



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

15 October 2019

Table of Contents

| | | |
|----|---|----|
| 1 | Declaration of Opening / Acknowledgement of Country | 5 |
| 2 | Apologies / Members on Leave of Absence | 5 |
| 3 | (A) Public Question Time and Receiving of Public Statements | 5 |
| | (B) Response to Previous Public Questions Taken On Notice | 9 |
| 4 | Applications for Leave of Absence | 9 |
| 5 | The Receiving of Petitions, Deputations and Presentations | 9 |
| 6 | Confirmation of Minutes | 10 |
| 7 | Announcements by the Presiding Member (Without Discussion) | 10 |
| | 7.1 Retirement of Cr Jimmy Murphy – Acknowledgement of Service to the City of Vincent | 10 |
| | 7.2 Retirement of Cr Roslyn Harley – Acknowledgement of Service to the City of Vincent | 11 |
| | 7.3 2019 Ordinary Elections..... | 11 |
| 8 | Declarations of Interest | 11 |
| | reports | 11 |
| | Items Approved "En Bloc": | 13 |
| 9 | Strategy and Development | 14 |
| | 9.6 2019/20 Community Sporting and Recreation Facilities Fund Small Grants Application - Woodville Reserve Master Plan..... | 14 |
| | 9.7 Optus Stadium - Submission on Proposed Regulation 19B Venue Approval | 15 |
| 10 | Infrastructure and Environment | 16 |
| 11 | Community and Business Services | 17 |
| | 11.1 WA Treasury Corporation Local Government Master Lending Agreement | 17 |
| | 11.2 Licence to PRIDEWA - Use of Portion of Lot 15 (No. 4) View Street, North Perth - 16 October - 2 December 2019 | 18 |
| | 11.3 Investment Report as at 31 August 2019 | 19 |
| | 11.5 Financial Statements as at 31 August 2019 | 20 |
| 12 | Chief Executive Officer | 21 |
| | 12.1 Revocation of Power of Attorney and granting of new Power of Attorney to subdivide and sell land within the Tamala Park Regional Council..... | 21 |
| | 12.2 Dedication of lots 889 and 890 as road - Corner Fitzgerald and Bulwer Streets, Perth and write-off of outstanding rates debt | 23 |
| | 12.3 Grant of section 91 licence to the City of Vincent - Summers Street Carpark and access road..... | 25 |
| | 12.4 Information Bulletin | 26 |
| | Items Individually Considered | 27 |
| 9 | Strategy and Development | 27 |
| | 9.3 No. 2 (Lot: 74 D/P: 4576) Brookman Street, Perth - Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House | 27 |
| | 9.4 No. 396-398 (Lot: 1; D/P: 1976) Fitzgerald Street, North Perth - Proposed Change of Use from Office to Unlisted Use (Cat Hotel) | 31 |
| | 9.1 No. 51 (Lot 192; D/P 56091) Albert Street, North Perth - Proposed Alterations and Additions to the Club Premises and Change of Use from Club Premises to Club Premises and Child Care Premises and licence for use of car park at No. 160 Albert Street, North Perth | 34 |

| | | |
|-----------|---|-----------|
| 9.5 | No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio) | 39 |
| 9.2 | No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth - Multiple Dwelling (Amendment to Approved) | 46 |
| 11.4 | Authorisation of Expenditure for the Period 1 September 2019 to 23 September 2019 | 50 |
| 13 | Motions of Which Previous Notice Has Been Given..... | 50 |
| 14 | Questions by Members of Which Due Notice Has Been Given (Without Discussion)..... | 50 |
| 15 | Representation on Committees and Public Bodies | 50 |
| 16 | Urgent Business | 51 |
| 17 | Confidential Items/Matters For Which the Meeting May be Closed | 51 |
| 18 | Closure | 51 |

**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 15 OCTOBER 2019 AT 6PM**

| | | |
|-----------------------|---|---|
| PRESENT: | Mayor Emma Cole | Presiding Member |
| | Cr Susan Gontaszewski | South Ward |
| | Cr Alex Castle | North Ward |
| | Cr Jonathan Hallett | South Ward |
| | Cr Dan Loden | North Ward |
| | Cr Jimmy Murphy | South Ward |
| | Cr Joshua Topelberg | South Ward |
| | | |
| IN ATTENDANCE: | David MacLennan | Chief Executive Officer |
| | Andrew Murphy | Executive Director Infrastructure & Environment |
| | John Corbellini | A/Executive Director Community & Business Services |
| | Stephanie Smith | A/Executive Director Strategy & Development |
| | Jay Naidoo | Manager Development & Design |
| | Meluka Bancroft | Manager Governance, Property and Contracts |
| | Joslin Colli | Coordinator Planning Services |
| | Sharron Kent | Governance and Council Liaison Officer |
| | | |
| Media: | Two members of the media. | |
| Public: | Approximately 45 members of the public. | |

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Apologies were received from Cr Roslyn Harley - North Ward and Cr Joanne Fotakis - North Ward.

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. *Mary Greenshields of Perth - Item 9.3 No. 2 (Lot: 74 D/P: 4576) Brookman Street, Perth - Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House*

- Spoke against the recommendations due to the heritage implications.

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

2. *Jessica Hay of North Perth, founder of Furbaby Retreat - Item 9.4 No. 396-398 (Lot: 1; D/P: 1976) Fitzgerald Street, North Perth - Proposed Change of Use from Office to Unlisted Use (Cat Hotel)*

- Spoke in support of the recommendations.

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

3. *Chris Angelkov of Menora - Item 9.1 No. 51 (Lot 192; D/P 56091) Albert Street, North Perth - Proposed Alterations and Additions to the Club Premises and Change of Use from Club Premises to Club Premises and Child Care Premises and licence for use of car park at No. 160 Albert Street, North Perth*

- Spoke in support of the recommendations as Vice President of the Macedonian Club of WA Inc. and Member of the Child Care Centre Committee.

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

4. *Paul Casey of North Perth - Item 9.1 No. 51 (Lot 192; D/P 56091) Albert Street, North Perth - Proposed Alterations and Additions to the Club Premises and Change of Use from Club Premises to Club Premises and Child Care Premises and licence for use of car park at No. 160 Albert Street, North Perth*

- Spoke against the recommendations in respect of traffic, parking and operating hours.

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

5. *Alan Bruce of West Perth – Parking at Leederville Post Office (Item not on the Agenda)*

- Spoke in relation to parking opposite the Leederville Post Office and queried where customers are to park if they were to visit the Post Office.

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

6. *Tom O'Halloran of Perth – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations, as an arts practitioner, in respect to its intimate nature and the opportunity to tailor make experiences, future proofing the arts precinct and through its use of technology, noise proofing and that it takes advantage of public transport in the area.

The Presiding Member Mayor Emma Cole thanked Mr O'Halloran for his comments.

7. *Elizabeth Thomas of Perth – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect of the excitement it has generated amongst her clients, in the local community
- Stated that it will provide a service for young people to perform and practice and is a world-class facility.

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

8. *Michael Mann of Quinns Rocks – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations.
- Stated that community concerns about noise and parking were mitigated by sound proofing and the design.

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

9. *Maurice Ryan of Highgate of Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to the zoning, consideration of mitigating neighbour concerns and trial period.

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

10. *Ken Smith of West Perth – Item 9.2 No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth - Multiple Dwelling (Amendment to Approved)*

- Spoke against the recommendations in respect to previous approvals, streetscape, major variances, and timeframes and inclusions for substantial commencement.

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

11. *Francine Smith of West Perth – Item 9.2 No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth - Multiple Dwelling (Amendment to Approved)*

- Spoke against the recommendations in respect to setback and height compliance.
- Requested Council consider parking in undeveloped land for contractors to minimise disruption to residents as a condition of the approval.

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

12. *Alf Hurley of Myaree – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to experience of the applicant and opportunity for new talent.

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

13. *Tresna Stampalia of Bedford – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to state of the art recording facilities, purpose built facilities, great location and opportunities for new talent.

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

14. *Phil Paoth of West Leederville, President of the Macedonian Orthodox Church - Item 9.1 No. 51 (Lot 192; D/P 56091) Albert Street, North Perth - Proposed Alterations and Additions to the Club Premises and Change of Use from Club Premises to Club Premises and Child Care Premises and licence for use of car park at No. 160 Albert Street, North Perth*

- Spoke in support of the recommendations in respect to the applicant addressing concerns raised by neighbours and the value to community amenity.

