



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**28 May 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, 28 MAY 2019 AT 6PM**

<b>PRESENT:</b>	<b>Mayor Emma Cole</b>	<b>Presiding Member</b>
	<b>Cr Susan Gontaszewski</b>	<b>South Ward</b>
	<b>Cr Alex Castle</b>	<b>North Ward</b>
	<b>Cr Joanne Fotakis</b>	<b>North Ward</b>
	<b>Cr Jonathan Hallett</b>	<b>South Ward</b>
	<b>Cr Dan Loden</b>	<b>North Ward</b>
	<b>Cr Jimmy Murphy</b>	<b>South Ward</b>
	<b>Cr Joshua Topelberg</b>	<b>South Ward</b>
<b>IN ATTENDANCE:</b>	<b>David MacLennan</b>	<b>Chief Executive Officer</b>
	<b>Andrew Murphy</b>	<b>Executive Director Infrastructure and Environment</b>
	<b>Michael Quirk</b>	<b>A/Executive Director Community and Business Services</b>
	<b>John Corbellini</b>	<b>A/Executive Director Planning and Place</b>
	<b>Prue Reddingius</b>	<b>Coordinator Environmental Health</b>
	<b>Jordan Korovesi</b>	<b>Coordinator Policy and Place</b>
	<b>Meluka Bancroft</b>	<b>Manager Governance, Property and Contracts</b>
	<b>Natasha Brooks</b>	<b>Governance and Council Support Officer</b>
<b>Media:</b>	<b>Jess Warriner (Journalist), "The Guardian Express"</b>	
<b>Public:</b>	Approximately 7 members of the public.	

## 1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.02pm and read the following Acknowledgement of Country statement:

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

## 2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

### LEAVE OF ABSENCE

### COUNCIL DECISION

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

**That Cr Roslyn Harley's request for leave of absence from 28 May 2019 to 28 May 2019 be approved.**

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

### 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. Pamela Fruin of Perth – Item 11.3
  - Speaking on behalf of her mother that lives at Rosewood Aged Care.
  - Stated that there are over 120 residents at Rosewood Aged Care.
  - Concerned with the matching of the City's Strategic Community Plan objectives with the proposed land swap as it appears that access to Rosewood is now via an unpaved accessway between Wavertree Place and Brentham Sreet and will be restricted, as the school boundary will be extended so that it abutts the aged care facility.
  - Given that residents are mobility impaired, there is a need for people to be able to walk around under the shade, walking via the playground.
  - Concerned that residents will not be able to access the small park.
  - Queried the consultation process and suggested that the elderly have been ignored in the consultation process.
  - Stated that she didn't understand why the pedestrian access was only being raised now as a risk.
  - Stated that the proposed land swap should be rejected and instead a pedestrian access way be paved for residents of Rosewood.

*The Presiding Member Mayor Emma Cole thanked Ms Fruin for her comments and provided the following advice as provided by the CEO:*

*“ The City's Administration met with representatives of Sisters of Mercy, Catholic Education of Western Australia, Aranmore Catholic Primary School and Rosewood Aged Care to discuss Rosewood's concerns about the land exchange. At the meeting it was agreed that Rosewood would support the proposed land exchange subject to Rosewood Aged Care, Catholic Education and Sisters of Mercy entering into an agreement to establish communication and consultation protocols for issues that arise as a result of the direct interface between the school and aged care facility. There will be a consultation process for any proposed changes in the nature of the use, including any development proposals or plans for the use and access to the park and complaint management. Through consensus there has been an agreement reached between Rosewood and Sisters of Mercy. In respect to access, the City will look into providing a gate with direct access into the park. The City already has in the budget funds for a pathway into Brentham Reserve and Rosewood would be consulted as to how to maximise the use of that pathway by residents of Rosewood.”*

2. Alex Hemsley of Claremont – Item 11.7
  - Acting for Kidz Galore.
  - Commented that it would not be difficult to remove the Deed of Trust from Lot 9.
  - Asked Council Members to consider the impact to childcare at the location if the recommendations are adopted.
  - Requested a meeting between legal representatives.

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

3. Helena Placaski of Perth – Item 9.3
  - Lives opposite Hyde Park.
  - Raised issues with food trucks in the area, especially humming of generators early in the morning.
  - Commented tht food trucks are acting like cafes and there are issues with noise and bright lights.
  - Stated that she received advice that Council would have to apply for approval for commercial activity in the park.
  - Stated that on 24 April 2019 she spoke with the City about the issue and has not had a response.
  - Queried whether the heritage listing of Hyde Park would need to be considered when approving commercial activity/food trucks in the park.
  - Stated that there is not a requirement for food trucks given the bricks and mortar businesses around the area.

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

There being no further speakers, Public Question Time closed at approximately 6.17pm.

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

Nil

## **4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

The Council received the following deputation:

### **5.1 Sister Eileen Daffy of Melbourne – Item 11.3**

- Stated she was representing the land owner, Sisters of Mercy, who hold this land in the company McAuley Property Limited, a not-for-profit company registered as a charity. This company holds the land in Australia used by the Sisters of Mercy for their charitable works in education, health and aged care and welfare. Catholic Education Archdiocese Perth, at the request of the Sisters of Mercy, manages the school –Aranmore Catholic Primary School.
- Stated that Sisters of Mercy entered into discussion with the City of Vincent because:
  - The boundaries between Sisters of Mercy and City of Vincent were unclear because of fence locations. This presented a significant liability to both parties;
  - Also the small piece of land leased by the school from City of Vincent is due to expire at end of 2020; and
  - It was opportune to discuss a range of possibilities with the city rather than just adjust fencing. Aligning the fence to the boundary would have a significant impact on the large park area at the rear of the school. The public are not aware that a part of what appears to be POS actually does not belong to the City.
- Stated that Sisters of Mercy discussed with City of Vincent staff various options to retain the same amount of parkland and enable the school to operate on a single site thus improving child safety issues with fencing to demarcate boundaries.
- Stated that the proposed arrangement with the City of Vincent is to:
  - Swap equal amounts of land; and
  - Undertake a joint survey at Sisters of Mercy cost and a joint land valuation.
- Sisters of Mercy has consulted with Catholic Education regarding future plans for the school and impact on current activities.
- Stated that there was a joint communication plan with the City of Vincent regarding informing the school community – and the majority but not all residents within the City.
- Stated that Rosewood's objections and the issues raised at Council Briefing had now been addressed:
  - Small portion of Rosewood property would abut the school and issues regarding interaction between students and residents were raised by Rosewood. Sisters of Mercy operate 35 residential aged care facilities plus a number of Retirement Villages across Australia including six in WA. Four of these facilities including two in Perth abut education facilities – kindergarten, primary school, secondary school. Sisters of Mercy have not experienced any difficulties. All facilities have intergenerational programs most of which involve some interaction with an educational facility. Recently constructed and redeveloped Sisters of Mercy residential aged care facilities have built into them areas to encourage such interaction. Aranmore Primary has such a program with Rosewood as part of its current strategic plan.

