



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**13 November 2018**

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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, 13 NOVEMBER 2018 AT 6PM**

<b>PRESENT:</b>	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Roslyn Harley (from 6.13pm) Cr Dan Loden Cr Jimmy Murphy Cr Joshua Topelberg</p>	<p>Presiding Member South Ward North Ward North Ward South Ward North Ward North Ward South Ward South Ward</p>
<b>IN ATTENDANCE:</b>	<p>David MacLennan Kerryn Batten Luke Gibson Andrew Murphy Michael Quirk Meluka Bancroft Emma Simmons</p>	<p>Chief Executive Officer Director Corporate Services A/Director Development Services Director Engineering Director Community Engagement A/Manager Governance &amp; Risk Governance &amp; Council Support Officer</p>
<b>Media:</b>	Nil.	
<b>Public:</b>	Approximately 17 members of the public.	

## 1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6pm 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. Adrian Black of East Perth – Item 9.1

- Spoke against the application.

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

2. Tim Trefry of Roberts Day, Perth – Item 9.1

- Spoke in support of the application.

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

## 3. Pamela Tomney of East Perth – Item 9.1

- Spoke against the application.

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

## 4. Tim Houweling of Cornerstone Legal, Canningvale – Item 9.1

- Spoke as a representative of neighbouring property owners in objection to the application.
- Stated that the proposal does not address the fundamental requirements of the Planning and Development Local Scheme Regulations.
- Stated that parking issues have not been addressed in line with the City's policy

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

## 5. Bill Hammond of East Perth – Item 9.1

- Spoke against the application.
- Raised concerns in relation to public safety

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

There being no further speakers, Public Question Time closed at approximately 6.15.

**(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Dan Loden requested a leave of absence from 4 December 2018 to 18 December 2018 due to personal commitments.

**COUNCIL DECISION**

**Moved: Cr Harley, Seconded: Cr Gontaszewski**

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

**CARRIED UNANIMOUSLY (9-0)**

- 4.2 Cr Jimmy Murphy requested a leave of absence from 3 December 2018 to 17 December 2018 due to personal commitments.

**COUNCIL DECISION**

**Moved: Cr Castle, Seconded: Cr Harley**

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

**CARRIED UNANIMOUSLY (9-0)**

## 5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

## 6 CONFIRMATION OF MINUTES

### COUNCIL DECISION

**Moved:** Cr Loden, **Seconded:** Cr Gontaszewski

That the minutes of the Ordinary Meeting held on 16 October 2018 be confirmed.

### CARRIED UNANIMOUSLY (9-0)

**For:** 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, Mayor Emma Cole made the following announcements:

### 7.1 CENTENARY OF ARMISTICE EVENT – AXFORD PARK

*On Sunday we had the Centenary of Armistice Event at Axford Park which was well attended by the community. It was an event that was in partnership with a sub branch of the Mt Hawthorn RSL. We commemorated this significant event being 100 years since the guns fell silent on the western front in World War I. We did have a lovely service with our community. It was great to see people come out and share that together.*

### 7.2 SUMMER EVENTS WEBSITE

*We have launched the City of Vincent summer events website. Because we have so many events in Vincent over the summer it does require its own website. We have got fifty events across Leederville, North Perth, Mt Lawley, West Perth and Mt Hawthorn so that is available at [events.vincent@wa.gov.au](mailto:events.vincent@wa.gov.au).*

### 7.3 PUBLIC OPEN SPACE

*Tonight we have a very strong focus on our agenda on public open space. We have two items on our agenda under Community Engagement being the Draft Banks Reserve Master Plan for consideration and a Draft Public Open Space Strategy to present for community consultation. It is a very important priority for the City of Vincent in terms of meeting our community needs now and into the future and it's good to see these two very important bodies of work on the agenda this evening. If you are interested in what we are doing to grow and improve our public space in Vincent then I recommend that you take a look at those two items.*

## 8 DECLARATIONS OF INTEREST

8.1 Cr. Jimmy Murphy disclosed an impartiality interest in Item 9.1 - No. 13 (Lot: 36; D/P: 2001) Bramall Street, East Perth - Change of Use to Unlisted Use (Community Purpose). The extent of his interest in this matter is that he has an association with the applicant's representative, Roberts Day. The association being that Roberts Day were sponsors of the Town Team Movement conference, a not-for-profit organisation of which I am Chairperson.

## 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 9.1.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 13.3.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items Nil.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Loden	11.1 & 13.2
Cr Murphy	14.1
Cr Topelberg	11.2, 12.4 & 14.1

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**  
Items 9.2, 9.3, 10.1, 11.3, 11.4, 11.5, 12.1, 12.2, 12.3 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 Harley, Seconded: Cr Murphy**

**That the following unopposed items be adopted “En Bloc”, as recommended:**

**Items 9.2, 9.3, 10.1, 11.3, 11.4, 11.5, 12.1, 12.2, 12.3 and 13.1**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil






9.2 NO. 486 (LOT: 1; D/P: 10160) NEWCASTLE STREET, WEST PERTH - AMENDMENT TO APPROVAL FOR SEVEN GROUPED DWELLINGS AND HOME OCCUPATION (OFFICE) - EXTENSION OF TIME

TRIM Ref: D18/136717

Author: Mitchell Hoad, Senior Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: South

Attachments: 1. Attachment 1 - Location Plan   
2. Attachment 2 - Subdivision Approval   
3. Attachment 3 - Extract of Ordinary Meeting of Council Minutes 7 March 2017 

**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 amend the development approval for Seven Grouped Dwellings and Home Occupation (Office) at No. 486 (Lot: 1; D/P: 10160) Newcastle Street, West Perth, granted on 7 March 2017 (reference 5.2016.285.1), subject to the following conditions:

1. Unless otherwise noted, all conditions, requirements and advice notes detailed on the development approval 5.2016.285.1 included in Attachment 3 continue to apply to this approval;
2. The modification of Condition 12 so as to read as follows:  

“12. Home Business

12.1 The Home Business shall at all times operate in accordance with the definition of a Home Business as prescribed by the City’s Local Planning Scheme No. 2;” and
3. The addition of a new Condition 15 as follows:  

“15. This decision constitutes development approval only and is valid until 7 March 2021. If the subject development is not substantially commenced within this period, the approval shall lapse and be of no further effect”.

