



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**11 February 2020**

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**MINUTES OF CITY OF VINCENT  
ORDINARY COUNCIL MEETING  
HELD AT THE ADMINISTRATION AND CIVIC CENTRE  
244 VINCENT STREET, LEEDERVILLE  
ON TUESDAY, 11 FEBRUARY 2020 AT 6PM**

<b>PRESENT:</b>	<b>Mayor Emma Cole</b>	<b>Presiding Member</b>
	<b>Cr Susan Gontaszewski</b>	<b>South Ward</b>
	<b>Cr Alex Castle</b>	<b>North Ward</b>
	<b>Cr Joanne Fotakis</b>	<b>North Ward</b>
	<b>Cr Jonathan Hallett</b>	<b>South Ward</b>
	<b>Cr Dan Loden</b>	<b>North Ward</b>
	<b>Cr Sally Smith</b>	<b>North Ward</b>
	<b>Cr Joshua Topelberg</b>	<b>South Ward</b>
	<b>Cr Ashley Wallace</b>	<b>South Ward</b>

<b>IN ATTENDANCE:</b>	<b>David MacLennan</b>	<b>Chief Executive Officer</b>
	<b>Andrew Murphy</b>	<b>Executive Director Infrastructure &amp; Environment</b>
	<b>Virginia Miltrup</b>	<b>Executive Director Community &amp; Business Services</b>
	<b>Stephanie Smith</b>	<b>A/Executive Director Strategy &amp; Development</b>
	<b>Jay Naidoo</b>	<b>Manager Development &amp; Design (until 7.40pm)</b>
	<b>Mark Fallows</b>	<b>Manager Built Environment &amp; Wellbeing(until 7.40pm)</b>
	<b>Meluka Bancroft</b>	<b>Executive Manager Corporate Strategy &amp; Governance</b>
	<b>Jordan Korovesi</b>	<b>A/Manager Policy and Place</b>
	<b>Emma Simmons</b>	<b>Governance Projects Officer</b>
	<b>Debra Costarella</b>	<b>Council Liaison Officer</b>

**Media:** Nil

**Public:** 13 Members of Public

## **1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member, Mayor Emma Cole declared the meeting open at 6pm and read the following Acknowledgement of Country statement:

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

## **2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE**

Nil

## **3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

The following is a summary of questions and submissions received and responses provided at the meeting. This is not a verbatim record of comments made at the meeting.

### **1. Anna Monteleone of Bayswater – Item 9.3**

- Spoke on behalf of her father, who is the owner of Tony Yozzi Sports on William Street, Perth.
- Stated that this matter has been ongoing since June 2019.
- Stated that the development application was lodged as requested by Administration.
- Stated that the State Heritage Office supports the application for roller shutters as long as the shop remains a gun shop.
- Stated that they want Council to Support the roller shutters.

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

## 2. Damien Kerher of Northbridge

- Referred to the development application for 48 Egina Street, Mt Hawthorn which was refused by Council and appealed to the State Administrative Tribunal.
- Stated that State Administrative Tribunal has dismissed the appeal due to the garage domination.
- Thanked Councillors Loden, Topelberg, Gontaszewski and Mayor Cole on behalf of the current residents of Egina Street for their support.

*The Presiding Member Mayor Emma Cole thanked Mr Kerher for his comments and advised Mr Kerher that there will need to be a new Development Application made to the City by the owners, and the City has not received anything to date.*