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

15. *Narelle Bell of Yokine – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to its contribution to the arts and music scene in Perth and the opportunities for new and existing talent.

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

16. *James Paxton of Claremont – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to its state of the art recording facilities and great opportunity for the City of Vincent.

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

17. *Pete Jeavons of Perth – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to the expertly designed facilities, the mitigation of noise by the very nature of the studio and the location.

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

18. *Victor Anamalay, Balhus – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect to logistics and the online aspect of the venue, translates across the network and accessibility to international interests.

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

19. *Mikel Owen of Darlington – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect of the professionalism of the applicant, engaging local communities, state of the art facilities, innovation in audio design will attract local and interstate artists and enhance the cultural reputation of the City of Vincent.

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

20. *Debra Thornborough-Owen of Darlington – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect of the appeal of the boutique element of the performing arts and the attention it would bring to the City of Vincent.
- Read out a letter from Ben Burgess of the WA Youth Orchestra, strongly supporting the application and stating that this studio will go some way to address chronic music location shortages in WA.

The Presiding Member Mayor Emma Cole thanked Ms Thornborough-Owen for her comments.

21. *Avalon Jack of Nollamara – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke for the recommendations.
- Read out a letter from performer and music teacher Daniel McMillan, strongly supporting the application and stating he has a need for intimate and quality acoustic venues such as this application for his students to perform and the location, accessibility and design is excellent.

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

22. *Mike Heath of Mundaring – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations on behalf of Richard Brajam (performer, teacher and callaborator on this concept) in respect to what exposure, opportunities and benefits the facility will bring to artists and the community.
- Spoke highly of the applicant and stated that he had a genuine philosophy of inclusiveness and professionalism.

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

23. *Ken Sealy of Highgate – Parking Management Plan (Item not on the Agenda)*

- Spoke in relation to a compliance issue - Mayor Cole referred Mr Sealy to the Chief Executive Officer as this matter was administrative in nature.

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

24. *Craig Pinkney – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke in support of the recommendations in respect of it being of an international standard and the attention it will demand on the international stage.

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

There being no further speakers, Public Question Time closed at approximately 7.03pm.

(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 following Deputations were received:

1. *Rebecca Properzi of Perth – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*

- Spoke against the recommendations.
- State that she lives to the rear of the site.
- Spoke against hours of operation, patron noise, transport to and from the venue, 100% objection of neighbours living 100m of the property, land use change from 'residential' to 'unlisted (live music venue)', setting an adverse planning precedent against incompatible activity to current zoning, existing case law.
- Requested Council consider whether a live music venue would be approved in this location if the house did not already exist.

The Presiding Member Mayor Emma Cole thanked Ms Properzi for her Deputation.

2. *Nunzio Mondia of Perth – Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio)*
- Spoke in support of the recommendations.
 - Stated there was support from 1, 3, 5, 9, 13, 15, 17, 19 Baker Avenue, representing 80% of the street.
 - Stated that the venue is his home 100% of the time and assures the meeting that great care will be taking to minimise noise to neighbours, as he would expect himself.
 - Thanked Council and Administration for their consideration of the application.
 - Played a video of Robin Nolan, an educator/professional musician and supporter of the application.

The Presiding Member Mayor Emma Cole thanked Mr Mondia for his Deputation.

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Hallett

That the Minutes of the Ordinary Meeting of Council held on 17 September 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcements:

7.1 Retirement of Cr Jimmy Murphy – Acknowledgement of Service to the City of Vincent

Mayor Cole acknowledged the service Cr Jimmy Murphy has made to the City of Vincent community and reflected on Cr Murphy's contributions since he was first elected in 2015. She wished him all the best for the future and with the Town Team Movement (one of his first acts as a Council member), both within WA, nationally and internationally. Mayor Cole reflected on his time on Council – a can do attitude, faith in people, faith in connection, sees the positive and potential in everyone, a connector of people and place and an expert at bringing this together in a warm and welcoming way.

Cr Murphy led the Arts Advisory Group which developed the Arts Development Plan and major arts projects with passion, direction and results. He was critical to supporting the Town Teams including Leederville Connect, the Pickle District and the development of the Leederville Village Square. Cr Murphy was also a supporter of greater sustainability in Vincent, was the Alternate Member on the Tamala Park Regional Council and the Business Advisory Group. Mayor Cole read aloud letters of reflection of Cr Murphy's time in the Vincent community.

Cr Murphy thanked Mayor Cole for her words and honoured the City of Vincent as the birthplace of the Town Team Movement and those who have taken it to where it is today.

7.2 Retirement of Cr Roslyn Harley – Acknowledgement of Service to the City of Vincent

Mayor Cole acknowledged the service Cr Roslyn Harley has made to the City of Vincent community and reflected on Cr Harley's contributions since she was first elected in 2011. Cr Harley was Deputy Mayor from 2013-2017. Mayor Cole described Cr Harley as passionate, eloquent, intelligent, expressive, determined, strong on governance and the importance of good policy. Cr Harley was deeply passionate about reconciliation and Aboriginal and Noongar culture. Cr Harley led the first and second Reconciliation Action Plans. She had a deep love of Vincent's multicultural heritage and loved being part of the dog community and the garden competition. Cr Harley was a keen scrutineer of expenditure, was a leader in transparency, accountability and cultural change at Vincent and in the local government sector. Mayor Cole read aloud words of reflection from John Carey, former Mayor, who worked with Cr Harley during this time.

Cr Harley championed the WALGA transparency reform, mandatory training for elected members, greater transparency with council information, minimum standards regarding the recruitment and performance of CEOs and was on the CEO recruitment panel in selecting the current CEO at Vincent.

7.3 2019 Ordinary Elections

Mayor Cole advised the meeting that the 2019 Ordinary Election count is taking place this weekend. She thanked Cr Gontaszewski for her time as Deputy Mayor and described her as an incredible support and advisor. She wished Cr Gontaszewski and all candidates the best.

Mayor Cole reminded the meeting that administration will be open on election day and staff are trained to reissue election papers which have been lost.

8 DECLARATIONS OF INTEREST

- 8.1 Cr Jimmy Murphy declared an Impartiality Interest in *Item 9.3 No. 2 (Lot: 74 D/P: 4576) Brookman Street, Perth - Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House*. Cr Murphy is friends with the former partner of the proposed manager of the short term accommodation under consideration.
- 8.2 Cr Jimmy Murphy declared a Financial Interest in *Item 11.4 Authorisation of Expenditure for the Period 1 September 2019 to 23 September 2019*. Cr Murphy is a current part-time employee and Director of Town Team Movement, which received sponsorship from the City of Vincent for a recent annual conference.

Cr Dan Loden vacated the Chamber at 7.32pm and returned at 7.34pm prior to discussion on the following item.

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:**

- Item 9.1 No. 51 (Lot 192; D/P 56091) Albert Street, North Perth - Proposed Alterations and Additions to the Club Premises and Change of Use from Club Premises to Club Premises and Child Care Premises and licence for use of car park at No. 160 Albert Street, North Perth
- Item 9.2 No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth - Multiple Dwelling (Amendment to Approved)
- Item 9.3 No. 2 (Lot: 74 D/P: 4576) Brookman Street, Perth - Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House
- Item 9.4 No. 396-398 (Lot: 1; D/P: 1976) Fitzgerald Street, North Perth - Proposed Change of Use from Office to Unlisted Use (Cat Hotel)
- Item 9.5 No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth - Proposed Change of Use from Single House to Single House and Unlisted Use (Music Studio).

- (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:**

Item 9.3 No. 2 (Lot: 74 D/P: 4576) Brookman Street, Perth - Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House

Item 11.4 Authorisation of Expenditure for the Period 1 September 2019 to 23 September 2019

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:**

Nil.

