



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

2 April 2019

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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, 2 APRIL 2019 AT 6PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Roslyn Harley 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>
IN ATTENDANCE:	<p>David MacLennan Kerryn Batten Andrew Murphy</p> <p>Michael Quirk</p> <p>John Corbellini Joslin Colli Meluka Bancroft</p> <p>Natasha Brooks</p>	<p>Chief Executive Officer Executive Director Corporate Services Executive Director Infrastructure and Environment Executive Director Community Engagement Executive Director Development Services A/Manager Development and Design Manager Governance, Property and Contracts Governance and Council Support Officer</p>
Media:	Jess Warriner (Journalist), "The Guardian Express" (until approximately 8.56pm)	
Public:	Approximately 20 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.00pm 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. Amie Groom of Mt Lawley – Item 9.7

- Spoke against the recommendation.
- Queried whether the strata company has been consulted in respect to the use of the car park.
- Commented on the number of car parking bays required and how that impacts the car parking shortfall.

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

2. Ralph Groom of Mt Lawley – Item 9.7

- Represented the Council of Owners of 157 Harold Street.
- Spoke against the recommendation.
- Stated that the strata company has not approved the application being made.
- Stated that the car park will not be accessible by users of the proposed medical centre as only accessible with a swipe card.
- Stated that the application should be revisited to determine what parking bays are available.

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

3. Chris Marsh of Perth – Item 9.6

- Spoke against the proposed development and officer recommendation.
- Stated that short term, transient accommodation would erode the neighbourhood.

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

4. Allan Stewart of Perth – Item 9.6:

- Spoke against the proposed development and officer recommendation.
- Stated that the management plan would not work effectively.
- Noted that it was non-residential use and therefore needed to be considered in context of neighbourhood.
- Raised concerns about traffic and noise, especially parking impacting on streetscape.

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

5. Louisa Leung of Perth – Item 9.6:

- Resides adjacent to the proposed development.
- Spoke against the proposed development.
- Stated that a management plan was not sufficient.
- Stated that no one is available if there was noise or similar issues.

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

6. Kate Feutrill of Perth – Item 9.6:

- Spoke against the proposed development.

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

7. Victoria Jackson of Perth – Item 9.6

- Spoke against the recommendation.
- Stated that noise issues with parties in the street in short stay accommodation.
- Stated that it was not a hosted property so no supervision of occupation.
- Noted that behaviour had improved since a long-term resident had occupied the property.
- Concerned about the increasing number of registered short-term accommodation premises in Vincent.

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

8. Ruth Kogon of Perth – Item 9.6:

- Mother of owner of 8 Moir St.
- Spoke in support of the recommendation.

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

9. Jody Missell of Yokine – Item 9.6:

- Spoke on behalf of the owner of 8 Moir Street, Perth.
- Stated that the management plan had been updated to ensure that any issues were dealt with promptly, and included noise monitoring equipment.
- Noted that the car parking impact would be limited as a car bay provided at property and any additional cars would need to be parked in the nearby car park (not on the street).
- Stated that Heritage Council had been consulted and short term use was consistent with area.
- Stated that historically this property had been used for short term accommodation.
- Requested that Council grant a one-year trial for short term accommodation.

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

10. Erwin Biemel of Highgate - Item 9.7:

- Spoke in support of the application.
- Stated that sufficient parking bays were available for visitors who would have access via the intercom.

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

11. Martin McNiff of Mt Hawthorn – Item 9.8:

- Spoke in support of the officer recommendation.
- Stated that due to the scale and bulk of the development it should not be supported.
- Raised concerns with the rooftop terrace.

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

12. Robert Epiro of Highgate – Item 9.5:

- Noted that he was the owner and occupier and that he had worked with DRP and the architect to revise the design in light of comments from the community.
- Considered that he had worked with neighbours and would contribute to work together for a favourable outcome.

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

13. Coral Buxey of Perth - Item 9.4:

- Spoke on behalf of the applicant.
- Stated that the proposal will add to the community and activate the area.

The Presiding Member Mayor Emma Cole thanked Ms Buxey for his comments.

At 6:36 pm, Cr Joanne Fotakis left the meeting.

At 6:36 pm, Cr Joanne Fotakis returned to the meeting.

14. Diana of Perth - Item 9.6:

- Spoke against the recommendation.

The Presiding Member Mayor Emma Cole thanked Diana for her comments.

15. Leo Leung of Perth - Item 9.6:

- Resident of Moir St.

- Spoke against the recommendation.

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

16. Carol Scafe of Perth – Item 9.6:

- Spoke against the application.
- Raised concerns about whether adequate insurance existed for accidental fire or other damage.

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

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 Mayor Emma Cole requested a leave of absence from 3 April 2019 to 6 April 2019 inclusive due to personal commitments.

COUNCIL DECISION

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

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

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

4.2 Cr Dan Loden requested a leave of absence from 9 April 2019 to 25 April 2019 inclusive due to personal commitments.

COUNCIL DECISION

Moved: Mayor Cole, Seconded: Cr Hallett

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

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

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

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

That the minutes of the Ordinary Meeting held on 5 March 2019 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 Emma Cole made the following announcements:

7.1 PERTH MOSQUE CHRISTCHURCH MEMORIAL SERVICE

A week ago on Saturday 24 March, there was a significant event held outside the Perth Mosque. It was referred to by one of our residents this evening, Mr Chris Marsh, and at the briefing last week. It was a memorial held outside the Perth Mosque for the tragedy in Christchurch and it was certainly worthy of mentioning because it was a very significant coming together of people after a tragedy. The Perth Mosque held an open day, opened their doors, offering some incredible hospitality within the Mosque. It was a lovely opportunity for people to share stories, to come together, to meet, to eat together. There were speeches and I think one of the things that was particularly moving was to see both Haka for Life and Corroboree for Life perform both the Haka and a cultural ceremony. This ceremony really had at its heart the first people of both New Zealand and Australia. Speeches from members of the Muslim community were incredibly inclusive, spoke incredibly well and I think that everyone who attended felt that it was a really fantastic event to bring people together and to demonstrate unity at a time of distress over an incredible tragedy and an act of extremism in New Zealand. A wonderful opportunity and we thank the Perth Mosque for opening their doors to our community.

