the Place of Public Worship shall be as follows:

Office – Tuesday to Friday from 9:30am to 4:00pm;
Prayer Meeting – Thursday from 7:00pm to 9:00pm;
Sunday Church Service – Sunday from 9:00am to 12:30pm
Monday and Saturday – Closed;

2. Interactive Front

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Parry Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the from Parry Street are not permitted to be used during the hours of the developments operation;

3. Management Plan

- 3.1. Prior to the commencement of the use, a Management Plan is to be submitted and approved by the City. The Management Plan shall address noise, traffic/car parking, and anti-social behaviour;
- 3.2. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review; and

3.3. All requirements of the Management Plan shall be implemented to the satisfaction of the City;

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 where practicable from adjoining buildings;

5. Bicycle Bays

A plan shall be submitted to and approved by the City prior to the commencement of the development detailing the location on-site of a minimum of 8 bicycle bays (3 Class 1/2 and 5 Class 3). The bicycle bays shall be provided in accordance with the approved plan prior to the occupation or use of the development and thereafter shall be maintained to the satisfaction of the City;

6. Waste Management

A plan indicating the location of a bin store of sufficient size and suitably accessible 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. Acoustic Report

7.1. 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; and

7.2. Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to occupancy or use of the development; and

8. 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 9.7

Moved: Cr Loden, Seconded: Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

9.5 NO. 44 (LOT: 114; D/P: 7489) KADINA STREET, NORTH PERTH - PROPOSED OUTBUILDING TO SINGLE HOUSE**TRIM Ref:** D17/102993**Author:** Heidi Miragliotta, Statutory Planning Officer**Authoriser:** John Corbellini, Director Development Services**Ward:** North**Precinct:** 6 – Smith’s Lake**Attachments:**

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Applicant's Justification 
5. Attachment 5 - 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 proposed outbuilding to a single house at No. 44 (Lot: 114; D/P: 7489) Kadina Street, North Perth, in accordance with the plans included as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Revised Plans

1.1. Prior to the commencement of development the applicant shall submit to and have approved by the City revised plans depicting:

1.1.1. A visual truncation at the intersection of the two ROWs along the northern boundary be provided to the satisfaction of the City to enable safe access and manoeuvring which takes into account the low to medium traffic volumes. The area within the visual truncation, excluding where the truncation area is required for the manoeuvring of vehicles, shall thereafter be maintained clear of obstructions above the height of 0.65 metres to the satisfaction of the City; and

1.1.2. The wall height of the proposed outbuilding shall not exceed 2.7 metres;

1.2. The development shall be undertaken and accord with the revised plans approved by the City;

2. Use of Outbuilding

The development shall be used in accordance with the definition of ‘Outbuilding’ and ‘Dwelling’ set out under the State Government’s State Planning Policy 3.1 – Residential Design Codes;

3. Stormwater

Prior to occupation or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;

4. External Fixtures

All external fixtures and building plants, 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;

5. Schedule of External Finishes

The detailed schedule of external finishes (including materials and colour schemes and details) submitted with this application forms part of the approval. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development; and

6. 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 9.5

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

9.3 NO. 2 (LOT 1: D/P: 3785) COOGEE STREET, MOUNT HAWTHORN - PROPOSED CHANGE OF USE FROM LOCAL SHOP/RESIDENTIAL TO LOCAL SHOP/EATING HOUSE INCLUDING ALTERATIONS AND ADDITIONS (AMENDMENT TO APPROVAL)

TRIM Ref: D17/115836







Author: Cathrine Temple, Co-ordinator Approval Services

Authoriser: Paola Di Perna, Manager Approval Services

Ward: North Ward

Precinct: 1 – Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Plan  [⇨](#)
2. Attachment 2 - Applicant's report and parking survey  [⇨](#)
3. Attachment 3 - Site and Floor Plan Marked up  [⇨](#)
4. Attachment 4 - Applicant's response to summary of submissions  [⇨](#)
5. Attachment 5 - Summary of Submissions with Administration response  [⇨](#)
6. Attachment 6 - 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 application to amend the existing development approval dated 2 December 2014 serial number 5.2014.429.1 for a change of use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot 1: D/P: 3785) Coogee Street, Mount Hawthorn, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the previous approval dated 2 December 2014 shall remain with the exception of the following:

- 1.1. Condition 2 shall be amended as follows:

“2. Hours of Operation

The hours of operation for the Local Shop shall be between 7.00am to 8.00pm Monday to Sunday. The hours of operation for the Eating House shall be as follows:

Monday to Friday: 7.00am to 5.00pm (indoor dining only); and 8.00am to 5.00pm (outdoor eating area and on-site alfresco dining area including set up and pack down);

Saturday: 7.00am to 4.00pm (indoor dining only); and 8.00am to 4.00pm (outdoor eating area and on-site alfresco dining area including set up and pack down);

Sunday: 7.00am to 4.00pm (indoor dining only); and 9.00am to 4.00pm (outdoor eating area and on-site alfresco dining area including set up and pack down);”

- 1.2. Condition 3.2 shall be amended as follows:

“3. Public Floor Area and Maximum Occupancy

3.2 Eating House

3.2.1 The maximum number of patrons for the Eating House on the approved plans shall not exceed 35 persons at any time during the approved hours of operation, however further limited to the following areas within the development:

3.2.1.1 *Of the maximum 35 persons permitted above, that a maximum number of patrons within the outdoor eating area shall not exceed six (6) persons at any time between the hours of 8.00am and 5.00pm Monday to Friday, 8.00am and 4.00pm Saturday and five (5) persons 9.00am and 4.00pm Sunday and Public Holidays.*

3.2.3 *Of the maximum 35 patrons permitted above, that a maximum number of patrons within the on-site alfresco dining area as shown highlighted green on the approved plans shall not exceed 14 persons at any time between the hours of 9.00am and 4.00pm Sunday and Public Holidays;”*

2. Noise Management Plan

2.1. A noise management plan shall be submitted and approved by the City prior to the increase in patronage commences addressing all activities, vehicle noise, and operations at the premises, including but not limited to:

- The recommendations detailed in the Acoustic Report dated 14 September 2017 including limitations as recommended within the report (i.e. such as limiting use of hydraulic lift, use of rubber wheeled trolleys, delivery vehicle noise – alarms, engine etc.);
- Delivery aspects that are not addressed in the Acoustic Report including but not limited to duration of deliveries and the location where the delivery vehicle parks;
- Patron numbers and management;
- Use and style of amplified music;
- Time and frequency of waste collection and deliveries at the premises;
- Set up / pack down of furniture; and
- Community relations / complaint management procedure;

2.2. Use of the premises shall be carried out in accordance with the approved Noise Management Plan or any Plan approved by the City thereafter and all requirements of the Noise Management Plan shall be implemented to the satisfaction of the City; and

2.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

3. Cash- In Lieu

In addition to the requirements of condition 6.2, that prior to the increase in patronage as provided for in Condition 3 commences, a cash-in-lieu contribution shall be paid to the City for the shortfall of 2.72 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 \$14,688;

4. Bicycle Parking

Prior to the increase in patronage as provided for in Condition 3 commences, a bicycle facilities plan shall be submitted to and approved by the City which provides Class 3 bicycle facilities which can accommodate four additional bicycles. The bicycle facilities shall be installed and operational prior to the increase in patronage as provided for in Condition 3.; and

5. 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 Harley, **Seconded:** Cr Buckels

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Loden, **Seconded:** Cr Buckels

That Recommendations 1.1 and 1.2 be amended as follows:

1.1. Condition 2 shall be amended as follows:

"2. Hours of Operation

The hours of operation for the Local Shop shall be between 7.00am to 8.00pm Monday to Sunday. The hours of operation for the Eating House shall be as follows:

Monday to Friday: 7.00am to 5.00pm (indoor dining only); and 8.00am to 5.00pm (~~outdoor eating area and on-site alfresco dining area including set up and pack down~~);

