



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

21 August 2018

Table of Contents

1	Declaration of Opening / Acknowledgement of Country.....	5
2	Apologies / Members on Leave of Absence.....	5
3	(A) Public Question Time and Receiving of Public Statements	5
	(B) Response to Previous Public Questions Taken On Notice.....	7
4	Applications Leave of Absence	7
5	The Receiving of Petitions, Deputations and Presentations	7
6	Confirmation of Minutes	8
7	Announcements by the Presiding Member (Without Disussion)	8
	7.1 Imagine Vincent Website	8
8	Declarations of Interest	8
	REPORTS	9
	Items Approved "En Bloc":	9
	9.3 No. 7 (Lot 1; STR: 43011) Galwey Street, Leederville - Proposed Extension to the period of approval: Proposed Alterations and Three Storey Addition to Single House	10
	11.1 Licence to use Axford Park for Mount Hawthorn Hawkers Market - Heart Inspired Events	11
	11.3 Financial Statements as at 31 July 2018	12
	11.4 Authorisation of Expenditure for the Period 26 June 2018 to 24 July 2018	13
	11.5 Investment Report as at 31 July 2018	14
	12.1 Turf Wicket Agreement - Tuart Hill Cricket Club Inc.	15
	13.1 Information Bulletin	16
9	Development Services	17
	9.4 No. 498 (Lot: 29; D/P: 2355) Fitzgerald Street, North Perth - Proposed Alterations and Additions to Existing Multiple Dwellings (Removal of Landscaping to include Car Bay)	17
	9.5 No. 266 (Lot: 18; D/P: 583) Lord Street, Perth - Additions (two car stackers) to Existing Motor Vehicle, Boat or Caravan Sales.....	19
	9.6 No. 559 (Lot: 4; D/P: 1477) Beaufort Street, Mount Lawley - Change of Use from Shop to Small Bar.....	20
	9.7 No. 209 (Lot: 213; D/P: 33158) Vincent Street, West Perth - S.31 Reconsideration - Proposed Four grouped dwellings	24
14	Motions of Which Previous Notice Has Been Given.....	27
	14.1 Notice of Motion - Cr Dan Loden - Transparency of rates spend in the Budget.....	27
9	Development Services	28
	9.1 No. 148-158 (Lot: 600; D/P: 47025) Scarborough Beach Road, Mount Hawthorn - Change of Use from Office/Retail to Educational Establishment	28
	9.2 No. 1/226 (Lot: 1; D/P: 956) Oxford Street, Leederville Change of Use from Shop to Restaurant/Cafe (Unauthorised Existing Use).....	30
	9.8 LATE REPORT: Amendment 1 to Local Planning Policy No. 7.1.1 - Built Form.....	33
	This Item was withdrawn by the Chief Executive Officer prior to the Council Meeting.	33
10	Engineering.....	34
	10.1 Tender No. 550/18 - Pruning of Street Trees using Elevated Work Platforms	34
	10.2 Axford Park Upgrade - Concept Design & Implementation of Quick Win Works Items.....	35

10.3	LATE REPORT: Revised Engineering Policies Relating to Verge Treatments and Street Trees	36
11	Corporate Services.....	39
11.2	Report from Audit Committee meeting of 17 July 2018.....	39
12	Community Engagement	40
12.2	City of Vincent Art Development Action Plan 2018–2020	40
15	Questions by Members of Which Due Notice Has Been Given (Without Discussion).....	40
16	Representation on Committees and Public Bodies	40
17	Urgent Business	40
18	Confidential Items/Matters For Which the Meeting May be Closed	41
18.1	Agreement to Undertake the Care, Control and Management of the Rosemount Hotel Car Park - 459 Fitzgerald Street, North Perth [ABSOLUTE MAJORITY DECISION REQUIRED]	42
19	Closure	43

**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 21 AUGUST 2018 AT 6PM**

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski (Deputy Mayor)	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Roslyn Harley	North Ward
	Cr Dan Loden	North Ward
	Cr Jimmy Murphy	South Ward
	Cr Joshua Topelberg	South Ward
IN ATTENDANCE:	Len Kosova	Chief Executive Officer
	Andrew Murphy	Director Engineering
	Kerryn Batten	Director Corporate Services
	Michael Quirk	Director Community Engagement
	Luke Gibson	A/Director Development Services
	Natasha Brooks	Governance & Council Support Officer
	Emma Simmons	Governance & Council Support Officer
Media:	Julian Wright (Journalist), “The Guardian Express” (until approximately 8.03pm).	
Public:	Approximately 20 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.01pm and read the following Acknowledgement of Country statement:

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

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

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. Nik Zounis of North Perth – Item 9.4

- Spoke in support of the application.
- Thanked Cr Gontaszewski and the Acting Director Development Services for attending a site visit.
- Stated that they are willing to plant additional trees along the northern driveway of the property along with an addition garden wall along the front of the property.

The Presiding Member Mayor Emma Cole thanked Mr Zounis for his comments.

2. John Williams of Perth - Item 9.5

- Spoke against the application.
- Stated that the proposed development does not meet Councils residential design codes.
- Stated that boundary setbacks will not negate the negative impact that the car stackers will have on surrounding residents.
- Raised concern in relation to the impact that the car stackers may have on property value.

The Presiding Member Mayor Emma Cole thanked Mr Williams for his comments.

3. Peter Mrdja of Urbanista Town Planning, Perth – Item 9.6

- Spoke in support of the application.

The Presiding Member Mayor Emma Cole thanked Mr Mrdja for his comments.

4. Sarah Turner of West Perth – Item 9.7

- Spoke against the application.
- Raised concerns in relation to privacy.

The Presiding Member Mayor Emma Cole thanked Ms Turner for her comments.

5. Mark Pavisich of Avena Homes, Churchlands – Item 9.7

- Spoke in support of the application.
- Stated that the property faces north so the overshadowing is directly to the carport and doesn't reach the rear laneway.

The Presiding Member Mayor Emma Cole thanked Mr Pavisich for his comments.

6. Katrina Clarke of Perth – Item 9.5

- Spoke against the application.
- Advised that the proposed application will overshadow her property and raised concerns in relation to noise.

The Presiding Member Mayor Emma Cole thanked Ms Clarke for her comments.