- Fence – type of fence on Rosewood boundary is considered a suitable school boundary fence. Meets guidelines issued by Catholic Education WA, not dissimilar to many school fences. Students when in the school grounds are always supervised by a teacher. Currently students access the parkland and school is not aware there has been any issue regarding the Rosewood fence.
- Evacuation plan for Rosewood. There is no gate onto parkland from Rosewood in the proposed common boundary area with the school. There would still be access to both areas of the park. Some review of the evacuation and disaster management plan for Rosewood would be required.
- Security patrol – the owner of Rosewood has a preference not to conduct security patrol within the boundary of Rosewood. He prefers to use the public open space for this. A change in protocol for this security check would still enable the check to be made using POS.
- There are several mature trees on City of Vincent land proposed to be swapped. The school intends to keep this area as green playground space. It is the least suitable area on which to undertake any construction as a water and sewage easement crosses this area. Construction over such an easement is both difficult and costly. The Sisters of Mercy and City of Vincent have an obligation to regularly undertake a check on any trees on its land to ensure safety of those accessing that land. This could result in the need to prune or at worst remove a tree.
- School's future plans – demographics do not support any expansion of the school beyond its current two streams. The school has recently completed a major redevelopment program and apart from the need to replace the music school if the land swap goes ahead no further expansion of building footprint is proposed and any future expansion would add a level to the existing building.
- After meeting yesterday on site with the owners of Rosewood, their legal representative, City of Vincent staff, the school principal, representative of Catholic Education WA and myself representing the Sisters of Mercy we have arrived at an agreed position:
  - Shared boundary between the school and Rosewood;
  - Document between Rosewood owner, Sisters of Mercy and Catholic Education WA. This 'cooperation agreement' will outline the schools intention to retain open space area on the proposed acquired land, consultation in relation to any proposed changes in the long term, arrangements to deal with any operational issue or complaints that may arise between the school and Rosewood. All three parties wished this understanding to be reflected in the recommendation to the Elected Members of Council; and
  - This onsite meeting also allowed for Rosewood to have a full understanding of what is proposed in relation to the swap of Lot 37 to the City of Vincent which would be handed over as a cleared site.

*The Presiding Member Mayor Emma Cole thanked Sister Eileen Daffy for her comments.*

## 6 CONFIRMATION OF MINUTES

### COUNCIL DECISION

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

**That the minutes of the Ordinary Meeting held on 30 April 2019 and the Special Meeting held on 21 May 2019 be confirmed.**

**CARRIED UNANIMOUSLY (8-0)**

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

Against: Nil

(Cr Harley 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 BEAUFORT STREET**

I wanted to speak about Beaufort Street tonight, something that has been attracting a lot of attention in the media about the state of health of Beaufort Street. We have seen over the last few months a lot of independent businesses walk away from Beaufort Street and more recently in the last 48 hour period we have seen a further two closures with Five Bar and Clarences and it has been causing concern for both businesses on the street and also local residents. We know that this issue of vacancies does then have a potential ripple effect on those existing businesses on the street and it starts to feel that the vacancies may outnumber the businesses left standing.

The City of Vincent is engaging in some new strategies to try to assist the situation and we know that the vacancies and the lack of diverse and unique mix of offerings on Beaufort Street is quite critical. We are engaging in a "Vacancy Project", something that we will be funding through our draft budget initiatives, but we do have some money in this budget this year so I am keen to get that project happening. Today I met with Mayor Irwin from the City of Stirling and he has indicated that this is a project that City of Stirling would also like to come on board with and work together with the City of Vincent in partnership.

We know that there are other things we can do like hold street activations, etc. but we really do need the bricks and mortar business there. We need to have that mix of retail, the independent businesses that make the town so unique and that give us that competitive edge over the shopping centres that are constantly being redeveloped.

We are also continuing to strongly support the Beaufort Street Network who have just finalised their latest action plan and we are doing more in relation to infrastructure. Over the past five to seven years we have delivered with the Mary Street Piazza, Lightbox Laneway, the Beaufort Street sign, and significant artworks on the street. We've continued to fund events. They haven't been the full scale one day festivals. There is a lot of commentary around that and why one day festivals don't necessarily deliver for local businesses. We have continued to fund low scale events through the Beaufort Street Network and we intend to more and to raise that up a notch. We are going to be delivering in September a creative lighting project for the street, not street lights but actually up-lighting the Beaufort Street art sign, and hopefully with budget some trees, etc. to make that really have a nice sense of lighting and ambience and to really add to the vibrancy of the area.

All in all in our draft budget we have around \$330,000 worth of funding initiatives to support Beaufort Street either directly or through strategies like our new Economic Development Strategy that we are developing. We also have a very strong "Support Local" marketing campaign that will underpin all of this. We will continue to offer the first hour free in our public carparks and there has been discussion amongst Council about having a discussion about whether we have got the parking solutions right. It is always important for us to revisit and assess at all times so that is something that can also happen.

There is no easy answer for Beaufort Street. We've got incredibly tough economic conditions out there, even for our town centres that look really healthy I know it is tough for local retailers in particular. We definitely have ideas and the partnerships. We have the passion to try to effect change on the strip and we think that the "Vacancy Project" is a way to really tackle the critical issues at hand. It is great to see that Stirling are prepared to come on board with us and tackle that together. We will keep everyone updated on these projects as we go.

### **7.2 LEEDERVILLE VILLAGE SQUARE**

This Friday night we launch the Leederville Village Square, the event is called "Squaresville" and it is an opportunity for everyone to come and see the square in action. The City of Vincent along with the Town Team Movement will be running a "dotocracy" exercise where we will be asking people to place dots on their favourite activities and events that they would like to see in the space. There are some really great ideas that have already been put forward by Leederville Connect to make that space work called by "Day, Dusk and Dark" to get a lot of different and inviting events happening there. That's a really good example of what can happen when the City and the Town Team work together.

### 7.3 NORTH PERTH COMMON

On the 15 June we are looking to open North Perth Common and we should have the artwork lit up by then. We are hoping to do that and take that through to dark so we can really see what that artwork looks like at night time.

## 8 DECLARATIONS OF INTEREST

Nil.

## 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 9.3, 11.3 and 11.7.
- (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:**  
Nil.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Gontaszewski	9.2
Cr Castle	11.10
Cr Fotakis	11.11
Cr Hallett	11.11, 12.1
Cr Topelberg	10.1

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 10.2, 11.1, 11.2, 11.4, 11.5, 11.8 and 12.2.
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Nil

**ITEMS APPROVED "EN BLOC":**

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

**RECOMMENDATION**

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

Items 10.2, 11.1, 11.2, 11.4, 11.5, 11.8 and 12.2

**10.2 REVIEW OF INFRASTRUCTURE AND ENVIRONMENT POLICIES RELATING TO PARKS**

TRIM Ref: D19/49803

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

Authoriser: Andrew Murphy, Executive Director Infrastructure and Environment

Attachments: 1. Policy 2.1.1 Public Open Space - Maintenance of Naturally Vegetated Areas.   
2. Policy 2.1.6 - Parks and Reserves - Playgrounds, Barbeques, Outdoor Exercise Equipment and Lights   
3. Policy 2.1.8 Parks & Reserves - Water Conservation Guidelines 

**RECOMMENDATION:**

That Council REPEALS the following policies as shown in Attachments 1, 2, and 3;

Policy No.	Policy
2.1.1	Public Open Space – Maintenance of Naturally Vegetated Areas
2.1.6	Parks and Reserves – Playgrounds, Barbeques, Outdoor Exercise Equipment and Lights.
2.1.8	Parks and Reserves – Water Conservation Design Guidelines.