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:**

Item 9.6 2019/20 Community Sporting and Recreation Facilities Fund Small Grants Application - Woodville Reserve Master Plan

Item 9.7 Optus Stadium - Submission on Proposed Regulation 19B Venue Approval

Item 11.1 WA Treasury Corporation Local Government Master Lending Agreement

Item 11.2 Licence to PRIDEWA - Use of Portion of Lot 15 (No. 4) View Street, North Perth - 16 October - 2 December 2019

Item 11.3 Investment Report as at 31 August 2019

Item 11.5 Financial Statements as at 31 August 2019

Item 12.1 Revocation of Power of Attorney and granting of new Power of Attorney to subdivide and sell land within the Tamala Park Regional Council

Item 12.2 Dedication of lots 889 and 890 as road - Corner Fitzgerald and Bulwer Streets, Perth and write-off of outstanding rates debt

Item 12.3 Grant of section 91 licence to the City of Vincent - Summers Street Carpark and access road

Item 12.4 Information Bulletin

- (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:

COUNCIL DECISION

Moved: Cr Murphy, Seconded: Cr Castle

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

- Item 9.6 2019/20 Community Sporting and Recreation Facilities Fund Small Grants Application - Woodville Reserve Master Plan
- Item 9.7 Optus Stadium - Submission on Proposed Regulation 19B Venue Approval
- Item 11.1 WA Treasury Corporation Local Government Master Lending Agreement
- Item 11.2 Licence to PRIDEWA - Use of Portion of Lot 15 (No. 4) View Street, North Perth - 16 October - 2 December 2019
- Item 11.3 Investment Report as at 31 August 2019
- Item 11.5 Financial Statements as at 31 August 2019
- Item 12.1 Revocation of Power of Attorney and granting of new Power of Attorney to subdivide and sell land within the Tamala Park Regional Council
- Item 12.2 Dedication of lots 889 and 890 as road - Corner Fitzgerald and Bulwer Streets, Perth and write-off of outstanding rates debt
- Item 12.3 Grant of section 91 licence to the City of Vincent - Summers Street Carpark and access road
- Item 12.4 Information Bulletin

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

9 STRATEGY AND DEVELOPMENT**9.6 2019/20 COMMUNITY SPORTING AND RECREATION FACILITIES FUND SMALL GRANTS APPLICATION - WOODVILLE RESERVE MASTER PLAN****TRIM Ref:** D19/144096**Author:** Wayne Grimes, Senior Community Projects Officer**Authoriser:** Jordan Korovesi, A/Manager Policy & Place**Attachments:** Nil**RECOMMENDATION:**

That Council **ENDORSES** the Community Sporting and Recreation Facilities Fund Small Grants submission to the Department of Local Government, Sport and Cultural Industries for \$25,000 towards the Woodville Reserve Master Plan.






COUNCIL DECISION ITEM 9.6**Moved:** Cr Murphy, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED EN BLOC (7-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg.**Against:** Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

9.7 OPTUS STADIUM - SUBMISSION ON PROPOSED REGULATION 19B VENUE APPROVAL**TRIM Ref:** D19/136176**Author:** Prue Reddingius, Co-ordinator Environmental Health**Authoriser:** Mark Fallows, Manager Regulatory Services**Attachments:**

1. City of Vincent Submission; Optus Stadium Regulation 19B Venue Approval 
2. Optus Stadium Community Survey Report 2017 – Patterson Research Group 
3. Sound Level Modelling Maps (merged) - Optus Stadium Regulation 19B 
4. Optus Stadium Draft Venue Approval and Conditions 
5. Map of City of Vincent occupiers > 1 kilometre of Optus Stadium 

RECOMMENDATION:**That Council:**

1. **ENDORSES** the City's submission on the Optus Stadium Draft Venue Approval and Conditions included as Attachment 1 in accordance with Regulation 19B of the *Environmental Protection (Noise) Regulations 1997*; and
2. **NOTES** that Administration will forward the submission included as Attachment 1 to the Town of Victoria Park.

COUNCIL DECISION ITEM 9.7**Moved: Cr Murphy, Seconded: Cr Castle****That the recommendation be adopted.****CARRIED EN BLOC (7-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg.**Against:** Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

10 INFRASTRUCTURE AND ENVIRONMENT

Nil

11 COMMUNITY AND BUSINESS SERVICES**11.1 WA TREASURY CORPORATION LOCAL GOVERNMENT MASTER LENDING AGREEMENT****TRIM Ref:** D19/143544**Author:** Vanisha Govender, Manager Financial Services**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:** 1. State Liaison Department Treasury and Finance Master Lending Agreement **RECOMMENDATION:****That Council:**

1. **ENTERS** into a Master Lending Agreement with WA Treasury Corporation as at Attachment 1;
2. **AUTHORISES** the Mayor and CEO to affix the common seal and execute the Master Lending Agreement in 1. above; and
3. **AUTHORISES** the Chief Executive Officer (or his delegate) to sign documents arising under this Master Lending Agreement from time to time.

COUNCIL DECISION ITEM 11.1**Moved:** Cr Murphy, **Seconded:** Cr Castle**That the recommendation be adopted.****CARRIED EN BLOC (7-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg.**Against:** Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

11.2 LICENCE TO PRIDEWA - USE OF PORTION OF LOT 15 (NO. 4) VIEW STREET, NORTH PERTH - 16 OCTOBER - 2 DECEMBER 2019**TRIM Ref:** D19/144286**Authors:** Gayatrii Surendorff, Community Partner

Karen Balm, Senior Community Partner

Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: John Corbellini, A/Executive Director Community and Business Services**Attachments:** 1. Plan of No. 4 View Street, North Perth **RECOMMENDATION:****That Council:**

1. **APPROVES** a licence to PrideWA to use the portion of Lot 15 (No. 4) View Street, North Perth shown in Attachment 1 on the following key terms:
 - 1.1 **Term:** 16 October 2019 to 2 December 2019;
 - 1.2 **Licence fee:** Nil;
 - 1.3 **Permitted use:** use by local artists, volunteers, organisations and businesses to create decorations for Pride events;
 - 1.4 **Utilities:** to be paid by PrideWA;
 - 1.5 **Repair of damage:** PrideWA to repair any damage caused at its cost, to the satisfaction of the City;
 - 1.6 **Cleaning:** Pride WA to keep the premises clean and tidy at all times; and
 - 1.7 **Insurance:** PrideWA to effect and maintain public liability insurance of not less than \$20 million for any claim;
2. **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the licence in 1. above; and
3. **NOTES** that Chief Executive Officer will invite expressions of interest for the short term lease (2 – 3 years) of the building on Lot 15 (No. 4) View Street, North Perth, from early 2020, from community organisations and report back to Council.

COUNCIL DECISION ITEM 11.2**Moved:** Cr Murphy, **Seconded:** Cr Castle**That the recommendation be adopted.****CARRIED EN BLOC (7-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg.**Against:** Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

11.3 INVESTMENT REPORT AS AT 31 AUGUST 2019**TRIM Ref:** D19/144461**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:** 1. Investment report as at 31 August 2019 **RECOMMENDATION:**

That Council NOTES the Investment Report for the month ended 31 August 2019 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.3**Moved: Cr Murphy, Seconded: Cr Castle****That the recommendation be adopted.****CARRIED EN BLOC (7-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg.**Against:** Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

11.5 FINANCIAL STATEMENTS AS AT 31 AUGUST 2019**TRIM Ref:** D19/146331**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:** 1. Financial Statements as at 31 August 2019 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 31 August 2019 as shown in Attachment 1.

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

That the recommendation be adopted.

CARRIED EN BLOC (7-0)

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

(Cr Harley and Cr Fotakis were apologies for this meeting)

12 CHIEF EXECUTIVE OFFICER**12.1 REVOCATION OF POWER OF ATTORNEY AND GRANTING OF NEW POWER OF ATTORNEY TO SUBDIVIDE AND SELL LAND WITHIN THE TAMALA PARK REGIONAL COUNCIL**

TRIM Ref: D19/131477

Author: Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Draft Power of Attorney - Confidential
2. Tamala Park Regional Council letter dated 16 September 2019 - Confidential

RECOMMENDATION:

That Council:

1. **REVOKES BY AN ABSOLUTE MAJORITY** the Power of Attorney dated 12 July 2012, Landgate registration number M35079, which appointed John Anthony Arias, Chief Executive Officer of Tamala Park Regional Council, as the City's attorney in respect to the signing of Tamala Park Regional Council land dealings;
2. **REVOKES BY AN ABSOLUTE MAJORITY** the Power of Attorney dated 13 September 2013, Landgate registration number M402568, which appointed the following persons as the City's attorney in respect to the signing of Tamala Park Regional Council land dealings:
 - John Anthony Arias, Chief Executive Officer, Tamala Park Regional Council;
 - Wayne Patrick Burns, Senior Project Officer, Tamala Park Regional Council;
 - Jason Richard Buckley, Chief Executive Officer, Town of Cambridge;
 - Garry George Hunt, Chief Executive Officer, City of Joondalup;
 - Gary John Stevenson, Chief Executive Officer, City of Perth;
 - Stuart Jardine, Chief Executive Officer, City of Stirling;
 - Athansios Kyron, Chief Executive Officer, Town of Victoria Park;
 - John Giorgi, Chief Executive Officer, City of Vincent; and
 - Daniel John Simms, Chief Executive Officer, City of Wanneroo.
3. **APPOINTS BY AN ABSOLUTE MAJORITY** the following persons as the City's attorney in respect to the subdivision, sale and development of any parts of Lots 9001, 9510 and 9511 on Deposited Plan 73462, as detailed in the Power of Attorney document at Attachment 1;

The employees of the:

- Tamala Park Regional Council;
- Town of Cambridge;
- City of Joondalup;
- City of Perth;
- City of Stirling;
- Town of Victoria Park;
- City of Wanneroo; and
- City of Vincent;

who from time to time occupy a position which includes the words "chief executive officer" or "acting chief executive officer"; and

4. **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Revocation of Power of Attorney and Power of Attorney documents in Recommendations 1., 2., and 3. above.