## 3. Dudley Maier of Highgate

- In respect to Item 12.4, stated that the lease of 246 Vincent Street is significantly different from the previous approval in that there is no longer a requirement for the \$1.6 million portion of the incentive to be spent in accordance with an approved schedule of works. On this basis queried whether the City had complied with regulation 10 of the *Local Government (Administration) Regulations 1996*?
- Raised a number of general questions for response by Administration:
  1. Did the City formally approach the Minister with a view of amending the vesting order for Leederville Oval (also known as Reserve 3839), as had previously been done in 1994, prior to the building of the child care centre on a portion of the land. If so, when?
  2. Can the City confirm that a change of use is just one of a number of circumstances that triggers the need to obtain Development Approval, noting that parking requirements and building works are examples of other triggers?
  3. Can the City confirm that since the gazettal of the *Planning and Development (Local Planning Scheme) Regulations 2015*, development approval is not required for a change of use of a non-heritage listed property, if the use is permitted under the scheme, and if there is no works component, or development approval is not required for any of the works component?
  4. Has the City been adhering to these Regulations since 2015?
  5. Between 2015 and 24 July 2019 would development approval be required for a proposal in the Mount Lawley- Highgate town centre that involved a change of use to one permitted under the scheme but which required discretion in terms of parking provisions?
  6. Would such a proposal be required to seek such a development approval if contemplated after 24 July 2019?
  7. Is development approval required if a business in the Mount Lawley- Highgate town centre requested a change of use which would see a significant increase in parking requirements from the current permitted use but which does not require any building works?
  8. Is development approval required if a business in the Mount Lawley- Highgate town centre wants to significantly increase its patronage numbers therefore requiring more parking but does not require any building works and does not propose a change of use?
  9. On 23 July 2019 Council approved advertising changes to policy 7.51 - Minor Nature Development. Why hasn't these policy changes been advertised yet?
  10. On the 18 September 2018 Council noted amendments to the Design Guidelines for William Street and Design Guidelines for Perth and noted that they would be advertised for 28 days. When were the changes to the two design guidelines advertised and why haven't the amendments to these guidelines come back to Council?
  11. What items were presented to the Council Workshop held on 28 January 2020 and which Council Members attended?

12. Why do the reports on the Agenda no longer show the author and the authorising officer of the reports?
13. Why hasn't the community funding register for 2019/2020 been placed on the City's website?

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

4. Alf Parolo of West Perth – Item 9.1

- Spoke against the recommendations.
- Thanked the Mayor and Councillors for attending the briefing meeting held on site.
- States that the development will impact the amenity of the precinct.
- Noted that the precinct is unsure of Rosewood's impact on the area.
- Stated that the development may have an impact on parking – and queried how this will be dealt with.
- Stated that street set back is not sufficient.
- Questions the value of development, and notes that it sets a poor standard for future developments in the area.
- Stated that the development to the south is severely impacted and residents of this development have concerns and will suffer a loss of amenity.
- Stated that the development should be deferred or reviewed accordingly.

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

5. Tony Watson of North Fremantle – Item 9.1

- Spoke in support of the recommendations.
- Thanked the Mayor and Councillors for attending the briefing meeting held on site, and stated that it was beneficial and valuable.
- Stated that the trees will be protected during construction.
- Stated that the trees will sit in the foreground of the front of the building.
- Noted that the rear building will be just over 9 metres in height and three stories high with a pitched roof.
- Noted that the parapet wall will be replaced with a lower one.
- Noted that the overshadowing has been reviewed.
- Noted that the privacy requirements mentioned last week are compliant.
- Noted that the lift will remain.

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

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

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

Nil

## 4 APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Jonathan Hallett requests a leave of absence from 13 February 2020 to 22 February 2020 inclusive due to work related commitments

### COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Castle

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

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

- 4.2 Cr Susan Gontaszewski requests a leave of absence from 29 June 2020 to 4 September 2020 inclusive due personal commitments.

Moved: Cr Hallett, Seconded: Cr Loden

### COUNCIL DECISION

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

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

- 4.3 Cr Dan Loden requests a leave of absence from 26 February 2020 to 6 March 2020 inclusive due work related commitments.