**COUNCIL DECISION ITEM 10.2**

**Moved:** Cr Castle, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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

**Against:** Nil

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

**11.1 INVESTMENT REPORT AS AT 30 APRIL 2019****TRIM Ref: D19/68136****Author: Nirav Shah, Coordinator Financial Services****Authoriser: Michael Quirk, Executive Director Community Engagement****Attachments: 1. Investment report ending 30 April 2019 ****RECOMMENDATION:**

That Council **NOTES** the Investment Report for the month ended 30 April 2019 as detailed in Attachment 1.

**COUNCIL DECISION ITEM 11.1****Moved: Cr Castle, Seconded: Cr Murphy****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (8-0)****(Cr Harley was on approved leave of absence for the Meeting.)**

**11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 APRIL 2019 TO 30 APRIL 2019**

TRIM Ref: D19/66240

Author: Nikki Hirrill, Accounts Payable Officer

Authoriser: Michael Quirk, Executive Director Community Engagement

Attachments: 1. Payments by EFT BPAY and Payroll April 19   
2. Payments by Cheque April 19   
3. Payments by Direct Debit April 19 

**RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 April 2019 to 30 April 2019 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$5,089,749.33
Cheques	\$13,192.56
Direct debits, including credit cards	\$356,873.09
<b>Total payments for April 2019</b>	<b>\$5,459,814.98</b>

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil**(Cr Harley was on approved leave of absence for the Meeting.)**

**11.4 FINANCIAL STATEMENTS AS AT 30 APRIL 2019****TRIM Ref:** D19/72210**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** Michael Quirk, Executive Director Community Engagement**Attachments:** 1. Financial statements as at 30 April 2019 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 30 April 2019 as shown in Attachment 1.

**COUNCIL DECISION ITEM 11.4****Moved:** Cr Castle, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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

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

**11.5 REALIGNMENT OF CITY OF VINCENT DISTRICT BOUNDARY AT THE INTERSECTION OF CHARLES, GREEN AND WALCOTT STREETS, NORTH PERTH AND DEDICATION OF ADJOINING PRIVATE RIGHT OF WAY****TRIM Ref:** D18/152272**Authors:** Caroline Ngunjiri, Property Officer  
Meluka Bancroft, Manager Governance, Property and Contracts**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:**

1. Plan of proposed district boundary realignment at intersection of Charles, Green and Walcott Streets, North Perth 
2. Plan of lots 305, 231 and 232 
3. Analysis of criteria in clause 5.2 of Schedule 2.1 of the Act 

**RECOMMENDATION:**

That Council

1. **AUTHORISES** the Chief Executive Officer to make a request to the Local Government Advisory Board to realign the City of Vincent district boundary at the intersection of Charles, Green and Walcott Streets, North Perth, as shown as “option 2” at Attachment 1, subject to the City of Stirling supporting this request;
2. **REQUESTS** the Minister for Lands to dedicate the portion of the right of way that lies within the area of the proposed intersection upgrade, described as Lot 305 on Plan 28281 and being part of the land comprised in Certificate of Title Volume 2217 Folio 814 (Lot 305), as road, pursuant to section 56(1)(c) of the *Land Administration Act 1997* (LAA);
3. **REQUESTS** the Minister for Lands to acquire the balance of Lot 305 as Crown land pursuant to section 52(1)(b) of the *Land Administration Act 1997* subject to:
  - 3.1 advertising the proposed acquisition in the local paper;
  - 3.2 advising all suppliers of public utility services to Lot 305 of the proposed acquisition;
  - 3.3 stating in the notices referred to in 3.1 and 3.2 above that submissions must be lodged within 31 days of the date of the notice;
  - 3.4 considering and responding to any submissions and objections received;
  - 3.5 referring the proposed acquisition to the Department of Planning, Lands and Heritage (Planning Division) for comment;
4. **NOTES** that any objections received in 3 above will be considered by Administration and incorporated into the request to the Minister for Lands; and
5. **REQUESTS** the Minister for Lands to reserve the balance of Lot 305 as a reserve for the purpose of a public right of way and place the care, control and management of the reserve in the City pursuant to sections 41 and 46(1) of the *Land Administration Act 1997*.

**COUNCIL DECISION ITEM 11.5****Moved:** Cr Castle, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

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

**11.8 REPORT AND MINUTES OF AUDIT COMMITTEE MEETING HELD ON 9 APRIL 2019**

 **TRIM Ref:** D19/71252  
**Author:** Natasha Brooks, Governance and Council Support Officer  
**Authoriser:** Meluka Bancroft, Manager Governance, Property and Contracts  
**Attachments:** 1. Minutes from the Audit Committee meeting of 9 April 2019  
2. Confidential Attachment 1 to Minutes - Item 5.1 - Jackson McDonald's legal advice dated 5 April 2019 - Confidential

**RECOMMENDATION:**

That Council **RECEIVES** this report from the Audit Committee meeting of 9 April 2019 and the minutes of that meeting at Attachment 1.

**COUNCIL DECISION ITEM 11.8**

**Moved:** Cr Castle, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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

**Against:** Nil

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

**12.2 INFORMATION BULLETIN**

- TRIM Ref:** D19/66817
- Author:** Emma Simmons, Governance and Council Support Officer
- Authoriser:** David MacLennan, Chief Executive Officer
- Attachments:**
1. Minutes of the Children and Young People Advisory Group Meeting held on 1 April 2019
  2. Minutes of the Arts Advisory Group Meeting held on 4 April 2019 
  3. Unconfirmed Minutes of the Environmental Advisory Group Meeting held on 8 April 2019 
  4. Minutes of the Design Review Panel Meeting held on 17 April 2019 
  5. Minutes of Tamala Park Regional Council Meeting held on 18 April 2019 
  6. Minutes of the Reconciliation Action Plan Working Group Meeting held on 29 April 2019 
  7. Street Tree Removal Information 
  8. Statistics for Development Applications as at end of April 2019 
  9. Register of Legal Action and Prosecutions Register Monthly - Confidential
  10. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 9 May 2019 
  11. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
  12. Register of Applications Referred to the Design Review Panel – Current 
  13. Register of Petitions - Progress Report - May 2019 
  14. Register of Notices of Motion - Progress Report - May 2019 
  15. Register of Reports to be Actioned - Progress Report - May 2019 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated April 2019.