Saturday: 7.00am to 4.00pm (indoor dining only); and 8.00am to 4.00pm (~~outdoor eating area and on-site alfresco dining area including set up and pack down~~);

Sunday: 7.00am to 4.00pm (indoor dining only); and 9.00am to 4.00pm (~~outdoor eating area and on-site alfresco dining area including set up and pack down~~);"

1.2. Condition 3.2 shall be amended as follows:

"3. Public Floor Area and Maximum Occupancy

3.2 Eating House

3.2.1 All patrons are to be contained within the subject property boundary. Use of the verge for outdoor dining by patrons associated with the eating house is not permitted.

3.2.2 The maximum number of patrons for the Eating House on the approved plans shall not exceed 35 persons at any time during the approved hours of operation, however further limited to the following areas within the development:

~~3.2.1.1 Of the maximum 35 persons permitted above, that a maximum number of patrons within the outdoor eating area shall not exceed six (6) persons at any time between the hours of 8.00am and 5.00pm Monday to Friday, 8.00am and 4.00pm Saturday and five (5) persons 9.00am and 4.00pm Sunday and Public Holidays.~~

3.2.1.1 Of the maximum 35 patrons permitted above, that a maximum number of patrons within the on-site alfresco dining area as shown highlighted green on the approved plans shall not exceed 14 persons at any time between the hours of 9.00am and 4.00pm Sunday and Public Holidays;

CARRIED UNANIMOUSLY (5-2)

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

Against: Cr Harley and Cr Murphy

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

PROPOSED AMENDMENT 2

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

That a new condition 5 be inserted as follows and the remaining condition be renumbered:

5. This approval is personal to the business operator (The Trustee for The Uma Vida Trust trading as 'Dejaxy') and is not transferable or assignable to any other person or entity. The approved 'Eating House' shall only be operated by The Trustee for The Uma Vida Trust trading as 'Dejaxy'. This approval shall lapse and cease to remain valid upon any change in operator of the 'Eating House'."

LOST (3-4)

For: Cr Buckels, Cr Loden and Cr Topelberg

Against: Mayor Cole, Cr Harley, Cr Hallett and Cr Murphy

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

COUNCIL DECISION ITEM 9.3

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amend the existing development approval dated 2 December 2014 serial number 5.2014.429.1 for a change of use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot 1: D/P: 3785) Coogee Street, Mount Hawthorn, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the previous approval dated 2 December 2014 shall remain with the exception of the following:

- 1.1. Condition 2 shall be amended as follows:

"2. Hours of Operation

The hours of operation for the Local Shop shall be between 7.00am to 8.00pm Monday to Sunday. The hours of operation for the Eating House shall be as follows:

*Monday to Friday: 7.00am to 5.00pm (indoor dining only); and
8.00am to 5.00pm (on-site alfresco dining area including set up and pack down);*

*Saturday: 7.00am to 4.00pm (indoor dining only); and
8.00am to 4.00pm (on-site alfresco dining area including set up and pack down);*

*Sunday: 7.00am to 4.00pm (indoor dining only); and
9.00am to 4.00pm on-site alfresco dining area including set up and pack down);"*

- 1.2 Condition 3.2 shall be amended as follows:

"3. Public Floor Area and Maximum Occupancy

3.2 Eating House

- 3.2.1** *All patrons are to be contained within the subject property boundary. Use of the verge for outdoor dining by patrons associated with the eating house is not permitted.*

3.2.2 *The maximum number of patrons for the Eating House on the approved plans shall not exceed 35 persons at any time during the approved hours of operation, however further limited to the following areas within the development:*

3.2.1.1 *Of the maximum 35 patrons permitted above, that a maximum number of patrons within the on-site alfresco dining area as shown highlighted green on the approved plans shall not exceed 14 persons at any time between the hours of 9.00am and 4.00pm Sunday and Public Holidays*