Moved: Cr Castle, Seconded: Cr Smith

### COUNCIL DECISION

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

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

## 5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil



## 6 CONFIRMATION OF MINUTES

### 6.1 ORDINARY MEETING OF THE COUNCIL – 10 DECEMBER 2019

#### COUNCIL DECISION

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

That the minutes of the Ordinary Meeting held on 10 December 2019 be confirmed.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

### 6.2 SPECIAL MEETING OF COUNCIL – 28 JANUARY 2020

#### COUNCIL DECISION

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

That the minutes of the Special Meeting of Council held on 28 January 2020 be confirmed.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

## 7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

### 7.1 WELCOME VIRGINIA MILTRUP

Formally welcomed Virginia Miltrup to the position of Executive Director Community and Business Services and noted that Virginia is from the City of Kalamunda and has great experience in both local government and the corporate sector.

### 7.2 PERTH FESTIVAL

The Perth Festival is coming to Beaufort Street for the first ever LIT Crawl in Perth. This is quite exciting for the City to welcome the festival as it is an internationally recognised festival and is one of the best in Perth. Stated that there are 18 free events happening down in Beaufort Street, which is an opportunity to experience literature, slam poetry, author's readings and even some fight club style tips from girls doing boxing.

### 7.3 NORTHBRIDGE COMMON EVENT

Thanked the Northbridge Common for the Luna New Year Lantern Festival held on William Street last night. The road was closed to vehicles and the children had fun chalking the roads and enjoying the bubbles. The cultural and line dancing was a really lovely event. At the event the City of Vincent got to talk to the youth which helped to inform them of the city's Youth Action Plan and the youth were excited about the survey that the City is putting out to ask what they want and what their thoughts are on a range of issues.

## 8 DECLARATIONS OF INTEREST

- 8.1 Cr. Topelberg declared a financial interest in Item 12.4 - Lease of 246 Vincent Street, Leederville to Minister for Works - Department of Local Government, Sport and Cultural Industries. The extent of his interest in this matter is that representatives of his company have engaged with the City in relation to potential upgrade works for the property at 246 Vincent Street, Leederville. Cr Topelberg did not seek approval to participate in the debate or to remain in Chambers or vote on the matter.

## 9. REPORTS

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

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**  
Items 9.1, 9.3 and 12.4.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 10.1.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items 12.4.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Fotakis	9.5
Cr Topelberg	9.6 and 11.6

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

- (e) **Unopposed items which will be moved "En Bloc", being:**  
Items 9.2, 9.4, 11.1, 11.2, 11.3, 11.4, 11.5, 11.7, 12.1, 12.2, 12.3 and 12.5.
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Items 17.1.

### ITEMS APPROVED "EN BLOC":

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

#### COUNCIL DECISION

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

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

**Items 9.2, 9.4, 11.1, 11.2, 11.3, 11.4, 11.5, 11.7, 12.1, 12.2, 12.3, 12.5 and 17.1**







**CARRIED UNANIMOUSLY (9-0)**

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

**Against** Nil

**9.2 NO. 392 (LOT: 152; D/P: 50596) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE TO RESTAURANT/CAFE AND SHOP (AMENDMENT TO APPROVALS) (UNAUTHORISED EXISTING DEVELOPMENT)**

**Ward:** South

- Attachments:**
1. Location Map 
  2. Minutes of the 12 December 2017 Ordinary Council Meeting and Approved Development Plans 5.2017.392.1 
  3. Notice of Determination and Approved Development Plans 5.2017.247.1 
  4. Development Plans 
  5. Supporting Information 
  6. Determination Advice Notes 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for Change of Use to Restaurant/Café and Shop (Amendment to Approval) (Unauthorised Existing Development) at No. 392 (Lot: 152; D/P: 50596) Fitzgerald Street, North Perth, in accordance with plans provided in Attachment 4, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. All conditions detailed on development approval 5.2017.247.1 granted on 31 October 2017 and on development approval 5.2017.392.1 granted on 12 December 2017 are deleted and replaced with the following conditions:
  - 1.1 This approval is for Change of Use to Restaurant/Café and Shop (Amendment to Approvals) (Unauthorised Existing Development) as shown on the approved plans dated 29 October 2019 and 5 December 2019. No other development forms part of this approval;
  - 1.2 Use of the premises
    - 1.2.1 This approval is for Restaurant/Café and Shop as defined in the City of Vincent Local Planning Scheme No. 2 and the subject land may not be used for any other use without the prior approval of the City; and
    - 1.2.2 The Restaurant/Café and Shop shall be limited to the following:
      - 1.2.2.1 A maximum of 12 persons on site at any one time;
  - 1.3 The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Fitzgerald Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the internal area from Fitzgerald Street are not permitted to be used during the hours of the development's operation;
  - 1.4 All external fixtures, such as television antennas (of a non-standard type), radio and other antennae's, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;
  - 1.5 All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained;
  - 1.6 Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 0.8728 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$4,713; and