**COUNCIL DECISION ITEM 12.2**

**Moved:** Cr Castle, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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

**Against:** Nil

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

## 11 COMMUNITY AND BUSINESS SERVICES

### 11.3 LAND EXCHANGE AND RECLASSIFICATION OF LAND (AMENDMENT NO. 4 TO LOCAL PLANNING SCHEME NO. 2) - PORTION OF LOT 75 BRENTHAM STREET (BRENTHAM STREET RESERVE) FOR PORTION OF LOT 100 (NO. 20) AND LOT 37 (NO. 26) BRENTHAM STREET (ARANMORE CATHOLIC PRIMARY SCHOOL) - CONSIDERATION OF SUBMISSIONS AND CONDITIONAL CONTRACT OF SALE

TRIM Ref: D19/54666

Authors: Jordan Korovesi, Coordinator Policy & Place  
Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments:

1. Community comments - Engagement HQ Survey 
2. Submission from Rosewood Aged Care dated 1 April 2019 - Confidential
3. Submission from resident dated 6 March 2019 
4. Submission from resident dated 15 March 2019 
5. Plan of proposed land exchange 
6. Subdivision application plan 415620 - prepared by Carlton Surveys 
7. Feature survey showing the proposed land exchange (playground and trees) 
8. Plan of connectivity between the Brentham Street Reserve and Britannia Reserve 
9. Proposed Amendment No.4 Amendment Document Form 2A 
10. Administration response to submissions 
11. Plan of current use of land adjacent to the Aranmore Catholic Primary School 

#### RECOMMENDATION:

That Council:

1. NOTES the submissions received in response to the public notice of the proposed land exchange provided for the period 12 February to 1 April 2019, at Attachments 1, 2, 3 and 4;
2. APPROVES the City and McAuley Property Limited entering into a contract to exchange a 1,671m<sup>2</sup> portion of Lot 100 (No. 20) Brentham Street, Leederville, and Lot 37 Brentham Street, Leederville (area of 539m<sup>2</sup>), for an equal portion (2,210m<sup>2</sup>) of Lot 75 Brentham Street, Leederville (Brentham Street Reserve), as shown in the plan at Attachment 5, which is conditional on:
  - (a) the reclassification of the portion of Lot 75 to be transferred to McAuley Property Limited from “*public open space – restricted*” to “*public purpose – primary school*” under the City’s Local Planning Scheme No. 2; and
  - (b) the registration of a plan of subdivision depicting the subdivision and amalgamation of the lots to effect the proposed land exchange, and McAuley Property Limited paying all associated costs;
3. NOTES that entering into a conditional contract as set out in Recommendation 2. does not provide any indication nor guarantee that the reclassification of land will be approved by the Minister for Planning;
4. NOTES that all costs associated with the subdivision and transfer of land processes would be paid by McAuley Property Limited;
5. NOTES that Rosewood Aged Care Inc, Sisters of Mercy and Catholic Education Western Australia will enter into an agreement, to be prepared at the parties own cost, to establish cooperation and communication protocols for dealing with any issues that arise as a result of the direct interface between the school and aged care facility, including amenity, the consultation process for any proposed changes in the nature of the use (including

development proposals or master plans for the sites), access to the park and complaint management.

6. **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the conditional contract to exchange the land as set out in Recommendation 2;
7. **PREPARES** Amendment No. 4 to Local Planning Scheme No. 2, as at Attachment 9, pursuant to section 75 of the *Planning and Development Act 2005*, to reclassify a portion of Lot 100 (No. 20) Brentham Street, Leederville from “*public purpose – primary school*” to “*public open space*” and a portion Lot 75 Brentham Street Reserve, Brentham Street, Leederville from “*public open space – restricted*” to “*public purpose – primary school*”;
8. **CONSIDERS** Amendment No. 4 to Local Planning Scheme No. 2 a standard amendment under section 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as;
  - 8.1 The amendment is consistent with the City’s Local Planning Strategy which recommends that primary and secondary school facilities have dedicated zoning provisions to ensure their long term use as education providers and public open space is provided and managed appropriately;
  - 8.2 The amendment will have minimal impact on the surrounding area as the reclassification of land does not alter the existing built form on the subject sites;
  - 8.3 The amendment does not alter the Urban zoning under the Metropolitan Region Scheme;
  - 8.4 The amendment would not result in any significant environmental, social, economic or governance impacts; and
  - 8.5 The amendment is not considered to be a basic or complex amendment, as defined within the regulations;
9. **NOTES:**
  - 9.1 The City will forward Amendment No. 4 to Local Planning Scheme No. 2 to the Environmental Protection Authority pursuant to section 81 of the *Planning and Development Act 2005*;
  - 9.2 If no objection is received, the City will advertise Amendment No. 4 to Local Planning Scheme No. 2 for a period of 42 days, pursuant to section 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - 9.3 Following consideration of submissions by Council, Amendment No. 4 would be forwarded to the Western Australian Planning Commission for consideration and approval by the Minister for Planning; and
10. Subject to the contract in Recommendation 2. becoming unconditional, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Transfer of Land.

### **COUNCIL DECISION ITEM 11.3**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

**11.7 PUBLIC OPEN SPACE PROPOSAL FOR SYDNEY AND HAYNES STREET SITE, NORTH PERTH**

TRIM Ref: D19/56422

Author: Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments:

1. Haynes Sydney Street Site Plan 
2. Kidz Galore Pty Ltd Proposal for Haynes Sydney Street Site (March 2019) - Confidential
3. Deed of Trust Legal Advice (November 2016) - Confidential
4. Correspondence to Kidz Galore Pty Ltd (December 2017) - Confidential
5. Deed of Trust Variation Legal Advice (April 2019) - Confidential
6. Haynes Sydney Street Site Valuation Report - Confidential

**RECOMMENDATION:**

That Council:

1. NOTES that the City's Public Open Space strategy identifies a shortfall of public open space in the North Perth area and includes a key action of repurposing City land as public open space in strategic locations, including North Perth;
2. REQUESTS that the Chief Executive Officer prepares a development plan for 25 and 31 (Lots 93 and 100) Sydney Street, North Perth and 15 (Lot 9) Haynes Street, North Perth, identifying the type and size of public open space suitable for the site and the level of amenities required;
3. NOTES that the current tenure arrangements for 25 and 31 (Lots 93 and 100) Sydney Street, North Perth and 15 (Lot 9) Haynes Street, North Perth will expire on:

Lot:	Lessee / Licensee:	Tenure:	Expiry:
9	Kidz Galore Pty Ltd	Lease	31 Dec 2020
	North Perth Playgroup Inc (portion)	Lease	30 June 2021
100	North Perth Playgroup Inc (portion)	Lease	30 June 2021
	Department of Health (Dental Health Services)	Lease	30 June 2021
93 (car park)	Kidz Galore Pty Ltd	Licence	30 June 2021
	Department of Health (Dental Health Services)	Licence	30 June 2021

4. ADVISES the North Perth Playgroup Inc, Department of Health (Dental Health Services) and Kidz Galore Pty Ltd that the City will liaise with them in respect to the preparation of the development plan in Recommendation 2. above;
5. RECEIVES Kidz Galore Pty Ltd's proposal for the purchase and conversion to public open space of a 2,384m<sup>2</sup> portion of 31 (Lot 100) Sydney Street and 15 (Lot 9) Haynes Street, North Perth, at Attachment 2, and ADVISES Kidz Galore Pty Ltd that:
  - 6.1 this proposal will be considered as part of the development plan in Recommendation 2. above;
  - 6.2 there is no commitment that the City will progress with this proposal or accommodate a commercial child care centre within this site;
  - 6.3 15 (Lot 9) Haynes Street, North Perth is encumbered by a Deed of Trust which provides that the land is to be used for the purpose of public recreation and a commercial child care centre is inconsistent with this purpose; and
  - 6.4 the City does not support varying the Deed of Trust to remove Lot 9 on the basis that Lot 9 should be used for public recreation in accordance with the Deed of Trust;
  - 6.5 any disposal of a portion of the site would be subject to compliance with section 3.58 of

the *Local Government Act 1995*.