**COUNCIL DECISION ITEM 9.2**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**








**9.3 NOS. 150, 152 AND 158 (LOT: 31, 15 AND 14; D/P: 73062, 14 AND 28) CLAISEBROOK ROAD, PERTH - AMENDMENT TO APPROVAL FOR MIXED USE DEVELOPMENT COMPRISING SEVEN COMMERCIAL TENANCIES AND 116 MULTIPLE DWELLINGS**

**TRIM Ref:** D18/132895

**Author:** Kate Miller, Senior Urban Planner

**Authoriser:** Luke Gibson, A/Director Development Services

**Attachments:**

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Development Assessment Panel Minutes 25 September 2014 
4. Attachment 4 - Development Assessment Panel Minutes 18 August 2016 
5. Attachment 5 - Applicant's Planning Report 
6. Attachment 6 - Design Review Panel Minutes (5 September 2018) 
7. Attachment 7 - Environmentally Sustainable Design Report 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Regional Scheme APPROVES the application to amend the development approval for Mixed Use Development at Nos. 150, 152 and 158 (Lots 31, 15 and 14) Claisebrook Road, Perth, granted on 25 September 2014, in accordance with the plans shown in Attachment 2, subject to the following:

1. Unless otherwise noted, all conditions, requirements and advice notes detailed on the previous approval dated on 25 September 2014 (and subsequently amended on 18 August 2016) continue to apply to this approval;
2. Condition 2 (requiring demolition of the former buildings) is to be deleted;
3. Condition 3 is to be amended as follows:
  - “3.1 A minimum of 40 parking bays for the commercial tenancies, 116 parking bays for the multiple dwellings and 29 parking bays for use of visitors is to be provided;
  - 3.2 A minimum of two motor cycle/scooter bays is to be provided; and
  - 3.3 A minimum of 21 bicycle bays is to be provided”;
4. The addition of a new Condition 4.6 as follows:
  - “4.6 Prior to issuing a Building Permit, the applicant is to submit amended plans demonstrating compliance with the deemed-to-comply requirements of Clause 6.2.3 (Sight lines) of the Residential Design Codes, to the satisfaction of the City of Vincent”;
5. The addition of a new Condition 6.1.3(f) as follows:
  - “6.1.3 (f) 24.5 percent of canopy coverage at maturity is to be provided on site; The addition of a new Condition 6.1.3(g) as follows:
    - “6.1.3 (g) The provision of an additional street tree within the adjacent verge, with the location to be to the satisfaction of the City”;
6. The addition of a new Condition 10 as follows:
  - “10 Prior to the issuing of a Building Permit, the applicant is to submit amended plans demonstrating the raised terraces on level 2 of the northern building are screened in accordance with the deemed-to-comply requirements of Clause 6.4.1 (Visual privacy) of the Residential Design Codes, to the satisfaction of the City of Vincent”;

7. The addition of a new Condition 11 as follows:

“11 Prior to the issuing of an Occupancy Permit, the Applicant must implement the recommendations of the submitted Environmentally Sustainable Design Report so as to achieve a minimum 50 percent greenhouse gas reduction and 25 percent water reduction. All initiatives must be maintained for the duration of the development, to the satisfaction of the City”; and

8. The addition of a new Condition 12 as follows:



“12 This decision constitutes development approval only and is valid until 13 November 2021. If the subject development is not substantially commenced within this period, the approval shall lapse and be of no further effect”.

**COUNCIL DECISION ITEM 9.3**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**10.1 MINOR PARKING RESTRICTION IMPROVEMENTS/AMENDMENTS****TRIM Ref:** D18/159072**Author:** Craig Wilson, Manager Asset & Engineering**Authoriser:** Andrew Murphy, Director Engineering**Attachments:**  
1. Plan No. 3492-PP-01   
2. Plan No. 3493-PP-01 **RECOMMENDATION:****That Council:**

1. **APPROVES** the following minor parking restriction improvements and amendments:
  - 1.1 the introduction of a 2P 8.00am to 5.30pm Monday to Friday parking restriction on the eastern side of Smith Street, Highgate, between Broome and Lincoln Streets, as shown on Plan No. 3492-PP-01 (Attachment 1); and
  - 1.2 an on-road Loading Zone in Bourke Street, Leederville, adjacent 250 Oxford Street, as shown on Plan No. 3493-PP-01 (Attachment 2); and
2. **NOTES** that Administration will advise residents and businesses directly impacted by these minor parking restriction improvements and amendments.

**COUNCIL DECISION ITEM 10.1****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**11.3 VARIATION OF SEASONAL LICENCES FOR CHARLES VERYARD RESERVE PAVILION (RUBBISH & RECYCLING BIN CHARGES) AND WRITE-OFF OF PORTION OF FEES****TRIM Ref:** D18/161323**Author:** Meluka Bancroft, A/Manager Governance and Risk**Authoriser:** Kerryn Batten, Director Corporate Services**Attachments:** Nil**RECOMMENDATION:**

That Council:

1. APPROVES the following addition to the joint winter licence for the use of Charles Veryard Reserve Pavilion (excluding public toilets) to the Modernians Hockey Club Inc. and Mt Hawthorn Cardinals Junior Football Club Inc. as approved by Council at the Ordinary Meeting of Council held on 29 May 2018 (Item 12.1):

*“Clubs to equally pay all rubbish and recycling bin charges corresponding to their use of the premises, which equates to 50 per cent of annual charges.”*

2. APPROVES the following addition to the summer licence for the use of Charles Veryard Reserve Pavilion (excluding public toilets) by the Tuart Hill Cricket Club Inc. as approved by Council at the Ordinary Meeting of Council held on 29 May 2018 (Item 12.1):

*“Club to pay all rubbish and recycling bin charges corresponding to its use of the premises, which equates to 50 per cent of annual charges.”*

3. AUTHORISES the Mayor and Director Corporate Services to affix the common seal and execute the licences as amended in accordance with 1. and 2. above;

4. APPROVES a write-off of:

- (a) 50 per cent of the rubbish and recycling bin charges for 2014/15 – 2017/18, totalling \$2,197.50 (excluding GST), paid by Modernians Hockey Club Inc; and

- (b) 50 per cent of the emergency services levy for 2017/18 and 2018/19 and the rubbish and recycling bin charge for 2018/19, totalling \$1,239.87;

in recognition of the joint use of the Charles Veryard Reserve Pavilion by Mt Hawthorn Cardinals Junior Football Club Inc during this period; and

5. NOTES that Modernians Hockey Club Inc has, between 2014 and 2018, overpaid \$2,197.50 (excluding GST). Modernians Hockey Club Inc currently has a debt to the City of \$1239.87 (excluding GST). Therefore the City will provide the Modernians Hockey Club Inc with a reimbursement of \$957.63 (excluding GST).