1.7 All off-street car parking is to be available during business hours for all employees.

**COUNCIL DECISION ITEM 9.2**

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

That the recommendation be adopted.

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

**9.4 AMENDMENT TO THE MUNICIPAL HERITAGE INVENTORY - NO. 165 (STRATA LOT: 1)  
PALMERSTON STREET, PERTH**

Attachments: 1. No. 165 Palmerston Street, Perth - Heritage Assessment 

**RECOMMENDATION:**

That Council:

1. **RESOLVES** that No.165 (Strata Lot 1) Palmerston Street, Perth be entered in the Heritage List as Management Category B – Conservation Recommended without modification pursuant to Schedule 2, Part 3, Clause 8(3)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **NOTES** that Administration will notify the Heritage Council of Western Australia and each owner and occupier of the place of this decision pursuant to Schedule 2, Part 3, Clause 8(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**COUNCIL DECISION ITEM 9.4**

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

That the recommendation be adopted.

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

11.1 FINANCIAL STATEMENTS AS AT 30 NOVEMBER 2019

Attachments: 1. Financial Statements as at 30 November 2019 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.1**

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

That the recommendation be adopted.

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

11.2 INVESTMENT REPORT AS AT 30 NOVEMBER 2019

Attachments: 1. Investment Report November 2019 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.2**

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

That the recommendation be adopted.

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

**11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 19 NOVEMBER 2019 TO 31 DECEMBER 2019**

- Attachments:**
1. Payments by EFT, BPAY and Payroll December 19 
  2. Payments by Cheque December 19 
  3. Payments by Direct Debit December 19 

**RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 19 November 2019 to 31 December 2019 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$9,743,141.06
Cheques	\$2,089.49
Direct debits, including credit cards	\$5,397,746.75
Total payments for December 2019	<b>\$15,142,977.3</b> <b>0</b>

**COUNCIL DECISION ITEM 11.3**

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

That the recommendation be adopted.

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



11.4 FINANCIAL STATEMENTS AS AT 31 DECEMBER 2019

Attachments: 1. Financial Statements as at 31 December 2019 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.4**

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

That the recommendation be adopted.

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

11.5 INVESTMENT REPORT AS AT 31 DECEMBER 2019

Attachments: 1. Investment Report December 2019 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.5

Moved: Cr Fotakis, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

**11.7 VINCENT MEN'S SHED LICENSE FOR STORAGE CONTAINERS - 10 FARMER STREET, WOODVILLE RESERVE**

- Attachments:
1. Signed Vincent Men's Shed Lease 2014 
  2. Plan of Existing Lease and Proposed License Areas 
  3. Development Application 

**RECOMMENDATION:**

That Council;