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

That the recommendation be adopted.

#### **AMENDMENT**

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

That the recommendation be amended as follows:

That Council:

1. NOTES that the City's Public Open Space strategy identifies a shortfall of public open space in the North Perth area and includes a key action of repurposing City land as public open space in strategic locations, including North Perth;
2. REQUESTS that the Chief Executive Officer prepares a development plan for 25 and 31 (Lots 93 and 100) Sydney Street, North Perth and 15 (Lot 9) Haynes Street, North Perth, identifying the type and size of public open space suitable for the site and the level of amenities required;
3. NOTES that the current tenure arrangements for 25 and 31 (Lots 93 and 100) Sydney Street, North Perth and 15 (Lot 9) Haynes Street, North Perth will expire on:

Lot:	Lessee / Licensee:	Tenure:	Expiry:
9	Kidz Galore Pty Ltd	Lease	31 Dec 2020
	North Perth Playgroup Inc (portion)	Lease	30 June 2021
100	North Perth Playgroup Inc (portion)	Lease	30 June 2021
	Department of Health (Dental Health Services)	Lease	30 June 2021
93 (car park)	Kidz Galore Pty Ltd	Licence	30 June 2021
	Department of Health (Dental Health Services)	Licence	30 June 2021

4. ADVISES the North Perth Playgroup Inc, Department of Health (Dental Health Services) and Kidz Galore Pty Ltd that the City will liaise with them in respect to the preparation of the development plan in Recommendation 2. above;
5. ~~RECEIVES Kidz Galore Pty Ltd's proposal for the purchase and conversion to public open space of a 2,384m<sup>2</sup> portion of 31 (Lot 100) Sydney Street and 15 (Lot 9) Haynes Street, North Perth, at Attachment 2, and ADVISES Kidz Galore Pty Ltd that:~~
  - 6.1 ~~this proposal will be considered as part of the development plan in Recommendation 2. above;~~
  - 6.2 ~~there is no commitment that the City will progress with this proposal or accommodate a commercial child care centre within this site;~~
  - 6.3 ~~15 (Lot 9) Haynes Street, North Perth is encumbered by a Deed of Trust which provides that the land is to be used for the purpose of public recreation and a commercial child care centre is inconsistent with this purpose; and~~
  - 6.4 ~~the City does not support varying the Deed of Trust to remove Lot 9 on the basis that Lot 9 should be used for public recreation in accordance with the Deed of Trust;~~
  - 6.5 ~~any disposal of a portion of the site would be subject to compliance with section 3.58 of the Local Government Act 1995.~~
5. DECLINES Kidz Galore Pty Ltd's land purchase proposal of 29 March 2019, for the purchase of a 2,384 m<sup>2</sup> portion of 31 (Lot 100) Sydney Street, 25 (Lot 93) Sydney Street and 15 (Lot 9) Haynes Street, North Perth, as at Attachment 2, and ADVISES Kidz Galore Pty Ltd that:

- 5.1 15 (Lot 9) Haynes Street, North Perth is encumbered by a Deed of Trust which provides

that the land is to be used for the purpose of public recreation and a commercial child care centre is inconsistent with this purpose; and

**5.2 the City does not support varying the Deed of Trust to remove Lot 9 on the basis that:**

- a) the land is not considered to be in excess to the City's public recreation requirements, as informed by the open space analysis set out in the City's Public Open Space Strategy; and
- b) it would not be "impossible, impractical or inexpedient" for the land to remain subject to the trust.

**CARRIED (7-1)**

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

**Against:** Cr Topelberg

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

### **COUNCIL DECISION ITEM 11.7**

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

That Council:

1. **NOTES** that the City's Public Open Space strategy identifies a shortfall of public open space in the North Perth area and includes a key action of repurposing City land as public open space in strategic locations, including North Perth;
2. **REQUESTS** that the Chief Executive Officer prepares a development plan for 25 and 31 (Lots 93 and 100) Sydney Street, North Perth and 15 (Lot 9) Haynes Street, North Perth, identifying the type and size of public open space suitable for the site and the level of amenities required;
3. **NOTES** that the current tenure arrangements for 25 and 31 (Lots 93 and 100) Sydney Street, North Perth and 15 (Lot 9) Haynes Street, North Perth will expire on:

Lot:	Lessee / Licensee:	Tenure:	Expiry:
9	Kidz Galore Pty Ltd	Lease	31 Dec 2020
	North Perth Playgroup Inc (portion)	Lease	30 June 2021
100	North Perth Playgroup Inc (portion)	Lease	30 June 2021
	Department of Health (Dental Health Services)	Lease	30 June 2021
93 (car park)	Kidz Galore Pty Ltd	Licence	30 June 2021
	Department of Health (Dental Health Services)	Licence	30 June 2021

4. **ADVISES** the North Perth Playgroup Inc, Department of Health (Dental Health Services) and Kidz Galore Pty Ltd that the City will liaise with them in respect to the preparation of the development plan in Recommendation 2. above;
5. **DECLINES** Kidz Galore Pty Ltd's land purchase proposal of 29 March 2019, for the purchase of a 2,384 m2 portion of 31 (Lot 100) Sydney Street, 25 (Lot 93) Sydney Street and 15 (Lot 9) Haynes Street, North Perth, as at Attachment 2, and **ADVISES** Kidz Galore Pty Ltd that:
  - 5.1 **15 (Lot 9) Haynes Street, North Perth is encumbered by a Deed of Trust which provides that the land is to be used for the purpose of public recreation and a commercial child care centre is inconsistent with this purpose; and**
  - 5.2 **the City does not support varying the Deed of Trust to remove Lot 9 on the basis that:**
    - a) **the land is not considered to be in excess to the City's public recreation requirements, as informed by the open space analysis set out in the City's Public Open Space Strategy; and**

- b) it would not be “impossible, impractical or inexpedient” for the land to remain subject to the trust.

**CARRIED (7-1)**

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

**Against:** Cr Topelberg

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

At 7.22pm, Cr Dan Loden left the meeting.

**9 PLANNING AND PLACE**

- 9.1 NO. 147-149 (LOT: 500; D/P: 77320) BRISBANE STREET, PERTH - PROPOSED CHANGE OF USE FROM OFFICE TO MULTIPLE DWELLINGS AND UNLISTED USE (SHORT-STAY ACCOMMODATION)**

Report was withdrawn at the request of the applicant.

**9.3 REVIEW OF POLICY NO. 3.8.12 - MOBILE FOOD VENDOR**

TRIM Ref: D19/66026

Authors: Rachel Wells, Environmental Health Officer  
Prue Reddingius, Co-ordinator Environmental Health

Authoriser: John Corbellini, Executive Director Development Services

Attachments: 1. Policy No. 3.8.12 - Mobile Food Vendor - Proposed Amendments **RECOMMENDATION:**

That Council:

1. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed amendments to Policy No. 3.8.12 – ‘*Mobile Food Vendor*’ as at Attachment 1; and
2. **NOTES** that at the conclusion of the public consultation period any submissions received will be presented to Council for consideration.