7. Dudley Maier of Highgate – Council Minutes, Staff Survey and Item 14.1

- Stated that prior to 2014 Council Minutes were usually available within two to three working days.
- Questioned whether the CEO is still committed to producing the unconfirmed minutes in a timely fashion.
- Questioned whether an independent staff survey would be undertaken and the results provided to staff.
- Stated that the last budget did not provide sufficient information to enable Council to monitor financial performance.

The Presiding Member Mayor Emma Cole thanked Mr Maier for his questions and invited the CEO to respond.

The Chief Executive Officer Len Kosova advised Mr Maier that the production of unconfirmed minutes is a matter of both timeliness and accuracy and whilst it has taken up to ten working days to produce the unconfirmed minutes the priority has been the accuracy of the minutes.

The Chief Executive Officer confirmed that a staff survey was conducted approximately two months ago and the results of this survey have already been provided to all City staff.

There being no further speakers, Public Question Time closed at approximately 6.16pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 APPLICATIONS LEAVE OF ABSENCE

4.1 Mayor Emma Cole requested a leave of absence from 17 September 2018 to 12 October 2018 inclusive for personal reasons.

LEAVE OF ABSENCE

COUNCIL DECISION

Moved: Cr Harley, Seconded: Cr Castle

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

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Fotakis, **Seconded:** Cr Loden

That the minutes of the Ordinary Meeting held on 24 July 2018 be confirmed.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 IMAGINE VINCENT WEBSITE

I would like to mention that we do have some quite key public consultations happening at the moment on our Imagine Vincent website which is our engagement website. They are the Draft Strategic Community Plan; 40km/hr Speed Trial on local residential roads in the southern most neighbourhoods of Vincent; and also our Reconciliation Action Plan in which we are striving to move to an innovate RAP. I would strongly encourage residents and rate payers and visitors to the City of Vincent to have a look at those and please take the opportunity to provide comment.

8 DECLARATIONS OF INTEREST

- 8.1** Cr Jimmy Murphy disclosed an impartiality interest in Item 18.1 – Agreement to Undertake the Care, Control and Management of the Rosemount Hotel Car Park – 459 Fitzgerald Street, North Perth. The extent of his interest is that the owner of the Rosemount Hotel Carpark, FSM, is a founding partner of the Town Team Movement, of which Cr Murphy is the convenor.
- 8.2** Cr Jimmy Murphy disclosed an impartiality interest in Item 9.6 – No. 559 (Lot: 4;D/P: 1477) Beaufort Street, Mount Lawley – change of Use from Shop to Small Bar. The extent of his interest is that the representative is Urbanista Town Planning of which Bianca Sandri is a Director. Ms Sandri sits on the Town Team Movement Board of which Cr Murphy is the convenor.
- 8.3** Cr Jimmy Murphy disclosed a financial interest in Item 9.1 – No. 148-158 (Lot: 600; D/P: 47025) Scarborough Beach Road, Mount Hawthorn – Change of Use from Office/Retail to Educational Establishment. The extent of his interest is that the owner of the Mezz Hawaiian is a sponsor of the Victoria Park Summer Street Party which is run by Cr Murphy's company, Upbeat Events. Cr Murphy is not seeking approval to participate in the debate or to remain in Chambers or vote on the matter.
- 8.4** Cr Joshua Topelberg disclosed an indirect financial interest in Item 9.6 – No. 559 (Lot: 4;D/P: 1477) Beaufort Street, Mount Lawley – change of Use from Shop to Small Bar. The extent of the interest is that Cr Topelberg's business has a current financial relationship with the architect for the development. Cr Topelberg is not seeking approval to participate in the debate or to remain in Chambers or vote on the matter.

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 9.4, 9.5, 9.6, 9.7 and 14.1.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 18.1.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 9.1 and 9.6

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Presiding Member Mayor Cole	11.2
Cr Gontaszewski	10.3
Cr Castle	10.2
Cr Hallett	14.1
Cr Loden	10.1
Cr Murphy	12.2
Cr Topelberg	9.2

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**
Items 9.3, 11.1, 11.3, 11.4, 11.5, 12.1 and 13.1
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Items 18.1.

ITEMS APPROVED “EN BLOC”:

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

COUNCIL DECISION

Moved: Cr Topelberg, Seconded: Cr Murphy

**That the following unopposed items be adopted “En Bloc”, as recommended:
Items 9.3, 11.1, 11.3, 11.4, 11.5, 12.1 and 13.1**

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

9.3 NO. 7 (LOT 1; STR: 43011) GALWEY STREET, LEEDERVILLE - PROPOSED EXTENSION TO THE PERIOD OF APPROVAL: PROPOSED ALTERATIONS AND THREE STOREY ADDITION TO SINGLE HOUSE






TRIM Ref: D18/82331

Author: Emily Andrews, Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: North

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Previous Approval and Plans 
3. Attachment 3 - Development Plans 
4. Attachment 4 - Application Submission 
5. Attachment 5 - Summary of Submissions 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application to extend the period in which the development must be substantially commenced at No. 7 (Lot 1; STR: 40311) Galwey Street, Leederville, for development approval 5.2015.396.1 granted by Council on 9 February 2016 for Proposed Alterations and Three Storey Addition to Existing Single Dwelling subject to the following conditions:

1. The extension of time is granted for a period of two years, being to 9 February 2020;
2. Prior to the issue of a Building Permit, the applicant is to demonstrate that the proposed balcony screening and living / dining windows meet the deemed-to-comply standards of the Residential Design Codes, as they relate to visual privacy; and
3. All other conditions, requirements and advice notes detailed on the development approval 5.2015.356.1 granted on 9 February 2016 continue to apply to this approval.