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 19 SEPTEMBER 2018 TO 16 OCTOBER 2018

TRIM Ref: D18/158622

Author: Nikki Hirrill, Accounts Payable Officer

Authoriser: Kerryn Batten, Director Corporate Services

Attachments: 1. Payments by EFT and BPAY October 18   
 2. Payments by Cheque October 18   
 3. Payments by Credit Card October 18 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 19 September 2018 to 16 October 2018 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 82424 - 82433	\$36,748.07
Cancelled cheques 82424	-\$384.90
EFT and BPAY Documents 2305 - 2316	\$5,602,658.47
Payroll	\$1,260,226.17

Direct Debits

- Lease Fees \$108,923.77
- Loan Repayments \$148,539.32
- Bank Fees and Charges \$135,437.18
- Credit Cards \$3,951.78

Total Direct Debit	\$396,852.05
Total Accounts Paid	\$7,296,099.86

**COUNCIL DECISION ITEM 11.4**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**11.5 INVESTMENT REPORT AS AT 31 OCTOBER 2018****TRIM Ref: D18/172450****Author: Nilesh Makwana, Accounting Officer****Authoriser: Kerryn Batten, Director Corporate Services****Attachments: 1. Investment Report as at 31 October 2018 ****RECOMMENDATION:**

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

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

**12.1 DRAFT BANKS RESERVE MASTER PLAN****TRIM Ref:** D18/81851**Author:** Philippa Baker, Community Projects Officer**Authoriser:** Michael Quirk, Director Community Engagement**Attachments:**  
1. Draft Banks Reserve Master Plan   
2. Banks Reserve Masterplan Design Guidelines **RECOMMENDATION:**

That Council:

1. **RECEIVES** the draft Banks Reserve Master Plan and associated Design Guidelines;
2. **AUTHORISES** the Chief Executive Officer to advertise the draft Banks Reserve Master Plan for public comment for a period of 14 days inviting written submissions in accordance with the City's Policy No. 4.1.5 – Community Consultation;
3. **NOTES** that a further report will be submitted to the Ordinary Council Meeting in December 2018 in regard to any written submissions received during the public comment period; and
4. **NOTES** that Administration will again consult with the Whadjuk Working Party during the public comment period to obtain their feedback on the draft Banks Reserve Master Plan.

**COUNCIL DECISION ITEM 12.1****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**



**12.2 DRAFT PUBLIC OPEN SPACE STRATEGY****TRIM Ref:** D18/100626**Author:** Philippa Baker, Community Projects Officer**Authoriser:** Michael Quirk, Director Community Engagement**Attachments:** 1. Draft Public Open Space Strategy **RECOMMENDATION:**



That Council:

1. **RECEIVES** the draft Public Open Space Strategy;
2. **AUTHORISES** the Chief Executive Officer to advertise the draft Public Open Space Strategy for public comment for a period of 14 days inviting written submissions in accordance with the Policy No 4.1.5 – Community Consultation;
3. **NOTES** that the draft Public Open Space Strategy will be subject to further formatting and styling, as determined by the Chief Executive Officer, prior to publication; and
4. **NOTES** that a further report will be submitted to the Ordinary Council Meeting in December 2018 in regard to any written submissions received during the public comment period.

**COUNCIL DECISION ITEM 12.2****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**12.3 ADOPTION OF POLICY NO. 3.10.3 - STREET ACTIVATION****TRIM Ref:** D18/158514**Author:** Karen Balm, Senior Community Partner**Authoriser:** Michael Quirk, Director Community Engagement**Attachments:**  
1. Attachment 1 - Current Policy No. 2.2.7 - Street Parties   
2. Attachment 2 - Draft Policy No. 3.10.3 - Street Activation **RECOMMENDATION:****That Council:**

1. **NOTES** the responses received following public advertising of draft Policy No. 3.10.3 – Street Activation;
2. **ADOPTS** draft Policy No. 3.10.3 – Street Activation;
3. **RESCINDS** Policy No. 2.2.7 – Street Parties; and
4. **ADVISES** submitters of its decision.

**COUNCIL DECISION ITEM 12.3****Moved:** Cr Harley, **Seconded:** Cr Murphy**That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**13.1 COUNCIL BRIEFING AND ORDINARY MEETING OF COUNCIL DATES FOR 2019****TRIM Ref:** D18/149067**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:** 1. Draft Meeting Schedule - 2019 **RECOMMENDATION:**

That Council **ADOPTS** the 2019 Council Briefing and Ordinary Meeting of Council Schedule included as Attachment 1, consisting of a monthly meeting cycle of:

1. Twelve (12) Council Briefing Sessions, commencing Tuesday 29 January 2019; and
2. Twelve (12) Ordinary Meetings of Council, commencing Tuesday 5 February 2019.