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

That the recommendation be adopted.

At 7.24pm, Cr Dan Loden returned to the meeting.

**AMENDMENT****Moved:** Cr Topelberg, **Seconded:** Cr Hallett

That the recommendation be added to as follows:

3. **REPLACE** draft clause 1.5 in Policy No. 3.8.12 – ‘*Mobile Food Vendor*’ with:  
“1.5 Ensure that sound emitted by mechanical devices and/or activities associated with Mobile Food Vendor operations does not impact on amenity of park users.”

**AMENDMENT LOST (3-5)****For:** Cr Castle, Cr Hallett and Cr Topelberg**Against:** Mayor Cole, Cr Gontaszewski, Cr Fotakis, Cr Loden and Cr Murphy

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

**COUNCIL DECISION ITEM 9.3****Moved:** Cr Hallett, **Seconded:** Cr Fotakis

That Council:

1. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed amendments to Policy No. 3.8.12 – ‘*Mobile Food Vendor*’ as at Attachment 1; and
2. **NOTES** that at the conclusion of the public consultation period any submissions received will be presented to Council for consideration.

**CARRIED UNANIMOUSLY (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg

Against: Nil

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

9.2 NO'S. 4 - 10 (LOTS: 13, 14 & 15) COWLE STREET AND NO'S. 199 - 241 (LOTS: 10, 11, 12, 21, 22, 23, 24 & 25) FITZGERALD STREET, WEST PERTH - LOCAL DEVELOPMENT PLAN

TRIM Ref: D18/195631

Author: Kate Miller, Senior Urban Planner

Authoriser: John Corbellini, Executive Director Development Services

Attachments:

1. Consultation and Location Map 
2. Applicant's Original Submission and Response to DRP Comments 
3. Applicant's Further Justification 
4. Summary of Submissions - Applicant's Response 
5. Administration's Comments on Submissions 
6. Local Development Plan 
7. LDP Objective Assessment Against R Codes Volume 2 - Apartments 

**PRECOMMENDATION:**

That Council:

1. Pursuant to Clause 654 47(d) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS that a local development plan is required over No's. 4 – 10 Cowle Street (Lots: 13, 14 & 15) and No's. 199 – 241 (Lots: 10, 11, 12, 21, 22, 23, 24 & 25) Fitzgerald Street, West Perth for the purposes of orderly and proper planning; and
2. Pursuant to Clause 52(1)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* APPROVES the Local Development Plan contained in Attachment 6 for No's. 4 – 10 Cowle Street (Lots: 13, 14 & 15) and No's. 199 – 241 (Lots: 10, 11, 12, 21, 22, 23, 24 & 25) Fitzgerald Street, West Perth, subject to the applicant modifying the local development plan as follows and resubmitting the modified plan to the City:

2.1 Replacing Clause 1 with the following:

- “1a) *Where this local development plan is inconsistent with the City's local planning scheme, the local planning scheme prevails. Where this local development plan is inconsistent with an adopted Activity Centre Plan or Structure Plan, Local Planning Policy, Master Plan or Guidelines (e.g. Character Retention Area Guidelines), this Local Development Plan prevails.*
- 1b) *In accordance with the Clause 1.2.2 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R Codes Volume 2), this Local Development Plan contains provisions that amend or replace the Acceptable Outcomes set out in Part 2, 3 and 4 of the R Codes Volume 2. The Element Objectives of the R Codes Volume 2 remain and apply. The provisions below detail which Acceptable Outcomes of the R Codes Volume 2 have been amended or replaced by Acceptable Outcomes of the Local Development Plan.*
- 1c) *Unless provided for below, the provisions of State Planning Policy 7.3 Residential Design Codes (R Codes) and Local Planning Policy No. 7.1.1 – Built Form apply.*
- 1d) *Any State Planning Policy, Local Planning Policy or other legislation that is applicable to this LDP that is amended or replaced will continue to be applicable to the development that is the subject of the LDP.”;*

2.2 Deleting dot points two and eight in Clause 2;

2.3 Replacing dot point 5 of Clause 2 with the following:

*“The maximum number of parking bays shall not exceed the minimum parking requirements prescribed by State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartment and Local Planning Policy 7.7.1 – Non Residential Development*

*Parking Policy.”;*

- 2.4 Replacing dot point six of Clause 2 with the following:

*“The ground floor and parking areas of the development shall be designed to be adaptive and convertible to cater for changing uses over time.”;*

- 2.5 Replacing dot point seven of Clause 2 with the following:

*“No vehicle parking shall adjoin or front Cowle Street.”;*

- 2.6 Replacing the text above the Tables in Clause 3 with the following:

*“The following provisions replace the Acceptable Outcomes in Clause 2.3 and 2.4 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.”;*

- 2.7 Replacing the setbacks set out under subclause 3 e) ‘Rear Edge’ with the following:

*“Rear Edge – Lots 9, 21, 22, 23, 24 and 25 Fitzgerald Street*

*All buildings on Lots 21, 22, 23, 24 and 25 shall be setback 0.5 metres from the right-of-way to allow for widening*

*1 – 4 storeys: Nil from the 0.5 metre right-of-way widening area (where applicable)*

*Above 4 storeys: Setback from the 0.5 metre right-of-way widening area (where applicable) as per the applicable Acceptable Outcomes in Clause 2.4 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments or as amended in accordance with Clause 1.2 4 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*

*Rear Edge – Lot 15 Cowle Street*

*1 – 3 storeys: Nil*

*Above 3 storeys: 4 metres”*

- 2.8 Replacing the text above the Table in Clause 4 with the following:

*“The following provisions replace the Acceptable Outcomes in Clause 2.2 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments for Lots 9, 10, 11, 21, 22, 23, 24 and 25 Fitzgerald Street and Lots 12 and 13 Cowle Street only.”;*

- 2.9 Replacing the term “Top of external wall” in Clause 5 with the following:

*“Top of external wall (roof above)”;* and

- 2.10 Replacing the term “Top of roof (concealed)” in Clause 5 with the following:

*“Top of external wall (concealed roof)”;* and

- 2.11 Replacing Clause 5 with the following:

*“All of the Element Objectives in Clauses 3.2, 3.6, 3.7, 4.10 and 4.14 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments apply to the Internal Edge (North) and Internal Edge (South).”;*

- 2.12 Inserting Clause 6 with the following text:

**“6. Landscaping**

**The following provisions replace the Acceptable Outcomes in Clause 3.3 of State**

**Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments:**

- (i) *Deep soil areas are provided as a minimum of 12% of the site area. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.*
- (ii) *Planting Areas\* are provided as a minimum of 3% of the site area.*
- (iii) *Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b of the R Codes Volume 2 to achieve canopy coverage of 80% in the ground floor lot boundary setback.*
- (iv) *Evergreen tree species where landscaping is used to reduce the impact of building bulk.*
- (v) *Deciduous tree species to the north and south of development to allow natural light penetration to the development and adjoining buildings.*
- (vi) *Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided to a minimum depth and dimension of 1 metre.*

*\* Planting areas area defined as an area, which is not considered a deep soil area, with a minimum soil depth and dimension of 1 metre that supports growth of medium to large canopy trees.”*

2.13 Modifying the Local Development Plan Boundary to remove Lot 1006 from the Local Development Plan; and

2.14 The applicant is to obtain necessary approval from the West Australian Planning Commission in accordance with Clause 1.2 of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.