1. Subject to the approval of the Minister for Lands, APPROVES a license for the use of a portion of Woodville Reserve, Lot 2545, 10 Farmer Street, North Perth, on the following key terms;
  - 1.1 Term: One year;
  - 1.2 Licence Fee: \$221.00 plus GST (paid on demand);
  - 1.3 Licence Area: Approximately 30 square metres;
  - 1.4 Permitted Purpose: Storage associated with existing lease purpose;
  - 1.5 Outgoings: Licensee to pay all outgoings including utilities and ESL;
  - 1.6 Insurance: Licensee to effect and maintain public liability insurance;
  - 1.7 Cleaning: Licensee to keep clean and tidy;
  - 1.8 Rates and Taxes: Any applicable rates and taxes to be paid by the licensee including bin and waste removal;
  - 1.9 Maintenance: Licensee to keep, maintain and substantially repair the Premises including maintaining the health of any plantings associated with screening;
  - 1.10 Pest Control: Licensee to cover costs necessary to keep free of pests and vermin; and
  - 1.11 Termination: By mutual agreement in writing; or
    - 1.11.1 In the event that the Lease between the City and Vincent Men's Shed (The Lease) is terminated without replacement, this Licence terminates at the same time and date that the Lease is to terminate, at which time the Licensee will have removed any storage containers and made good to the satisfaction of the City the Premises to an unimproved state; or
    - 1.11.2 In the event that the City's strategic framework is updated, a new framework adopted, a master plan, or any other strategic instrument applied over Woodville Reserve, 10 Farmer Street, North Perth, the City may terminate the License by providing one (1) months' notice in writing to the licensee, in which time the licensee will remove any storage containers and make good to the satisfaction of the City the Premises to an unimproved state; or
    - 1.11.3 In the event that the Premises is deemed unnecessary to the continuing function of the Licensee's permitted purposes outlined in Item 8 of the Lease, the Licensee may terminate the Licence by providing one (1) months' notice in writing to the City, the Licence will terminate the day that the Licensee yields up the premises;
2. Subject to the Minister's approval in clause 1 above and final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and the Chief Executive Officer to affix the common seal and execute the License as set out above; and
3. NOTES that the Vincent Men's Shed Inc. are required to notify immediate neighbours of the installation of the sea containers.



**COUNCIL DECISION ITEM 11.7**

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

That the recommendation be adopted.

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

**12.1 PERMIT WITH MAIN ROADS WA - ECO-ZONE LANDSCAPING OF LOT 210 ON DEPOSITED PLAN 32190, CORNER OF VINCENT STREET & LEEDERVILLE PARADE, LEEDERVILLE**

- Attachments:
1. Aerial plan of Lot 210 and adjacent land at corner of Leederville Parade and Vincent Street 
  2. Aerial plan of corner of Menzies Park, Mount Hawthorn - example of eco-zone landscaping 

**RECOMMENDATION:**

That Council:

1. **APPROVES** the City entering into a permit with Main Roads WA to use Lot 210 on Deposited Plan 32190, located on the corner of Leederville Parade and Vincent Street, Leederville (Lot 210), as shown in Attachment 1, on the following key terms:
  - 1.1. **Term:** 4 years, commencing 1 March 2020;
  - 1.2. **Permitted use:** Landscaping and ongoing maintenance;
  - 1.3. **Licence fee:** Nil;
  - 1.4. **Outgoings:** City pays any utilities and rates;
  - 1.5. **Maintenance:** City to keep clean and tidy;
  - 1.6. **Indemnity:** City indemnifies the Commissioner of Main Roads against any liability arising from loss or damage to property or persons occurring as a result of the City's access and use of Lot 210;
  - 1.7. **Insurance:** City to effect and maintain public liability insurance in respect to Lot 210; and
  - 1.8. **Termination:** Main Roads WA may terminate the permit by providing 6 months' notice to the City.
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 permit in recommendation 1. Above.

**COUNCIL DECISION ITEM 12.1**

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

That the recommendation be adopted.