COUNCIL DECISION ITEM 12.1

Moved: Cr Murphy, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED EN BLOC (7-0)

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

Against: Nil




(Cr Harley and Cr Fotakis were apologies for this meeting)

12.2 DEDICATION OF LOTS 889 AND 890 AS ROAD - CORNER FITZGERALD AND BULWER STREETS, PERTH AND WRITE-OFF OF OUTSTANDING RATES DEBT

TRIM Ref: D19/104108

Authors: Daniel Janssen, Land Projects Officer
Ronel de Lange, Senior Rates Officer

Authoriser: Meluka Bancroft, Manager Governance, Property and Contracts

Attachments: 1. Deposited Plan 48357 - Depicting Lots 889 and 890 to be acquired and dedicated 
2. Subdivision approval No.128002 
3. Aerial plan of lots 

RECOMMENDATION:

That Council:

1. **REQUESTS** the Minister for Lands to acquire Lot 889 (No. 264) Fitzgerald Street, Perth as highlighted orange in Attachment 1, pursuant to Section 52(1)(b) of the *Land Administration Act 1997*, subject to the City:
 - 1.1 notifying the owner of Lot 889;
 - 1.2 notifying the adjoining landowners;
 - 1.3 advertising its intention to acquire Lot 889 as a road in the local paper;
 - 1.4 considering and responding to any submissions received; and
 - 1.5 referring the proposed acquisition to the Department of Planning for comment;
2. **REQUESTS** the Minister for Lands to acquire Lot 890 (No. 317) Bulwer Street, Perth as highlighted green in Attachment 1, pursuant to Section 52(1)(b) of the *Land Administration Act 1997*, subject to the City:
 - 2.1 notifying the owner of Lot 890;
 - 2.2 notifying the adjoining landowners;
 - 2.3 advertising its intention to acquire Lot 890 as a road in the local paper;
 - 2.4 considering and responding to any submissions received; and
 - 2.5 referring the proposed acquisition to the Department of Planning for comment;
3. **REQUESTS** the Minister for Lands to dedicate as a road, pursuant to section 56(1)(a) of the *Land Administration Act 1997*, the lots acquired in accordance with recommendations 1. and 2. above, to become part of the Fitzgerald and Bulwer street road reserves;
4. **APPROVES** the write off the outstanding rates and charges for Lot 889 (No. 264) Fitzgerald Street, Perth, to the value of \$5,591.01; and
5. **APPROVES** the write off the outstanding rates and charges for Lot 890 (No. 317) Bulwer Street, Perth, to the value of \$5,593.28.

COUNCIL DECISION ITEM 12.2

Moved: Cr Murphy, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED EN BLOC (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

12.3 GRANT OF SECTION 91 LICENCE TO THE CITY OF VINCENT - SUMMERS STREET CARPARK AND ACCESS ROAD

TRIM Ref: D19/112615

Author: Daniel Janssen, Land Projects Officer

Authoriser: Meluka Bancroft, Manager Governance, Property and Contracts

Attachments: 1. Aerial plan of licence area 
2. Plan showing land tenure and proposed carpark works 
3. Extract from Banks Reserve Master Plan Report 

RECOMMENDATION:

That Council:

1. **APPROVES** the City entering into a licence with the Minister for Lands pursuant to section 91 of the *Land Administration Act 1997*, to allow the City to use the land comprising the carpark and access road located at the end of Summers Street, East Perth, as shown in the plan at Attachment 1, on the following key terms:
 - 1.1 **Term:** Six months;
 - 1.2 **Permitted Use:** Maintenance and upgrade of the carpark and accessway;
 - 1.3 **Commencement:** To be determined with the Department of Planning, Lands and Heritage once all required approvals and permits are obtained;
 - 1.4 **Licence Fee:** \$500.00 (plus GST);
 - 1.5 **Indemnity:** Indemnify the Minister for Lands against any native title liability that may arise as a result of the City causing damage to the land outside the scope of the approved works;
 - 1.6 **Native Title Liability:** The City is not liable for any compensation payable by the State of Western Australia as a result of the settlement of the South West Native Title claim; and
2. Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Licence in Recommendation 1. above.

COUNCIL DECISION ITEM 12.3**Moved: Cr Murphy, Seconded: Cr Castle**

That the recommendation be adopted.

CARRIED EN BLOC (7-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg.**Against:** Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

12.4 INFORMATION BULLETIN**TRIM Ref:** D19/126476**Author:** Sharron Kent, Governance and Council Liaison Officer**Authoriser:** David MacLennan, Chief Executive Officer

- Attachments:**
1. Minutes of Mindarie Regional Council Meeting held on 4 July 2019 
 2. Confirmed Minutes of the Design Review Panel Meeting held on 4 September 2019 
 3. Statistics for Development Applications as at September 2019 
 4. Register of Legal Action and Prosecutions Monthly - Confidential
 5. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 26 September 2019 
 6. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 7. Register of Applications Referred to the Design Review Panel – Current 
 8. Register of Petitions - Progress Report - October 2019 
 9. Register of Notices of Motion - Progress Report - October 2019 
 10. Register of Reports to be Actioned - Progress Report - October 2019 
 11. Unconfirmed Minutes of the Urban Mobility Advisory Group held on 23 September 2019 
 12. Unconfirmed Minutes of the Environmental Advisory Group held on 19 August 2019 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated October 2019.

COUNCIL DECISION ITEM 12.4

Moved: Cr Murphy, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED EN BLOC (7-0)








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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting)

ITEMS INDIVIDUALLY CONSIDERED**13 STRATEGY AND DEVELOPMENT****9.3 NO. 2 (LOT: 74 D/P: 4576) BROOKMAN STREET, PERTH - CHANGE OF USE FROM SINGLE HOUSE TO UNLISTED USE (SHORT TERM DWELLING) AND SINGLE HOUSE****TRIM Ref:** D19/133722**Author:** Karsen Reynolds, Urban Planner**Authoriser:** Jay Naidoo, Manager Development & Design**Ward:** South

Attachments:

1. Consultation and Location Map 
2. Development Plans 
3. Management Plan, Code of Conduct and Guest Information 
4. Applicant Justification 
5. Summary of Submissions - Applicant's Response 
6. Summary of Submissions - Administration's Response 
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 Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House at No. 2 (Lot: 74; D/P: 4576) Brookman Street, Perth, 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 is for a 'Short Term Dwelling' which, as defined 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 operate in accordance with the Management Plan dated 20 September 2019, to the satisfaction of the City;
- 1.3 The Code of Conduct and Guest Information contained in the approved Management Plan 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, to the satisfaction of the City;

2. Car Parking

- 2.1 Prior to the commencement of use, one residential parking permit shall be made available to guests at all times and be maintained to the satisfaction of the City;
- 2.2 Prior to the commencement of use, an amended Guest Information Sheet shall be submitted addressing all residential parking permit conditions and permitted parking locations, to the satisfaction of the City;

3. Operation of Use

- 3.1 The Short Term Dwelling use shall operate for no more than six months within a

12 month period. The Single House use shall operate for the remainder of the 12 month period, to the satisfaction of the City; and

- 3.2 The applicant shall notify the City in writing confirming the dates that the site has been used for the purpose of Short Term Dwelling every three months once the use commences; and

4. Time Limited Approval

This approval is granted for a term of 24 months from the date the use commences.

COUNCIL DECISION

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

That the recommendation be adopted.