**COUNCIL DECISION ITEM 13.1****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

## 9 DEVELOPMENT SERVICES

### 9.1 NO. 13 (LOT: 36; D/P: 2001) BRAMALL STREET, EAST PERTH - CHANGE OF USE TO UNLISTED USE (COMMUNITY PURPOSE)








TRIM Ref: D18/141112

Author: Mitchell Hoad, Senior Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: South

Attachments:

1. Attachment 1 - Location and Consultation Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Parking Management Plan 
4. Attachment 4 - Maylands Premises Management Plan 
5. Attachment 5 - Summary of Submissions 
6. Attachment 6 - Applicant's response to Summary of Submissions 
7. Attachment 7 - 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 a Change of Use from Factory to Unlisted Use (Community Purpose) at No. 13 (Lot: 36; D/P: 2001) Bramall Street, East Perth, in accordance with the plans shown in Attachment 2 and the determination advice notes contained within Attachment 7:

#### 1. Use of Premises

- 1.1 This approval relates to a Change of Use from Factory to Unlisted Use (Community Purpose) as shown on the plans dated 3 September 2018. It does not relate to any other development on the site;
- 1.2 This approval is valid for two years from the date of commencement of the Unlisted Use (Community Purpose);
- 1.3 A maximum of 60 people are permitted on the site at any one time, being comprised of four full-time staff, six volunteers and 50 visitors;
- 1.4 The hours of operation for the Unlisted Use (Community Purpose) shall be limited to the following:

##### Private Use (no visitors)

Monday to Friday: 8:30am to 5:00pm;

##### Visitors

Monday to Friday: 10:00am to 2:00pm;

#### 2. Parking and Access

- 2.1 A minimum of four off-street parking bays shall be provided;
- 2.2 All off-street parking is to be available during business hours for staff members. The parking bays are not to be used for storage purposes or the like;
- 2.3 A minimum of six bicycle facilities (two internal and four external) shall be provided and designed in accordance with AS2890.3 prior to the occupation of the premises;
- 2.4 Prior to the use of the premises as an Unlisted Use (Community Purpose), the existing roller door to the Right of Way shall be modified to provide a minimum width of 6 metres;

- 2.5 Access to the premises from the Right of Way shall be restricted to staff and volunteers only. Visitors to the premises shall only enter the premises from Bramall Street; and
- 2.6 The existing crossover from Bramall Street being removed, and the kerbing and verge reinstated with landscaping to the specification and satisfaction of the City;

### 3. Management Plan

Prior to occupation, a Management Plan is to be submitted to and approved by the City, that addresses the control of anti-social behaviour (to reasonable levels) associated with the proposed use, including how visitors to will enter and leave the premises. The Management Plan is to be approved by the City and thereafter implemented to the City's satisfaction, and is to consider the following:

- 3.1 How visitors will be managed, including before, during and after the lunch period, so as to minimise the impact on the surrounding area;
- 3.2 A complaints management procedure, detailing how complaints and incidents will be managed should they occur;
- 3.3 Security and safety of staff, volunteers, and visitors within the premises, as well as adjoining businesses and residents; and
- 3.4 Waste management;

The approved Management Plan shall be reviewed after 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan, to be approved by the City and thereafter implemented;

### 4. Signage

All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained; 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 Loden, **Seconded:** Cr Topelberg

That the recommendation be adopted.

### **PROPOSED AMENDMENT**

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

That the recommendation 1.3 be amended as follows:

- 1.3 A maximum of ~~60~~ 40 people are permitted on the site at any one time, being comprised of four full-time staff, six volunteers and 30 visitors;

**AMENDMENT LOST (1-8)**

**For:** Cr Gontaszewski

**Against:** Mayor Cole, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

#### PROCEDURAL MOTION

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

That the motion be DEFERRED to the next Council meeting on 11 December 2018 to allow for the provision of a management plan specific to the location with specific reference to parking management and access to the site.

**LOST (4-5)**

**For:** Mayor Cole, Cr Gontaszewski, Cr Hallett and Cr Topelberg

**Against:** Cr Castle, Cr Fotakis, Cr Harley, Cr Loden and Cr Murphy

#### **COUNCIL DECISION ITEM 9.1**

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

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 a Change of Use from Factory to Unlisted Use (Community Purpose) at No. 13 (Lot: 36; D/P: 2001) Bramall Street, East Perth, in accordance with the plans shown in Attachment 2 and the determination advice notes contained within Attachment 7:

##### 1. Use of Premises

- 1.1 This approval relates to a Change of Use from Factory to Unlisted Use (Community Purpose) as shown on the plans dated 3 September 2018. It does not relate to any other development on the site;
- 1.2 This approval is valid for two years from the date of commencement of the Unlisted Use (Community Purpose);
- 1.3 A maximum of 60 people are permitted on the site at any one time, being comprised of four full-time staff, six volunteers and 50 visitors;
- 1.4 The hours of operation for the Unlisted Use (Community Purpose) shall be limited to the following:

**Private Use (no visitors)**

Monday to Friday: 8:30am to 5:00pm;

**Visitors**

Monday to Friday: 10:00am to 2:00pm;

##### 2. Parking and Access

- 2.1 A minimum of four off-street parking bays shall be provided;
- 2.2 All off-street parking is to be available during business hours for staff members. The parking bays are not to be used for storage purposes or the like;
- 2.3 A minimum of six bicycle facilities (two internal and four external) shall be provided and designed in accordance with AS2890.3 prior to the occupation of the premises;
- 2.4 Prior to the use of the premises as an Unlisted Use (Community Purpose), the existing roller door to the Right of Way shall be modified to provide a minimum width of 6 metres;

- 2.5 Access to the premises from the Right of Way shall be restricted to staff and volunteers only. Visitors to the premises shall only enter the premises from Bramall Street; and
- 2.6 The existing crossover from Bramall Street being removed, and the kerbing and verge reinstated with landscaping to the specification and satisfaction of the City;

3. Management Plan

Prior to occupation, a Management Plan is to be submitted to and approved by the City, that addresses the control of anti-social behaviour (to reasonable levels) associated with the proposed use, including how visitors to will enter and leave the premises. The Management Plan is to be approved by the City and thereafter implemented to the City's satisfaction, and is to consider the following:

- 3.1 How visitors will be managed, including before, during and after the lunch period, so as to minimise the impact on the surrounding area;
- 3.2 A complaints management procedure, detailing how complaints and incidents will be managed should they occur;
- 3.3 Security and safety of staff, volunteers, and visitors within the premises, as well as adjoining businesses and residents; and
- 3.4 Waste management;

The approved Management Plan shall be reviewed after 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan, to be approved by the City and thereafter implemented;

4. Signage

All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained; 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 (7-2)**

**For:** Mayor Cole, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden and Cr Murphy

**Against:** Cr Gontaszewski and Cr Topelberg

## 11 CORPORATE SERVICES

### 11.1 LICENCE TO EXIPNOS PTY LTD FOR ALFRESCO STRUCTURE WITHIN ROAD RESERVE - UNITS 3 & 4 177 STIRLING STREET, PERTH - BRIKA BAR