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

**12.2 ACQUISITION OF PRIVATE RIGHTS OF WAY - LOTS 350 - 357 ON PLAN 2503, BOUNDED BY SCARBOROUGH BEACH ROAD, GREEN, FAIRFIELD AND MATLOCK STREETS, MOUNT HAWTHORN AS CROWN LAND, AND VESTING IN THE CITY AS PUBLIC RIGHTS OF WAY**

- Attachments:
1. Aerial plan of Lots 350-357 on Plan 2503 
  2. Aerial example of ceded land for ROW widening 

**RECOMMENDATION:**

**That Council:**

1. **REQUESTS** the Minister for Lands to acquire the following rights of way owned in freehold by the City:
  - 1.1 Lot 350 on Plan 2503, comprised in Certificate of Title Volume 2740 Folio 101;
  - 1.2 Lot 351 on Plan 2503, comprised in Certificate of Title Volume 1976 Folio 293;
  - 1.3 Lot 352 on Plan 2503, comprised in Certificate of Title Volume 1976 Folio 293;
  - 1.4 Lot 353 on Plan 2503, comprised in Certificate of Title Volume 2740 Folio 102;
  - 1.5 Lot 354 on Plan 2503, comprised in Certificate of Title Volume 2740 Folio 103;
  - 1.6 Lot 355 on Plan 2503, comprised in Certificate of Title Volume 2740 Folio 104;
  - 1.7 Lot 356 on Plan 2503, comprised in Certificate of Title Volume 2740 Folio 105; and
  - 1.8 Lot 357 on Plan 2503, comprised in Certificate of Title Volume 2740 Folio 106;

as shown in Attachment 1, as Crown land pursuant to section 52(1)(b) of the *Land Administration Act 1997* (LAA) subject to the Chief Executive Officer:

  - 1.9 notifying the owners of each lot adjacent to Lots 350-357 of the proposed acquisition;
  - 1.10 advising all suppliers of public utility services to Lots 350-357 of the proposed acquisition;
  - 1.11 stating in the notices in recommendation 1.9 and 1.10 above that submissions must be provided to the City within 31 days of the date of the notice; and
  - 1.12 considering and responding to any submissions or objections received;
2. **NOTES** that any submissions or objections received in accordance with recommendation 1. above will be considered by the Chief Executive Officer and incorporated into the request to the Minister for Lands; and
3. Following the acquisition of Lots 350-357 on Plan 2503, **REQUESTS** the Minister for Lands to reserve these lots for the purpose of a public right of way and place the care, control and management in the City of Vincent pursuant to sections 41 and 46(1) of the LAA.

**COUNCIL DECISION ITEM 12.2**

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

That the recommendation be adopted.

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

**12.3 INFORMATION BULLETIN**

- Attachments:**
1. **Confirmed Minutes of the Design Review Panel Meeting held on 13 November 2019** 
  2. **Confirmed Minutes of the Design Review Panel Meeting held on 27 November 2019** 
  3. **Confirmed Minutes of the Design Review Panel Meeting held on 4 December 2019** 
  4. **Confirmed Minutes of the Design Review Panel Meeting held on 11 December 2019** 
  5. **Confirmed Minutes Arts Advisory Group 3 October 2019** 
  6. **Statistics for Development Applications as at December 2019** 
  7. **Register of Legal Action and Prosecutions Monthly - Confidential - Confidential**
  8. **Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 25 January 2020** 
  9. **Register of Applications Referred to the MetroWest Development Assessment Panel – Current** 
  10. **Register of Applications Referred to the Design Review Panel – Current** 
  11. **Register of Petitions - Progress Report - February 2020** 
  12. **Register of Notices of Motion - Progress Report - February 2020** 
  13. **Register of Reports to be Actioned - Progress Report - February 2020** 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated February 2020.

**COUNCIL DECISION ITEM 12.3**

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

That the recommendation be adopted.