AMENDED MOTION

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

That conditions 3 and 4 be amended as follows, marked up:

3. Operation of Use

- 3.1 The Short Term Dwelling use shall operate for no more than ~~six months~~ **10 weeks** within ~~the first a~~ 12 month period **and for no more than five (5) weeks within the following six (6) month period.** The Single House use shall operate for the remainder of the ~~12~~ **18** month period, to the satisfaction of the City; and

- 3.2 The applicant shall ~~provide notify~~ the City ~~in writing with all records of bookings, including third party platform bookings,~~ confirming the dates that the site has been used for the purpose of Short Term Dwelling every three months once the use commences; and

4. Time Limited Approval

This approval is granted for a term of ~~18~~ **24** months from the date the use commences.

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

AMENDED MOTION

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

That condition 2 be amended as follows, marked up:

2. Car Parking

- 2.1 ~~Prior to the commencement of use, one residential parking permit shall be made available to guests at all times and be maintained to the satisfaction of the City; No residential parking permits shall be made available or advertised to guests of the Short Term Dwelling;~~

- 2.2 Prior to the commencement of use, an amended **Management Plan and Guest Information Sheet** shall be submitted **removing all reference to a addressing all residential parking permit being available for guests conditions and permitted parking locations, to the satisfaction of the City;**

CARRIED (6-1)

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

Against: Cr Murphy

(Cr Harley and Cr Fotakis were apologies for this meeting).

The amendment then became the substantive.

COUNCIL DECISION ITEM 9.3

Moved: Cr Loden, Seconded: Cr Hallett

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 Change of Use from Single House to Unlisted Use (Short Term Dwelling) and Single House at No. 2 (Lot: 74; D/P: 4576) Brookman Street, Perth, 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 is for a 'Short Term Dwelling' which, as defined 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 operate in accordance with the Management Plan dated 20 September 2019, to the satisfaction of the City;
- 1.3 The Code of Conduct and Guest Information contained in the approved Management Plan 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, to the satisfaction of the City;

2. Car Parking

- 2.1 No residential parking permits shall be made available or advertised to guests of the Short Term Dwelling;
- 2.2 Prior to the commencement of use, an amended Management Plan and Guest Information Sheet shall be submitted removing all reference to a parking permit being available for guests;

3. Operation of Use

- 3.1 The Short Term Dwelling use shall operate for no more than 10 weeks within the first 12 month period and for no more than five (5) weeks within the following six (6) month period. The Single House use shall operate for the remainder of the 18 month period, to the satisfaction of the City; and

3.2 The applicant shall provide the City with all records of bookings, including third party platform bookings, confirming the dates that the site has been used for the purpose of Short Term Dwelling every three months once the use commences; and

4. Time Limited Approval

This approval is granted for a term of 18 months from the date the use commences.

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

Cr Murphy vacated the chamber at 8.05pm and returned at 8.07pm prior to voting on the following item.

9.4 NO. 396-398 (LOT: 1; D/P: 1976) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM OFFICE TO UNLISTED USE (CAT HOTEL)











TRIM Ref: D19/107197

Author: Clair Morrison, Urban Planner

Authoriser: Jay Naidoo, Manager Development & Design

Ward: South

Attachments:

1. Consultation and Location Map 
2. Development Plans 
3. Written Submission dated 19 August 2019 
4. Parking Management Plan dated 21 June 2019 
5. Acoustic Report dated 21 June 2019 
6. Cat Enclosure Details 
7. Floor Waste and Odour Management 
8. Summary of Submissions - Administration's Response 
9. Summary of Submissions - Applicant's Response 
10. Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval for a Change of Use from Office to Unlisted Use (Cat Hotel) at No. 396 – 398 (Lot: 1; D/P: 1976) Fitzgerald Street, North Perth, in accordance with the plans shown in Attachment 2 and the written submission in Attachment 3, subject to the following conditions, with the associated advice notes in Attachment 10:

1. Use of Premises

- 1.1 The premises shall be used for the purposes of the care and boarding of cats as detailed in the Furbaby Retreat Luxury Cat Hotel Council Submission for Change of Use stamped 19 August 2019;
- 1.2 A maximum of 36 cats shall be on the subject site at any one time; and
- 1.3 The hours of drop-off and pick-up shall be limited to between:
 - 1.3.1 7:30am to 6:00pm Monday to Friday;
 - 1.3.2 8:00am to 5:00pm Saturday; and
 - 1.3.3 10:00am to 5:00pm Sunday;

2. Car Parking, Access and Bicycle Facilities

- 2.1 Five car parking bays shall be provided onsite. The parking bays are not to be used for storage purposes or the like to the satisfaction of the City;
- 2.2 The car parking and access areas shall be sealed, drained, paved and marked in accordance with the approved plans and is to comply with the requirements of AS2890.1 prior to occupation or use of the development and thereafter to the satisfaction of the City; and
- 2.3 A minimum of two bicycle bays shall be provided onsite. The bicycle bays shall be designed in accordance with AS2890.3 and installed prior to occupation or use of the development to the satisfaction of the City;

3. Parking Management Plan

The approved Parking Management Plan dated 21 June 2019 shall be implemented, and the development shall thereafter be carried out in accordance with the approved Parking Management Plan to the satisfaction of the City;

4. Operational Management

Use of the premises shall be carried out in accordance with the Furbaby Retreat Luxury Cat Hotel Council Submission for Change of Use stamped 19 August 2019;

5. Acoustic Report

All recommended measures in the Acoustic Report submitted as part of this development application dated June 2019 shall be undertaken in accordance with the report to the City's satisfaction prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. Waste Management

6.1 A Waste Management Plan must be submitted to and approved by the City prior to the occupation or use of the development. The plan must include the following details to the satisfaction and specification of the City:

6.1.1 The location of bin storage areas and bin collection areas;

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

6.1.3 Details on 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

6.1.4 Frequency of bin collections, including the City service and private collection; and

6.2 The Waste Management Plan as described and approved in Condition 6.1 must be implemented at all times to the satisfaction of the City;

7. External Fixtures

All external fixtures and building plant, including air conditioning units, piping ducting and water tanks, shall be located so as to minimise any visual and noise impact on the surrounding land owners and screened from view from the street and surrounding properties to the satisfaction of the City; and

8. Active Frontage

8.1 Doors and windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street; and

8.2 Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.

COUNCIL DECISION ITEM 9.4

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

9.1 NO. 51 (LOT 192; D/P 56091) ALBERT STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO THE CLUB PREMISES AND CHANGE OF USE FROM CLUB PREMISES TO CLUB PREMISES AND CHILD CARE PREMISES AND LICENCE FOR USE OF CAR PARK AT NO. 160 ALBERT STREET, NORTH PERTH

TRIM Ref: D19/115424









Authors: Kate Miller, Senior Urban Planner

Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: Joslin Colli, Coordinator Planning Services

Ward: North

Attachments:

1. Consultation and Location Map 
2. Development Plans 
3. Parking Licence Map 
4. Applicant's Operational Management Plan 
5. Acoustic Report 
6. Traffic Impact Statements 
7. Summary of Submissions - Administration's Response 
8. Determination Advice Notes 

RECOMMENDATION:

That Council:

1. **APPROVES** a licence to the Macedonian Community of WA Inc. for the use of five car parking bays in the car park located at No. 55 (Lot: 160) Albert Street, North Perth, in accordance with the plans provided within Attachment 3, on the following key terms:

- 1.1 **Term:** 10 years;
- 1.2 **Licence fee:** \$455 per bay per annum excluding GST, indexed by CPI (total of \$2,275 per annum, excluding GST);
- 1.3 **Permitted use:** Child Care Centre staff parking, during the hours of operation, being 6:30am to 6:30pm Monday to Friday, excluding public holidays; and
- 1.4 **Public Liability Insurance:** minimum cover of \$20,000,000;

Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the licence in 1 above;

2. In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for the proposed Change of Use from Club Premises to Club Premises and Child Care Centre at No. 51 (Lot: 192; D/P: 56091) Albert Street, North Perth, in accordance with the plans provided within Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

2.1 Use of Premises

2.1.1 The area shown as 'Child Care Premises' on the approved plans shall be used in accordance with the definition of 'Child Care Premises' as defined by the City's Local Planning Scheme No. 2;

2.1.2 The proposed Child Care Premises shall be limited to the following hours or operation:

- **Monday to Friday: 6:30am to 6:30pm, excluding public holidays; and**

2.1.3 A maximum of 114 children and 20 staff are permitted on site at any one time;

2.2 Acoustics

2.2.1 All of the recommended measures included in the Acoustic Report provided by Sealhurst Pty Ltd (Ref SEA-2019-005 RPT001_Rev1) received by the City on 18 April 2019 applicable to the development 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

2.2.2 Certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, prior to occupancy or use of the development;

2.3 Venue Management Plan

2.3.1 Prior to the lodgement of an Occupancy Permit, a Venue Management Plan is to be submitted for assessment and approval by the City's Health Services which shall include, but not be limited to the following:

- Operating Hours;
- Predicted noise levels from Indoor Child Play and applicable noise management practices to control sound levels;
- Predicted noise levels from Outdoor Child Play and applicable noise management practices to control sound levels;
- Use and style of amplified music;
- Duration and frequency of 'play times' applicable to each and all age groups;
- Waste collection;
- Deliveries; and
- Community relations;

2.4 Bicycle Parking

A minimum of three bicycle parking bays shall be provided on site prior to occupation of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS2890.3 (as amended);

2.5 Prior to the lodgement of a Building Permit application for the proposed development, an amended Traffic Impact Assessment is required to be submitted and approved by the City prior to the issue of a Building Permit;

2.6 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;

2.7 The fencing infill panels above the approved solid portions of wall shall be visually permeable in accordance with the Residential Design Codes of WA, to the satisfaction of the City; and

2.8 Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City.

