



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

11 December 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, 11 DECEMBER 2018 AT 6PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Roslyn Harley Cr Joshua Topelberg</p>	<p>Presiding Member South Ward North Ward North Ward South Ward North Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Kerryn Batten Roslind Ellis Luke Gibson Andrew Murphy John Paton (until 9.55pm) Meluka Bancroft Emma Simmons</p>	<p>Chief Executive Officer Director Corporate Services A/Director Community Engagement A/Director Development Services Director Engineering Manager – Office of the CEO A/Manager Governance & Risk Governance & Council Support Officer</p>
Media:	Nil	
Public:	Approximately 24 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

Cr Dan Loden on approved leave of absence from 4 December 2018 to 18 December 2018.
Cr Jimmy Murphy on approved leave of absence from 3 December 2018 to 17 December 2018.

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. Marie Slyth of West Perth – Item 4.1 of the AGM 30 January 2018
 - Stated that she would like to amend this motion to nominate Clever Precinct as a Character Retention area rather than a Heritage Precinct.

The Presiding Member Mayor Emma Cole thanked Ms Slyth for her comments and invited her to attend the Annual General Meeting of Electors on 29 January 2019.

2. Bruce Arnold of North Perth – Item 9.9

- Spoke in support of the application.
- Requested that Council waive the cash-in-lieu for the shortfall of vehicle parking on-site as there is substantial parking within the vicinity.

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

3. Ian Kerr of North Perth – Item 9.4

- Spoke against the application.
- Thanked the staff for their detailed report.
- Stated that the development at 110 Vincent Street, North Perth had several areas of non-compliance and queried why the application had been approved.

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

4. Caroline Cohen of East Perth – Item 12.1

- Spoke against the recommendation.
- Stated that the community had not been adequately notified of the City's recommendation to adopt the Draft Banks Reserve Master Plan.
- Stated that the public submissions raised several concerns that require further investigation.

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

5. Chris Hair of Perth – Item 12.2

- Spoke against the recommendation.
- Stated that further consideration of public submissions should be explored.

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

6. Brian Smith of North Perth – Item 10.3

- Spoke in support of the recommendations.
- Requested that Council consider installing a traffic island at the junction of Alfonso Street and Cleverton Street.

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

7. Dudley Maier of Highgate – Items 12.2, 9.2 and 11.6

Item 12.2

- Spoke against the recommendations.
- Stated that several organisations leasing properties from the City of Vincent had not been consulted in respect to the Strategy.
- Questioned process of summarising submissions received.

Item 9.2

- Stated that there were inadequacies in the parking management plan.

Item 11.6

- Stated that there was a mistake of \$420,000 in the carry-over.

The Presiding Member Mayor Emma Cole thanked Mr Maier for his comments and advised that all Vincent based sporting clubs and associations were advised of the public comment via email. Mayor Cole further advised Mr Maier that a total of 186 individual emails were sent to a range of stakeholders with 121 of these emails being opened by the recipients.

8. Malcom Boyd of East Perth – Item 12.1

- Spoke against the recommendation.
- Stated that the community had not been sufficiently consulted.
- Spoke against the concept of the Banks Plaza upgrade.

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

9. Carlo Famiano of Malaga on behalf of the applicant – Item 9.3

- Spoke in support of the application.
- Stated that the application has been amended to address Council concerns.
- Requested that Council approve the application in accordance with the officer's recommendation.

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

10. Gene Banducci of Mt Lawley – Item 9.4

- Spoke against the application.

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

11. Petar Mrdja of Urbanista Town Planning on behalf of the applicant – Item 9.7

- Spoke in support of the application.
- Stated that the applicant is happy for Council to impose a condition for an LDP to be prepared.

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

12. Andrea Baraiolo of Leederville – Item 9.6

- Spoke in support of the recommendation to refuse the application.

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

13. Lucy Benson of East Perth – Item 12.1

- Spoke against the recommendation.
- Reiterated previous concerns that the community had not been adequately notified of the City's recommendation to adopt the Draft Banks Reserve Master Plan.

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

13. Erika Lozick of East Perth – Item 12.1

- Spoke against the recommendation.
- Stated that there was a lack of communication with the residents of the area.
- Queried whether the Banks Reserve Pavilion has been upgraded or refurbished within the last few years.

The Presiding Member Mayor Emma Cole thanked Ms Lozick for her comments and noted that Ms Lozick's questions will be addressed during debate on the Item.

14. Jo Rahid of Mt Hawthorn – Item 10.1

- Queried whether the recommended introduction of a 3 hour parking restriction would be extended to Saturdays.

The Presiding Member Mayor Emma Cole thanked Mr Rahid for his comments and confirmed that a proposed amendment to extend the introduction of restricted parking to Saturdays had been tabled for Council's consideration.

There being no further speakers, Public Question Time closed at approximately 6.44pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Jonathon Hallett requested a leave of absence from 21 December 2018 to 18 January 2019 due to personal commitments.

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Gontaszewski

That Cr Hallett request for leave of absence be approved.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Anne Topelberg - Item 9.2

- Spoke in objection to the development proposal.
- Cited concerns about the inadequacy of the Parking Management Plan.

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

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Harley, Seconded: Cr Hallett

That the minutes of the Ordinary Council Meeting held on 13 November 2018 be confirmed.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Gontaszewski

That the minutes of the Special Council Meeting held on 3 December 2018 be confirmed.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 A REFLECTION ON 2018

2018 was a big and memorable year for the City of Vincent. We finally have a new Planning Scheme in place with the gazettal of LPS2 in May. This took four years to achieve so we were happy with the State Government on their decision.

We adopted our new Strategic Community Plan in October which was based on Imagining Vincent with our community. This was an extensive consultation and community engagement campaign the year before.

We adopted our first Long Term Financial Plan in June which was a step forward in our financial management at the City of Vincent.

We have done lots of work in the priority area of Public Open Space. On tonight's agenda we are looking at the POS Strategy. We have heard lots of comments tonight about the Banks Reserve Masterplan and in the New Year we will be starting the construction of the Leederville Shared Space and North Perth Common. We have also managed to convert our one and only sump into a park this year.

We have seen a major overhaul of our verge and street tree policies which is really starting to have an impact in our neighbourhood. If you go through some of our neighbourhood you will see street trees resplendent with decorations, swings, gnomes, veggie beds and even our first tree house in Vincent.

We have had a big year for street activations with continued commitment to Leedy Open Streets and a new Street Activations Policy to simplify play streets and street parties,

We have an Arts Development Action Plan which was prepared in-house with the assistance of our voluntary Arts Advisory Committee and we have a revised Greening Plan with new targets in the private realm to increase canopy.

We had our biggest NAIDOC Week celebrations in Hyde Park, and are on the way to achieving an innovative Reconciliation Action Plan. We have secured the support of the community to embark on trial of 40km/h speeds to make roads safer and more liveable.

In addition, we welcomed new CEO David MacLennan in October and I would like to say a huge thank you to Administration and particularly Luke Gibson for taking on the Acting Director role. It has been a pleasure to have you here and we have appreciated your calm and methodical manner.

I would also like to say a big thank you to my fellow Councillors for the energy, time and smarts you all bring to all of the matters that come before us and a big thank you to our community for supporting us in our endeavours and for your participation in and passion for Vincent life.