7.2 INTEGRATED TRANSPORT PLAN CONSULTATION

Our Integrated Transport Plan is open for consultation. This is about all things transport, whether you are walking, riding a scooter, cycling a bike, public transport – you name it, we're interested. We did have a forum on Saturday at the North Perth Town Hall and do have a survey and onsite consultation open until 13 April and welcome all feedback to write an Integrated Transport Plan that really sets us up sustainably for our future.

7.3 40KM/HOUR SPEED ZONE TRIAL

Also on transport, it's worth noting that our 40km/hour speed zone trial does start on the 29 April. It's finally happening after us talking about it for about two and a half years. It's really great to see this underway and I look forward to working with the Office of Road Safety to study the results of that trial to see what comes of that.

7.4 INFRASTRUCTURE PROJECTS

We have some significant infrastructure projects underway at the moment. We have been closing a few roads which can create some headaches for people but we think the results will be worthwhile and should be fantastic for our town centres. We are currently constructing the Leederville Village Square on Newcastle Street; we've reached a significant milestone with North Perth Common in that we are now just waiting for the overhead circular light artwork to be put in place; and also at Oxford Street North we have done significant road works up there and planted trees on Sunday which is great to see and will hopefully really cool down the town centre and make it look beautiful too.

7.5 NORTHBRIDGE COMMON

I'd like to say congratulations to Northbridge Common for a fantastic Neighbour Day event at Stewart Street Reserve on Sunday. It was simple and just about bringing people together and it really created an incredibly warm and friendly neighbourhood feeling. It goes to show that our town centres don't have to do anything fancy to bring people together, they just have to be welcoming, do it well and really entice neighbours out into the local park together.

7.6 NATIVE PLANTS SALE

This Saturday is our very popular Native Plant Sale and Sustainability Pop-up. It does start at 8am and if you want the Kangaroo Paws I recommend that you get there at 8am on the dot.

8 DECLARATIONS OF INTEREST

- 8.1** Cr. Josh Topelberg disclosed a financial interest in Item 9.8 – No. 58 (Lot: 301 & 302; D/P: 34680) Kalgoorlie Street, Mount Hawthorn – Single House. The extent of his interest is that the applicant is a current client of Cr Topelberg's business. Cr Topelberg is not seeking approval to participate in the debate or remain in the Chambers or vote on the matter.

REPORTS

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

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**
Items 9.7, 9.6, 9.8, 9.5 and 9.4.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Nil.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 9.8.

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	12.1
Cr Topelberg	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, 11.1, 11.2, 11.3, 11.4 and 13.1.
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Items 18.1.

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

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

**That the following unopposed items be adopted "En Bloc", as recommended:
Items 9.2, 9.3, 11.1, 11.2, 11.3, 11.4 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. 60 (LOT: 141 D/P: 32175), NO. 62 (LOT: 1 STR: 44480) AND NO. 62A (LOT: 2 STR: 44480) CHERITON STREET, PERTH - CHANGE OF USE TO UNLISTED USE (LODGING HOUSE)**TRIM Ref:** D19/16365**Author:** Mitchell Hoad, Senior Urban Planner**Authoriser:** Joslin Colli, A/Manager Development & Design**Ward:** South

- Attachments:**
1. Attachment 1 - Location and Consultation Plan 
 2. Attachment 2 - Development Plans 
 3. Attachment 3 - Parking Management Plan 
 4. Attachment 4 - Acoustic Report 
 5. Attachment 5 - Management Plans 
 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 Change of Use from Grouped Dwellings to Caretaker's Dwelling and Unlisted Use (Lodging House) at No. 60 (Lot: 141; D/P: 32175), No. 62 (Lot: 1; STR: 44480) and No. 62A (Lot: 2; STR: 44480) Cheriton Street, Perth, in accordance with the plans shown in Attachment 2 and the determination advice notes at Attachment 6:

1. Use of Premises

- 1.1 This approval relates to a Change of Use from Grouped Dwellings to Caretaker's Dwelling and Unlisted Use (Lodging House) as shown on the plans dated 13 December 2018. It does not relate to any other development on the site;
- 1.2 The use of the 'Caretaker's Unit' as shown on the plans dated 13 December 2018 shall only be used in accordance with the definition of Caretaker's Dwelling as defined in the City of Vincent's Local Planning Scheme No. 2 as follows:

"A dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.";
- 1.3 The occupant of the Caretaker's Dwelling shall reside permanently on the site;
- 1.4 A minimum of one on-site car parking bay shall be made available for the Caretaker's Dwelling to be used by the occupant, at all times; and
- 1.5 A maximum of 25 people are permitted on the site at any one time, being comprised of one caretaker and 24 guests;

2. Parking and Access

- 2.1 A minimum of seven off-street parking bays shall be provided. The parking bays are not to be used for storage purposes or the like;
- 2.2 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and
- 2.3 A minimum of six bicycle facilities shall be provided and designed in accordance with AS2890.3 prior to the occupation of the premises;

3. Management Plan

- 3.1 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. The Management Plan is to be approved by the City and thereafter implemented to the City's satisfaction, and is to consider the following:

- A complaints management procedure, detailing how complaints and incidents will be managed should they occur; and
- A code of conduct outlining the expectations of guests during their stay.

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; and

- 3.2 The code of conduct outlined in the amended Management Plan required by Condition 3.1 shall be provided to guests at the time of check-in and displayed in a prominent location within the premises;

4. Stormwater

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

5. Acoustic Report

- 5.1 A revised Acoustic Report shall be lodged with and approved by the City, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation prior to the commencement of the development; and

- 5.2 All of the recommended measures included in the approved revised Acoustic Report shall be implemented 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; and

6. Landscaping Plan

- 6.1 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 14.3 per cent of the site area as deep soil zones; and
- The appropriate selection of tree species (consistent with the City's Tree Selection Tool) to be located within the deep soil areas to maximise the provision of canopy coverage; and

- 6.2 All works shown in the plans identified in Condition 6.1 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.