COUNCIL DECISION

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

That the recommendation be adopted.

AMENDED MOTION

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

That an additional condition be added as condition 2.3.2, as follows:

2.3.2 The Venue Management Plan shall be reviewed and approved by the City annually. Where the City does not require any modification to the Management Plan, no further approval is required.

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

The amendment then became the substantive.

COUNCIL DECISION ITEM 9.1

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

That Council:

1. **APPROVES** a licence to the Macedonian Community of WA Inc. for the use of five car parking bays in the car park located at No. 55 (Lot: 160) Albert Street, North Perth, in accordance with the plans provided within Attachment 3, on the following key terms:

- | | | |
|-----|-----------------------------|---|
| 1.1 | Term: | 10 years; |
| 1.2 | Licence fee: | \$455 per bay per annum excluding GST, indexed by CPI (total of \$2,275 per annum, excluding GST); |
| 1.3 | Permitted use: | Child Care Centre staff parking, during the hours of operation, being 6:30am to 6:30pm Monday to Friday, excluding public holidays; and |
| 1.4 | Public Liability Insurance: | minimum cover of \$20,000,000; |

Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the licence in 1 above;

2. In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for the proposed Change of Use from Club Premises to Club Premises and Child Care Centre at No. 51 (Lot: 192; D/P: 56091) Albert Street, North Perth, in accordance with the plans provided within Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

2.1 Use of Premises

- 2.1.1 The area shown as 'Child Care Premises' on the approved plans shall be used in accordance with the definition of 'Child Care Premises' as defined by the City's Local Planning Scheme No. 2;

2.1.2 The proposed Child Care Premises shall be limited to the following hours or operation:

- Monday to Friday: 6:30am to 6:30pm, excluding public holidays; and

2.1.3 A maximum of 114 children and 20 staff are permitted on site at any one time;

2.2 Acoustics

2.2.1 All of the recommended measures included in the Acoustic Report provided by Sealhurst Pty Ltd (Ref SEA-2019-005 RPT001_Rev1) received by the City on 18 April 2019 applicable to the development 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

2.2.2 Certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, prior to occupancy or use of the development;

2.3 Venue Management Plan

2.3.1 Prior to the lodgement of an Occupancy Permit, a Venue Management Plan is to be submitted for assessment and approval by the City's Health Services which shall include, but not be limited to the following:

- Operating Hours;
- Predicted noise levels from Indoor Child Play and applicable noise management practices to control sound levels;
- Predicted noise levels from Outdoor Child Play and applicable noise management practices to control sound levels;
- Use and style of amplified music;
- Duration and frequency of 'play times' applicable to each and all age groups;
- Waste collection;
- Deliveries; and
- Community relations;

2.3.2 The Venue Management Plan shall be reviewed and approved by the City annually. Where the City does not require any modification to the Management Plan, no further approval is required.

2.4 Bicycle Parking

A minimum of three bicycle parking bays shall be provided on site prior to occupation of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS2890.3 (as amended);

2.5 Prior to the lodgement of a Building Permit application for the proposed development, an amended Traffic Impact Assessment is required to be submitted and approved by the City prior to the issue of a Building Permit;

2.6 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;

2.7 The fencing infill panels above the approved solid portions of wall shall be visually permeable in accordance with the Residential Design Codes of WA, to the satisfaction of the City; and

2.8 Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City.











CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

9.5 NO. 9 (LOT: 22; D/P: 6645) BAKER AVENUE, PERTH - PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO SINGLE HOUSE AND UNLISTED USE (MUSIC STUDIO)**TRIM Ref:** D19/130769**Author:** Dan McCluggage, Urban Planner**Authoriser:** Jay Naidoo, Manager Development & Design**Ward:** South**Attachments:**

1. Location and Consultation Plan 
2. Development Plans 
3. Applicant's Amended Proposal Description dated 24 September 2019 
4. Applicant's Written Justification dated 9 May 2019 
5. Acoustic Report 
6. Parking Management Plan 
7. Applicant's Patron Exit-Entry Plan dated 24 September 2019 
8. Summary of Submissions - Administration's Response 
9. Summary of Submissions - Applicant's Response 
10. 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 Change of Use from Single House to Single House and Unlisted Use (Music Studio) at No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth, in accordance with the plans in Attachment 2, subject to the following conditions, with the associated advice notes in Attachment 10:

1. Time Limited Approval

This approval is granted for a period of six (6) months from the date that the first musical performance event is held;

2. Use of Premises

2.1 No more than six (6) musical performance events shall be held for the duration of this approval, with no more than one (1) musical performance event being held in any given calendar month;

2.2 Each musical performance event shall consist of a maximum of four (4) sessions which shall run for a maximum of three (3) hours each and shall not be held outside of the following hours:

- Friday 7:00pm -10:00pm;
- Saturday 2:00pm –10:00pm;
- Sunday 2:00pm – 5:00pm; and
- Sunday 2:00pm – 10:00pm only when the following Monday is a public holiday;

2.3 All four (4) sessions associated with a musical performance event shall be held over the course of one weekend, including the preceding Friday night;

2.4 Two (2) events shall have a maximum of 100 persons in attendance at any given time, two (2) events shall have a maximum of 80 persons in attendance at any given time and two (2) events shall have a maximum of 60 persons in attendance at any given time; and

2.5 Outside of dedicated musical performance events, the premises shall operate between the hours of 7:00am and 7:00pm Monday to Sunday and shall be used for music related activities including, but not limited too:

- Sound and film recording;

- Educational sessions;
- Masterclasses;
- Conferences and meetings; and
- Community events;

3. Venue Management Plan

3.1 Prior to the commencement or use of the development, a Venue Management Plan to the satisfaction of the City shall be submitted to and approved by the City. The Venue Management Plan shall detail how the development will operate, including, patron numbers, management of patrons before and after attendance at events, and shall address noise to the satisfaction of the City. The Venue Management Plan shall include, but not be limited to management strategies for the following:

- Patron exit and entry from the venue being from Baker Street only;
- No use of Astone Lane for patrons, deliveries, loading or unloading of equipment;
- Exit from the building to Astone Lane is to occur in emergencies only;
- Patron behaviour inside and outside the venue;
- Crowd control measures before and after events;
- An emergency response plan;
- Deliveries, loading and unloading of equipment;
- Location of toilets;
- Waste management and rubbish disposal;
- Parking management, with patrons being directed to use the Brisbane Street public carpark, public transport and rideshare transport modes rather than the Baker Street parking bays; and
- Identify drop-off and pick-up locations for taxis and similar services, with no drop-off and pick-up to be from Baker Avenue;

3.2 The use of the premises shall be carried out in accordance with the approved Venue Management Plan outlined in Condition 3.1 or any Plan approved by the City thereafter and all requirements of the Venue Management Plan shall be implemented to the satisfaction of the City;

4. Acoustic Report

All recommended measures in the acoustic report produced by Lloyd George Acoustics and dated 7 June 2019 shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

5. General

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

COUNCIL DECISION

Moved: Cr Murphy Seconded: Cr Loden

That the recommendation be adopted.