I would like to wish everyone a happy and safe festive season. We do have a big events programme happening if you check out our website at <https://events.vincent.wa.gov.au/>. I hope to see you at any of the Vincent Events over the summer.

8 DECLARATIONS OF INTEREST

8.1 Presiding Member, Mayor Emma Cole, declared an impartiality interest in Item 10.1 – Minor Parking Restriction Improvements/Amendments. The extent of her interest is that she lives on the adjacent street.

8.2 Cr Josh Topelberg declared a proximity interest in Item 9.2 – No. 342 (Lot: 101; D/P: 43048) William Street, Perth – Proposed Change of Use from Shop to Restaurant/Cafe. The extent of his interest being that his family own a property at 346 William Street, Perth. Cr Topelberg did not seek approval to remain in the Council Chamber, participate in the debate and to vote on the matter.

- 8.3** Chief Executive Officer, David MacLennan, declared a direct financial interest in Item 18.1 – Chief Executive Officer Key Performance Indicators 2018-19. The extent of his interest being that the item relates to his performance KPIs required under his employment contract with the City of Vincent.
- 8.4** Cr Alex Castle declared an impartiality interest in Item 18.2 – Amendment of rates record for the period 2013/14 – 2018/19 – rate exemption applications. The extent of her interest is noted within the Confidential Council Minutes.

REPORT

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 9.9, 9.4, 12.1, 12.2, 10.3, 10.1, 9.3, 9.7 and 9.6.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 11.6, 13.1 and 13.4.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 9.2, 18.1 and 18.2.

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 Harley	11.5

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 9.5, 9.8, 10.2, 10.4, 11.1, 11.2, 11.3, 11.4, 11.7, 13.2, 13.3 and 13.5
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Items 18.1 and 18.2.

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Harley, Seconded: Cr Fotakis

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

Items 9.5, 9.8, 10.2, 10.4, 11.1, 11.2, 11.3, 11.4, 11.7, 13.2, 13.3 and 13.5

CARRIED UNANIMOUSLY (7-0)










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

Against: Nil

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

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

9.5 NO. 157 (LOT: 17; D/P: 1509) LOFTUS STREET, LEEDERVILLE - PROPOSED FOUR DWELLINGS (MULTIPLE)**TRIM Ref:** D18/176382**Authors:** Andrea Terni, Urban Planner
Mitchell Hoad, Senior Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** North**Attachments:**

1. Attachment 1 - Location and Consultation Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Development Application Supporting Information 
4. Attachment 4 - Summary of Submissions 
5. Attachment 5 - Applicant's Response to Submissions 
6. Attachment 6 - Department of Planning comments 
7. Attachment 7 - Design Review Panel comments 
8. Attachment 8 - Sustainable Design Assessment Report 
9. Attachment 9 - 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 development application for Four Dwellings (Multiple) at No. 157 (Lot: 17; D/P: 1509) Loftus Street, Leederville in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. Landscaping

1.1 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:

- The location and type of existing and proposed trees and plants; and
- Areas to be irrigated or reticulated; and
- The location of canopy cover at maturity equating to no less than 30 percent of the site;

1.2 All works shown in the plans as identified in Condition 1.1 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;

2. Schedule of External Finishes

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

3. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary walls in a good and clean condition prior to the occupation or use of the development and thereafter to the satisfaction of the City;

4. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and

water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and shall be screened from view from the street, and surrounding properties to the satisfaction of the City;

5. Stormwater

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

6. Access

Prior to the first occupation of the development, the full length and width of the adjacent Right of Way shall be sealed and drained in accordance with the City's specification at the full cost of the develop;

7. Acoustic Report

An Acoustic Report shall be prepared and approved by the City prior to the lodgement of a building permit application, in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation. The recommended measures of the acoustic report shall be implemented and certification provided by an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;

8. Construction Management Plan

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

9. Environmentally Sustainable Design

Prior to the issuing of an Occupancy Permit, the Applicant must implement the recommendations of the submitted Sustainable Design Assessment Report. All initiatives must be maintained for the duration of the development, to the satisfaction of the City; and

10. General

The obligation to comply with the requirements of a time limited condition continues whilst the approved development exists.

COUNCIL DECISION ITEM 9.5

Moved: Cr Harley, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

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

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

9.8 SMALL BUSINESS FRIENDLY LOCAL GOVERNMENTS CHARTER**TRIM Ref:** D18/165760**Author:** Gerrad Gibson, Heritage Officer**Authoriser:** Jordan Korovesi, Coordinator Policy & Place**Attachments:**

1. Attachment 1 - Small Business Friendly Local Governments Charter 
2. Attachment 2 - Small Business Friendly Local Governments Brochure 
3. Attachment 3 - Small Business Friendly Local Governments Reporting Template 

RECOMMENDATION:That Council **AGREES** to:

1. the terms outlined in the Small Business Friendly Local Governments Charter; and
2. implement the Small Business Friendly Local Governments initiative.

COUNCIL DECISION ITEM 9.8**Moved:** Cr Harley, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)


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

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

10.2 TENDER NO. 561/18 - NORTH PERTH COMMON CONSTRUCTION – APPOINTMENT OF A SUCCESSFUL TENDERER**TRIM Ref: D18/159245****Author: Tahnee Bunting, Place Manager****Authoriser: Andrew Murphy, Director Engineering****Attachments: 1. Tender Evaluation and Pricing Schedule – Confidential****RECOMMENDATION:**

That Council **ACCEPTS** the tender submitted by BOS Civil for Tender No. 561/18 for the North Perth Common Construction.

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

10.4 WASTE STRATEGY PROJECT 1 – RECOVERY OF ORGANIC MATERIAL – FOOD AND GREENS OPTIONS APPRAISAL**TRIM Ref:** D18/177448**Author:** Yvette Plimbley, Manager Waste and Recycling**Authoriser:** Andrew Murphy, Director Engineering**Attachments:** 1. Options - Advantages and Disadvantages **RECOMMENDATION:**

That Council:

1. **SUPPORTS** in principle the future adoption of a three bin Food Organics/Garden Organics (FOGO) system for the City of Vincent in line with the draft State Waste Strategy;
2. **REQUESTS:**
 - 2.1 Administration to prepare a comprehensive business case for implementation of a three bin Food Organics/Garden Organics (FOGO) system to be presented to Council in March 2019;
 - 2.2 Administration to prepare a consultation plan to seek community input on the future adoption of a FOGO system;
 - 2.3 Administration to investigate external funding options to support the adoption of a FOGO system including through the Waste Authority's Better Bins Program; and
 - 2.4 further financial modelling to be presented to Council on the implications of the adoption of a FOGO system.

COUNCIL DECISION ITEM 10.4**Moved:** Cr Harley, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

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

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

11.1 INVESTMENT REPORT AS AT 30 NOVEMBER 2018**TRIM Ref: D18/186972****Author: Sheryl Teoh, Accountant****Authoriser: Kerryn Batten, Director Corporate Services****Attachments: 1. Investment Report ****RECOMMENDATION:**

That Council NOTES the Investment Report for the month ended 30 November 2018 as detailed in Attachment 1.