COUNCIL DECISION ITEM 9.2

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

9.3 NOS. 194 - 196 (LOTS: 6 & 7; D/P: 1561) CARR PLACE, LEEDERVILLE - PROPOSED CHANGE OF USE TO UNLISTED USE (UNAUTHORISED EXISTING DEVELOPMENT - SITE YARD)





TRIM Ref: D19/22501

Author: Fiona Atkins, Urban Planner

Authoriser: Joslin Colli, A/Manager Development & Design

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 - Officer's Comments 
5. Attachment 5 - Progress Photograph of Construction at Nos. 269 - 271 Vincent Street Leederville 
6. Attachment 6 - Construction Management Plan (approved 21 November 2017) 
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 the proposed temporary Change of Use to Unlisted Use (Site Yard) at Nos. 194- 196 (Lots: 6 & 7; D/P: 1561) Carr Place, Leederville, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Use of Premises

- 1.1 This approval only relates to the Change of Use to Unlisted Use (Site Yard) as shown on the plans dated 28 August 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 approval. Following expiry of this period, the development shall not continue unless a further development approval is granted by the City; and
- 1.3 The Unlisted Use (Site Yard) shall operate in accordance with the Construction Management Plan dated 21 November 2017 (and all subsequent amendments);

2. Car Parking and Access

- 2.1 The Parking Management Plan shall be updated to include the following:
 - A maximum of 10 on site parking bays shall be provided; all other staff attending the site are required to park in surrounding public parking bays and required to comply with any applicable restrictions;
- 2.2 The approved Parking management Plan shall be implemented to the satisfaction of the City and maintained thereafter during the use of the site; and

3. Signage

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

COUNCIL DECISION ITEM 9.3

Moved: Cr Topelberg, Seconded: Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.1 INVESTMENT REPORT AS AT 28 FEBRUARY 2019**TRIM Ref:** D19/33979**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** Kerryn Batten, Director Corporate Services**Attachments:** 1. Investment Report February 2019 **RECOMMENDATION:**

That Council NOTES the Investment Report for the month ended 28 February 2019 as detailed in Attachment 1.

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 FEBRUARY 2019 TO 28 FEBRUARY 2019

TRIM Ref: D19/34172

Author: Nikki Hirrill, Accounts Payable Officer

Authoriser: Kerryn Batten, Executive Director Corporate Services

Attachments: 1. Payments by EFT, BPAY and Payroll February 2019 
2. Payments by Cheque February 2019 
3. Payments by Direct Debit February 2019 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 February 2019 to 28 February 2019 as detailed in attachment 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$4,079,719.33
Cheques	\$74,510.57
Direct debits, including credit cards	\$185,184.95
Total payments for February 2019	\$4,339,414.85

COUNCIL DECISION ITEM 11.2

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

11.3 FINANCIAL STATEMENTS AS AT 28 FEBRUARY 2019**TRIM Ref:** D19/36404**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** Kerryn Batten, Executive Director Corporate Services**Attachments:** 1. Financial Statements as at 28 February 2019 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 28 February 2019 as shown in Attachment 1.

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.4 AMENDMENTS TO THE TRADING IN PUBLIC PLACES LOCAL LAW 2008 AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008**TRIM Ref:** D18/193088**Authors:** Meluka Bancroft, Manager Governance, Property and Contracts
Alice Harford, Senior Strategic Planner**Authoriser:** Kerryn Batten, Executive Director Corporate Services**Attachments:**

1. Trading in Public Places Amendment Local Law 2019 (draft) 
2. Local Government Property Amendment Local Law 2019 (draft) 
3. Street Entertainment Policy (draft) 
4. Trading In Public Places Local Law 2008 (with amendments marked up) 
5. Local Government Property Local Law 2008 (with amendments marked up) 

RECOMMENDATION:**That Council:**

1. **GIVES Statewide and local public notice, in accordance with section 3.12 of the *Local Government Act 1995* stating that:**
 - 1.1 **It is proposed to make the City of Vincent Trading in Public Places Amendment Local Law 2019 at Attachment 1;**
 - 1.2 **The purpose of the City of Vincent Trading in Public Places Amendment Local Law 2019 is to repeal the City of Vincent Trading in Public Places Amendment Local Law 2015 and to amend the City of Vincent Trading in Public Places Local Law 2008 to:**
 - 1.2.1 **align the provisions with the City's online permit process for outdoor eating areas, goods, display and portable advertising signage;**
 - 1.2.2 **manage the placement of portable advertising signage on local government property;**
 - 1.2.3 **simplify the requirements relating to the Permit Free Entertainer Zones; and**
 - 1.2.4 **to make administrative modifications so that the local law aligns with the City's current objectives and processes;**
 - 1.3 **The effect of the City of Vincent Trading in Public Places Amendment Local Law 2019 is that:**
 - 1.3.1 **the City's online permit process for outdoor eating area, goods display and portable advertising signage will be reflected in the local law;**
 - 1.3.2 **portable advertising signage on local government property will now be governed by the Trading in Public Places Amendment Local Law 2019;**
 - 1.3.3 **the requirements relating to the Permit Free Entertainer Zones are simplified within the local law and additional guidelines will be provided in an associated Policy;**
 - 1.3.4 **administrative modifications are made to ensure the local law aligns with the City's current objectives and processes;**
 - 1.4 **Copies of the proposed local law are available for inspection at the City's office, Library and Local History Centre and on its website; and**
 - 1.5 **Submissions on the proposed local law may be made to the City within a period of not**

less than six weeks after public notice is given;

2. **NOTES** that the City of Vincent Trading in Public Places Amendment Local Law 2015 will be repealed;
3. **GIVES** Statewide and local public notice, in accordance with section 3.12 of the *Local Government Act 1995* stating that:
 - 3.1 It is proposed to make the City of Vincent Local Government Property Amendment Local Law 2019 at Attachment 2;
 - 3.2 The purpose of the City of Vincent Local Government Property Amendment Local Law 2019 is to amend the City of Vincent Local Government Property Local Law 2008 to:
 - 3.2.1 remove provisions relating to portable advertising signage on local government property;
 - 3.2.2 to increase the deterrent for causing damage to local government property or using local government property for a commercial activity without a permit;
 - 3.2.3 to increase the efficiency in the management (beautification) of verges;
 - 3.2.4 to deter damage or removal of trees on verges, thoroughfares or local government property;
 - 3.2.5 to prohibit and effectively deter the use of recording devices within change rooms; and
 - 3.2.6 to make administrative modifications so that the local law aligns with the City's current objectives and processes;
 - 3.3 The effect of the City of Vincent Local Government Property Amendment Local Law 2019 is that:
 - 3.3.1 portable advertising signage on local government property will now be governed by the City of Vincent Trading in Public Places Amendment Local Law 2019;
 - 3.3.2 increased penalties will apply for causing damage to local government property or using local government property for a commercial activity without a permit;
 - 3.3.3 the conditions relating to management (beautification) of verges are prescribed in the City's relevant policy;
 - 3.3.4 increased penalties will apply for damage or removal of trees on verges, thoroughfares or local government property;
 - 3.3.5 the use of recording devices within change rooms is prohibited and an appropriate penalty is applicable; and
 - 3.3.6 administrative modifications are made to ensure the local law aligns with the City's current objectives and processes;
 - 3.4 Copies of the proposed local laws are available for inspection at the City's office, Library and Local History Centre and on its website; and
 - 3.5 Submissions on the proposed local laws may be made to the City within a period of not less than six weeks after public notice is given;
4. **NOTES** that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local laws and public notice will be provided to the Minister for Local Government;