3.2.3 *Of the maximum 35 patrons permitted above, that a maximum number of patrons within the on-site alfresco dining area as shown highlighted green on the approved plans shall not exceed 14 persons at any time between the hours of 9.00am and 4.00pm Sunday and Public Holidays;”*

2. Noise Management Plan

2.1. A noise management plan shall be submitted and approved by the City prior to the increase in patronage commences addressing all activities, vehicle noise, and operations at the premises, including but not limited to:

- The recommendations detailed in the Acoustic Report dated 14 September 2017 including limitations as recommended within the report (i.e. such as limiting use of hydraulic lift, use of rubber wheeled trolleys, delivery vehicle noise – alarms, engine etc.);
- Delivery aspects that are not addressed in the Acoustic Report including but not limited to duration of deliveries and the location where the delivery vehicle parks;
- Patron numbers and management;
- Use and style of amplified music;
- Time and frequency of waste collection and deliveries at the premises;
- Set up / pack down of furniture; and
- Community relations / complaint management procedure;

2.2. Use of the premises shall be carried out in accordance with the approved Noise Management Plan or any Plan approved by the City thereafter and all requirements of the Noise Management Plan shall be implemented to the satisfaction of the City; and

2.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

3. Cash- In Lieu

In addition to the requirements of condition 6.2, that prior to the increase in patronage as provided for in Condition 3 commences, a cash-in-lieu contribution shall be paid to the City for the shortfall of 2.72 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 \$14,688;

4. Bicycle Parking

Prior to the increase in patronage as provided for in Condition 3 commences, a bicycle facilities plan shall be submitted to and approved by the City which provides Class 3 bicycle facilities which can accommodate four additional bicycles. The bicycle facilities shall be installed and operational prior to the increase in patronage as provided for in Condition 3.; and

5. 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 (6-1)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden and Cr Murphy

Against: Cr Topelberg

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

9.8 NO. 233 (LOT: 1; D/P: 29637) CHARLES STREET, NORTH PERTH - PROPOSED FIVE GROUPED DWELLINGS**TRIM Ref:** D17/104041**Author:** Remajee Narroo, Senior Statutory Planning Officer**Authoriser:** John Corbellini, Director Development Services**Ward:** South**Precinct:** 6 – Smith’s Lake**Attachments:**
1. Attachment 1 - Consultation and Location Plan  
2. Attachment 2 - Development Application 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 Five Grouped Dwellings at No. 233 (Lot: 1; D/P: 29637) Charles Street, North Perth in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 231 Charles Street, North Perth 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;

2. Car Parking and Access

2.1. Vehicle and pedestrian access points are required to match into existing footpath and right of way levels; and

2.2. 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 the occupation or use of the development;

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 surrounding properties to the satisfaction of the City;

4. Privacy

The proposed screening devices depicted on the balconies on the plans are to be screened in accordance with the Residential Design Codes of WA prior to the use or occupation of the development 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. Areas to be irrigated or reticulated; and

5.1.3. The provision of 12 percent of the site area as deep soil zones and on-site provision of canopy cover of 29.7 percent as shown on the approved plans to satisfy the intent of the City's Built Form Policy;

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 occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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

7. **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 on and management of the site shall thereafter comply with the approved Construction Management Plan;

8. **Clothes Drying Facility**

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

9. **Stormwater**

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

10. **Waste Management**

10.1. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection. The bin store shall be provided in accordance with the approved plan prior to the occupation of use of the development; and

10.2. Waste management for the development shall thereafter comply with the approved; 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 9.8

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

At 8:29 pm, Cr Dan Loden left the meeting.