COUNCIL DECISION ITEM 9.3

Moved: Cr Topelberg, Seconded: Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

11.1 LICENCE TO USE AXFORD PARK FOR MOUNT HAWTHORN HAWKERS MARKET - HEART INSPIRED EVENTS**TRIM Ref:** D18/63416**Author:** Meluka Bancroft, Property Leasing Officer**Authoriser:** Vanisha Govender, Manager Financial Services**Attachments:**

1. Submission in support of Mount Hawthorn Hawkers Market - Heart Inspired Events 
2. Business case for subsidised market fee - Confidential

RECOMMENDATION:

That Council:

1. APPROVES a licence to Heart Inspired Events (ABN 72 278 655 015) to use Axford Park, Mount Hawthorn to operate the weekly Mount Hawthorn Hawkers Market, on the following key terms:

- 1.1 Term: 5 October 2018 to 24 April 2020;
- 1.2 Market Season: Friday 5 October 2018 – Friday 21 December 2018;
Friday 1 February 2019 – Friday 26 April 2019;
Friday 4 October 2019 – Friday 20 December 2019; and
Friday 7 February 2020 – Friday 24 April 2020;
- 1.3 Permitted Purpose: Hawkers Market;
- 1.4 Permitted hours of use: 4:00pm – 9:30pm on Fridays during Market Season;
- 1.5 Market stall hours: 5:00pm – 8:30pm on Fridays during Market Season;
- 1.6 Licence fee: \$242 per market (incl GST), indexed by CPI;
- 1.7 Insurance: Licensee to effect and maintain public liability insurance;
- 1.8 Indemnity: Licensee to indemnify the City against any loss/damage/claims relating to the market;
- 1.9 Cleaning: Licensee to keep market area clean and tidy and remove all items by conclusion of permitted hours of use;
- 1.10 Bond: Licensee to pay a bond of \$1,000;
- 1.11 Plastics: Licensee will engage with the City to transition to a reduction in the use of 'single-use plastics' where possible; and
- 1.12 Acknowledgement of City: Licensee will acknowledge the support of the City in its advertising material for the Market where possible.

2. AUTHORISES the Mayor and Director Corporate Services to affix the common seal and execute the licence as referred to in 1. above, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 11.1**Moved:** Cr Topelberg, **Seconded:** Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

11.3 FINANCIAL STATEMENTS AS AT 31 JULY 2018**TRIM Ref:** D18/119220**Author:** Nilesh Makwana, Accounting Officer**Authoriser:** Kerryn Batten, Director Corporate Services**Attachments:** 1. Financial Statements as at 31 July 2018 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 31 July 2018 as shown in Attachment 1.

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 26 JUNE 2018 TO 24 JULY 2018

TRIM Ref: D18/108871
 Author: Nikki Hirrill, Accounts Payable Officer
 Authoriser: Vanisha Govender, Manager Financial Services
 Attachments: 1. Payments by EFT and BPAY July 18 
 2. Payments by Cheque July 18 
 3. Payments by Credit Card July 18 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 26 June 2018 to 24 July 2018 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 82391 - 82405	\$457,647.14
Cancelled cheques 79619, 79700, 79723, 79725, 79726, 79761, 79766, 79770, 79777, 79820, 79825, 79839, 79915, 79920, 79928, 79984, 80043, 80128, 80426, 80536, 80596, 80747, 80778, 82193, 82334 and 82391	-\$404,969.29
EFT and BPAY Documents 2268 - 2276	\$5,205,446.83
Payroll	\$1,865,502.97
Direct Debits	
• Lease Fees	\$132,805.69
• Loan Repayments	\$200,166.39
• Bank Fees and Charges	\$116,432.80
• Credit Cards	\$8,891.91
Total Direct Debit	\$458,296.79
Total Accounts Paid	\$7,581,924.44

COUNCIL DECISION ITEM 11.4

Moved: Cr Topelberg, **Seconded:** Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

11.5 INVESTMENT REPORT AS AT 31 JULY 2018**TRIM Ref: D18/115396****Author: Sheryl Teoh, A/Coordinator Financial Services****Authoriser: Kerryn Batten, Director Corporate Services****Attachments: 1. Investment Report ****RECOMMENDATION:**

That Council NOTES the Investment Report for the month ended 31 July 2018 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.5**Moved: Cr Topelberg, Seconded: Cr Murphy****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

12.1 TURF WICKET AGREEMENT - TUART HILL CRICKET CLUB INC.**TRIM Ref: D17/129705****Author: Karen Balm, Senior Community Partner****Authoriser: Michael Quirk, Director Community Engagement****Attachments: Nil****RECOMMENDATION:****That Council;**

- 1. AUTHORISES the Chief Executive Officer to negotiate a three (3) year Turf Wicket Agreement with Tuart Hill Cricket Club Inc. for the management and maintenance of the turf wickets (and surrounds) at Charles Veryard Reserve, North Perth;**
- 2. APPROVES the payment of an annual turf wicket maintenance subsidy to Tuart Hill Cricket Club Inc. for a three (3) year period on the following basis:**
 - 2.1 The amount being capped at 10% of total turf wicket expenditure per season; and**
 - 2.2 The amount not exceeding the sportsground hire fees payable for that season;**
- 3. APPROVES a write-off of the 2016/17 sportsground hire fees totalling \$6,680 (incl. GST) for Tuart Hill Cricket Club Inc. in recognition to their transition towards lease compliance, sportsground hire fees compliance, and a Turf Wicket Agreement;**
- 4. REQUIRES Tuart Hill Cricket Club Inc. to pay all relevant sportsground hire fees at Charles Veryard, North Perth from the 2017/18 summer season onwards; and**
- 5. REQUIRES the Turf Wicket Agreement with Tuart Hill Cricket Club Inc. to include specific targets relating to participation rates amongst juniors, women and local residents.**

COUNCIL DECISION ITEM 12.1**Moved: Cr Topelberg, Seconded: Cr Murphy****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

13.1 INFORMATION BULLETIN**TRIM Ref:** D17/177328**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Minutes of the Design Advisory Committee held on 31 May 2018 
 2. Minutes of the Design Advisory Committee held on 6 June 2018 
 3. Minutes of the Design Advisory Committee held on 27 June 2018 
 4. Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 5 July 2018 
 5. Monthly Street Tree Removal Information 
 6. Statistics for Development Applications as at end of July 2018 
 7. Register of Legal Action and Prosecutions Register Monthly - Confidential
 8. Register of Orders and Notices Register Quarterly - Confidential - Confidential
 9. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 26 July 2018 
 10. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 11. Register of Applications Referred to the Design Review Panel – Current 
 12. Register of Petitions - Progress Report - August 2018 
 13. Register of Notices of Motion - Progress Report - August 2018 
 14. Register of Reports to be Actioned - Progress Report - August 2018 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated August 2018.