5. NOTES that any submissions received as a result of the public notice provided as set out in 1. and 3. above will be presented to Council for consideration;
6. GIVES local public notice of draft Policy No 3.10.4 – ‘Street Entertainment’, at Attachment 3, which sets out the guidelines for street entertainment, for a period of not less than 21 days, in accordance with the City’s Policy No. 4.1.1. ‘Policy Manual – Adoption and Review of Policies’; and
7. NOTES that any submissions received in relation to 6. above will be presented to Council for consideration.



COUNCIL DECISION ITEM 11.4

Moved: Cr Topelberg, Seconded: Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

13.1 INFORMATION BULLETIN**TRIM Ref:** D18/195007**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** David MacLennan, Chief Executive Officer

- Attachments:**
1. Minutes of the Design Review Panel Meeting held on 6 February 2019 
 2. Minutes of the Design Review Panel Meeting held on 20 February 2019 
 3. Minutes of the Tamala Park Regional Council Meeting held on 21 February 2019 
 4. Statistics for Development Applications as at end of February 2019 
 5. Street Tree Removal Information 
 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 15 March 2019 
 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 - April 2019 
 12. Register of Notices of Motion - Progress Report - April 2019 
 13. Register of Reports to be Actioned - Progress Report - April 2019 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated March 2019.

COUNCIL DECISION ITEM 13.1

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

That the recommendation be adopted.









CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9 DEVELOPMENT SERVICES

9.1 NO. 1/281 (LOT: 1; STR: 73298) AND NO. 2/281 (LOT: 2; STR: 73298) VINCENT STREET, LEEDERVILLE - PROPOSED CHANGE OF USE FROM HOME OFFICE TO OFFICE

Item withdrawn by Administration prior to the meeting.

9.7 NO. 131 (LOT: 131; S/P: 62106) HAROLD STREET, HIGHGATE - PROPOSED CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO MEDICAL CENTRE**TRIM Ref:** D19/9725**Author:** Fiona Atkins, Urban Planner**Authoriser:** Joslin Colli, A/Manager Development & Design**Ward:** South

- Attachments:**
1. Attachment 1 - Consultation and Location Plans 
 2. Attachment 2 - Development Plans 
 3. Attachment 3 - Summary of Submissions - Applicant's Response and Parking Management Justifications 
 4. Attachment 4 - Summary of Submissions - Officer's Comments 
 5. Attachment 5 - Heritage Report provided by Applicant 
 6. Attachment 6 - Car Parking Survey provided by Applicant 
 7. Attachment 7 - Vehicle Gate Management Plan 
 8. Attachment 8 - Determination Advice Notes 

RECOMMENDATION:

That the Council in accordance with the provisions of the City of Vincent's Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for a change of use from Educational Establishment to Medical Centre at No. 131 (Lot: 131; S/P: 62106) Harold Street, Highgate, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Use of Premises

- 1.1 The area shown as 'Medical Centre' on the ground floor of the approved plans dated 20 August 2018 shall be used in accordance with the definition of 'Medical Centre' as defined by the City's Local Planning Scheme No. 2;
- 1.2 The maximum number of consulting rooms operating at any time within the 'Medical Centre' shall be six, with a maximum of six associated treatment rooms; and
- 1.3 The proposed Medical Centre shall be limited to the following hours of operation:
 - 8:00am – 5:00pm Monday to Friday;
 - 8:00am – 10:30am Saturdays; and
 - Closed Sundays and Public Holidays;

2. Educational Establishment

- 2.1 The first floor shall continue to be used as 'Educational Establishment' in accordance with the definition of 'Educational Establishment' as defined by the City's Local Planning Scheme No. 2; and
- 2.2 The maximum number of people permitted in the 'Educational Establishment' at any time is 12 people;

3. Car Parking and Access

A minimum of 24 onsite parking bays shall be available for use at the premises at any time;

4. Cash-in-Lieu of Parking Contributions

- 4.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of one (1) car parking bay, based on the cost of \$5,400 per bay as set out in the City's 2018/19 Schedule of Fees and Charges, being a contribution of \$5,400 prior to the commencement of development

or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years; and

- 4.2 Prior to the Occupation of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

4.2.1 pay a cash-in-lieu contribution of \$5,400; OR

4.2.2 lodge an appropriate assurance bond/ bank guarantee of a value of \$5,400 to the satisfaction of the City. This assurance bond/bank guarantee would only be released in the following circumstances:

4.2.2.1. to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

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

6. Parking Management Plan

Prior to the occupation of the development, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:

- 6.1 Detailed management measures for the operation of the vehicular entry gate, to ensure access is readily available for owners/visitors to the Medical Centre and Educational Establishment; and
- 6.2 The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City and at the expense of the owners/occupiers.

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

At 6:54 pm, Cr Jimmy Murphy left the meeting.

At 6:59 pm, Cr Jimmy Murphy returned to the meeting.

At 6:59 pm, Cr Dan Loden left the meeting.

At 7:00 pm, Cr Dan Loden returned to the meeting.

That the recommendation be adopted.

PROCEDURAL MOTION

Moved: Cr Harley

That the motion be deferred.