TRIM Ref: D18/127274

Author: Meluka Bancroft, A/Manager Governance and Risk

Authoriser: Kerryn Batten, Director Corporate Services

Attachments: 1. Alfresco Floor Plan/Canopy Footprint - Brika Bar 

#### RECOMMENDATION:

That Council:

1. APPROVES a licence to Exipnos Pty Ltd to locate and use a permanent canopy structure within the portion of the road reserve adjacent to units 3 & 4 (Strata Lots 3 & 4, SP 59820) 177 Stirling Street, Perth, trading as the 'Brika Bar', as shown in the plan attached at Attachment 1, subject to the following key terms:

- 1.1 Term: 5 years, commencing 9 January 2019;
- 1.2 Permitted Use: non exclusive right to use the licence area as an alfresco area in connection with the operation of Brika Bar, with a 1.5m pedestrian access way being provided at all times to enable the public to pass through the area;
- 1.3 Licence Fee: \$2,166 excluding GST, to be paid in full prior to the commencement date;
- 1.4 Alfresco Permit: this licence is subject to the licensee holding an alfresco permit for the licence area at all times (in the event that the licensee is not issued with an alfresco permit the licence will immediately terminate);
- 1.5 Liquor Licence: the licensee must obtain and keep current a liquor licence for the outdoor eating area in order to serve alcohol in this area;
- 1.6 Permanent structures: only the permanent canopy structure previously approved by the City may be located within the outdoor eating area. Any alterations or additions to these structures will require the approval of the City (and Minister in some circumstances);
- 1.7 Maintenance: licensee must repair and maintain the structures within the licence area;
- 1.8 Repair of damage: licensee must repair any damage to the road reserve which arises as a result of its use of the outdoor eating area or the structures within the outdoor eating area, to the reasonable satisfaction of the City;
- 1.9 Removal of structure: at the expiry or early termination of the licence the licensee must remove all structures from the road reserve and make good the road reserve to the reasonable satisfaction of the City, at its cost;
- 1.10 Cleaning: licensee must keep the outdoor eating area clean and tidy and remove all rubbish;



- 1.11 Access: the City, State and public utilities may access the outdoor eating area at any time in connection with their services, and no compensation is payable to the licensee for any resultant loss;
- 1.12 Insurance: the licensee must effect and maintain public liability insurance for an amount not less than \$20,000,000 for the outdoor eating area and provide the City with a copy of the certificate of insurance annually and on demand;
- 1.13 Indemnity: the licensee indemnifies and agrees to keep indemnified the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees of any of them against all actions, claims, costs, proceedings, suits and demands whatsoever arising or connected with the outdoor eating area which may at any time be incurred or suffered by the licensee or brought, maintained or made against the Minister for Transport; Planning; Lands or the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees;
- 1.14 Assignment: the licensee may not assign or transfer its rights under this licence;
- 1.15 Termination: if the road reserve is required for use as part of the road at any time the City may terminate the licence and require that the licensee remove all structures, and no compensation will be payable to the licensee.
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.

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

That the recommendation be adopted.

#### **PROPOSED AMENDMENT 1**

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

That key term 1.14 be amended as follows:

- 1.14 Assignment: the licensee may ~~not~~ assign or transfer its rights under this licence subject to the consent of the City;

**AMENDMENT 1 CARRIED (9-0)**

**For:** 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 Gontaszewski**

That the recommendation be amended as follows:

1. APPROVES a licence to Exipnos Pty Ltd to locate and use a permanent canopy structure within the portion of the road reserve adjacent to units 3 & 4 (Strata Lots 3 & 4, SP 59820) 177 Stirling Street, Perth, trading as the 'Brika Bar', as shown in the plan attached at Attachment 1, subject to the following key terms:

- 1.1 Term: **5-years 2 years, commencing 9 January 2019;**
- 1.2 Option Term (licensee's option): **3 years, commencing 9 January 2021**
- 4.2 1.3 Permitted Use: **non exclusive right to use the licence area as an alfresco area in connection with the operation of Brika Bar, with a 1.5m pedestrian access way being provided at all times to enable the public to pass through the area;**
- 4.3 1.4 Licence Fee: **~~\$2,166~~ \$866.40 excluding GST, to be paid in full prior to the commencement date;**
- 1.5 Licence Fee for Option Term: **Fee adopted by the City for permanent alfresco structures within the road reserve, as included in the City's Schedule of Fees and Charges (as amended)**
- 4.4 1.6 Alfresco Permit: **this licence is subject to the licensee holding an alfresco permit for the licence area at all times (in the event that the licensee is not issued with an alfresco permit the licence will immediately terminate);**
- 4.5 1.7 Liquor Licence: **the licensee must obtain and keep current a liquor licence for the outdoor eating area in order to serve alcohol in this area;**
- 4.6 1.8 Permanent structures: **only the permanent canopy structure previously approved by the City may be located within the outdoor eating area. Any alterations or additions to these structures will require the approval of the City (and Minister in some circumstances);**
- 4.7 1.9 Maintenance: **licensee must repair and maintain the structures within the licence area;**
- 4.8 2.0 Repair of damage: **licensee must repair any damage to the road reserve which arises as a result of its use of the outdoor eating area or the structures within the outdoor eating area, to the reasonable satisfaction of the City;**
- 4.9 2.1 Removal of structure: **at the expiry or early termination of the licence the licensee must remove all structures from the road reserve and make good the road reserve to the reasonable satisfaction of the City, at its cost;**

- 4.40 1.11 **Cleaning:** licensee must keep the outdoor eating area clean and tidy and remove all rubbish;
- 4.44 1.12 **Access:** the City, State and public utilities may access the outdoor eating area at any time in connection with their services, and no compensation is payable to the licensee for any resultant loss;
- 4.42 1.14 **Insurance:** the licensee must effect and maintain public liability insurance for an amount not less than \$20,000,000 for the outdoor eating area and provide the City with a copy of the certificate of insurance annually and on demand;
- 4.43 1.15 **Indemnity:** the licensee indemnifies and agrees to keep indemnified the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees of any of them against all actions, claims, costs, proceedings, suits and demands whatsoever arising or connected with the outdoor eating area which may at any time be incurred or suffered by the licensee or brought, maintained or made against the Minister for Transport; Planning; Lands or the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees;
- 4.44 1.16 **Assignment:** the licensee may assign or transfer its rights under this licence;
- 4.45 1.17 **Termination:** if the road reserve is required for use as part of the road at any time the City may terminate the licence and require that the licensee remove all structures, and no compensation will be payable to the licensee.