COUNCIL DECISION ITEM 13.1

Moved: Cr Topelberg, **Seconded:** Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9 DEVELOPMENT SERVICES

9.4 NO. 498 (LOT: 29; D/P: 2355) FITZGERALD STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING MULTIPLE DWELLINGS (REMOVAL OF LANDSCAPING TO INCLUDE CAR BAY)




TRIM Ref: D18/100113

Author: Emily Andrews, Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: South

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Previous Minutes and Approved Plans 
3. Attachment 3 - Development Plans 
4. Attachment 4 - Summary of Submissions 
5. Attachment 5 - Applicant Justification and Response to Submissions 

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme REFUSES the development application for Alterations and Additions to Existing Multiple Dwellings (Removal of Landscaping to Include Car Bay) at No. 498 (Lot 29; D/P 2355) Fitzgerald Street, North Perth for the following reasons:

1. The proposal will not allow for the use of the car parking bay to be contained wholly within the zoned portion of the subject site, in that its use will encroach upon the future Fitzgerald Street Other Regional road reservation and may obstruct pedestrian movement;
2. The proposed amount of hardstand in the front setback area does not meet the Design Principles of Clause 6.3.2 of State Planning Policy No. 3.1 Residential Design Codes or the Local Housing Objectives of Clause 4.10 of the City's Policy No. 7.1.1 – Built Form as the increase in hardstand does not positively contribute to the streetscape and does not contribute to the appearance and amenity of the development; and
3. The proposed landscaping does not meet the Design Principles of Clause 4.10 of the City's Built Form Policy as the landscaping has not been designed to reduce the impact of development on adjoining public spaces.

Moved: Cr Gontaszewski, Seconded: Cr Murphy

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Hallett, **Seconded:** Cr Fotakis

That the Recommendation be amended by the addition of a further reason for refusal as follows:

That Council:

4. In the context of the landscaping and visual amenity impacts of the proposal and the existing provision of 14 car bays onsite, the applicant has not satisfactorily demonstrated the need for an additional car parking bay on site.

AMENDMENT CARRIED UNANIMOUSLY (8-1)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden and Cr Murphy

Against: Cr Topelberg

COUNCIL DECISION ITEM 9.4

Moved: Cr Gontaszewski, **Seconded:** Cr Murphy

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme REFUSES the development application for Alterations and Additions to Existing Multiple Dwellings (Removal of Landscaping to Include Car Bay) at No. 498 (Lot 29; D/P 2355) Fitzgerald Street, North Perth for the following reasons:

1. The proposal will not allow for the use of the car parking bay to be contained wholly within the zoned portion of the subject site, in that its use will encroach upon the future Fitzgerald Street Other Regional road reservation and may obstruct pedestrian movement;
2. The proposed amount of hardstand in the front setback area does not meet the Design Principles of Clause 6.3.2 of State Planning Policy No. 3.1 Residential Design Codes or the Local Housing Objectives of Clause 4.10 of the City's Policy No. 7.1.1 – Built Form as the increase in hardstand does not positively contribute to the streetscape and does not contribute to the appearance and amenity of the development; and
3. The proposed landscaping does not meet the Design Principles of Clause 4.10 of the City's Built Form Policy as the landscaping has not been designed to reduce the impact of development on adjoining public spaces.
4. In the context of the landscaping and visual amenity impacts of the proposal and the existing provision of 14 car bays onsite, the applicant has not satisfactorily demonstrated the need for an additional car parking bay on site.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

9.5 NO. 266 (LOT: 18; D/P: 583) LORD STREET, PERTH - ADDITIONS (TWO CAR STACKERS) TO EXISTING MOTOR VEHICLE, BOAT OR CARAVAN SALES**TRIM Ref:** D18/100418**Author:** Stephanie Norgaard, Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** South**Attachments:**

1. Attachment 1 - Location and Consultation Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Development Application Report 
4. Attachment 4 - Summary of Submissions 
5. Attachment 5 - Summary of Submissions - Applicant's Response 
6. Attachment 6 - Design Review Panel Massing Diagram 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for an Additions (Two Car Stackers) to Existing Motor Vehicle, Boat or Caravan Sales at No. 266 (Lot: 18; D/P: 583) Lord Street, Perth, in accordance with the plans provided in Attachment 2, for the following reasons:








1. The proposed height does not meet the Design Principles of Policy No. 7.1.1 – Built Form as the building has not been designed to minimise amenity impacts on the adjoining properties and does not positively contribute to the neighbourhood context of the locality;
2. The proposed lot boundary setbacks do not meet the Design Principles of Policy No. 7.1.1 – Built Form as the building mass and form has not been designed to reduce the impact of building bulk on the adjoining properties and the proposed setbacks do not facilitate the provision of landscaping;
3. The proposed landscaping does not meet the Design Principles of Policy No. 7.1.1 – Built Form as the landscaping has not been designed to increase landscaping amenity for occupants and the community; and
4. Having due consideration of subclauses 67(m) and (n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is not considered compatible with its setting due to the likely effect of the height, bulk, scale and appearance of the development on the character of the locality.
5. The applicant has not satisfactorily demonstrated the acceptability of the proposal with regards to noise impacts.

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil

9.6 NO. 559 (LOT: 4; D/P: 1477) BEAUFORT STREET, MOUNT LAWLEY - CHANGE OF USE FROM SHOP TO SMALL BAR**TRIM Ref:** D18/93286**Author:** Joslin Colli, Coordinator Planning Services**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** South

- Attachments:**
1. Attachment 1 - Consultation and Location Map 
 2. Attachment 2 - Development Application Plans 
 3. Attachment 3 - Summary of Submissions and Administration Response 
 4. Attachment 4 - Summary of Submissions and Applicants Response 
 5. Attachment 5 - Parking Management Plan & Supporting Justification 
 6. Attachment 6 - Management Plan (Revised) 
 7. Attachment 7 - Applicant's Submission and Technical Documents 

RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent's Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for a change of use from Shop to Small Bar at No. 559 (Lot: 4; D/P: 1477) Beaufort Street, Mount Lawley, for the following reason:

1. The proposal does not comply with the car parking requirements of the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements, and the proposed variation is not considered to meet the objectives of the Policy as appropriate parking will not be provided to meet the needs of users.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

At 6:31 pm, Cr Joshua Topelberg left the meeting

LOST (0-8)

For: Nil

Against: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

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

COUNCIL DECISION ITEM 9.6**ALTERNATIVE MOTION**

Moved: Cr Gontaszewski, Seconded: Cr Harley

That Council in accordance with the provisions of the City of Vincent's Local Planning Scheme No. 2, the Metropolitan Region Scheme and Clause 1.2 of Policy 7.7.1 – Non-Residential Development Parking Requirements, APPROVES the application for a change of use from Shop to Small Bar at No. 559 (Lot: 4; D/P: 1477) Beaufort Street, Mount Lawley, subject to the following conditions:

1. Use of Premises

- 1.1 This approval is for 'Small Bar' as defined by the City's Local Planning Scheme No.2 as shown on the approved plans dated 15 August 2018;
- 1.2 The Small Bar shall accommodate a maximum of 100 people at any given time;
- 1.3 The hours of operation for the proposed bar are limited to:
 - Tuesday to Saturday and Sundays prior to public holidays: 10:00am to midnight; and
 - Ordinary Sundays and Public Holidays: 10:00am to 10:00pm;

2. 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 be screened from view from the street, and surrounding properties to the satisfaction of the City;

3. Acoustic report

All of the recommended measures included in the approved Acoustic Report (Herring Storer Acoustics, March 2018) 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;

4. Management Plan

- 4.1. An updated Management Plan in accordance with the City's Policy No. 7.5.7 - Licenced Premises shall be submitted to, and approved by the City prior to the development commencing. The updated Management Plan shall address the following matters and shall be in accordance with all conditions of this approval:
 - Any recommendations detailed in the Acoustic Report (as per Condition 5 above);
 - Floor plans of the premises;
 - The maximum number of patrons;
 - Hours of operation;
 - Noise Management Plan;
 - Patron and anti-social behaviour;
 - Entertainment and Music; and
 - Time and frequency of waste collection and deliveries at the premises;
- 4.2 Use of the premises shall be carried out in accordance with the approved Management Plan or any Plan approved by the City thereafter and all requirements of the Management Plan shall be implemented to the satisfaction of the City; and

- 4.3 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;

5. Cash-in-Lieu

A cash-in-lieu contribution shall be paid to the City for the shortfall of 8 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 \$43,200 prior to the commencement of development or by entering into a written agreement to the City to pay the cash-in-lieu over an agreed period up to five years.

6. Parking

6.1 An updated Parking Management Plan in accordance with the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements shall be submitted to, and approved by the City prior to the development commencing. The updated Parking Management Plan shall address the provision of on-site and off-site bicycle parking, as provided for by the approved plans.

6.2 Prior to occupancy or use of the development a minimum of two additional Class 3 bicycle parking facilities shall be provided in the Beaufort Street verge, in a location to the City's satisfaction. The bicycle facilities shall be designed in accordance with AS2890.3 and all works shall be undertaken to the City's specification and satisfaction.

ADVICE NOTES:

1. The development approval is for a Change of Use to 'Small Bar ', which is defined under the City's Local Planning Scheme No. 2 as:
"Small Bar means premises the subject of a small bar license granted under the Liquor Control Act 1988"
2. With reference to Conditions 1.2 any increase in the maximum occupancy will require further development approval;
3. With reference to Condition 1.3, trading hours for New Year's Eve on a Sunday, New Year's Day, Good Friday, Christmas Day and ANZAC Day shall be in accordance with the provisions of the *Liquor Control Act 1988*;
4. With reference to Condition 5:
 - 4.1 The cash-in-lieu amount may be reduced if additional car bays are provided onsite or in conjunction with any other arrangement acceptable to the City;
 - 4.2 Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 4.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
 - 4.2.2 To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
 - 4.2.3 To the owner/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
 - 4.3 The applicant may request the City to approve a payment plan up to five years;

5. Any new signage that does not comply with the City's Policy No. 7.5.2 - Signs and Advertising shall be subject to a separate Development Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage;
6. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect;'
7. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained; and
8. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

ALTERNATIVE MOTION CARRIED UNANIMOUSLY (8-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil







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

REASON:

Council was satisfied with the parking variation on the basis of the nature and location of the proposed use, subject to the payment of cash-in-lieu of parking for the 8 bay shortfall.

At 6:46 pm, Cr Joshua Topelberg returned to the meeting.

9.7 NO. 209 (LOT: 213; D/P: 33158) VINCENT STREET, WEST PERTH - S.31 RECONSIDERATION - PROPOSED FOUR GROUPED DWELLINGS**TRIM Ref:** D18/83728**Author:** Emily Andrews, Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** South

- Attachments:**
1. Attachment 1 - Consultation and Location Map 
 2. Attachment 2 - 4 April 2018 Council Meeting Minutes and refused Development Plans 
 3. Attachment 3 - Current (amended) Development Plans 
 4. Attachment 4 - Summary of Submissions 
 5. Attachment 5 - Applicant Justification 
 6. Attachment 6 - Determination Advice Notes 

RECOMMENDATION:

That the Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme SETS ASIDE its decision of 4 April 2018 and APPROVES the application for Four Grouped Dwellings at No. 209 (Lot: 213, D/P: 33158) Vincent Street, West Perth in accordance with the plans shown in Attachment 3 , subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall 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. 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 shall be screened from view from the street, and surrounding properties to the satisfaction of the City;

3. Stormwater

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

4. Clothes Drying Facilities

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

5. Car Parking and Access

5.1 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;

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

5.3 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

6. Right of Way Widening

6.1 A 1.0 metre right of way setback area shall be maintained free of any buildings and structures for the length of the property that adjoins the right of way at all times to enable future right of way widening; and

6.2 The 1.0 metre right of way setback area shall be sealed drained and graded to match into the level of the existing Right of Way;

7. Acoustic Report

An Acoustic Report in accordance with *State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning* is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. All recommended measures in the report shall be undertaken to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

8. Landscaping

8.1 A detailed landscape and reticulation plan for the development site and adjoining road verge to the City's satisfaction 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;

8.1.2 Areas to be irrigated or reticulated; and

8.1.3 The provision of 15.4 percent Deep Soil Zone and at least 30 percent Canopy Coverage, as defined by the City's Policy No. 7.1.1 – Built Form; and

8.2 All works shown in the plans as identified in Condition 8.1 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; and

10. 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 Topelberg, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.1 NOTICE OF MOTION - CR DAN LODEN - TRANSPARENCY OF RATES SPEND IN THE BUDGET**

That Council:

1. REQUESTS that as part of the 2019/20 Budget process, Administration provides to a budget workshop a graphical breakdown of how rates are spent in the community, divided by the City's various service areas.
2. REQUESTS that Administration include this graphical breakdown as part of the rates notification to residents.
3. REQUESTS that Administration provides a page on the City's website that includes this graphic as well as a more detailed expenditure breakdown within each service area of how funds are spent.