CARRIED UNANIMOUSLY (6-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

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

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

9.10 FENCING LOCAL LAW 2008 - REVIEW

TRIM Ref: D17/110595

Author: Sam Neale, Coordinator Building Services

Authoriser: John Corbellini, Director Development Services

Attachments: 1. Attachment 1 - Consolidated Fencing Local Law 2008 - Marked Up Version
2. Attachment 2 - Fencing Amendment Local Law 2017 - Version for Gazette

RECOMMENDATION:

That Council:

1. **GIVES State-wide and local public notice, in accordance with Sections 3.12(3)(a) and (3a) of the *Local Government Act 1995*, stating that:**
 - 1.1. It is proposed to make the City of Vincent Fencing Amendment Local Law 2017 included as Attachment 2;
 - 1.2. The purpose of the Fencing Amendment Local Law 2017 is to remove the need for dividing fences between 1.8 and 2.4 metres in height to be approved by the City where certain minimum standards are met, remove the front setback and truncations standards and requirements, modify the specifications for a 'sufficient fence', apply the residential 'sufficient fence' specification to all lots which contain residential development, increase the modified penalties for prescribed offences and other minor amendments;
 - 1.3. The effect of the Fencing Amendment Local Law 2017 is to set the minimum standards for fencing in the City of Vincent and set out where the City's approval is required;
 - 1.4. Copies of the proposed local law may be inspected at the City's offices and on its website; and
 - 1.5. Submissions about the proposed local law may be made to the City within a period of not less than six weeks after the notice is given; and
2. **NOTES that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local law and notice will be provided to the Minister for Local Government; Heritage; Culture and the Arts and the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement.**

At 8:33 pm, Cr Dan Loden returned to the meeting.

COUNCIL DECISION ITEM 9.10

Moved: Cr Murphy, Seconded: Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

10 TECHNICAL SERVICES

10.5 TENDER NO. 539/17 - SUPPLY AND LAYING OF HOT MIXED ASPHALT

TRIM Ref: D17/115962

Author: Allan Brown, Engineering Technical Officer

Authoriser: Craig Wilson, A/Director Technical Services

Attachments: 1. Tender No. 539/17 - Pricing Schedule and Evaluation - Confidential
2. Tender No. 529/16 - Pricing Schedule and Evaluation - Confidential

RECOMMENDATION:

That Council:

1. **DECLINES TO ACCEPT** any tender submissions received for Tender No. 529/16, for the supply and laying of hot mix asphalt for the reasons outlined in the report;
2. **NOTES** that Administration has been procuring the supply and laying of hot mix asphalt using the WALGA Preferred Supplier Program as an the interim measure; and
3. **ACCEPTS** Tender No. 539/17 from Asphaltech for the provision of supply and laying of hot mixed asphalt to complete the City of Vincent Road Resurfacing and Capital Works Program for the fixed period of three years from the date of awarding, as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 10.5

Moved: Cr Loden, Seconded: Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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





11 CORPORATE SERVICES

11.5 STANDING ORDERS AMENDMENT LOCAL LAW 2017

TRIM Ref: D17/112891

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Standing Orders Local Law 2008  
2. Standing Orders Amendment Local Law 2017  

RECOMMENDATION:

That Council:

1. GIVES Statewide and local public notice, in accordance with sections 3.12(3)(a) and (3a) of the *Local Government Act 1995*, stating that:
 - 1.1. It is proposed to make the City of Vincent Standing Orders Amendment Local Law 2017 included as Attachment 2;
 - 1.2. The purpose of the Standing Orders Amendment Local Law 2017 is to make a number of minor amendments to the principal City of Vincent Standing Orders Local Law 2008 to allow for the orderly conduct of meetings of Council meetings;
 - 1.3. The effect of the Standing Orders Amendment Local Law 2017 is to rename the Standing Orders Local Law 2008 to become the Meeting Procedures Local Law 2008 and to make minor amendments to the procedures for conducting Council meetings;
 - 1.4. Copies of the proposed local law may be inspected at the City's offices and on its website;
 - 1.5. Submissions about the proposed local law may be made to the City within a period of not less than six weeks after the notice is given;
2. NOTES that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local law and notice will be provided to the Minister for Local Government; Heritage; Culture and the Arts and that any submissions will be presented to Council for consideration.

COUNCIL DECISION ITEM 11.5

Moved: Cr Topelberg, Seconded: Cr Buckels

That the recommendation be adopted.



CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

11.6 REVIEW OF POLICY 4.2.4 – COUNCIL MEETINGS - RECORDING AND WEB STREAMING**TRIM Ref:** D17/121071**Author:** Tim Evans, Manager Governance and Risk**Authoriser:** John Paton, Director Corporate Services**Attachments:**

1. DRAFT Policy 4.2.4 - Council Meetings - Recording and Web Streaming - for Council Adoption - September 2017 ⇒ 
2. Policy 4.2.4 – Council Meetings - Recording and Web Streaming - Tracked Changes ⇒ 

RECOMMENDATION:

That Council:

1. **ADOPTS** the amended Policy 4.2.4 – Council Meetings – Recording and Web Streaming, as shown in Attachment 1, and agrees that public advertising and community consultation is not required due to the minor nature of the amendments;
2. **NOTES** that the amendments will have the effect of making an archive of Council Meeting web streams available to the public via the City's website; and
3. **REMOVES** the fee relating to "Council meetings - Purchase of transcribed recording of recorded information" from the Schedule of Fees and Charges.

Moved: Cr Hallett, **Seconded:** Cr Harley

That the recommendation be adopted.

PROPOSED AMENDMENT 1

That recommendation 1 be amended as follows

Moved: Cr Topelberg, **Seconded:** Cr Buckels

That Council:

1. **ADOPTS** the amended Policy 4.2.4 – Council Meetings – Recording and Web Streaming, as shown in Attachment 1 inserting the words “as soon as practical” between the words “website” and “unless” in clause 6, and agrees that public advertising and community consultation is not required due to the minor nature of the amendments;

CARRIED UNANIMOUSLY (7-0)**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**Against:** Nil

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

PROPOSED AMENDMENT 2**Moved:** Cr Hallett, **Seconded:** Cr Loden

That Recommendation 2 be amended as follows:

That Council:

2. ~~NOTES that the amendments will have the effect of making~~ **AGREES that** an archive of Council Meeting web streams **from 23 May 2017 onwards will be made available** to the public via the City's website; and

CARRIED UNANIMOUSLY (7-0)**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**Against:** Nil**(Cr Gontaszewski was on approved leave of absence for the Meeting.)****COUNCIL DECISION ITEM 11.6**

That Council:

1. **ADOPTS** the amended Policy 4.2.4 – Council Meetings – Recording and Web Streaming, as shown in Attachment 1 inserting the words “as soon as practical” between the words “website” and “unless” in clause 6, and agrees that public advertising and community consultation is not required due to the minor nature of the amendments;
2. **AGREES** that an archive of Council Meeting web streams from 23 May 2017 onwards will be made available to the public via the City's website; and
3. **REMOVES** the fee relating to "Council meetings - Purchase of transcribed recording of recorded information" from the Schedule of Fees and Charges.

CARRIED UNANIMOUSLY (7-0)**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**Against:** Nil**(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

9 DEVELOPMENT SERVICES

9.1 NO. 44 (LOT: 13; D/P: 75/1) BRISBANE STREET, PERTH - CHANGE OF USE FROM OFFICE TO NON MEDICAL CONSULTING ROOMS (PREGNANCY DAY SPA) (UNLISTED USE) (RETROSPECTIVE)

TRIM Ref: D17/104089





Author: Heidi Miragliotta, Statutory Planning Officer

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 13 – Beaufort

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Applicant's Justification 
4. Attachment 4 - Determination Advice 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the development application for Change of Use from Office to Non-Medical Consulting Rooms (Pregnancy Day Spa) (Unlisted Use) (Retrospective) at No. 44 (Lot: 13; D/P: 75/1) Brisbane Street, Perth in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Interactive Front

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Brisbane and Stirling Streets during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the 'WAITING/RECEPTION AREA' from Brisbane Street are not permitted to be used during the hours of the developments operation;

2. Use of Premises

2.1. The use shall be limited to:

- 2.1.1. A maximum of three consulting rooms operating at any one time; and
- 2.1.2. A maximum of four beauty therapists operating at any one time;