AMENDED MOTION

Moved: Cr Topelberg Seconded: Cr Murphy

That conditions 1., 2., and 3. be amended as follows, marked up:

1. Time Limited Approval

This approval is granted for a period of ~~six (6)~~ 18 months from the date that the first musical performance event is held;

2. Use of Premises

2.1 No more than ~~six (6)~~ 18 musical performance events shall be held for the duration of this approval, with no more than one (1) musical performance event being held in any given calendar month;

2.2 Each musical performance event shall consist of a maximum of four (4) sessions which shall run for a maximum of three (3) hours each and shall not be held outside of the following hours:

- Friday 10:00am ~~7:00pm~~ - 10:00pm;
- Saturday 10:00am ~~2:00pm~~ – 10:00pm;
- Sunday 12:00pm ~~2:00pm~~ – 7:00pm ~~5:00pm~~; and
- Sunday 12:00pm ~~2:00pm~~ – 10:00pm only when the following Monday is a public holiday;

2.3 All four (4) sessions associated with a musical performance event **outlined in condition 2.2** shall be held over the course of one weekend, including the preceding Friday night;

2.4 **Up to four (4) one-off musical performance events in any 12 month period may be held outside of the time slots outlined in condition 2.2 if 14 days written notice is provided to, and consent granted by the City. No events shall commence prior to 10:00am or conclude later than 9:00pm at any time; and**

~~Two (2) events shall have a maximum of 100 persons in attendance at any given time, two (2) events shall have a maximum of 80 persons in attendance at any given time and two (2) events shall have a maximum of 60 persons in attendance at any given time; and~~

2.5 **The musical performance events outlined in condition 2.2 shall have a maximum occupancy of 100 persons in attendance at any given time;**

2.56 **Outside of dedicated musical performance events, the premises may shall operate between the hours of 9:00am and 7:00pm Monday to Sunday, shall have a maximum capacity of 40 persons at any given time and shall be used for music related activities including, but not limited to:**

- Sound and film recording;
- Educational sessions;
- Masterclasses;
- Conferences and meetings; and
- Community events;

3. Venue Management Plan

3.1 Prior to the commencement or use of the development, a Venue Management Plan to the satisfaction of the City shall be submitted to and approved by the City. The Venue Management Plan shall detail how the development will operate, including, patron numbers, management of patrons before and after attendance at events, and shall address noise to the satisfaction of the City. The Venue Management Plan shall include, but not be limited to management strategies for the following:

- Patron exit and entry from the venue being from Baker Street only;
- No use of Astone Lane for patrons, deliveries, loading or unloading of equipment;
- Exit from the building to Astone Lane is to occur in emergencies only;

- Patron behaviour inside and outside the venue;
- Crowd control measures before and after events;
- An emergency response plan;
- Deliveries, loading and unloading of equipment;
- ~~Location of toilets;~~ Portable toilets are not permitted to be installed on the site. The location and accessibility of toilets for patrons;
- Waste management and rubbish disposal;
- Parking management, with patrons being directed to use the Brisbane Street public carpark, public transport and rideshare transport modes rather than the Baker Street parking bays; and
- Identify drop-off and pick-up locations for taxis and similar services, with no drop-off and pick-up to be from Baker Avenue;

3.2 The use of the premises shall be carried out in accordance with the approved Venue Management Plan outlined in Condition 3.1 or any Plan approved by the City thereafter and all requirements of the Venue Management Plan shall be implemented to the satisfaction of the City;

3.3 The Venue Management Plan outlined in Condition 3.1 shall be reviewed no less than six (6) months and no more than nine (9) months after the date that the first musical performance event is held. Any amendments are to be agreed by the City and any recommended changes, including but not limited to the hours of operation, numbers of performances or occupancy numbers are to be agreed and implemented for the duration of this approval;

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

AMENDED MOTION

Moved: Cr Gontaszewski Seconded: Cr Hallett

That another point be added to condition 3. as follows:

- No food or beverages may be served to or consumed by patrons outside the venue.

CARRIED (6-1)

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

Against: Cr Murphy

(Cr Harley and Cr Fotakis were apologies for this meeting).

AMENDED MOTION

Moved: Cr Gontaszewski Seconded: Cr Hallett

That condition 2. be amended as follows, marked up:

2.6 Outside of musical performance events, the premises may operate between the hours of 9:00am and ~~7:00pm~~ 5:00pm Monday to ~~Sunday~~ Saturday, shall have a maximum capacity of 40 persons at any given time and shall be used for music related activities including, but not limited to:

- Sound and film recording;
- Educational sessions;
- Masterclasses;
- Conferences and meetings; and
- Community events;

CARRIED (5-2)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden

Against: Cr Murphy, Cr Topelberg.

(Cr Harley and Cr Fotakis were apologies for this meeting).

The amendments then became the substantive.

COUNCIL DECISION ITEM 9.5

Moved: Cr Murphy Seconded: Cr Loden

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 Change of Use from Single House to Single House and Unlisted Use (Music Studio) at No. 9 (Lot: 22; D/P: 6645) Baker Avenue, Perth, in accordance with the plans in Attachment 2, subject to the following conditions, with the associated advice notes in Attachment 10:

1. Time Limited Approval

This approval is granted for a period of 18 months from the date that the first musical performance event is held;

2. Use of Premises

2.1 No more than 18 musical performance events shall be held for the duration of this approval, with no more than one (1) musical performance event being held in any given calendar month;

2.2 Each musical performance event shall consist of a maximum of four (4) sessions which shall run for a maximum of three (3) hours each and shall not be held outside of the following hours:

- Friday 10:00am - 10:00pm;
- Saturday 10:00am – 10:00pm;
- Sunday 12:00pm – 7:00pm; and
- Sunday 12:00pm – 10:00pm only when the following Monday is a public holiday;

2.3 All four (4) sessions associated with a musical performance event outlined in condition 2.2 shall be held over the course of one weekend, including the preceding Friday night;

2.4 Up to four (4) one-off musical performance events in any 12 month period may be held outside of the time slots outlined in condition 2.2 if 14 days written notice is provided to, and consent granted by the City. No events shall commence prior to 10:00am or conclude later than 9:00pm at any time; and

2.5 The musical performance events outlined in condition 2.2 shall have a maximum occupancy of 100 persons in attendance at any given time;

2.6 Outside of dedicated musical performance events, the premises may operate between the hours of 9:00am and 5:00pm Monday to Saturday, shall have a maximum capacity of 40 persons at any given time and shall be used for music related activities including, but not limited to:

- Sound and film recording;
- Educational sessions;
- Masterclasses;
- Conferences and meetings; and
- Community events;

3. Venue Management Plan

3.1 Prior to the commencement or use of the development, a Venue Management Plan to the satisfaction of the City shall be submitted to and approved by the City. The Venue Management Plan shall detail how the development will operate, including, patron numbers, management of patrons before and after attendance at events, and shall address noise to the satisfaction of the City. The Venue Management Plan shall include, but not be limited to management strategies for the following:

- Patron exit and entry from the venue being from Baker Street only;
- No use of Astone Lane for patrons, deliveries, loading or unloading of equipment;
- Exit from the building to Astone Lane is to occur in emergencies only;
- Patron behaviour inside and outside the venue;
- Crowd control measures before and after events;
- An emergency response plan;
- Deliveries, loading and unloading of equipment;
- Portable toilets are not permitted to be installed on the site. The location and accessibility of toilets for patrons;
- Waste management and rubbish disposal;
- Parking management, with patrons being directed to use the Brisbane Street public carpark, public transport and rideshare transport modes rather than the Baker Street parking bays; and
- Identify drop-off and pick-up locations for taxis and similar services, with no drop-off and pick-up to be from Baker Avenue;
- No food or beverages may be served to or consumed by patrons outside the venue.