COUNCIL DECISION ITEM 14.1

Moved: Cr Loden, Seconded: Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

9 DEVELOPMENT SERVICES

9.1 NO. 148-158 (LOT: 600; D/P: 47025) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN - CHANGE OF USE FROM OFFICE/RETAIL TO EDUCATIONAL ESTABLISHMENT






TRIM Ref: D18/100019

Author: Fiona Atkins, Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: North

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Summary of Application 
3. Attachment 3 - Parking Management Plan 
4. Attachment 4 - Summary of Submissions - Officer Comments 
5. Attachment 5 - Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for the proposed Change of Use from Office/Retail to Educational Establishment at No. 148-158 (Lot: 600; D/P: 47025) Scarborough Beach Road, Mount Hawthorn, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Use of Premises

- 1.1 The area shown as 'Educational Establishment' on the approved plans shall be used in accordance with the definition of 'Educational Establishment' as defined by the City's Local Planning Scheme No. 2;
- 1.2 The maximum number of persons attending the Educational Establishment at any one time shall be limited to 31 persons; and
- 1.3 The hours of operation for the Educational Establishment shall be limited to the operating hours of The Mezz Shopping Centre.

2. Car Parking and Access

The Parking Management Plan approved as part of this application shall be implemented to the satisfaction of the City prior to the use or occupation of the development;

3. Signage

Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage; and

4. 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 6:57 pm, Cr Jimmy Murphy left the meeting.

COUNCIL DECISION ITEM 9.1

Moved: Cr Castle, Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)





For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

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

At 7:01 pm, Cr Jimmy Murphy returned to the meeting.

9.2 NO. 1/226 (LOT: 1; D/P: 956) OXFORD STREET, LEEDERVILLE CHANGE OF USE FROM SHOP TO RESTAURANT/CAFE (UNAUTHORISED EXISTING USE)**TRIM Ref:** D18/105583**Author:** Clair Morrison, Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** South**Attachments:**

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Plans and Written Submission 
3. Attachment 3 - Parking Management Plan 
4. Attachment 4 - Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for development approval for a Change of Use from Shop to Restaurant/Café at Unit 1/226 (Lot: 1; D/P: 956) Oxford Street, Leederville, in accordance with the plans shown as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Use of Premises

1.1 This approval only relates to the Change of Use from Shop to Restaurant/Café as shown on the plans dated 10 July 2018. It does not relate to any other development on the site;

1.2 The use of the premises shall conform with the City of Vincent's Local Planning Scheme No. 2 definition of Restaurant/Café which states:

"means premises primarily used for the preparation, sale and service of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licensed under the Liquor Control Act 1988";

1.3 The hours of operation for the 'Restaurant/café' shall be limited to the following times:

- 11:00am to 9:00pm Tuesday to Thursday;
- 11:00am to 10:00pm Friday to Saturday;
- 11:00am to 9:00pm Sunday;
- Closed Anzac Day;

1.4 The maximum number of patrons for the Restaurant/café (inclusive of any alfresco dining areas) shall be 25;

2. Active Frontage

The development shall maintain an active and interactive relationship and uninterrupted views between the 'restaurant/café' and Oxford 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 or other internal or external treatments that obscure the view of these areas from Oxford Street are not permitted to be used during the hours of the developments operations;

3. Bicycle Facilities

A cash-in-lieu contribution of \$800 shall be paid to the City for the shortfall of three bicycle bays, in the form of two Class 3 bicycle parking facilities, based on the cost of \$400 per Class 3 bicycle parking facility, within 60 days of Council's approval; and

4. 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 Topelberg, **Seconded:** Cr Castle

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Topelberg, **Seconded:** Cr Castle

That the following words be added to the end of the introductory paragraph of the Recommendation, after the words "in Attachment 4" "subject to the inclusion of an additional advice note 5 stating *"In relation to condition 1.4, the applicant has accepted the maximum number of patrons as proposed on the basis that the City has not required the payment of cash in lieu of car parking for the proposed 5 bay shortfall."*"

AMENDMENT CARRIED (8-1)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg

Against: Cr Harley

COUNCIL DECISION ITEM 9.2

Moved: Cr Topelberg, **Seconded:** Cr Castle

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval for a Change of Use from Shop to Restaurant/Café at Unit 1/226 (Lot: 1; D/P: 956) Oxford Street, Leederville, in accordance with the plans shown as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4, subject to the inclusion of an additional advice note 5 stating *"In relation to condition 1.4, the applicant has accepted the maximum number of patrons as proposed on the basis that the City has not required the payment of cash in lieu of car parking for the proposed 5 bay shortfall."*

1. Use of Premises

- 1.1 This approval only relates to the Change of Use from Shop to Restaurant/Café as shown on the plans dated 10 July 2018. It does not relate to any other development on the site;
- 1.2 The use of the premises shall conform with the City of Vincent's Local Planning Scheme No. 2 definition of Restaurant/Café which states:
"means premises primarily used for the preparation, sale and service of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licensed under the Liquor Control Act 1988";
- 1.3 The hours of operation for the 'Restaurant/café' shall be limited to the following times:
 - 11:00am to 9:00pm Tuesday to Thursday;
 - 11:00am to 10:00pm Friday to Saturday;
 - 11:00am to 9:00pm Sunday;
 - Closed Anzac Day;
- 1.4 The maximum number of patrons for the Restaurant/café (inclusive of any alfresco dining areas) shall be 25;

2. Active Frontage

The development shall maintain an active and interactive relationship and uninterrupted views between the 'restaurant/café' and Oxford 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 or other internal or external treatments that obscure the view of these areas from Oxford Street are not permitted to be used during the hours of the developments operations;

3. Bicycle Facilities

A cash-in-lieu contribution of \$800 shall be paid to the City for the shortfall of three bicycle bays, in the form of two Class 3 bicycle parking facilities, based on the cost of \$400 per Class 3 bicycle parking facility, within 60 days of Council's approval; and

4. 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 (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

9.8 LATE REPORT: AMENDMENT 1 TO LOCAL PLANNING POLICY NO. 7.1.1 - BUILT FORM

This Item was withdrawn by the Chief Executive Officer prior to the Council Meeting.