DEFERRAL LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION ITEM 9.7

That the Council in accordance with the provisions of the City of Vincent's Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for a change of use from

Educational Establishment to Medical Centre at No. 131 (Lot: 131; S/P: 62106) Harold Street, Highgate, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Use of Premises

- 1.1 The area shown as 'Medical Centre' on the ground floor of the approved plans dated 20 August 2018 shall be used in accordance with the definition of 'Medical Centre' as defined by the City's Local Planning Scheme No. 2;
- 1.2 The maximum number of consulting rooms operating at any time within the 'Medical Centre' shall be six, with a maximum of six associated treatment rooms; and
- 1.3 The proposed Medical Centre shall be limited to the following hours of operation:
 - 8:00am – 5:00pm Monday to Friday;
 - 8:00am – 10:30am Saturdays; and
 - Closed Sundays and Public Holidays;

2. Educational Establishment

- 2.1 The first floor shall continue to be used as 'Educational Establishment' in accordance with the definition of 'Educational Establishment' as defined by the City's Local Planning Scheme No. 2; and
- 2.2 The maximum number of people permitted in the 'Educational Establishment' at any time is 12 people;

3. Car Parking and Access

A minimum of 24 onsite parking bays shall be available for use at the premises at any time;

4. Cash-in-Lieu of Parking Contributions

- 4.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of one (1) car parking bay, based on the cost of \$5,400 per bay as set out in the City's 2018/19 Schedule of Fees and Charges, being a contribution of \$5,400 prior to the commencement of development or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years; and
- 4.2 Prior to the Occupation of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
 - 4.2.1 pay a cash-in-lieu contribution of \$5,400; OR
 - 4.2.2 lodge an appropriate assurance bond/ bank guarantee of a value of \$5,400 to the satisfaction of the City. This assurance bond/bank guarantee would only be released in the following circumstances:
 - 4.2.2.1. to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

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

6. Parking Management Plan

Prior to the occupation of the development, a Parking Management Plan shall be submitted to

and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:

- 6.1 Detailed management measures for the operation of the vehicular entry gate, to ensure access is readily available for owners/visitors to the Medical Centre and Educational Establishment; and
- 6.2 The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City and at the expense of the owners/occupiers.

LOST (4-5)

For: Mayor Cole, Cr Gontaszewski, Cr Loden and Cr Murphy

Against: Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley and Cr Topelberg

COUNCIL DECISION ITEM 9.7

ALTERNATIVE RECOMMENDATION

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

That Council, REFUSES the application for a change of use from Educational Establishment to Medical Centre at No. 131 (Lot: 131; S/P: 62106) Harold Street, Highgate, for the following reasons:

1. The proposed development is inconsistent with the City of Vincent's Local Planning Scheme No. 2 and the objectives of the residential zone as the development is proposed to operate at a scale and intensity that is not compatible or complementary to the surrounding residential development as a result of the proposed parking, vehicle access and the shop use;
2. The reliance on parking bays required by condition 2(c) of Council's decision 10 May 2011 which require these bays to be common property; and
3. The lack of a waste management plan to address the requirements of the radiology clinic proposed as part of the application.

CARRIED (5-4)

For: Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley and Cr Topelberg














Against: Mayor Cole, Cr Gontaszewski, Cr Loden and Cr Murphy

9.6 NO. 8 (LOT: 38 D/P: 4576) MOIR STREET, PERTH - CHANGE OF USE FROM SINGLE HOUSE TO UNLISTED USE (SHORT TERM DWELLING) - STATE ADMINISTRATIVE TRIBUNAL S.31 RECONSIDERATION

TRIM Ref: D19/27179

Author: Darius Ardeshirian, Senior Urban Planner

Authoriser: John Corbellini, Executive Director Development Services

- Attachments:
1. Attachment 1 - Consultation and Location Map 
 2. Attachment 2 - Development Plans 
 3. Attachment 3 - Revised Management Plan 
 4. Attachment 4 - House Rules and Code of Conduct 
 5. Attachment 5 - Additional Information Letter from Applicant 
 6. Attachment 6 - Car Parking Management Plan 
 7. Attachment 7 - Applicant's letter to adjoining landowners 
 8. Attachment 8 - Administration's Response to Submissions Received During Initial Round of Consultation 
 9. Attachment 9 - Applicant's Response to Submissions Received During Initial Round of Consultation 
 10. Attachment 10 - Sound Detection Device Product Information 
 11. Attachment 11 - Administration's Response to Submissions March 2019 
 12. Attachment 12 - Applicant's Response to Submissions March 2019 
 13. Attachment 13 - Determination Advice Notes 

RECOMMENDATION:

That 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 9 October 2018 and APPROVES the application for the Change of Use from Single House to Unlisted Use (Short Term Dwelling) at No. 8 (Lot: 38; D/P: 42377) Moir Street, Perth, in accordance with the plan provided in Attachment 2, subject to the following conditions, with the associated determination advice notices in Attachment 13:

1. Use of Premises

- 1.1 The premises shall be used for the purposes of a 'Short Term Dwelling', in accordance with the definition set out in the City's Policy No. 7.4.5 – Temporary Accommodation:

"means the provision of temporary accommodation, lodging or boarding within a residential dwelling for a maximum of six (6) persons, inclusive of the keeper if they reside at the dwelling, for a continuous period of less than six (6) months within any twelve month period";

- 1.2 The Short Term Dwelling shall accommodate a maximum of six guests at any one time;
- 1.3 The Short Term Dwelling shall operate in accordance with the Management Plan for Short Term Dwelling dated January 2019 and the Parking Management Plan stamp dated received 27 August 2018; and
- 1.4 The Charming Central Home Code of Conduct and House Rules stamp dated received 27 August 2018 shall be updated in accordance with the Management Plan for Short Term Dwelling dated January 2019 and the Parking Management Plan stamp dated received 27 August 2018, to the satisfaction of the City. The updated Code of Conduct and House Rules shall be provided to guests of the Short Term Dwelling at the time of check-in and displayed in a prominent location within the entrance area of the dwelling;

2. Car Parking

A minimum of one on-site parking bay shall be made available to guests at all times and be

maintained to the satisfaction of the City; and

3. Time Limited Approval

This approval is granted for a term of 12 months from the date the use commences.

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

That the recommendation be adopted.