3.2 The use of the premises shall be carried out in accordance with the approved Venue Management Plan outlined in Condition 3.1 or any Plan approved by the City thereafter and all requirements of the Venue Management Plan shall be implemented to the satisfaction of the City;

3.3 The Venue Management Plan outlined in Condition 3.1 shall be reviewed no less than six (6) months and no more than nine (9) months after the date that the first musical performance event is held. Any amendments are to be agreed by the City and any recommended changes, including but not limited to the hours of operation, numbers of performances or occupancy numbers are to be agreed and implemented for the duration of this approval;

4. Acoustic Report

All recommended measures in the acoustic report produced by Lloyd George Acoustics and dated 7 June 2019 shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction

of the City at the expense of the owners/occupiers; and

5. General

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

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

9.2 NO. 48 (LOT: 60; D/P: 414285) AND NO. 50 (LOT: 61; D/P: 414285) COWLE STREET, WEST PERTH - MULTIPLE DWELLING (AMENDMENT TO APPROVED)

TRIM Ref: D19/127965

Authors: Clair Morrison, Urban Planner
Mitchell Hoad, Senior Urban Planner

Authoriser: Joslin Colli, Coordinator Planning Services

Ward: South

- Attachments:
1. Consultation and Location Map 
 2. Original Development Approval issued 8 February 2016 
 3. Amendment to Approval issued 3 March 2017 
 4. Amendment to Approval issued 23 October 2017 
 5. Development Plans 
 6. Written Submission 
 7. Landscape Plan 
 8. Summary of Submissions - Administration's Response 
 9. Summary of Submissions - Applicant's Response 
 10. Determination Advice Notes 
 11. Environmentally Sustainable Design Report 

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval Five Storey Multiple Dwelling Development (Amendment to Approved) at No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth, in accordance with the plans shown in Attachment 5 subject to the following conditions and the associated advice notes in Attachment 10:

1. Amendment to Approved (Time Extension)

- 1.1 All conditions, requirements and advice notes detailed on development approval 5.2015.417.1 granted on 8 February 2016, development approval 5.2016.545.1 granted on 3 March 2017 and development approval 5.2017.273.1 granted on 23 October 2017 continue to apply to this approval, except as follows:

1.1.1 Condition 2 of approval 23 October 2017 is amended to read as follows:

2. *This decision constitutes development approval only and is valid for one year from the 8 February 2020. If the subject development is not substantially commenced by 8 February 2021, the approval shall lapse and be of no further effect.*

1.1.2 Condition 2 of approval dated 8 February is amended to include the following:

2. Car Parking and Accessways

- 2.8 *The visitor bays shall be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the City;*

1.1.3 Condition 7.4 is amended to read as follows

7.4 Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to the commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- 7.4.1 *The location and type of existing and proposed trees and plants;*

- 7.4.2 Areas to be irrigated or reticulated;
- 7.4.3 The removal of redundant crossovers;
- 7.4.4 A minimum of 15 mature trees (minimum 500 litres) are to be provided onsite;
- 7.4.5 The location of a 500L Weeping Peppermint Tree within the verge area;
- 7.4.6 A minimum of 400.7 square metres of deep soil area to be provided for in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;

All works shown in the plans as identified above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City.

1.1.4 Condition 8.8 is amended to read as follows:

8.8 Bicycle Bays

A minimum of 25 resident bays and 10 visitor bays are to be provided onsite. Bicycle bays must be provided at a location convenient to the entrance and publically accessible. The bicycle facilities must be designed in accordance with AS2890.3.

COUNCIL DECISION

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

That the recommendation be adopted.

AMENDED MOTION

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

That a new Condition 10 and a new Advice Note 3 be added as follows:

2. New Condition 10

- 10. All measures as identified in the Environmentally Sustainable Report prepared by Wood & Grieve engineers dated 22 August 2016 to be implemented during construction of the development to the satisfaction of the City.

3. New Determination Advice Note 3

- 3. The applicant shall provide details relating to the measures of the ESD Report and a further Section J NATHERS report as part of the Building Permit application to demonstrate that compliance is achieved and maintained throughout the lifetime of the development.

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

The amendment became the substantive.

COUNCIL DECISION ITEM 9.2

Moved: Topelberg, **Seconded:** Loden

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval Five Storey Multiple Dwelling Development (Amendment to Approved) at No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth, in accordance with the plans shown in Attachment 5 subject to the following conditions and the associated advice notes in Attachment 10:

1. Amendment to Approved (Time Extension)

- 1.1 All conditions, requirements and advice notes detailed on development approval 5.2015.417.1 granted on 8 February 2016, development approval 5.2016.545.1 granted on 3 March 2017 and development approval 5.2017.273.1 granted on 23 October 2017 continue to apply to this approval, except as follows:

1.1.1 Condition 2 of approval 23 October 2017 is amended to read as follows:

2. *This decision constitutes development approval only and is valid for one year from the 8 February 2020. If the subject development is not substantially commenced by 8 February 2021, the approval shall lapse and be of no further effect.*

1.1.2 Condition 2 of approval dated 8 February is amended to include the following:

2. **Car Parking and Accessways**

- 2.8 *The visitor bays shall be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the City;*

1.1.3 Condition 7.4 is amended to read as follows

7.4 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to the commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- 7.4.1 *The location and type of existing and proposed trees and plants;*
7.4.2 *Areas to be irrigated or reticulated;*
7.4.3 *The removal of redundant crossovers;*
7.4.4 *A minimum of 15 mature trees (minimum 500 litres) are to be provided onsite;*
7.4.5 *The location of a 500L Weeping Peppermint Tree within the verge area;*
7.4.6 *A minimum of 400.7 square metres of deep soil area to be provided for in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;*

All works shown in the plans as identified above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City.

1.1.4 Condition 8.8 is amended to read as follows:

8.8 **Bicycle Bays**

A minimum of 25 resident bays and 10 visitor bays are to be provided onsite. Bicycle bays must be provided at a location convenient to the entrance and publically accessible. The bicycle facilities must be designed in accordance

with AS2890.3.

2. **New Condition 10**

10. All measures as identified in the Environmentally Sustainable Report prepared by Wood & Grieve engineers dated 22 August 2016 to be implemented during construction of the development to the satisfaction of the City.

3. **New Determination Advice Note 3**

3. The applicant shall provide details relating to the measures of the ESD Report and a further Section J NATHERS report as part of the Building Permit application to demonstrate that compliance is achieved and maintained throughout the lifetime of the development.

LOST (3-4)

For: Cr Castle, Cr Loden, Cr Murphy.

Against: Mayor Cole, Cr Topelberg, Cr Hallett, Cr Gontaszewski

(Cr Harley and Cr Fotakis were apologies for this meeting).

ALTERNATIVE MOTION AND COUNCIL DECISION ITEM 9.2

Moved: Topelberg, Seconded: Loden

That Council DEFERS consideration of the time extension application until further assessment is undertaken to consider changes to the planning framework and the likelihood of the development being approved in light of Local Planning Scheme 2 not having any provisions similar to clause 20 and 27 of the Town Planning Scheme Number 1.

CARRIED (7-0)

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

Against: Nil

(Cr Harley and Cr Fotakis were apologies for this meeting).

At 9.46pm, prior to discussion on the following item, Cr Murphy vacated the Chamber and returned at 9.47pm following voting.

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 SEPTEMBER 2019 TO 23 SEPTEMBER 2019

TRIM Ref: D19/145660

Author: Nikki Hirrill, Accounts Payable Officer

Authoriser: John Corbellini, A/Executive Director Community and Business Services

Attachments:

1. Payments by EFT, BPAY and Payroll September 19 
2. Payments by Cheque September 19 
3. Payments by Direct Debit September 19 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 September 2019 to 23 September 2019 as detailed in Attachments 1, 2 and 3 as summarised below:

| | |
|--|-----------------------|
| EFT and BPAY payments, including payroll | \$6,690,061.06 |
| Cheques | \$2,048.95 |
| Direct debits, including credit cards | \$231,232.89 |
| Total payments for September 2019 | \$6,923,342.90 |

MOTION

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED (6-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Topelberg.

Against: Nil

Absent: Cr Murphy

(Cr Harley and Cr Fotakis were apologies for this meeting)

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

17 URGENT BUSINESS

Nil

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

Nil

19 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 9.50pm with the following persons present:

| | | |
|-----------------------|---------------------------------------|---|
| PRESENT: | Mayor Emma Cole | Presiding Member |
| | Cr Susan Gontaszewski | South Ward |
| | Cr Alex Castle | North Ward |
| | Cr Jonathan Hallett | South Ward |
| | Cr Dan Loden | North Ward |
| | Cr Jimmy Murphy | South Ward |
| | Cr Joshua Topelberg | South Ward |
| IN ATTENDANCE: | David MacLennan | Chief Executive Officer |
| | Andrew Murphy | Executive Director Infrastructure & Environment |
| | John Corbellini | A/Executive Director Community & Business Services |
| | Stephanie Smith | A/Executive Director Strategy & Development |
| | Joslin Colli | Coordinator Planning Services |
| | Meluka Bancroft | Manager Governance, Property and Contracts |
| | Sharron Kent | Governance and Council Liaison Officer |
| Media: | Nil. | |
| Public: | Approximately 1 member of the public. | |

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 15 October 2019.

Signed:



Mayor Emma Cole

Dated: 12 November 2019