**COUNCIL DECISION ITEM 9.2**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

**10 INFRASTRUCTURE AND ENVIRONMENT****10.1 2019 GREENING VINCENT GARDEN AWARDS**

TRIM Ref: D19/49802

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

Authoriser: Andrew Murphy, Executive Director Infrastructure and Engineering

Attachments: Nil

**RECOMMENDATION:**

That Council:

1. NOTES that Administration will arrange a “2019 Greening Vincent Garden Awards” function to be held at the North Perth Town Hall on Wednesday 13 November 2019 commencing at 6pm with invitees including competition entrants/partners and sponsors; and
2. APPROVES a final judging panel including Cr....., Cr....., and Cr.....

**Moved: Cr Topelberg, Seconded: Cr Fotakis**

That the recommendation be adopted.

**AMENDMENT****Moved: Cr Topelberg, Seconded: Cr Fotakis**

That the recommendation be amended as follows:

That Council:

1. NOTES that Administration will arrange a “2019 Greening Vincent Garden Awards” function to be held at the North Perth Town Hall on Wednesday 13 November 2019 commencing at 6pm with invitees including competition entrants/partners and sponsors;
2. APPROVES a final judging panel including Cr....., Cr....., and Cr..... ; **and**
3. **REQUESTS the judging panel to include an appropriate category or sub-category to recognise indoor gardens as part of the awards. This inclusion is to be clearly articulated in the call for nominations.**

**AMENDMENT CARRIED (8-0)**

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

Against: Nil

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

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

That Council:

1. NOTES that Administration will arrange a “2019 Greening Vincent Garden Awards” function to

be held at the North Perth Town Hall on Wednesday 13 November 2019 commencing at 6pm with invitees including competition entrants/partners and sponsors;

4. APPROVES a final judging panel including Cr Harley, Cr Fotakis and Cr Castle; and
5. REQUESTS the judging panel to include an appropriate category or sub-category to recognise indoor gardens as part of the awards. This inclusion is to be clearly articulated in the call for nominations.

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

**11 COMMUNITY AND BUSINESS SERVICES**

**11.6 TERMINATION OF SUB LEASE - PORTION OF WOODVILLE RESERVE, 10 FARMER STREET, NORTH PERTH - MULTICULTURAL SERVICES CENTRE OF WA INC.**

Item withdrawn, to be considered at the next Ordinary Meeting of Council on 25 June 2019.

**11.9 AMENDMENTS TO THE CITY'S POLICY 4.1.1. - POLICY REGISTER**

Item withdrawn, to be considered at the next Ordinary Meeting of Council on 25 June 2019.

**11.10 ADOPTION OF COUNCIL ELECTION PERIOD POLICY**

TRIM Ref: D19/72508

Author: Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Council Election Period Policy (draft) **RECOMMENDATION:**

That Council:

1. RECEIVES the draft City Policy– “*Council Election Period Policy*”, at Attachment 1;
2. AUTHORISES the Chief Executive Officer to provide local public notice of the new policy in Recommendation 1. above and invite public comments for a period of 21 days; and
3. NOTES that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

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

That the recommendation be adopted.

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

That the recommendation be amended as follows:

4. AMEND clause 5.5.1 of the draft “*Council Election Period Policy*” to delete the following sentence:

“Information about Elected Members (who are candidates) will be restricted to names, contact details, titles, membership of committees, working and advisory groups to which they have been appointed to by the Council.”

**CARRIED UNANIMOUSLY (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg**Against:** Nil

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

**COUNCIL DECISION ITEM 11.10****Moved: Cr Castle, Seconded: Cr Gontaszewski**

That Council:

1. RECEIVES the draft City Policy– “*Council Election Period Policy*”, at Attachment 1;
2. AUTHORISES the Chief Executive Officer to provide local public notice of the new policy in Recommendation 1. above and invite public comments for a period of 21 days; and
3. NOTES that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.
4. AMEND clause 5.5.1 of the draft “*Council Election Period Policy*” to delete the following

sentence:

**“Information about Elected Members (who are candidates) will be restricted to names, contact details, titles, membership of committees, working and advisory groups to which they have been appointed to by the Council.”**

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

## 11.11 DRAFT SAFER VINCENT PLAN 2019–2022

TRIM Ref: D19/39800

Authors: Karen Balm, Senior Community Partner  
 Cara Finch, Community Partner – Community Safety

Authoriser: Michael Quirk, Executive Director Community Engagement

Attachments: 1. Draft Safer Vincent Plan 2019–2022 **RECOMMENDATION:**

That Council;

1. RECEIVES the draft Safer Vincent Plan 2019–2022;
2. AUTHORISES the Chief Executive Officer to advertise the draft Safer Vincent Plan 2019–2022 for public comment for a period of 21 days inviting written submissions in accordance with Council Policy No. 4.1.5 – Community Consultation;
3. NOTES that a further report will be presented to the Ordinary Council Meeting in July 2019 detailing any submissions received during the public comment period; and
4. NOTES that the draft Safer Vincent Plan 2019–2022 will be subject to further formatting, styling and graphic design as determined by the Chief Executive Officer prior to publication.

**Moved:** Cr Fotakis, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

**AMENDMENT****Moved:** Cr Fotakis, **Seconded:** Cr Gontaszewski

That the recommendation be amended as follows:

That Council:

1. RECEIVES the draft Safer Vincent Plan 2019 – 2022 subject to the following amendments being made prior to the commencement of the public comment period:
  - 1.1 Inclusion of local crime statistics within the ‘Crime Trends and Perception of Crime’ section of the Plan;
  - 1.2 Inclusion of additional wording within the ‘Crime Trends and Perceptions of Crime’ section of the Plan outlining the role of local government, including the responsibilities of Rangers, and intersecting partnerships with WA Police and the community;
  - 1.3 Rewording of the following action and deliverable under the ‘Safer Space’ theme in the Plan:

Actions	Deliverables	Timeline	Responsibility	Strategic Community Plan 2018 – 2028 Priorities
Investigate security patrol services Assess the effectiveness and feasibility of a security patrol service	Prepare a business case to determine community sentiment for a service, as well as the effectiveness, cost and feasibility	December 2020	Community Safety Community Partnerships Finance Services	Innovative and Accountable

	<p><del>of dedicated patrol services in the City</del></p> <p>Prepare a business case to assess the effectiveness, financial model and feasibility of a dedicated patrol service in the City and, if viable, determine community appetite for the service and the associated costs</p>			
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**1.4 Addition of the following action and deliverable under the ‘Community Connection’ theme in the Plan:**

<b>Actions</b>	<b>Deliverables</b>	<b>Timeline</b>	<b>Responsibility</b>	<b>Strategic Community Plan 2018 – 2028 Priorities</b>
Implement the ‘Love Your Laneway Demonstration Project’	Develop and implement a demonstration project to enable residents to make better use of, and beautify their laneways, leading to increased activation and surveillance	June 2020	Policy and Place Asset and Design	Connected Community Accessible City