2.2. The hours of operation shall be limited to the following times:

- 9:00am to 5:00pm Monday to Saturday;
- Closed on Sunday and Public Holidays;

3. Cash-in-Lieu

Within 28 days of the date of the approval, a cash-in-lieu contribution shall be paid to the City for the shortfall of 1.608 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$8,683.20;

4. Parking Management Plan

A Parking Management Plan shall be submitted to the City within 28 days of the date of the approval detailing how the three car parking bays proposed on site will be located and managed to the satisfaction of the City. Parking shall be managed in accordance with the approved Parking Management Plan within 28 days of the approval of the Parking Management Plan by the City and thereafter;

5. 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;

6. Bicycle Bays

A plan shall be submitted to the City within 28 days of the date of the approval, detailing the location on-site of a minimum of 1 bicycle bays (1 Class 1 and 2 Class 3) to the satisfaction of the City. The bicycle bay shall be provided in accordance with the approved plan within 28 days of approval of the plan by the City, and thereafter shall be maintained to the satisfaction of the City;

7. Waste Management

7.1. A Waste Management Plan shall be submitted to the City within 28 days of the date of the approval detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection, to the satisfaction of the City; and

7.2. Waste management for the development shall comply with the approved Waste Management Plan within 28 days of approval of the Waste Management Plan by the City and thereafter; and

8. 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.

At 8:52 pm, Cr Jonathan Hallett left the meeting.

COUNCIL DECISION ITEM 9.1

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (6-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

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

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

At 8:53 pm, Cr Jonathan Hallett returned to the meeting.

10 TECHNICAL SERVICES**10.1 REPLACEMENT ELECTRIC BIKE - VINCENT COMMUNITY BIKE LIBRARY**

TRIM Ref: D17/114830

Author: Francois Sauzier, TravelSmart Officer

Authoriser: Craig Wilson, A/Director Technical Services

Attachments: 1. Proposed Fees and Charges Amendment **RECOMMENDATION:**

That Council:

1. NOTES that a Vincent Community Bike Library electric bicycle was stolen, whilst being hired by a local resident, and the purchase of a replacement electric bicycle is recommended;
2. In accordance with Section 6.8(1) of the *Local Government Act 1995*, APPROVES BY AN ABSOLUTE MAJORITY the:
 - 2.1 unbudgeted expenditure of \$2,500 to purchase a replacement electric bicycle as stated in Item 1 above; and
 - 2.2 amendments to the Schedule of Fees and Charges 2017/18 shown in Attachment 1;
3. NOTES the following budget reallocation to facilitate the expenditure in Item 2.1 above; and

| Item | From | To |
|--------------------------------------------------------------------------------|---------|---------|
| New Budget Item: Replacement Electric Bicycle – Vincent Community Bike Library | | \$2,500 |
| 2017/18 Bike Parking Budget (to cover Insurance Excess) | \$1,000 | |
| Insurance Claim Payment | \$1,500 | |
| Total | \$2,500 | \$2,500 |

4. GIVES local public notice of the fee structure for Vincent Community Bike Library hire fees shown in Attachment 1, to be included in the Schedule of Fees and Charges 2017/18 effective from 1 October 2017, pursuant to section 6.19 of the *Local Government Act 1995*.

COUNCIL DECISION ITEM 10.1**Moved: Cr Topelberg, Seconded: Cr Buckels**

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (7-0)**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**Against:** Nil**(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

11 CORPORATE SERVICES

11.1 TERMINATION OF LEASE AND OPTIONS FOR FUTURE USE - 245 (LOT 245) VINCENT STREET, LEEDERVILLE

TRIM Ref: D17/118750

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Aerial View of 245 Vincent Street  
2. Plan of 245 Vincent Street showing internal layout  

RECOMMENDATION:

That Council:

1. APPROVES by mutual agreement the termination of the lease of 245 Vincent Street, Leederville, dated 20 September 2011, held by Patricia Giles Centre Inc. effective 31 August 2017;
2. NOTES and ENDORSES Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential lease over 245 Vincent Street, Leederville;
3. APPROVES BY ABSOLUTE MAJORITY, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$7,700 plus GST to enable the upgrade of the kitchen at 245 Vincent Street, Leederville, to a residential standard (oven, cooktop, range hood, dishwasher, pantry and overhead cupboards) and other minor works to facilitate the residential lease in 2. above; and
4. NOTES the expenditure in 3. above will be offset by an increase in the property income.