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.

**3. REQUESTS Administration to:**

**3.1 develop a fee structure for permanent alfresco structures located within public space, to be presented to Council for consideration as part of the 2019/20 budget process; and**

**3.2 to provide Council with options on where these funds could be allocated, such as into the public open space reserve.**

**AMENDMENT 2 LOST (1-8)**

**For:** Cr Loden

**Against:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Murphy and Cr Topelberg

**COUNCIL DECISION ITEM 11.1**

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

That Council:

1. **APPROVES** a licence to Exipnos Pty Ltd to locate and use a permanent canopy structure within the portion of the road reserve adjacent to units 3 & 4 (Strata Lots 3 & 4, SP 59820) 177 Stirling Street, Perth, trading as the 'Brika Bar', as shown in the plan attached at Attachment 1, subject to the following key terms:
  - 1.1 **Term:** 5 years, commencing 9 January 2019;
  - 1.2 **Permitted Use:** non exclusive right to use the licence area as an alfresco area in connection with the operation of Brika Bar, with a 1.5m pedestrian access way being provided at all times to enable the public to pass through the area;
  - 1.3 **Licence Fee:** \$2,166 excluding GST, to be paid in full prior to the commencement date;
  - 1.4 **Alfresco Permit:** this licence is subject to the licensee holding an alfresco permit for the licence area at all times (in the event that the licensee is not issued with an alfresco permit the licence will immediately terminate);
  - 1.5 **Liquor Licence:** the licensee must obtain and keep current a liquor licence for the outdoor eating area in order to serve alcohol in this area;
  - 1.6 **Permanent structures:** only the permanent canopy structure previously approved by the City may be located within the outdoor eating area. Any alterations or additions to these structures will require the approval of the City (and Minister in some circumstances);
  - 1.7 **Maintenance:** licensee must repair and maintain the structures within the licence area;
  - 1.8 **Repair of damage:** licensee must repair any damage to the road reserve which arises as a result of its use of the outdoor eating area or the structures within the outdoor eating area, to the reasonable satisfaction of the City;
  - 1.9 **Removal of structure:** at the expiry or early termination of the licence the licensee must remove all structures from the road reserve and make good the road reserve to the reasonable satisfaction of the City, at its cost;
  - 1.10 **Cleaning:** licensee must keep the outdoor eating area clean and tidy and remove all rubbish;
  - 1.11 **Access:** the City, State and public utilities may access the outdoor eating area at any time in connection with their services, and no compensation is payable to the licensee for any resultant loss;
  - 1.12 **Insurance:** the licensee must effect and maintain public liability insurance for an amount not less than \$20,000,000 for the outdoor eating area and provide the City with a copy of the certificate of insurance annually and on demand;
  - 1.13 **Indemnity:** the licensee indemnifies and agrees to keep indemnified the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees of any of them against all actions, claims, costs, proceedings, suits and

demands whatsoever arising or connected with the outdoor eating area which may at any time be incurred or suffered by the licensee or brought, maintained or made against the Minister for Transport; Planning; Lands or the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees;

1.14 Assignment: the licensee may assign or transfer its rights under this licence subject to the consent of the City;

1.15 Termination: if the road reserve is required for use as part of the road at any time the City may terminate the licence and require that the licensee remove all structures, and no compensation will be payable to the licensee.

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.**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**11.2 STATUTORY REVIEW OF CITY OF VINCENT'S WARDS AND REPRESENTATION**

TRIM Ref: D18/160473

Author: Meluka Bancroft, A/Manager Governance and Risk

Authoriser: Kerryn Batten, Director Corporate Services

Attachments: 1. Community consultation discussion paper   
2. Map of current ward boundaries **RECOMMENDATION:**

That Council:

1. **NOTES** that eight years has elapsed since the City of Vincent last undertook a review of its ward boundaries and ward representation, and therefore in accordance with clause 6.1 of Schedule 2.2 of the *Local Government Act 1995* the City is required to undertake a review this calendar year.
2. **AUTHORISES** the Chief Executive Officer pursuant to clause 7 of schedule 2.2 of the *Local Government Act 1995* to provide local public notice advising that:
  - (a) a review is being carried out; and
  - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given;prior to undertaking the review as set out in 1. above.
3. **RELEASES** for public consultation the Discussion Paper titled 'Review of The City's Wards and Representation' (Attachment 1), for the purposes of providing local public notice in accordance with 2. above;
4. **NOTES** that the Discussion Paper in 3. above will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
5. **NOTES** that the Chief Executive Officer will present the outcomes of the review at the Ordinary Meeting of Council scheduled for 5 February 2019 for endorsement.

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

That the recommendation be adopted.

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


## 12 COMMUNITY ENGAGEMENT

### 12.4 TENNIS WEST PROPOSAL FOR ROBERTSON PARK, FITZGERALD STREET, PERTH

TRIM Ref: D18/161942

Author: Michael Quirk, Director Community Engagement

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. State Tennis Centre - Preliminary Concept Plan - Robertson Park 

#### RECOMMENDATION:

That Council:

1. **APPROVES** the inclusion of Robertson Park amongst the shortlisted sites within the State Tennis Centre Business Case being prepared by the Department of Local Government, Sport & Cultural Industries;
2. **REQUESTS** that the Department of Local Government, Sport & Cultural Industries and Tennis West consult with residents/businesses immediately surrounding Robertson Park regarding the State Tennis Centre proposal;
3. **REQUIRES** the Department of Local Government, Sport & Cultural Industries to consider and respond to feedback received from residents/businesses immediately surrounding Robertson Park within the State Tennis Centre Business Case; and
4. **NOTES** that Administration will provide Council with key feedback received from residents/businesses immediately surrounding Robertson Park regarding the proposed State Tennis Centre.