COUNCIL DECISION ITEM 11.1**Moved: Cr Harley, Seconded: Cr Fotakis****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (7-0)****(Cr Loden was on approved leave of absence for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)**

11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 17 OCTOBER 2018 TO
13 NOVEMBER 2018

TRIM Ref: D18/175206

Author: Nikki Hirrill, Accounts Payable Officer

Authoriser: Kerryn Batten, Director Corporate Services

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

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 17 October 2018 to 13 November 2018 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 82434 - 82470	\$9,840.00
Cancelled cheques	\$0.00
EFT and BPAY Documents 2317 – 2328 and 2330	\$3,498,680.05
Payroll	\$1,256,017.17
Direct Debits	
• Lease Fees	\$385.00
• Loan Repayments	\$148,540.85
• Bank Fees and Charges	\$28,556.32
• Credit Cards	\$6,499.05
Total Direct Debit	\$183,981.22
Total Accounts Paid	\$4,948,518.44

COUNCIL DECISION ITEM 11.2

Moved: Cr Harley, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

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

11.3 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2018**TRIM Ref:** D18/178449**Author:** Nilesh Makwana, Accounting Officer**Authoriser:** Kerryn Batten, Director Corporate Services**Attachments:** 1. Financial Statements as at 31 October 2018 **RECOMMENDATION:**

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

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

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

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

11.4 FINANCIAL STATEMENTS AS AT 30 NOVEMBER 2018

TRIM Ref: D18/188469

Author: Nilesh Makwana, Accounting Officer

Authoriser: Kerryn Batten, Director Corporate Services

Attachments: 1. Financial Statements as at 30 November 2018 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 30 November 2018 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.4**Moved: Cr Harley, Seconded: Cr Fotakis**

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

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

11.7 LEASE OF 15 HAYNES STREET, NORTH PERTH TO NORTH PERTH PLAYGROUP INC.**TRIM Ref:** D18/179853**Authors:** Kara Davies, Administration Officer Corporate Services
Meluka Bancroft, A/Manager Governance and Risk**Authoriser:** Kerryn Batten, Director Corporate Services**Attachments:** 1. Plan of North Perth Playgroup location and lease area **RECOMMENDATION:****That Council:**

1. **APPROVES** a new lease of a portion of the building at 15 Haynes Street, North Perth to North Perth Playgroup Inc., commencing on 1 January 2019, on the following key terms:
 - 1.1 **Term:** Two years, six months, commencing 1 January 2019;
 - 1.2 **Permitted purpose:** playgroup activities;
 - 1.3 **Rent:** \$952.24 including GST (indexed by CPI on 1 July);
 - 1.4 **Rates & Taxes:** payable by the lessee (including ESL and bin charge);
 - 1.5 **Outgoings:** payable by the lessee;
 - 1.6 **Insurance:** lessee to effect and maintain public liability insurance;
 - 1.7 **Indemnity:** lessee indemnifies the lessor against loss / damage / claims;
 - 1.8 **Repainting:** at the lessee's discretion;
 - 1.9 **Repair & maintenance:** lessee to keep premises and fittings & fixtures clean and in good repair, and repair any damage caused by lessee or due to fair wear and tear (unless major structural damage);
 - 1.10 **Structural damage:** if damage renders premises unsafe / unfit for occupation, lease will terminate and no compensation will be payable to lessee;
 - 1.11 **Shared use:** lessee can hire premises to community groups when not in use, and charge fee's consistent with fees in City's Schedule of Fees and Charges; and
 - 1.12 **Termination:** by mutual agreement or by lessor if default occurs.
2. **SUBJECT** to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the lease in 1 above.

COUNCIL DECISION ITEM 11.7**Moved:** Cr Harley, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

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

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

13.2 LEEDERVILLE GARDENS INC. - ADOPTION OF NEW RULES OF THE ASSOCIATION

TRIM Ref: D18/179319

Author: John Paton, Manager - Office of the CEO

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Leederville Gardens Inc. Constitution 
2. Leederville Gardens Inc. - Draft Rules/Constitution 2018 **RECOMMENDATION:**

That Council:

1. **CONSENTS** to the new Rules of the Leederville Gardens Inc. as detailed in Attachment 2 and as approved by special resolution of the members of the Association on Friday 7 December 2018; and
2. **ADVISES** the Board of Management of Leederville Gardens Inc. of its decision in 1 above.

COUNCIL DECISION ITEM 13.2**Moved:** Cr Harley, **Seconded:** Cr Fotakis



That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

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

13.3 AUDIT COMMITTEE MINUTES AND ANNUAL FINANCIAL REPORT 2017/2018**TRIM Ref:** D18/179075**Author:** Meluka Bancroft, A/Manager Governance and Risk**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:**





















1. Unconfirmed Minutes of the Audit Committee Meeting - 30 October 2018 
2. Annual Financial Report (audited) for year ended 30 June 2018 

RECOMMENDATION:**That Council:**

1. **RECEIVES** the unconfirmed Minutes of the Audit Committee meeting held on 30 October 2018, as shown in Attachment 1;
2. **ACCEPTS** the Annual Financial Report for the City of Vincent for the year ended 30 June 2018 and the associated Auditor's Report, as shown in Attachment 2.

COUNCIL DECISION ITEM 13.3**Moved:** Cr Harley, **Seconded:** Cr Fotakis**That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (7-0)****(Cr Loden was on approved leave of absence for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)**

13.5 INFORMATION BULLETIN**TRIM Ref:** D17/177334**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** David MacLennan, Chief Executive Officer

- Attachments:**
1. Minutes of the Environmental Advisory Group Meeting held on 6 August 2018 
 2. Minutes of the Design Review Panel Meeting held on 17 October 2018 
 3. Tamala Park Regional Council Minutes of Meeting held on 18 October 2018 
 4. Minutes of the Children and Young People Advisory Group Meeting held on 22 October 2018 
 5. Unconfirmed Minutes of the Reconciliation Action Plan Working Group held on 29 October 2018 
 6. Unconfirmed Minutes of the Arts Advisory Group held on 1 November 2018 
 7. Minutes of the Design Review Panel Meeting held on 14 November 2018 
 8. Mindarie Regional Council Minutes of Meeting held on 25 October 2018 
 9. Minutes of the Business Advisory Group Meeting held on 8 November 2018 
 10. Parking Infringement Write-Offs Under Delegated Authority - 1 July 2017 to 30 June 2018 
 11. Statistics for Development Applications as at end of November 2018 
 12. Register of Legal Action and Prosecutions Register Monthly - Confidential
 13. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 5 December 2018 
 14. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 15. Register of Applications Referred to the Design Review Panel – Current 
 16. Register of Petitions - Progress Report - December 2018 
 17. Register of Notices of Motion - Progress Report - December 2018 
 18. Register of Reports to be Actioned - Progress Report - December 2018 
 19. Street Tree Removal Information 
 20. Unconfirmed Minutes of the Urban Mobility Advisory Group held on 19 November 2018 
 21. Report on the Waste Strategy Summit 2018 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated December 2018.