**1.5 Addition of the following action and deliverable under the ‘Crime Prevention’ theme in the Plan:**

<b>Actions</b>	<b>Deliverables</b>	<b>Timeline</b>	<b>Responsibility</b>	<b>Strategic Community Plan 2018 – 2028 Priorities</b>
Undertake relocation of Ranger Services to the proposed City of Vincent ‘Community Hub’	Stronger ‘eyes on the street’ presence and improved access for residents/businesses through the relocation of Ranger Services to Leederville	December 2020	Community Partnerships Community Safety Marketing and Communications	Thriving Places Innovative and Accountable

2. **AUTHORISES** the Chief Executive Officer to advertise the draft Safer Vincent Plan 2019 – 2022 for public comment for a period of 21 days inviting written submissions in accordance with Council Policy No. 4.1.5 – Community Consultation;
3. **NOTES** that a further report will be presented to the Ordinary Council Meeting in July 2019 detailing any submissions received during the public comment period; and
4. **NOTES** that the draft Safer Vincent Plan 2019 – 2022 will be subject to further formatting, styling and graphic design as determined by the Chief Executive Officer prior to publication.

**AMENDMENT CARRIED (8-0)**

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

**Against:** Nil

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

**COUNCIL DECISION ITEM 11.11**

**Moved:** Cr Fotakis, **Seconded:** Cr Gontaszewski

**That Council:**

1. **RECEIVES** the draft Safer Vincent Plan 2019 – 2022 subject to the following amendments being made prior to the commencement of the public comment period:
  - 1.1 Inclusion of local crime statistics within the ‘Crime Trends and Perception of Crime’ section of the Plan;
  - 1.2 Inclusion of additional wording within the ‘Crime Trends and Perceptions of Crime’ section of the Plan outlining the role of local government, including the responsibilities of Rangers, and intersecting partnerships with WA Police and the community;
  - 1.3 Rewording of the following action and deliverable under the ‘Safer Space’ theme in the Plan:

<b>Actions</b>	<b>Deliverables</b>	<b>Timeline</b>	<b>Responsibility</b>	<b>Strategic Community Plan 2018 – 2028 Priorities</b>
Investigate security patrol services Assess the effectiveness and feasibility of a security patrol service	<del>Prepare a business case to determine community sentiment for a service, as well as the effectiveness, cost and feasibility of dedicated patrol services in the City</del>  Prepare a business case to assess the effectiveness, financial model and feasibility of a dedicated patrol service in the City	December 2020	Community Safety Community Partnerships Finance Services	Innovative and Accountable

	and, if viable, determine community appetite for the service and the associated costs			
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**1.4 Addition of the following action and deliverable under the 'Community Connection' theme in the Plan:**

<b>Actions</b>	<b>Deliverables</b>	<b>Timeline</b>	<b>Responsibility</b>	<b>Strategic Community Plan 2018 – 2028 Priorities</b>
Implement the 'Love Your Laneway Demonstration Project'	Develop and implement a demonstration project to enable residents to make better use of, and beautify their laneways, leading to increased activation and surveillance	June 2020	Policy and Place Asset and Design	Connected Community Accessible City

**1.5 Addition of the following action and deliverable under the 'Crime Prevention' theme in the Plan:**

<b>Actions</b>	<b>Deliverables</b>	<b>Timeline</b>	<b>Responsibility</b>	<b>Strategic Community Plan 2018 – 2028 Priorities</b>
Undertake relocation of Ranger Services to the proposed City of Vincent 'Community Hub'	Stronger 'eyes on the street' presence and improved access for residents/businesses through the relocation of Ranger Services to Leederville	December 2020	Community Partnerships Community Safety Marketing and Communications	Thriving Places Innovative and Accountable

2. **AUTHORISES the Chief Executive Officer to advertise the draft Safer Vincent Plan 2019 – 2022 for public comment for a period of 21 days inviting written submissions in accordance with Council Policy No. 4.1.5 – Community Consultation;**
3. **NOTES that a further report will be presented to the Ordinary Council Meeting in July 2019 detailing any submissions received during the public comment period; and**
4. **NOTES that the draft Safer Vincent Plan 2019 – 2022 will be subject to further formatting, styling and graphic design as determined by the Chief Executive Officer prior to publication.**

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

## 12 CHIEF EXECUTIVE OFFICER

### 12.1 DRAFT SUSTAINABLE ENVIRONMENT STRATEGY

TRIM Ref: D19/63248

Author: Anita Marriott, Sustainability Officer

Authoriser: John Paton, Executive Manager - Office of the CEO

Attachments: 1. Sustainable Environment Strategy 2011-2016 Actions Status Update   
2. Draft Sustainable Environment Strategy 2019-2024   
3. Draft Sustainable Environment Strategy 2019-2024 Implementation Plan 

#### RECOMMENDATION:

That Council:

1. APPROVES the draft Sustainable Environment Strategy 2019 – 2024 for public comment for a period of 21 days in accordance with the City's Policy No. 4.1.5 – Community Consultation; and
2. NOTES the draft Implementation Plan that accompanies the draft Sustainable Environment Strategy 2019 – 2024.

Moved: Cr Loden, Seconded: Cr Hallett

That the recommendation be adopted.

#### AMENDMENT

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the recommendation be amended as follows:

That Council:

1. APPROVES the draft Sustainable Environment Strategy 2019 – 2024 for public comment for a period of 21 days in accordance with the City's Policy No. 4.1.5 – Community Consultation subject to Administration amending the target for net zero Greenhouse Gas Emissions and net zero Greenhouse Gas emissions for Stationery Energy to 2030; and
2. NOTES the draft Implementation Plan that accompanies the draft Sustainable Environment Strategy 2019 – 2024.

**AMENDMENT CARRIED (8-0)**

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

**Against:** Nil

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

#### COUNCIL DECISION ITEM 12.1

Moved: Cr Loden, Seconded: Cr Hallett

That Council:

1. APPROVES the draft Sustainable Environment Strategy 2019 – 2024 for public comment for a period of 21 days in accordance with the City's Policy No. 4.1.5 – Community Consultation

subject to Administration amending the target for net zero Greenhouse Gas Emissions and net zero Greenhouse Gas emissions for Stationery Energy to 2030; and

2. **NOTES** the draft Implementation Plan that accompanies the draft Sustainable Environment Strategy 2019 – 2024.

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

**13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**16 URGENT BUSINESS**

Nil

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

Nil

**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 9.06pm with the following persons present:

<b>PRESENT:</b>	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 Dan Loden	North Ward
	Cr Jimmy Murphy	South Ward
	Cr Joshua Topelberg	South Ward
<b>IN ATTENDANCE:</b>	David MacLennan	Chief Executive Officer
	Andrew Murphy	A/Executive Director Infrastructure and Environment
	Michael Quirk	A/Executive Director Community and Business Services
	John Corbellini	A/Executive Director Planning and Place
	Jordan Koroveshi	Coordinator Policy and Place
	Meluka Bancroft	Manager Governance, Property and Contracts
	Natasha Brooks	Governance and Council Support Officer
<b>Media:</b>	Nil.	
<b>Public:</b>	Nil.	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 28 May 2019.

Signed:  Mayor Emma Cole

Dated: 25 June 2019