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

That the recommendation be adopted.

At 7.08pm, Cr Dan Loden left the meeting.

At 7.10pm, Cr Dan Loden returned to the meeting.

#### **PROPOSED AMENDMENT**

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

That the Recommendation be amended as follows:

That Council:

1. **APPROVES PROVIDES in-principle support for** the inclusion of Robertson Park amongst the shortlisted sites within the State Tennis Centre Business Case being prepared by the Department of Local Government, Sport & Cultural Industries;
2. **REQUESTS** that the Department of Local Government, Sport & Cultural Industries and Tennis West consult with residents/businesses immediately surrounding Robertson Park regarding the State Tennis Centre proposal;
3. **REQUIRES** the Department of Local Government, Sport & Cultural Industries to consider and respond to feedback received from residents/businesses immediately surrounding Robertson Park within the State Tennis Centre Business Case; and

~~4. NOTES that Administration will provide Council with key feedback received from residents/businesses immediately surrounding Robertson Park regarding the proposed State Tennis Centre.~~

~~4. REQUESTS that the Chief Executive Officer present a report back to the Ordinary Council Meeting on 5 February 2019 including feedback received from residents/businesses immediately surrounding Robertson Park as the basis for further decision making regarding support for the proposed State Tennis Centre.~~

**AMENDMENT CARRIED (9-0)**

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

**Against:** Nil

**COUNCIL DECISION ITEM 12.4**

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

**That Council:**

1. PROVIDES in-principle support for the inclusion of Robertson Park amongst the shortlisted sites within the State Tennis Centre Business Case being prepared by the Department of Local Government, Sport & Cultural Industries;
2. REQUESTS that the Department of Local Government, Sport & Cultural Industries and Tennis West consult with residents/businesses immediately surrounding Robertson Park regarding the State Tennis Centre proposal;
3. REQUIRES the Department of Local Government, Sport & Cultural Industries to consider and respond to feedback received from residents/businesses immediately surrounding Robertson Park within the State Tennis Centre Business Case; and
4. REQUESTS that the Chief Executive Officer present a report back to the Ordinary Council Meeting on 5 February 2019 including feedback received from residents/businesses immediately surrounding Robertson Park as the basis for further decision making regarding support for the proposed State Tennis Centre.














**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil



**13 CHIEF EXECUTIVE OFFICER****13.2 INFORMATION BULLETIN****TRIM Ref:** D17/177333**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** David MacLennan, Chief Executive Officer

- Attachments:**
1. Confirmed Minutes of the Business Advisory Group Meeting held on 22 March 2018 
  2. Unconfirmed Minutes of the Business Advisory Group Meeting held on 26 April 2018 
  3. Unconfirmed Minutes of the Safer Vincent Advisory Group Meeting held on 27 September 2018 
  4. Ranger Statistics for 1 July 2017 to 30 June 2018 
  5. Statistics for Development Applications as at end of October 2018 - to follow after Council Briefing due to end of month 
  6. Register of Legal Action and Prosecutions Register Monthly - Confidential
  7. Register of Orders and Notices Register Quarterly - Confidential - Confidential
  8. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 18 October 2018 
  9. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
  10. Register of Applications Referred to the Design Review Panel – Current 
  11. Register of Petitions - Progress Report - November 2018 
  12. Register of Notices of Motion - Progress Report - November 2018 
  13. Register of Reports to be Actioned - Progress Report - November 2018 
  14. Unconfirmed Minutes of the Urban Mobility Advisory Group held on 8 October 2018 
  15. Monthly Street Tree Removal Information 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated November 2018.

**COUNCIL DECISION ITEM 13.2**

**Moved:** Cr Loden, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**13.3 APPOINTMENT OF AN ALTERNATE MEMBER FOR MINDARIE REGIONAL COUNCIL – 6 DECEMBER 2018****TRIM Ref:** D18/169588**Author:** Meluka Bancroft, A/Manager Governance and Risk**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION:**

That Council **APPROVES BY ABSOLUTE MAJORITY** the appointment of Councillor ..... as its alternate member for the Mindarie Regional Council meeting to be held on 6 December 2018, due to the unavailability of Council's appointed member, Mayor Emma Cole.

**COUNCIL DECISION ITEM 13.3****Moved:** Cr Topelberg, **Seconded:** Cr Gontaszewski

That Council **APPROVES BY ABSOLUTE MAJORITY** the appointment of Councillor Topelberg as its alternate member for the Mindarie Regional Council meeting to be held on 6 December 2018, due to the unavailability of Council's appointed member, Mayor Emma Cole.

**CARRIED BY ABSOLUTE MAJORITY (9-0)****For:** 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 LATE ITEM: NOTICE OF MOTION - CR JOSHUA TOPELBERG - POLICY NO. 3.8.12 - MOBILE FOOD VENDORS**

That Council:

1. MODIFIES the Policy No. 3.8.12 – Mobile Food Vendor by:
  - 1.1. Deleting Location 1 from the map of Hyde Park (Section 3, Page 3); and
  - 1.2. Inserting a new Clause 5.15 as follows and renumbers the remaining clauses accordingly;
 

*“Vendors are not permitted to remain in the same trading zone for more than 5 hours on any one day”*
2. INFORMS all current permit holders of the new Clause 5.15; and
3. INITATES a review of the Policy No. 3.8.12 – Mobile Food Vendor Policy and requires a report to be presented to Council by no later than 30 April 2019 to consider a revised policy for the purposes of public consultation. That review is to consider the:
  - 3.1. Council’s approach to the use of City parks and reserves for commercial purposes;
  - 3.2. maximum number of hours that a vendor may remain in one location; and
  - 3.3. permitted trading locations throughout the district.

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

That the recommendation be adopted.