COUNCIL DECISION ITEM 13.5

Moved: Cr Harley, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

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

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

9 DEVELOPMENT SERVICES










9.9 NO. 21 (LOT: 22; D/P: 1477) VINCENT STREET, MOUNT LAWLEY - AMENDMENT TO DEVELOPMENT APPROVAL FOR ALTERATIONS AND ADDITIONS TO EXISTING CONSULTING ROOMS AND A PROPOSED SINGLE HOUSE

TRIM Ref: D18/149330

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 Approval Documentation and Plans dated 23 February 2015 
 3. Attachment 3 - Development Plans 
 4. Attachment 4 - Written Submission 
 5. Attachment 5 - Parking Survey and Parking Management Plan 
 6. Attachment 6 - Heritage Impact Statement and Response from Design Review Panel 
 7. Attachment 7 - Summary of Submissions and Administration Response 
 8. Attachment 8 - Summary of Submissions and Applicant's Response 
 9. Attachment 9 - 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 to amend a development approval for Alterations and Additions to existing Consulting Rooms and a proposed Single House at No. 21 (Lot: 22; D/P: 1477) Vincent Street, Mount Lawley, in accordance with the plans shown in Attachment 3 dated 23 July 2018 and 22 October 2018, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. All conditions and advice notes detailed on development approval 5.2014.656.1 granted on 23 February 2015 and included in Attachment 2 continue to apply to this approval, except as follows:
 - 1.1 Condition 3.1 (cash in lieu of car parking) is removed;
 - 1.2 Condition 3.2 is amended to read as follows:
 - 3.2 Prior to occupation/use of the development, a minimum of three bicycle parking bays, in the form of two (2) Class 3 bicycle bay facilities for the Commercial component shall be provided. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;
 - 1.3 A new condition 10 is imposed to read as follows:
 10. Landscaping
 - 10.1 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:
 - The location and type of existing and proposed trees and plants, based on the City's tree selection tool and to maximise the provision of canopy cover; and
 - Areas to be irrigated or reticulated;

10.2 All works shown in the plans as identified in Condition 10.1 shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to completion of development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

1.4 A new Condition 2.4 is imposed to read as follows:

11. The Consulting Rooms shall not accommodate more than two clients on-site ~~being treated by the two health practitioners~~ at any given time;

1.5 A new Condition 2.5 is imposed to read as follows:

12. Appointments with each health practitioner shall be scheduled no less than 10 minutes apart to avoid the overlap of clients on site;

1.6 A new Condition 11 is imposed to read as follows:

13. The obligation to comply with the requirements of a time limited condition continues whilst the approved development exists;

1.7 A new Condition 12 is imposed to read as follows:

14. This approval is valid for two years from the date of this approval; and

1.8 Condition 4.1 (Terrace Roofing) is removed.

COUNCIL DECISION ITEM 9.9

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

9.4 NO. 108 (LOT: 3; D/P: 3110) VINCENT STREET, NORTH PERTH - CHANGE OF USE FROM SINGLE HOUSE TO UNLISTED USE (MILLINERY)**TRIM Ref:** D18/164405**Author:** Stephanie Norgaard, Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** South**Attachments:**

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Statement of Use 
4. Attachment 4 - Car Parking Management Plan 
5. Attachment 5 - Summary of Submissions 
6. Attachment 6 - 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 proposed Change of Use from Single House to Unlisted Use (Millinery) at No. 108 (Lot: 3; D/P: 3110) Vincent Street, North Perth, in accordance with the 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 This approval relates to a Change of Use from 'Single House' to 'Unlisted Use (Millinery)' on the approved plans dated 9 May 2018. It does not relate to any other development on the site;
- 1.2 A maximum of one employee and three customers shall occupy the building at any one time; and
- 1.3 The hours of operation for the 'Unlisted Use (Millinery)' shall be limited to between 9:00am and 5:00pm, Monday to Friday;

2. Car Parking and Access

A minimum of one car bay shall be provided for the exclusive use of the Unlisted Use (Millinery);

3. Signage

A maximum of one external sign is permitted, which shall not exceed 0.5 square metres in area; and

4. General

The obligation to comply with the requirements of a time limited condition continues whilst the approved development exists.

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Topelberg, **Seconded:** Cr Harley

That condition 3 be amended as follows:

3. **Signage**

~~A maximum of one external sign is permitted, which shall not exceed 0.5 square metres in area; and Signage does not form part of this development approval and any signage on this site would require development approval;~~

AMENDMENT 1 LOST (0-7)

For: Nil

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

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

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

PROPOSED AMENDMENT 2

Moved: Cr Topelberg, **Seconded:** Cr Harley

That condition 3 be amended as follows:

3. **Signage**

A maximum of one external sign is permitted, which shall not exceed 0.5 square metres in area. The design and location of any proposed signage is to be endorsed by the City prior to installation; and

AMENDMENT 2 CARRIED (7-0)

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

Against: Nil.

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

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

COUNCIL DECISION ITEM 9.4

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

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 proposed Change of Use from Single House to Unlisted Use (Millinery) at No. 108 (Lot: 3; D/P: 3110) Vincent Street, North Perth, in accordance with the 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 This approval relates to a Change of Use from 'Single House' to 'Unlisted Use (Millinery)'

on the approved plans dated 9 May 2018. It does not relate to any other development on the site;

1.2 A maximum of one employee and three customers shall occupy the building at any one time; and

1.3 The hours of operation for the 'Unlisted Use (Millinery)' shall be limited to between 9:00am and 5:00pm, Monday to Friday;

2. Car Parking and Access

A minimum of one car bay shall be provided for the exclusive use of the Unlisted Use (Millinery);

3. Signage

A maximum of one external sign is permitted, which shall not exceed 0.5 square metres in area. The design and location of any proposed signage is to be endorsed by the City prior to installation; and

4. General

The obligation to comply with the requirements of a time limited condition continues whilst the approved development exists.

CARRIED UNANIMOUSLY (6-1)

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

Against: Cr Harley

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

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

12 COMMUNITY ENGAGEMENT

12.1 DRAFT BANKS RESERVE MASTER PLAN - PUBLIC COMMENT FEEDBACK

TRIM Ref: D18/164486

Author: Philippa Baker, Community Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Banks Reserve Master Plan 
2. Banks Reserve Master Plan Design Guidelines 

RECOMMENDATION:

That the Council:

1. NOTES the public comment submissions received in relation to the draft Banks Reserve Master Plan;
2. ADOPTS the Banks Reserve Master Plan and associated Design Guidelines as shown in Attachments 1 and 2; and
3. AUTHORISES Administration to consult with the Whadjuk Working Party and other relevant stakeholders regarding the potential renaming of Banks Reserve in accordance with the Policies and Standards for Geographical Naming in Western Australia.

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be adopted.

COUNCIL DECISION ITEM 12.1

PROCEDURAL MOTION

Moved: Cr Harley, Seconded: Cr Gontaszewski

That the motion be DEFERRED to the Council Meeting on 5 February 2019 and Administration to advise respondents of the meeting date.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

12.2 DRAFT PUBLIC OPEN SPACE STRATEGY - PUBLIC COMMENT FEEDBACK**TRIM Ref:** D18/169317**Author:** Philippa Baker, Community Projects Officer**Authoriser:** Michael Quirk, Director Community Engagement**Attachments:** 1. Public Open Space Strategy December 2018 **RECOMMENDATION:****That Council:**

1. **NOTES** the public comment submissions received in relation to the Draft Public Open Space Strategy; and
2. **ADOPTS** the Public Open Space Strategy as shown in Attachment 1.