LOST (0-9)

For: Nil

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

ALTERNATIVE RECOMMENDATION

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

That 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 9 October 2018 and REFUSES the application for the Change of Use from Single House to Unlisted Use (Short Term Dwelling) at No. 8 (Lot: 38; D/P: 4576) Moir Street, Perth, for the following reasons:

1. As a consequence of the intensity of the proposed Short Term Dwelling, the development would result in noise, parking and traffic impacts on an established low density residential heritage area that:
 - 1.1 are not compatible or complementary with the adjoining residential development and is contrary to an objective of the Residential zone under the Scheme;
 - 1.2 would have a detrimental impact on the existing residential amenity of the immediate low density residential heritage area; and
 - 1.3 would have an adverse impact on the established residential heritage character of the locality;
2. The proposal does not satisfy the intent of Clause 13 of the *Brookman and Moir Streets Development Guidelines* as it incorporates the use of a car parking bay in the front setback for commercial purposes.

REASON

To refuse the application on the basis that the development will unreasonably impact the amenity of the surrounding residential properties. The proposed land use will adversely impact the existing character of the neighbourhood and is an incompatible land use.

COUNCIL DECISION ITEM 9.6

AMENDMENT 1

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

That the recommendation be amended as follows:

2. The proposal does not satisfy the intent of Clause 13 of the *Brookman and Moir Streets Development Guidelines* ~~as it incorporates the use of a car parking bay in the front setback for commercial purposes~~ approval would rely upon incorporation of a car bay in the front setback.

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

AMENDMENT 2

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

That the recommendation be amended as follows:

That 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 9 October 2018 and REFUSES the application for the Change of Use from Single House to Unlisted Use (Short Term Dwelling) at No. 8 (Lot: 38; D/P: 4576) Moir Street, Perth, for the following reasons:

1. As a consequence of the intensity of the proposed Short Term Dwelling, the development would result in noise, parking and traffic impacts on an established low density residential heritage area that:
 - 1.1 are not compatible or complementary with the adjoining residential development and is contrary to an objective of the Residential zone under the Scheme;
 - 1.2 would have a detrimental impact on the existing residential amenity of the immediate low density residential heritage area; and
 - ~~1.3 would have an adverse impact on the established residential heritage character of the locality;~~
2. The proposal does not satisfy the intent of Clause 13 of the *Brookman and Moir Streets Development Guidelines* as it incorporates the use of a car parking bay in the front setback for commercial purposes.

AMENDMENT LOST (3-6)

For: Cr Harley, Cr Loden and Cr Topelberg

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

COUNCIL DECISION ITEM 9.6

That 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 9 October 2018 and REFUSES the application for the Change of Use from Single House to Unlisted Use (Short Term Dwelling) at No. 8 (Lot: 38; D/P: 4576) Moir Street, Perth, for the following reasons:

1. As a consequence of the intensity of the proposed Short Term Dwelling, the development would result in noise, parking and traffic impacts on an established low density residential heritage area that:
 - 1.1 are not compatible or complementary with the adjoining residential development and is contrary to an objective of the Residential zone under the Scheme;
 - 1.2 would have a detrimental impact on the existing residential amenity of the immediate low density residential heritage area; and
 - 1.3 would have an adverse impact on the established residential heritage character of the locality;
2. The proposal does not satisfy the intent of Clause 13 of the *Brookman and Moir Streets Development Guidelines* as approval would rely upon incorporation of a car parking bay in the








front setback.

CARRIED (8-1)

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

Against: Cr Topelberg

9.8 NO. 58 (LOT: 301 & 302; D/P: 34680) KALGOORLIE STREET, MOUNT HAWTHORN - SINGLE HOUSE**TRIM Ref:** D19/40426**Author:** Karsen Reynolds, Urban Planner**Authoriser:** John Corbellini, Executive Director Development Services**Ward:** North

- Attachments:**
1. Attachment 1 - Consultation and Location Map 
 2. Attachment 2 - Development Plans Deferral 
 3. Attachment 3 - Development Plans 
 4. Attachment 4 - Applicant Justification and Supporting Information 
 5. Attachment 5 - Design Review Panel Comments 
 6. Attachment 6 - Applicant Response to First Community Consultation Submissions 
 7. Attachment 7 - Applicant Response to Second Community Consultation Submissions 
 8. Attachment 8 - Administration's Response to Summary of Submissions 
 9. Attachment 9 - Photos of Site and Surrounding Context 
 10. Attachment 10 - Streetscape Analysis 

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 a proposed Single House at No. 58 (Lot: 301 & 302; D/P: 34680) Kalgoorlie Street, Mount Hawthorn, in accordance with the plans provided in Attachment 2, for the following reason:

1. As a consequence of the large blank walls to the front façade the proposal:
 - 1.1 results in a bulk, scale and dominating appearance that is not compatible with and complementary to the established residential area in which it is located (Clause 67(m) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*) and is inconsistent with an objective of the Residential zone under the Scheme;
 - 1.2 would detract from the amenity and character of the residential neighbourhood (Clause 67(n) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*) and is inconsistent with an objective of the Residential zone under the Scheme; and
 - 1.3 is not an appropriate design for the context of place and is inconsistent with Objective 1.3.1(a) of State Planning Policy 3.1: Residential Design Codes.

COUNCIL DECISION ITEM 9.8

Moved: Cr Loden, Seconded: Cr Castle

At 8:06 pm, Cr Joshua Topelberg left the meeting

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)









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

Against: Nil

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

At 8:16 pm, Cr Joshua Topelberg returned to the meeting.

9.5 NO. 351 (LOT: 353, D/P: 32221) STIRLING STREET, HIGHGATE - SIX MULTIPLE DWELLINGS**TRIM Ref:** D19/28109**Author:** Karsen Reynolds, Urban Planner**Authoriser:** John Corbellini, Director Development Services**Ward:** South

- Attachments:**
1. Attachment 1 - Consultation and Location Map 
 2. Attachment 2 - Development Plans 
 3. Attachment 3 - Supporting Information 
 4. Attachment 4 - Design Review Panel Meeting Minutes 
 5. Attachment 5 - Applicant's Response to Summary of Submissions 
 6. Attachment 6 - Administration's Response to Summary of Submissions 
 7. Attachment 7 - Sight Lines Traffic Safety Report 
 8. Attachment 8 - 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 six Multiple Dwellings at No. 351 (Lot: 353; D/P: 32221) Stirling Street, Highgate in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Plans

The development shall comply with the modifications marked in red as shown on the approved plan requiring:

- 1.1 The privacy screens adjoining the landing of 'APT 4' to be 1.6 metres above the finished floor level of 'APT 4' in the dimensions and locations marked in red on the approved plan, to the satisfaction of the City; and
- 1.2 The vehicle entry gate to be relocated to the location marked in red on the approved plans to allow for sufficient reversing from the visitor bay, to the satisfaction of the City;

2. Landscaping

- 2.1 A detailed landscape and reticulation plan for the development site and adjoining road verge to the City's satisfaction 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; and
 - The provision of a minimum 31.5 percent Canopy Coverage, as defined by the City's Policy No. 7.1.1 – Built Form; and
- 2.2 All works shown in the plans as identified in Condition 2.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and shall be maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

3. Arborist Report

An Arborist Report detailing the retention and movement requirements of the trees retained on site to the City's satisfaction shall be lodged with and approved by the City prior to the commencement of the development. The development shall be undertaken in accordance with

the retention and movement requirements set out in the approved Arborist Report thereafter to the satisfaction of the City;

4. 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;

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. Stormwater

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

8. Waste Management Plan

8.1 A waste management plan to the satisfaction of the City shall be submitted to, and approved by the City prior to the commencement of development;

8.2 The bin storage area shall be modified as required by the waste management plan; and

8.3 Waste Management for the development shall be undertaken in accordance with the approved waste management plan for the duration of the development;

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 the requirements of AS2890.1 to the satisfaction of the City prior to occupation or use of the development;

9.2 Vehicle and pedestrian access points shall match into existing footpath levels to the satisfaction of the City; and

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

10. Bicycle Parking

A minimum of four bicycle bays shall be provided and installed in accordance with AS2890.3 to the satisfaction of the City prior to the occupation or use of the development;

11. Sightlines

All of the recommended measures included in the Traffic Safety Report provided by BG&E Pty Limited dated 1 February 2019 shall be implemented to the satisfaction of the City prior to the occupation or use of the development and shall be maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

12. Privacy Screens

Prior to the occupation or use of the development, all privacy screening and louvres shall comply with the deemed-to-comply standards of Clause 6.4.1 of the State Planning Policy 3.1: Residential Design Codes (Visual Privacy), to the satisfaction of the City;

13. Construction Management Plan

A Construction Management Plan that details how the construction of the development would 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 shall include traffic and parking management requirements during construction. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan; and

14. Environmentally Sustainable Design

An Environmentally Sustainable Design Report shall be prepared in accordance with Policy No. 7.1.1 – Built Form, to the satisfaction of the City, and shall be submitted to and approved by the City prior to the issue of a building permit. The development shall be undertaken in accordance with the recommendations set out in the approved Environmentally Sustainable Report thereafter, to the satisfaction of the City.

COUNCIL DECISION ITEM 9.5

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

At 8:17 pm, Cr Dan Loden left the meeting.

At 8:18 pm, Cr Dan Loden returned to the meeting.

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

9.4 NO. 441 (LOT: 11; D/P: 1114) WILLIAM STREET AND NO. 6 (LOT: 10; D/P: 1114) BRISBANE PLACE, PERTH - HOTEL, RESTAURANT AND OFFICE DEVELOPMENT**TRIM Ref:** D18/191965**Author:** Darius Ardeshirian, Senior Urban Planner**Authoriser:** John Corbellini, Executive Director Development Services**Ward:** South

- Attachments:**
1. Attachment 1 - Consultation and Location Plan 
 2. Attachment 2 - Development Plans 
 3. Attachment 3 - Applicant's Report 
 4. Attachment 4 - Waste Management Plan 
 5. Attachment 5 - Traffic and Parking Demand Assessment 
 6. Attachment 6 - Acoustic Report 
 7. Attachment 7 - Environmentally Sustainable Design Report 
 8. Attachment 8 - Administration's Response to Summary of Submissions 
 9. Attachment 9 - Applicant's Response to Submissions 
 10. Attachment 10 - Design Review Panel Minutes 
 11. Attachment 11 - Loading Bay Plan 
 12. Attachment 12 - 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 a Hotel comprising 30 guest rooms, a Restaurant/Café and an Office at No. 441 William Street (Lot: 11; D/P: 1114) Perth in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 12:

1. This approval is for the Hotel, Restaurant/Café and Office as shown on the approved plans dated 14 December 2018 only and no other development forms part of this approval;
2. Use of the premises:
 - 2.1 The tenancy shown as 'Coffee Shop' on the approved plans dated 14 December 2018 is approved for the use of Restaurant/Café as defined in the City of Vincent Local Planning Scheme No.2 and the subject tenancy may not be used for any other use without the prior approval of the City;
 - 2.2 The proposed restaurant/café is limited to a maximum number of 40 customers and 10 staff members at any one time; and
 - 2.3 The tenancy shown as 'Commercial unit 1' on the approved plans dated 14 December 2018 is approved for the use of Office as defined in the City of Vincent Local Planning Scheme No.2 and the subject tenancy may not be used for any other use without the prior approval of the City;
3. Cash-in-lieu of parking contributions
 - 3.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of car parking bays of \$50,000 prior to the commencement of development or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years; and
 - 3.2 Prior to the Occupation of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

3.2.1 pay a cash-in-lieu contribution of \$50,000; OR

3.2.2 lodge an appropriate assurance bond/ bank guarantee of a value of \$50,000 to the satisfaction of the City. This assurance bond/bank guarantee would only be released in the following circumstances:

3.2.2.1. to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

4. Loading Bay

4.1 The two existing on-street car bays adjacent to the subject site on William Street are to be used as the Loading Bay and Drop Off/Pick Up Bay for the proposed development;

4.2 Detailed drawings in compliance with the relevant Australian Standards, including swept path analysis of the largest vehicle expected to use the bay, is to be provided to and approved by the City prior to submission of a Building Permit; and

4.3 All costs associated with the establishment of the bay, including line marking and modifications to the public infrastructure, are the responsibility of the Applicant;

5. Parking Management Plan

5.1 Prior to the occupation of the development a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:

- Detailed management measures for the use and operation of the loading bay/drop off and pick up bay, to ensure access is readily available for service vehicles and guests of the hotel at all times; and
- Detailed management measures for Hotel staff and guests relating to availability of parking within the area; and