**PROPOSED AMENDMENT 1**

**Moved: Cr Hallett, Seconded: Cr Murphy**

That the recommendation be amended as follows:

1. MODIFIES the Policy No. 3.8.12 – Mobile Food Vendor by:
  - ~~1.1.~~ ~~D~~deleting Location 1 from the map of Hyde Park (Section 3, Page 3); and
  - ~~1.2.~~ ~~I~~nserting a new Clause 5.15 as follows and renumbers the remaining clauses accordingly;
 

~~*“Vendors are not permitted to remain in the same trading zone for more than 5 hours on any one day”*~~
- ~~2.~~ ~~I~~NFORMS all current permit holders of the new Clause 5.15; and
- ~~3.~~ ~~I~~INITATES a review of the Policy No. 3.8.12 – Mobile Food Vendor Policy and requires a report to be presented to Council by no later than 30 April 2019 to consider a revised policy for the purposes of public consultation. That review is to consider the:
  - ~~3.1.~~ Council’s approach to the use of City parks and reserves for commercial purposes;
  - ~~3.2.~~ maximum number of hours that a vendor may remain in one location; and

**32.3. permitted trading locations throughout the district.**

**CARRIED UNANIMOUSLY (8-1)**

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

**Against:** Cr Harley

**PROPOSED AMENDMENT 1**

**Moved: Cr Murphy, Seconded: Cr Fotakis**

That the recommendation be amended as follows:

~~1. MODIFIES the Policy No. 3.8.12 – Mobile Food Vendor by deleting Location 1 from the map of Hyde Park (Section 3, Page 3)~~

**21. INITATES a review of the Policy No. 3.8.12 – Mobile Food Vendor Policy and requires a report to be presented to Council by no later than 30 April 2019 to consider a revised policy for the purposes of public consultation. That review is to consider the:**

**21.1. Council’s approach to the use of City parks and reserves for commercial purposes;**

**21.2 maximum number of hours that a vendor may remain in one location; and**

**21.3. permitted trading locations throughout the district.**

**AMENDMENT 2 LOST (4-5)**

**For:** Mayor Cole, Cr Castle, Cr Fotakis and Cr Murphy

**Against:** Cr Gontaszewski, Cr Hallett, Cr Harley, Cr Loden and Cr Topelberg

At the request of the Presiding Member, Mayor Emma Cole, recommendations 1 and 2 were put separately.

**COUNCIL DECISION PART 1 ITEM 14.1**

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

That Council:

**1. MODIFIES the Policy No. 3.8.12 – Mobile Food Vendor by deleting Location 1 from the map of Hyde Park (Section 3, Page 3)**

**CARRIED (5-4)**

**For:** Cr Gontaszewski, Cr Hallett, Cr Harley, Cr Loden and Cr Topelberg

**Against:** Mayor Cole, Cr Castle, Cr Fotakis and Cr Murphy

**COUNCIL DECISION PART 2 ITEM 14.1****Moved: Cr Loden, Seconded: Cr Murphy****That Council:**

2. **INITATES a review of the Policy No. 3.8.12 – Mobile Food Vendor Policy and requires a report to be presented to Council by no later than 30 April 2019 to consider a revised policy for the purposes of public consultation. That review is to consider the:**
  - 2.1. **Council’s approach to the use of City parks and reserves for commercial purposes;**
  - 2.2 **maximum number of hours that a vendor may remain in one location; and**
  - 2.3. **permitted trading locations throughout the district.**

**CARRIED (7-2)****For:** Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden and Cr Topelberg**Against:** Mayor Cole and Cr Murphy

**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 Harley, Seconded: Cr Hallett**

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

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

At 7.59pm the meeting went behind closed doors and live streaming was stopped.

<b>PRESENT:</b>	Mayor Emma Cole	<b>Presiding Member</b>
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Roslyn Harley (from 6.13pm)	North Ward
	Cr Dan Loden	North Ward
	Cr Jimmy Murphy	South Ward
	Cr Joshua Topelberg	South Ward
<b>IN ATTENDANCE:</b>	David MacLennan	<b>Chief Executive Officer</b>
	Kerryn Batten	<b>Director Corporate Services</b>
	Luke Gibson	<b>A/Director Development Services</b>
	Andrew Murphy	<b>Director Engineering</b>
	Michael Quirk	<b>Director Community Engagement</b>
	Meluka Bancroft	<b>A/Manager Governance &amp; Risk</b>
	Emma Simmons	<b>Governance &amp; Council Support Officer</b>

No members of the press or public were present.

**COUNCIL DECISION****Moved: Cr Gontaszewski, Seconded: Cr Murphy****That the Council resume an “open meeting”.****CARRIED UNANIMOUSLY (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil

AT 8.02PM THE MEETING WAS RE-OPENED TO THE PUBLIC, LIVE STREAMING WAS RESUMED AND THE PRESIDING MEMBER MAYOR EMMA COLE READ ALLOWED THE RESOLUTION THAT WAS CARRIED BEHIND CLOSED DOORS.

**18.1 LEEDERVILLE GARDENS INC. - BOARD APPOINTMENTS****TRIM REF:** D18/170381**AUTHOR:** JOHN PATON, SPECIAL PROJECTS OFFICER**AUTHORISER:** KERRY BATTEN, DIRECTOR CORPORATE SERVICES**COUNCIL DECISION ITEM 18.1****MOVED: CR LODEN, SECONDED: CR FOTAKIS****THAT COUNCIL:****1. APPOINTS:****1.1 MR BRADLEY SCHRADER FOR A FURTHER THREE YEAR TERM; AND****1.2 MS JANE WEDGWOOD AND MS PINA CHRISTIE FOR A THREE YEAR TERM;****AS MEMBERS OF THE ASSOCIATION AND TO THE BOARD OF LEEDERVILLE GARDENS INC. COMMENCING FROM 18 NOVEMBER 2018 AND ENDING ON 17 NOVEMBER 2021; AND****2. ADVISES THE BOARD OF LEEDERVILLE GARDENS INC. OF COUNCIL’S DECISION.****CARRIED UNANIMOUSLY (9-0)****FOR:** 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 8.05pm with the following persons present:

<b>PRESENT:</b>	Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Roslyn Harley (from 6.13pm) 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
<b>IN ATTENDANCE:</b>	David MacLennan Kerry Batten Luke Gibson Andrew Murphy Michael Quirk Meluka Bancroft Emma Simmons	Chief Executive Officer Director Corporate Services A/Director Development Services Director Engineering Director Community Engagement A/Manager Governance & Risk 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 13 November 2018.

Signed: ..... Mayor Emma Cole

Dated this ..... day of .....2018