10 ENGINEERING**10.1 TENDER NO. 550/18 - PRUNING OF STREET TREES USING ELEVATED WORK PLATFORMS****TRIM Ref:** D18/74625**Author:** Jeremy van den Bok, Manager Parks**Authoriser:** Andrew Murphy, Director Engineering**Attachments:** 1. Pricing Schedule and Evaluation - Confidential**RECOMMENDATION:**






That Council **ACCEPTS** Tender No. 550/18 from Tree Amigos Tree Surgeons Pty Ltd for the Pruning of Street Trees using Elevated Work Platforms as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 10.1**Moved:** Cr Loden, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil

10.2 AXFORD PARK UPGRADE - CONCEPT DESIGN & IMPLEMENTATION OF QUICK WIN WORKS ITEMS**TRIM Ref:** D18/110206**Authors:** Georgia Lawrence, Place Manager
Jeremy van den Bok, Manager Parks & Urban Green**Authoriser:** Andrew Murphy, Director Engineering**Attachments:**

1. Attachment 1 - Background Analysis & Summary of Engagement Report 
2. Attachment 2 - Design Objectives - Axford Park Upgrade 
3. Attachment 3 - Phase 2 (Quick Win) Works Items - Axford Park Upgrade 
4. Attachment 4 - Concept Design - Axford Park Upgrade 
5. Attachment 5 - Construction Estimate - Axford Park Upgrade 

RECOMMENDATION:**That Council:**

1. **APPROVES** the implementation of the Axford Park Upgrade Phase 2 Works Items outlined in Attachment 3;
2. **ADOPTS** the Axford Park Upgrade Concept Design included as Attachment 4 to guide future development of and investment in Axford Park;
3. **NOTES** the Construction Estimate associated with Axford Park Upgrade Concept Design included as Attachment 5; and
4. **NOTES** that:
 - 4.1 Administration will undertake the following notification of Council's decision:
 - 4.1.1 Notification in writing to Mount Hawthorn Sub-branch of the Returned Services League (WA), Mount Hawthorn Hub, Transition Town Vincent, Scouts WA, Mt Hawthorn Baptist Church, Pisconeri Fine Foods & Wine, the operator of Mount Hawthorn Hawkers Market and all residents, landowners and businesses within 500 metres of Axford Park; and
 - 4.1.2 Notification on the City's website and social media pages to the broader City of Vincent community.

COUNCIL DECISION ITEM 10.2**Moved:** Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil

10.3 LATE REPORT: REVISED ENGINEERING POLICIES RELATING TO VERGE TREATMENTS AND STREET TREES

TRIM Ref: D18/106249

Author: Jeremy van den Bok, Manager Parks & Urban Green

Authoriser: Andrew Murphy, Director Engineering

Attachments: 1. Survey Report - Verge Policy Consultation 
2. Street Trees Policy No. 2.1.2 
3. Verge Treatments, Plantings and Beautification Policy No. 2.2.4 

RECOMMENDATION:

That Council:

1. NOTES the results and comments received during the public comment period, regarding the revision of Policies 2.1.2 - Street Trees and 2.2.4 - Verge Treatments, Plantings and Beautification, as shown in Attachment 1;
2. ADOPTS the revised Policies 2.1.2 - Street Trees and 2.2.4 - Verge Treatments, Plantings and Beautification with the minor amendments, as shown in Attachments 2 and 3; and
3. ADVISES submitters of its decision.

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That Recommendation 2 be amended to read as follows:

2. ADOPTS the revised Policies 2.1.2 – Street Trees and 2.2.4 – Verge Treatments, Plantings and Beautification with minor amendments, as shown in Attachments 2 and 3; and subject to the following changes also being made:

2.1 Item 9.3(vii) of the Guidelines attached to Policy No. 2.1.2 (appearing on page 13 of 13 of the Policy) being deleted and replaced with the following text –

“The City may prepare further, more specific guidance for residents on street tree attachments related to the requirements of clause 9 of this Policy or the standards outlined in clause 9.1 above.”;

2.2 Item 1.4.5 of the Guidelines attached to Policy No. 2.2.4 (appearing on page 8 of 18) being deleted and replaced with the following text –

“The City may prepare further, more specific guidance for residents on verge treatments and landscaping features related to the requirements and standards outlined in clause 1.4 of these guidelines.”; and

AMENDMENT 1 CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

PROPOSED AMENDMENT 2

Moved: Cr Loden, **Seconded:** Cr Castle

That Recommendation 2 be further amended to add the following changes:

2.3 The final dot point in Item 1.4.3 of the Guidelines attached to Policy No 2.2.4 (appearing on page 7 of 18) being deleted and replaced with the following text –

“• any other item (not listed above) may be considered at the discretion of the Director Engineering in accordance with this Policy.”;

2.4 Clause 9 (i)(e) of Policy No 2.1.2 (appearing on page 5 of 13) being deleted and replaced with the following text –

“any other item (not listed above) may be considered at the discretion of the Director Engineering in accordance with this Policy.” ;

AMENDMENT 2 CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy, Cr Topelberg and Cr Harley

Against: Nil

PROPOSED AMENDMENT 3

Moved: Cr Gontaszewski, **Seconded:** Cr Castle

That Recommendation 2 be further amended to add the following change:

2.5 In Item 9.1 (v) of the Guidelines attached to Policy No 2.1.2 (appearing on page 13 of 13) deleting the words “and rope ladders”

AMENDMENT 3 CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

COUNCIL DECISION ITEM 10.3

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

That Council:

1. **NOTES** the results and comments received during the public comment period, regarding the revision of Policies 2.1.2 - Street Trees and 2.2.4 - Verge Treatments, Plantings and Beautification, as shown in Attachment 1;
2. **ADOPTS** the revised Policies 2.1.2 – Street Trees and 2.2.4 – Verge Treatments, Plantings and Beautification with minor amendments, as shown in Attachments 2 and 3 subject to the following changes also being made:
 - 2.1 **Item 9.3(vii) of the Guidelines attached to Policy No. 2.1.2 (appearing on page 13 of 13 of the Policy) being deleted and replaced with the following text –**

“The City may prepare further, more specific guidance for residents on street tree attachments related to the requirements of clause 9 of this Policy or the standards outlined in clause 9.1 above.”;

- 2.2 Item 1.4.5 of the Guidelines attached to Policy No. 2.2.4 (appearing on page 8 of 18) being deleted and replaced with the following text –

“The City may prepare further, more specific guidance for residents on verge treatments and landscaping features related to the requirements and standards outlined in clause 1.4 of these guidelines.”;

- 2.3 The final dot point in Item 1.4.3 of the Guidelines attached to Policy No 2.2.4 (appearing on page 7 of 18) being deleted and replaced with the following text –

“• any other item (not listed above) may be considered at the discretion of the Director Engineering in accordance with this Policy.”;