Moved: Cr Murphy, Seconded: Cr Harley

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Murphy, Seconded: Cr Buckels

That the Recommendation be amended as follows:

That Council:

1. APPROVES by mutual agreement the termination of the lease of 245 Vincent Street, Leederville, dated 20 September 2011, held by Patricia Giles Centre Inc. effective 31 August 2017;
2. ~~NOTES and ENDORSES Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential lease over 245 Vincent Street, Leederville;~~
3. ~~APPROVES BY ABSOLUTE MAJORITY, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$7,700 plus GST to enable the upgrade of the kitchen at 245 Vincent Street, Leederville, to a residential standard (oven, cooktop, range hood, dishwasher, pantry and overhead cupboards) and other minor works to facilitate the residential lease in 2. above; and~~

4. ~~NOTES the expenditure in 3. above will be offset by an increase in the property income.~~
2. APPROVES the advertising of an Expression of Interest for the sale or lease of 245 Vincent Street, Leederville in order to inform decisions regarding the future use and ownership of the property; and
3. NOTES a report will be submitted to Council at the conclusion of the Expression of Interest process in recommendation 2. above for Council to consider disposition options, including sell or lease in accordance with the requirements of section 3.58 of the *Local Government Act 1995*.

CARRIED (4-3)

For: Cr Buckels, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Mayor Cole, Cr Harley and Cr Loden

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

PROCEDURAL MOTION

Moved: Cr Harley, Seconded: Cr Hallett

That the motion be deferred for further consideration.

CARRIED (4-3)

For: Mayor Cole, Cr Harley, Cr Buckels and Cr Hallett

Against: Cr Loden, Cr Topelberg and Cr Murphy

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

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**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**17.1 LATE ITEM: VINCENT GREENING PLAN - 2017 GARDEN COMPETITION****TRIM Ref:** D17/129563**Author:** Jeremy van den Bok, Manager Parks & Property Services**Authoriser:** Jeremy van den Bok, Manager Parks & Property Services**Attachments:** Nil**RECOMMENDATION:****That Council:**

1. **APPROVES** a replacement Council Member - Cr....., in place of Cr Topelberg for the 2017 final judging panel of the "Greening Vincent Garden Awards".

COUNCIL DECISION ITEM 17.1**Moved:** Cr Loden, **Seconded:** Cr Harley**That Council:**

1. **APPROVES** a replacement Council Member – Cr Murphy, in place of Cr Topelberg for the 2017 final judging panel of the "Greening Vincent Garden Awards".

CARRIED UNANIMOUSLY (7-0)**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**Against:** Nil**(Cr Gontaszewski was on approved leave of absence for the Meeting.)**

Nil

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

Nil

19 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 9.34pm with the following persons present:

- | | | |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRESENT: | Mayor Emma Cole Cr Roslyn Harley (Deputy Mayor) Cr Matt Buckels Cr Jonathan Hallett Cr Dan Loden Cr Joshua Topelberg Cr Jimmy Murphy | Presiding Member North Ward North Ward South Ward North Ward South Ward South Ward |
| IN ATTENDANCE: | Len Kosova John Paton Michael Quirk Jeremy Van Den Bok Tim Evans Emma Simmons | CEO Director Corporate Services Director Community Engagement A/Director Technical Services Manager Governance and Risk Governance and Council Support Officer |
| Media: | Julian Wright | "Journalist – <i>"The Guardian Express"</i> |
| Public: | 2 members of the public. | |

These Minutes were confirmed by Council as a true and accurate record of the Ordinary Meeting of the Council held on 19 September 2017

Signed: Mayor Emma Cole

Dated this day of2017