COUNCIL DECISION ITEM 12.2**Moved: Cr Gontaszewski, Seconded: Cr Hallett****That the recommendation be adopted.****CARRIED UNANIMOUSLY (7-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley and Cr Topelberg**Against:** Nil**(Cr Loden was on approved leave of absence for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)**


10 ENGINEERING

10.3 FURTHER REPORT IN RESPONSE TO PETITION - ALMA ROAD AND CLAVERTON STREETS, NORTH PERTH TRAFFIC CALMING

TRIM Ref: D18/180120

Author: Craig Wilson, Manager Asset & Engineering

Authoriser: Andrew Murphy, Director Engineering

Attachments: 1. Plan No. 3484-CP-01 

RECOMMENDATION:

That Council:

1. **NOTES** the discussion of the Urban Mobility Advisory Group (UMAG) and the comments of the residents received as an outcome of the Public Forum held at the North Perth Town Hall on 12 November 2018;
2. **APPROVES** mid-block single lane slow points in Alma Road, between Camelia and Persimmon Streets and in Alfonso Street, between Claverton and Vincent Streets, as shown on Plan No. 3484-CP-01 (Attachment 1);
3. **AUTHORISES** the Director Engineering to:
 - 3.1 determine the precise location and extent of the works described in recommendation 2 above, in consultation with affected adjacent landowners; and
 - 3.2 consider the other matters raised as part of the further consultation, assess the impact of the mid-block single lane slow points once constructed and uses the data in liaison with the UMAG, to review the effectiveness of the slow points; and
4. **Inform**s the petitioners of the Council's decision.

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

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.3

PROCEDURAL MOTION

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

That the motion be DEFERRED to a Council Meeting no later than June 2019 to allow Administration to further consider the options for traffic calming in this area.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

At 8:20 pm, Cr Joshua Topelberg left the meeting.



At 8:21 pm, Cr Joanne Fotakis left the meeting.

10.1 MINOR PARKING RESTRICTION IMPROVEMENTS/AMENDMENTS

TRIM Ref: D18/181202

Author: Craig Wilson, Manager Asset & Engineering

Authoriser: Andrew Murphy, Director Engineering

Attachments: 1. Plan No. 3495-PP-01 
2. Plan No. 3496-PP-01 

RECOMMENDATION:

That Council:

1. APPROVES the following minor parking restriction improvements and amendments:
 - 1.1 the introduction of a 3P 8.00am to 6.00pm Monday to Friday parking restriction on Wavertree Place, and on Britannia Road, Leederville between Oxford Street and Seabrook Street as shown on Plan No. 3495-PP-01 (Attachment 1); and
 - 1.2 an on-road Loading Zone adjacent to 'Beaufort Central' at 250 Beaufort Street, Perth, as shown on Plan No. 3496-PP-01 (Attachment 2); and
2. NOTES that Administration will advise residents and businesses directly impacted by these minor parking restriction improvements and amendments.

Moved: Cr Hallett, Seconded: Cr Gontaszewski

That the recommendation be adopted.

At 8:21 pm, Cr Joshua Topelberg returned to the meeting.

At 8:23 pm, Cr Joanne Fotakis returned to the meeting.

PROPOSED AMENDMENT

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That Council:

1. APPROVES the following minor parking restriction improvements and amendments:
 - 1.1 the introduction of a 3P 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday parking restriction on Wavertree Place, and on Britannia Road, Leederville between Oxford Street and Seabrook Street as shown on Plan No. 3495-PP-01B (Attachment 1); and
 - 1.2 an on-road Loading Zone adjacent to 'Beaufort Central' at 250 Beaufort Street, Perth, as shown on Plan No. 3496-PP-01 (Attachment 2); and
2. NOTES that Administration will advise residents and businesses directly impacted by these minor parking restriction improvements and amendments.

AMENDMENT CARRIED (7-0)

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

Against: Nil

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

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

COUNCIL DECISION ITEM 10.1

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

That Council:

1. **APPROVES** the following minor parking restriction improvements and amendments:
 - 1.1 the introduction of a 3P 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday parking restriction on Wavertree Place, and on Britannia Road, Leederville between Oxford Street and Seabrook Street as shown on Plan No. 3495-PP-01B (Attachment 1); and
 - 1.2 an on-road Loading Zone adjacent to 'Beaufort Central' at 250 Beaufort Street, Perth, as shown on Plan No. 3496-PP-01 (Attachment 2); and
2. **NOTES** that Administration will advise residents and businesses directly impacted by these minor parking restriction improvements and amendments.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

9 DEVELOPMENT SERVICES

9.2 NO. 342 (LOT: 101; D/P: 43048) WILLIAM STREET, PERTH - PROPOSED CHANGE OF USE FROM SHOP TO RESTAURANT/CAFE






TRIM Ref: D18/170571

Author: Fiona Atkins, Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: South

Attachments:

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

RECOMMENDATION:

That Council:

1. APPROVES a minor parking restriction amendment to convert the existing on-street adjacent to No. 342 (Lot: 101; D/P: 43048) William Street, Perth, from Loading Zone to 1/4P At All Times; and
2. 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 Shop to Restaurant/Café at No. 342 (Lot: 101; D/P: 43048) William Street, Perth, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:
 - 2.1 Use of Premises
 - 2.1.1 The area shown as 'Restaurant/Café' on the approved plans shall be used in accordance with the definition of 'Restaurant/Café' as defined by the City's Local Planning Scheme No. 2; and
 - 2.1.2 The maximum of 63 people shall be on site at any one time;
 - 2.2 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;
 - 2.3 Cash in Lieu

A cash-in-lieu contribution of \$6,750 shall be paid to the City for the shortfall of 1.25 car bays, based on the cost of \$5,400 per bay as set out in the City's 2018/2019 Schedule of Fees and Charges. 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;
 - 2.4 Bicycle Facilities

A cash-in-lieu contribution of \$800 shall be paid to the City for the shortfall of three bicycle bays;

2.5 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

2.6 General

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

At 8:24 pm, Cr Joshua Topelberg left the meeting.

Moved: Cr Gontaszewski, Seconded: Cr Castle

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Castle

That condition 2.2 be amended as follows:

2.2 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 and ;~~

That the applicant provides an updated parking management plan to the satisfaction of the City prior to the commencement of the use and;

AMENDMENT 1 CARRIED (6-0)

For: Mayor Cole, Cr Fotakis, Cr Gontaszewski, Cr Castle, Cr Hallett and Cr Harley

Against: Nil

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

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

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

PROPOSED AMENDMENT 2**Moved: Cr Harley, Seconded: Cr Gontaszewski**

That recommendation 1 be DELETED and the remaining recommendations renumbered accordingly

AMENDMENT 2 CARRIED (6-0)**For:** Mayor Cole, Cr Fotakis, Cr Gontaszewski, Cr Castle, Cr Hallett and Cr Harley**Against:** Nil**(Cr Loden was on approved leave of absence for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)****(Cr Topelberg was absent from the Council Chamber and did not vote.)****PROPOSED AMENDMENT 3****Moved: Cr Gontaszewski, Seconded: Cr Hallett**

That the recommendation 1.1.2 be amended as follows:

1.1.2 The maximum of ~~63~~ people on site at any one time shall be 2 staff, 5 take away patrons and 56 seated patrons;**AMENDMENT 3 LOST (1-5)****For:** Cr Gontaszewski**Against:** Mayor Cole, Cr Castle, Cr Fotakis, Cr Hallett and Cr Harley**(Cr Loden was on approved leave of absence for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)****(Cr Topelberg was absent from the Council Chamber and did not vote.)****PROPOSED AMENDMENT 4****Moved: Cr Harley, Seconded: Cr Fotakis**

That the recommendation 1.1.2 be amended as follows:

1.1.2 A maximum of ~~63~~ people shall be on site at any one time;**AMENDMENT 4 LOST (1-5)****For:** Cr Harley**Against:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis and Cr Hallett**(Cr Loden was on approved leave of absence for the Meeting.)****(Cr Murphy was on approved leave of absence for the Meeting.)****(Cr Topelberg was absent from the Council Chamber and did not vote.)**

PROPOSED AMENDMENT 5**Moved:** Cr Castle, **Seconded:** Cr Gontaszewski

That the recommendation 1.1.2 be amended as follows:

1.1.2 A maximum of 650 people shall be on site at any one time;**AMENDMENT 5 CARRIED (5-1)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis and Cr Hallett**Against:** Cr Harley

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

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

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

PROPOSED AMENDMENT 6**Moved:** Cr Castle, **Seconded:** Cr Gontaszewski

That the recommendation 1.1.2 be amended as follows:

1.1.2 A maximum of 50 people shall be on site, including any alfresco area, at any one time;**AMENDMENT 6 CARRIED (4-2)****For:** Cr Gontaszewski, Cr Castle, Cr Fotakis and Cr Hallett**Against:** Mayor Cole and Cr Harley

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

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

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

PROPOSED AMENDMENT 7**Moved:** Cr Gontaszewski, **Seconded:** Cr Castle

That the recommendation 1.4 be amended as follows:

1.4 **Bicycle Facilities**A cash-in-lieu contribution of ~~\$800~~ 400 shall be paid to the City for the shortfall of ~~three~~ two bicycle bays;**AMENDMENT 7 CARRIED (5-1)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis and Cr Hallett

Against: Cr Harley

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

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

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

PROPOSED AMENDMENT 8

Moved: Cr Fotakis, Seconded: Cr Castle

That the recommendation 1.3 be amended as follows:

1.3 Cash in Lieu

A cash-in-lieu contribution of \$6,750 shall be paid to the City, equal to ~~for the shortfall of~~ 1.25 car bays, based on the cost of \$5,400 per bay as set out in the City's 2018/2019 Schedule of Fees and Charges, 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;

AMENDMENT CARRIED (6-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett and Cr Harley

Against: Nil

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

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

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

COUNCIL DECISION ITEM 9.2

Moved: Cr Gontaszewski, Seconded: Cr Castle

That Council:

1. 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 Shop to Restaurant/Café at No. 342 (Lot: 101; D/P: 43048) William Street, Perth, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1.1 Use of Premises

1.1.1 The area shown as 'Restaurant/Café' on the approved plans shall be used in accordance with the definition of 'Restaurant/Café' as defined by the City's Local Planning Scheme No. 2; and

1.1.2 A maximum of 50 people shall be on site, including any alfresco area, at any one time;

1.2 Car Parking and Access

That the applicant provides an updated parking management plan to the satisfaction of the City prior to the commencement of the use and;

1.3 Cash in Lieu

A cash-in-lieu contribution of \$6,750 shall be paid to the City, equal to 1.25 car bays, based on the cost of \$5,400 per bay as set out in the City's 2018/2019 Schedule of Fees and Charges. 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;

1.4 Bicycle Facilities

A cash-in-lieu contribution of \$400 shall be paid to the City for the shortfall of two bicycle bays;

1.5 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

1.6 General

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

CARRIED (5-1)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis and Cr Hallett

Against: Cr Harley

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

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

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

At 9:32 pm, Cr Joshua Topelberg returned to the meeting.

11 CORPORATE SERVICES**11.6 NOVEMBER 2018 BUDGET REVIEW (INCLUDING CARRY FORWARDS)**

TRIM Ref: D18/180777

Author: Vanisha Govender, Manager Financial Services

Authoriser: Kerryn Batten, Director Corporate Services

Attachments:

1. Statement of Comprehensive Income by Nature or Type 
2. Statement of Comprehensive Income by Program 
3. Rate Setting Statement 
4. List of other Budget amendments 
5. List of Capital expenditure amendments 

RECOMMENDATION:

That Council BY ABSOLUTE MAJORITY:

1. **ADOPTS** the November 2018 Budget amendments to the 2018/2019 annual budget as detailed in the report and Attachments 1 – 5,
2. **WAIVES** the 2018/19 local government rates for the following organisations, pursuant to Section 6.47 of the *Local Government Act 1995*:

• East Perth Football Club Inc	Leederville Oval	\$ 1,309.76
• Subiaco Football Club Inc	Leederville Oval	\$ 1,309.83
• Earlybirds Playgroup Inc	87 The Boulevard, Mount Hawthorn	\$ 648.83
• North Perth Playgroup Inc	15 Haynes Street, North Perth	\$ 702.11
• Mount Hawthorn Toy Library Inc	Mt Hawthorn Community Centre	\$ 992.68
• Mount Hawthorn Playgroup Inc	Mt Hawthorn Community Centre	\$ 550.53
• North Perth Community Garden	Woodville Reserve	\$ 856.66
	TOTAL	\$6,370.40

COUNCIL DECISION ITEM 11.6**Moved:** Cr Gontaszewski, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (7-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley and Cr Topelberg**Against:** Nil

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

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

9 DEVELOPMENT SERVICES

9.3 NO. 47 (LOT: 502; D/P: 50409) JUGAN STREET, MOUNT HAWTHORN - S.31 RECONSIDERATION - PROPOSED FIVE GROUPED DWELLINGS






TRIM Ref: D18/165733

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 - Extract of Minutes of the Ordinary Meeting of Council 24 July 2018 and Refused Development Plans 
3. Attachment 3 - Current (amended) Development Plans 
4. Attachment 4 - Acoustic Report 
5. Attachment 5 - 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 24 July 2018 and APPROVES the application for the proposed Five Grouped Dwellings at No. 47 (Lot: 502; D/P: 50409) Jugan Street, Mount Hawthorn, in accordance with plans provided in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 5:

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 wall is 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 screened from view from the street, and surrounding properties to the satisfaction of the City;

3. Construction Management Plan

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

4. Stormwater

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

5. Schedule of External Finishes

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

6. Verge Tree

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

7. Clothes Drying Facility

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;

8. Landscape and Reticulation Plan

8.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall 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:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 30 percent canopy cover at maturity; and
- The provision of three new street trees along the verges of Jugan and Leeder Streets at the full cost of the applicant; 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. Car Parking and Access

9.1 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 occupancy or use of the development;

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

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

10. Acoustic Report

All recommended measures in the Acoustic Report submitted as part of this development application shall be undertaken in accordance with the report 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;

11. Street Walls and Fence

The infill panels of the front fencing shall be 75 per cent visually permeable, in accordance with the requirements of the Residential Design Codes; and

12. General

The obligation to comply with the requirements of a time limited condition continues whilst the approved development exists.