- 2.4 Clause 9 (i)(e) of Policy No 2.1.2 (appearing on page 5 of 13) being deleted and replaced with the following text –

“any other item (not listed above) may be considered at the discretion of the Director Engineering in accordance with this Policy.” ;

- 2.5 In Item 9.1 (v) of the Guidelines attached to Policy No 2.1.2 (appearing on page 13 of 13) deleting the words “and rope ladders”

3. ADVISES submitters of its decision.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

11 CORPORATE SERVICES

11.2 REPORT FROM AUDIT COMMITTEE MEETING OF 17 JULY 2018

TRIM Ref: D18/107965

Author: Tim Evans, Manager Governance and Risk

Authoriser: Vanisha Govender, Manager Financial Services

Attachments: 1. Audit Committee Minutes - 17 July 2018 
2. Audit Committee Terms of Reference - for adoption 
3. Audit Committee Terms of Reference - with tracked changes 

RECOMMENDATION:

That Council:

1. RECEIVES this report from the Audit Committee meeting of 17 July 2018 and the minutes of that meeting as Attachment 1;
2. ADOPTS the revised Terms of Reference for the Audit Committee included as Attachment 2.

COUNCIL DECISION ITEM 11.2

Moved: Cr Loden, Seconded: Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil




12 COMMUNITY ENGAGEMENT

12.2 CITY OF VINCENT ART DEVELOPMENT ACTION PLAN 2018–2020

TRIM Ref: D18/101077

Author: Rosslind Ellis, Manager Marketing and Communications

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Art Priorities 2017/2018 
2. Imagine Vincent - Arts Related Community Consultation Data 
3. Art Development Action Plan 2018 - 2020 

RECOMMENDATION:

That Council;

1. **ADOPTS** the City of Vincent Art Development Action Plan 2018 – 2020; and
2. **NOTES** that the City of Vincent Art Development Action Plan 2018 – 2020 provides the basis for specific consultation with arts sector that will directly inform the development of the longer term Arts Strategy.

COUNCIL DECISION ITEM 12.2

Moved: Cr Murphy, Seconded: Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: 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

Nil

18 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**COUNCIL DECISION****Moved:** Cr Loden, **Seconded:** Cr Fotakis

Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential reports.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

At 8.03pm the meeting went behind closed doors and live streaming was stopped.

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski (Deputy Mayor)	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Roslyn Harley	North Ward
	Cr Dan Loden	North Ward
	Cr Jimmy Murphy	South Ward
	Cr Joshua Topelberg	South Ward
IN ATTENDANCE:	Len Kosova	Chief Executive Officer
	Luke Gibson	A/Director Development Services
	Andrew Murphy	Director Engineering
	Kerryn Batten	Director Corporate Services
	Michael Quirk	Director Community Engagement
	Natasha Brooks	Governance & Council Support Officer
	Emma Simmons	Governance & Council Support Officer

No members of the press or public were present.

18.1 AGREEMENT TO UNDERTAKE THE CARE, CONTROL AND MANAGEMENT OF THE ROSEMOUNT HOTEL CAR PARK - 459 FITZGERALD STREET, NORTH PERTH

TRIM Ref: D18/110298

Author: Michael Quirk, Director Community Engagement

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Notice of Determination on Application for Development Approval - Change of Use from Hotel to Car Park
2. Conceptual Layout Plan - Rosemount Hotel/View Street Car Parks

COUNCIL DECISION ITEM 18.1**Moved: Cr Loden, Seconded: Cr Topelberg**

1. **DETERMINES** pursuant to Clause 1.5(4) of the City of Vincent Parking and Parking Facilities Local Law that the car park located at 459 Fitzgerald Street, North Perth (Rosemount Hotel Car Park) be under the care, control and management of the City;
2. **AUTHORISES** the Chief Executive Officer to finalise negotiations and approve the Agreement between the City of Vincent and FJM Property Pty Ltd for the care, control and management of the Rosemount Hotel Car Park subject to the following;
 - 2.1 The distribution of revenue being 75/25 in favour of FJM Property Pty Ltd;
 - 2.2 Inclusion of the first hour free provision throughout the Rosemount Hotel Car Park;
 - 2.3 Revenue from infringements and any other penalties issued at the Rosemount Hotel Car Park to be retained exclusively by the City;
 - 2.4 Specified costs including the installation of maintenance of ticket issuing machines, installation and maintenance of signage, maintenance and repair of line marking, and maintenance and repair of the Car Park surface will be split 50/50 between the City and FJM Property Pty Ltd; and
 - 2.5 FJM Property Pty Ltd reserving the right to allow all or part of the Rosemount Hotel Car Park area to be used for markets or other similar events on Sunday mornings subject to all necessary approvals being received and giving the City not less than seven days' notice;
3. **APPROVES BY ABSOLUTE MAJORITY** for the Rosemount Hotel Car Park pursuant to section 6.16(3)(b) of the *Local Government Act 1995* to amend the City's 2018/19 Fees and Charges Schedule to include a parking fee of \$2.80 per hour between 7am and midnight, maximum fee of \$14.60 per day, and first hour free;
4. **ADVERTISES** the proposed fees for the Rosemount Hotel Car Park at 459 Fitzgerald Street, North Perth to be included in the City's 2018/19 Fees and Charges Schedule pursuant to section 6.19 of the *Local Government Act 1995*; and
5. **NOTES** that funding has been allocated in the 2018/19 budget to connect Rosemount Hotel Car Park and View Street Car Park in order to establish a consolidated public parking station within the North Perth Town Centre.

CARRIED BY ABSOLUTE MAJORITY (9-0)**For:** Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil

COUNCIL DECISION

Moved: Cr Murphy, Seconded: Cr Harley

That the Council resume an “open meeting”.

CARRIED UNANIMOUSLY (9-0)

For: Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

19 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 8.14pm with the following persons present:

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski (Deputy Mayor) Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Roslyn Harley Cr Dan Loden Cr Jimmy Murphy Cr Joshua Topelberg	Presiding Member South Ward North Ward North Ward South Ward North Ward North Ward South Ward South Ward
IN ATTENDANCE:	Len Kosova Luke Gibson Andrew Murphy Kerryn Batten Michael Quirk Natasha Brooks Emma Simmons	Chief Executive Officer A/Director Development Services Director Engineering Director Corporate Services Director Community Engagement Governance & Council Support Officer Governance & Council Support Officer

No members of the press or public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 21 August 2018.

Signed: Mayor Emma Cole

Dated this day of2018