5.2 The Parking Management Plan as identified in Condition 5.1 above shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers;

6. Service Management Plan

6.1 A detailed loading bay management plan, to the satisfaction of the City, shall be lodged with and approved by the City prior to the commencement of development; and

6.2 The approved loading bay management plan shall be implemented and maintained to the satisfaction of the City of Vincent;

7. 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;

8. 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;

9. Stormwater

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

10. Waste Management Plan

10.1 A Waste Management Plan must be submitted to and approved by the Local Government prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the Local Government:

10.1.1 the location of bin storage areas and bin collection areas;

10.1.2 the number, volume and type of bins, and the type of waste to be placed in the bins;

10.1.3 details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

10.1.4 frequency of bin collections;

10.2 The approved Waste Management Plan must be implemented at all times to the satisfaction of the Local Government unless otherwise approved;

11. Bicycle Parking

11.1 A minimum of 10 bicycle bays are to be provided and installed in accordance with AS2890.3 prior to the occupation or use of the development; and

11.2 Plans demonstrating the provision of two end of trip facilities are to be provided to and approved by the City prior to submission of a building permit;

12. Construction Management Plan

A Construction Management Plan that details how the construction of the development would be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation Reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees on the development site;

13. Environmentally Sustainable Design

The building is to be constructed in accordance with the requirements of the ESD report prepared by Cundall dated 13 December 2018 to satisfy the design principles of Clause 1.8 Policy No. 7.1.1 – Built Form Policy;

14. Public Art

- 14.1 Percent for public art contribution of \$45,000 being one percent of the total \$4.5 million value of the development shall be allocated towards public art prior to the commencement of the development;
- 14.2 Confirmation in writing outlining how the proposed development would comply with the City of Vincent Policy No. 7.5.13 – Percent for Art shall be submitted prior to commencement of development; and
- 14.3 Public art shall be approved by the City and fully installed or alternatively a cash-in-lieu payment made prior to occupation of the development; and

15. Landscape and Reticulation Plan

- 15.1 A detailed landscape and reticulation plan for the development site, to the satisfaction of the City, shall be lodged with and approved by the City prior to lodgement of a Building Permit.

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 of 9.5 percent deep soil area, as defined by the City's Policy No. 7.1.1 – Built Form; and
- The provision of trees contributing towards canopy coverage within deep soil areas provided and within the front setback area. The tree species are to be in accordance with the City's recommended tree species list; and

- 15.2 All works shown in the plans as identified in the condition 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.

Moved: Cr Topelberg, Seconded: Cr Hallett

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the Recommendation 3.1 be amended as follows:

3. Cash-in-lieu of parking contributions

- 3.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of car parking bays of ~~\$50,000~~ \$51,300 prior to the commencement of development or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years; and
- 3.2 Prior to the Occupation of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
 - 3.2.1 pay a cash-in-lieu contribution of ~~\$50,000~~ \$51,300; OR
 - 3.2.2 lodge an appropriate assurance bond/ bank guarantee of a value of ~~\$50,000~~ \$51,300 to the satisfaction of the City. This assurance bond/bank guarantee would only be released in the following circumstances:
 - 3.2.2.1 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

AMENDMENT CARRIED (7-2)

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

Against: Cr Fotakis and Cr Harley

COUNCIL DECISION ITEM 9.4

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

That the motion be DEFERRED until the Ordinary Council Meeting on 28 May 2019 to allow applicant to consider:

1. Ground floor design to facilitate proposed services access and operation of bike rental facilities; and
2. Concerns about parking orientation and car parking management plan in relation to staff parking.

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

10 COMMUNITY ENGAGEMENT

12.1 DRAFT CITY OF VINCENT 'INNOVATE' RECONCILIATION ACTION PLAN 2019-2021

TRIM Ref: D19/32023

Authors: Karen Balm, Senior Community Partner

Gayatrii Surendorff, Community Partner

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Attachment 1 - Draft 'Innovate' Reconciliation Action Plan 

RECOMMENDATION:

That Council;

1. RECEIVES the draft 'Innovate' Reconciliation Action Plan that has been conditionally endorsed by Reconciliation Australia;
2. AUTHORISES the Chief Executive Officer to advertise the draft 'Innovate' Reconciliation Action Plan for public comment for a period of 14 days inviting written submissions in accordance with Council Policy No. 4.1.5 – Community Consultation;
3. NOTES that the draft 'Innovate' Reconciliation Action Plan 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 Council at the conclusion of the public comment period in regard to any written submission received.

COUNCIL DECISION ITEM 12.1

Moved: Cr Loden, Seconded: Cr Harley

At 8:41 pm, Cr Joanne Fotakis left the meeting.

At 8:42 pm, Cr Joanne Fotakis returned to the meeting.

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

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.1 NOTICE OF MOTION - CR TOPELBERG - TENDER OR QUOTATIONS FOR BULK VERGE COLLECTION**

That Council:

1. REQUESTS that Administration:

- 1.1 DOES NOT proceed with a Tender or Quotations for Bulk Verge Collection beyond the existing contract;
- 1.2 PROVIDES a report to Council no later than June 2019 with alternative options for bulk waste management and collection in City, including financial modelling; and
- 1.3 that the options presented be capable of being implemented in the 2019-20 financial year, subject to council decision

COUNCIL DECISION ITEM 14.1

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

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

Nil

13 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

14 URGENT BUSINESS

Nil

15 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**COUNCIL DECISION****Moved: Cr Fotakis, Seconded: Cr Gontaszewski****PROCEDURAL MOTION**

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)**COUNCIL DECISION****Moved: Cr Gontaszewski, Seconded: Cr Loden**

That the Council resume an “open meeting”

CARRIED UNANIMOUSLY (9-0)**16 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 8.59pm with the following persons present:

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 Dan Loden	North Ward
	Cr Jimmy Murphy	South Ward
	Cr Joshua Topelberg	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Kerryn Batten	Executive Director Corporate Services

Andrew Murphy	Executive Director Infrastructure and Environment
Michael Quirk	Executive Director Community Engagement
John Corbellini	Executive Director Development Services
Meluka Bancroft	Manager Governance, Property and Contracts
Natasha Brooks	Governance and Council Support Officer

Media: Nil.

Public: Nil.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 2 April 2019.

Signed: Mayor Emma Cole

Dated this day of2019