COUNCIL DECISION ITEM 9.3

Moved: Cr Hallett, Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

**9.7 AMENDMENT NO. 3 TO LOCAL PLANNING SCHEME NO. 2 - NO. 51 (LOT: 25; D/P: 1230)
MARIAN STREET, LEEDERVILLE**

TRIM Ref: D18/161755

Author: Mitchell Hoad, Senior Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: North

Attachments:

1. Attachment 1 - Location Plan 
2. Attachment 2 - Amendment No. 3 to Local Planning Scheme No. 2 Map 
3. Attachment 3 - Amendment No. 3 to Local Planning Scheme No. 2 Report 

RECOMMENDATION:

That Council:

1. **ADOPTS** Amendment No. 3 to Local Planning Scheme No. 2, included as Attachment 3, pursuant to Section 75 of the *Planning and Development Act 2005*;
2. **ADVISES** the Western Australian Planning Commission that Amendment No. 3 to Local Planning Scheme No. 2 is considered a standard amendment pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment:
 - Is consistent with the City's Local Planning Strategy which identifies the provision of high density residential and commercial activities within a walkable catchment of the Mount Hawthorn and Leederville Town Centres;
 - Is consistent with the intent of the Urban zone under the Metropolitan Region Scheme to provide for a range of commercial and residential activities;
 - Will have minimal impact on land in the scheme area that is not the subject of the amendment, with this detail to be resolved through a future development application;
 - Does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - Is not a complex or basic amendment;
3. **REFERS** Amendment No. 3 to Local Planning Scheme No. 2 to the Environmental Protection Authority, pursuant to Section 81 of the *Planning and Development Act 2005*; and
4. Subject to the approval of the Environmental Protection Authority, **ADVERTISES** Amendment No. 3 to Local Planning Scheme No 2 for public comment for a period of 42 days, pursuant to Regulation 47(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. **REQUESTS** the Western Australian Planning Commission to require a Local Development Plan for 320 - 324 Oxford Street and 51 Marian Street, pursuant to Clause 47(d) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

LOST (0-7)

For: Nil

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

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

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

COUNCIL DECISION ITEM 9.7

Moved: Cr Harley, Seconded: Cr Gontaszewski

ALTERNATIVE MOTION

That Council REFUSES to adopt proposed Amendment No. 3 to Local Planning Scheme No. 2, included as Attachment 3, pursuant to Section 75 of the *Planning and Development Act 2005* for the following reasons:

- 1. The proposed amendment will result in an inappropriate development interface with the adjoining property which is zoned Residential R30; and**
- 2. The proposed amendment will result in the encroachment of commercial uses along Marian Street which is a predominantly residential area. This encroachment of commercial uses will result in undue amenity impacts on the existing residential properties along Marian Street.**




AMENDMENT CARRIED (7-0)

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

Against: Nil

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

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

9.6 NO. 5 (LOT: 14; D/P: 1149) SCOTT STREET, LEEDERVILLE - TWO GROUPE D WELLINGS**TRIM Ref:** D18/159387**Authors:** Clair Morrison, Urban Planner
Mitchell Hoad, Senior Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** South**Attachments:**
1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - 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, REFUSES the application for two Grouped Dwellings at No. 5 (Lot: 14; D/P: 1149) Scott Street, Leederville, in accordance with the plans provided in Attachment 2, for the following reason:

1. The development does not satisfy the design principles of Clause 5.4.2 (Solar Access for Adjoining Sites) as it will result in the overshadowing of major openings to the existing dwelling on the abutting No. 3 Scott Street.

COUNCIL DECISION ITEM 9.6**PROCEDURAL MOTION****Moved:** Cr Harley, **Seconded:** Cr Hallett

That the motion be DEFERRED until no later than 5 February 2019 to allow the applicant to pursue an alternative design that addresses the impacts of overshadowing on the adjoining properties.

PROCEDURAL MOTION CARRIED UNANIMOUSLY (7-0)

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

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

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

9.1 NO. 16 (LOT: 13; D/P: 613) WELLMAN STREET, PERTH - AMENDMENT TO EXISTING APPROVAL FOR LIGHT INDUSTRY (MEAT PACKING FACILITY)

TRIM Ref: D18/166535

Author: Fiona Atkins, Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: South

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Extract of Minutes of the Ordinary Meeting of Council 30 June 2015 
3. Attachment 3 - Development Plans 
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 to amend the development approval (5.2014.638.1) granted on 30 June 2015 for an Industry – Light Use (Meat Packing Facility) at No. 16 (Lot: 13; D/P: 613) Wellman Street, Perth, subject to the following condition:

1. All conditions and advice notes continue to apply to this approval, with exception of Condition 10 which is deleted.

Moved: Cr Castle, Seconded: Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Castle, Seconded: Cr Gontaszewski

That the Condition 1 be amended to read as follows:

1. All conditions and advice notes continue to apply to this approval, with the exception of Condition 10 which is ~~deleted~~ modified to read as follows:

10. Approval Period

This Planning Approval is for a time-limited term of five years from the date of issue of the letter of approval. The Approval will cease to be valid after the expiry of this term.

AMENDMENT CARRIED (7-0)

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

Against: Nil

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

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

COUNCIL DECISION ITEM 9.1**Moved: Cr Castle, Seconded: Cr Gontaszewski**

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 (5.2014.638.1) granted on 30 June 2015 for an Industry – Light Use (Meat Packing Facility) at No. 16 (Lot: 13; D/P: 613) Wellman Street, Perth, subject to the following condition:

1. All conditions and advice notes continue to apply to this approval, with exception of Condition 10 which is deleted modified to read as follows:

10. **Approval Period**

This Planning Approval is for a time-limited term of five years from the date of issue of the letter of approval. The Approval will cease to be valid after the expiry of this term.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

11 CORPORATE SERVICES

11.5 LAND EXCHANGE - PORTION OF LOT 75 BRENTHAM STREET (BRENTHAM STREET RESERVE) FOR PORTION OF LOT 100 (NO 20) BRENTHAM STREET (ARANMORE CATHOLIC PRIMARY SCHOOL)

TRIM Ref: D17/127577

Authors: Meluka Bancroft, A/Manager Governance and Risk
John Paton, Manager - Office of the CEO

Authoriser: Kerryn Batten, Director Corporate Services

Attachments: 1. Plan of proposed land exchange 
2. Plan showing proposed future use of land 

RECOMMENDATION:

That Council:

1. REFUSES McAuley Property Limited's offer to purchase the northern portion (2,251m²) of Lot 75 Brentham Street, Leederville, for \$470,000;
2. AGREES in principle to the exchange of a 1,761m² portion of Lot 100 (No. 20) Brentham Street, Leederville, and Lot 37 Brentham Street, Leederville (area of 539m²), for an equal portion (2,300m²) of Lot 75 Brentham Street, Leederville (Brentham Street Reserve), as shown in Attachment 1, subject to the requirements of section 3.58(3) of the *Local Government Act 1995*;
3. AUTHORISES the Chief Executive Officer to provide public notice of the proposed land exchange as detailed in 2. above in accordance with section 3.58(3) of the *Local Government Act 1995*; and
4. NOTES that a report will be presented to Council following the provision of public notice as set out in 3. above in respect to the submissions received in response to the public notice, and to determine whether the City enters into a contract with McAuley Property Limited for the exchange of the land specified in 2. above, which is conditional upon the rezoning of the land under the City's Local Planning Scheme No. 2.

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That Recommendation 5 be added as follows:

5. NOTES that the land exchange as set out in 2. above involves Lot 37 Brentham Street, Leederville being exchanged as vacant land.

AMENDMENT 1 CARRIED (7-0)

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

Against: Nil

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

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

PROPOSED AMENDMENT 2

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

That Recommendation 6 be added as follows:

6. NOTES that the Aranmore Catholic Primary School Board and the Catholic Education Office will be responsible for communicating with the school community to explain the reasons for and benefits of the land exchange as set out in 2. above.

AMENDMENT 2 LOST (7-0)

For: Nil

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

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

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

PROPOSED AMENDMENT 3

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

That the recommendation 6 be added as follows:

6. REQUEST that the Aranmore Catholic Primary School Board and the Catholic Education Office agrees a communication plan with the City of Vincent for the school community to explain the reasons for, and benefits of, the land exchange as set out in 2. above.

AMENDMENT 3 CARRIED (7-0)

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

Against: Nil

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

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

COUNCIL DECISION ITEM 11.5

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

That Council:

1. REFUSES McAuley Property Limited's offer to purchase the northern portion (2,251m²) of Lot 75 Brentham Street, Leederville, for \$470,000;
2. AGREES in principle to the exchange of a 1,761m² portion of Lot 100 (No. 20) Brentham Street, Leederville, and Lot 37 Brentham Street, Leederville (area of 539m²), for an equal portion (2,300m²) of Lot 75 Brentham Street, Leederville (Brentham Street Reserve), as shown in Attachment 1, subject to the requirements of section 3.58(3) of the *Local Government Act 1995*;
3. AUTHORISES the Chief Executive Officer to provide public notice of the proposed land

exchange as detailed in 2. above in accordance with section 3.58(3) of the *Local Government Act 1995*; and

4. NOTES that a report will be presented to Council following the provision of public notice as set out in 3. above in respect to the submissions received in response to the public notice, and to determine whether the City enters into a contract with McAuley Property Limited for the exchange of the land specified in 2. above, which is conditional upon the rezoning of the land under the City's Local Planning Scheme No. 2.
5. NOTES that the land exchange as set out in 2. above involves Lot 37 Brentham Street, Leederville being exchanged as vacant land.
6. REQUEST that the Aranmore Catholic Primary School Board and the Catholic Education Office agrees a communication plan with the City of Vincent for the school community to explain the reasons for, and benefits of, the land exchange as set out in 2. above.

CARRIED UNANIMOUSLY (6-1)

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

Against: Cr Harley

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

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

13 CHIEF EXECUTIVE OFFICER**13.1 COUNCIL RECESS PERIOD 2018-19 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**

TRIM Ref: D18/178997

Author: Meluka Bancroft, A/Manager Governance and Risk

Authoriser: David MacLennan, Chief Executive Officer

Attachments: Nil

RECOMMENDATION:

That Council:

1. **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise from 12 December 2018 to 28 January 2019, and which are not the subject of delegated authority already granted by Council, subject to:
 - a. reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
 - b. reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
 - c. a report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 5 February 2019; and
 - d. a Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies.
2. **DETERMINES** for the purpose of section 5.43(b) of the *Local Government Act 1995* that the Chief Executive Officer can accept tenders up to a maximum value of \$420,000 for the period 12 December 2018 to 28 January 2019 subject to conditions a – d in resolution 1. above.

COUNCIL DECISION ITEM 13.1

Moved: Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (7-0)

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

Against: Nil

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

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

13.4 ANNUAL REPORT 2017/2018**TRIM Ref:** D18/147955**Author:** Rosslind Ellis, Manager Marketing and Communications**Authoriser:** Michael Quirk, Director Community Engagement**Attachments:**
1. Draft Annual Report 2017 - 2018 
2. Auditor Report 2017 - 2018 **RECOMMENDATION:**

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2017/2018 Financial Year, included as Attachment 1;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on Tuesday 29 January 2019 at 6.00pm in the City's Council Chambers, to present the City of Vincent Annual Report for the 2017/2018 Financial Year; and
3. **NOTES that:**
 - 3.1 the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
 - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 29 January and of the availability of the City of Vincent Annual Report for the 2017/2018 Financial Year, as soon as practicable after the report has been accepted by Council; and
 - 3.3 pursuant to Regulation 51 of the Local Government (Financial Management) Regulations 1996, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2017/2018 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor's Report on that Financial Report.

COUNCIL DECISION ITEM 13.4**Moved:** Cr Hallett, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (7-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley and Cr Topelberg**Against:** Nil

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

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

MOTION BE PUT

COUNCIL DECISION

Moved: Cr Topelberg, Seconded: Cr Hallett

That the motion be now put that the Council extend the meeting past 10pm.

CARRIED (6-1)

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

Against: Cr Harley

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

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

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

17 URGENT BUSINESS

Nil

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

COUNCIL DECISION

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

PROCEDURAL MOTION

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

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

At 10.07pm the meeting went behind closed doors and live streaming was stopped.

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Roslyn Harley	North Ward
	Cr Joshua Topelberg	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Kerryn Batten	Director Corporate Services
	Rosslind Ellis	A/Director Community Engagement
	Luke Gibson	A/Director Development Services
	Andrew Murphy	Director Engineering
	Meluka Bancroft	A/Manager Governance & Risk
	Emma Simmons	Governance & Council Support Officer

No members of the press or public were present.

COUNCIL DECISION

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

That the Council resume an “open meeting”.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

At 10.10pm Council resumed an open meeting, live streaming was resumed.

18.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS 2018-19**COUNCIL DECISION ITEM 18.1**

Moved: Cr Topelberg, Seconded: Cr Gontaszewkit

That Council ADOPTS the Key Performance Indicators to 30 June 2019 included in Confidential Attachment 1 as forming part of the Chief Executive Officer's contract of employment with the City of Vincent.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

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

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

18.2 AMENDMENT OF RATES RECORD FOR PERIOD 2013/14 - 2018/19 - RATES EXEMPTION APPLICATIONS

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

Local Government Act 1995 - Section 5.23(2):

- (b) the personal affairs of any person
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

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

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

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

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

19 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 10.15pm with the following persons present:

- | | | |
|-----------------------|--|--|
| PRESENT: | Mayor Emma Cole
Cr Susan Gontaszewski
Cr Alex Castle
Cr Joanne Fotakis
Cr Jonathan Hallett
Cr Roslyn Harley
Cr Joshua Topelberg | Presiding Member
South Ward
North Ward
North Ward
South Ward
North Ward
South Ward |
| IN ATTENDANCE: | David MacLennan
Kerryn Batten
Rosslind Ellis
Luke Gibson
Andrew Murphy
Meluka Bancroft
Emma Simmons | Chief Executive Officer
Director Corporate Services
A/Director Community Engagement
A/Director Development Services
Director Engineering
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 11 December 2018.

Signed: Mayor Emma Cole

Dated this day of2019