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



**12.5 INTERSTATE CONFERENCE ATTENDANCE – NATIONAL CLIMATE EMERGENCY SUMMIT,  
14-15 FEBRUARY 2020, MELBOURNE – CR HALLETT****Attachments: Nil****RECOMMENDATION:****That Council:**

- 1. APPROVES Cr Hallett’s attendance on behalf of the City of Vincent at the National Climate Emergency Summit on 14 – 15 February 2020 in Melbourne, Victoria, in accordance with clause 2.1(i) of the City’s Policy No. 4.1.15 – *Conferences*; and**
- 2. NOTES that Cr Hallett will cover all expenses associated with his attendance at the National Climate Emergency Summit**

**COUNCIL DECISION ITEM 12.5****Moved: Cr Fotakis, Seconded: Cr Castle****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**17.1 AMENDMENT TO LICENCE – ENCROACHMENT OF DRAINAGE INFRASTRUCTURE FROM 152 JOEL TERRACE, MOUNT LAWLEY INTO SWAN RIVER FORESHORE RESERVE 43459**

Attachments: Nil

**RECOMMENDATION:**

That Council:

1. APPROVES the following amendments to the term of the licence to the owners of Lot 900 (No.152) Joel Terrace, Mount Lawley, Deborah and Harold Scholland, to access and use a portion of Crown Reserve 43459, for the purpose of locating a 225mm diameter PVC stormwater connection pipe and a concrete bubble up soakwell outlet, as approved by Council at its 29 May 2018 Ordinary Council Meeting (Item 18.1):
  - 1.1 ~~Term: life of the current development (single house) at Lot 900 (No. 152) Joel Terrace, Mount Lawley~~ **21 years;**
  - 1.9 **Water Quality: Owners to comply with Department of Biodiversity, Conservation and Attractions' water quality standards and immediately cease use of the swale if water quality standards not met, and undertake and pay the cost of bi-annual water quality testing and pollutant trap maintenance for the first two years of the licence, and annual testing thereafter, and provide the results to the DBCA for assessment;**
2. NOTES that if the current development (single house) is demolished or substantially altered in a manner which impacts the stormwater disposal on the site within the 21 year term, the licence will terminate in accordance with recommendation 1.14 of Council's 29 May 2018 resolution.

**COUNCIL DECISION ITEM 17.1**

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

That the recommendation be adopted.

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

## ITEMS WITH DISCUSSION

### STRATEGY & DEVELOPMENT

#### 9.3 NOS. 452-460 (LOT: 1; D/P: 613) WILLIAM STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SHOP (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:

1. Consultation and Location Map 
2. Development Plans 
3. Supporting Information 
4. Firearm Storage Requirements 

#### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for proposed Alterations and Additions to Shop (Unauthorised Existing Development) at No. 452-460 (Lot: 1; D/P: 613) William Street, Perth, in accordance with the plans provided in Attachment 2, for the following reasons:

1. The development does not satisfy the deemed-to-comply standards of Clause 1.3 Corner Sites and Clause 1.4 Ground Floor Design of Policy No. 7.1.1 – Built Form, nor does it satisfy the Design Principles and Local Housing Objectives as:
  - 1.1 The roller shutters reduce activation provided to both street frontages, which diminishes the corner presentation and reduces visibility of the internal use from the street;
  - 1.2 The appearance of the roller shutters, as a security measure, adversely detracts from the appearance of the streetscape; and
  - 1.3 As a result of the roller shutters, the use does not integrate with the adjoining public spaces and does not adhere to the performance criteria of the Western Australian Planning Commissions, Design out Crime Planning Guidelines;
2. The development does not satisfy the Built Form Guidelines of Clause 7(v) of the City's Planning and Building Policy Manual – Appendix No.18 Design Guidelines, William Street, between Bulwer and Newcastle Streets, Perth, nor does it satisfy the development objectives as the development is not an appropriate design for the context of the place;
3. The development does not satisfy the Acceptable Development standards of Clause 4 in relation to Building Scale, Bulk and Mass of Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties, nor does it satisfy the performance criteria as the roller shutters are not respectful of or compatible with the existing fabric of the building and the deters from the landmark quality of the heritage place;
4. As a consequence of the adverse appearance of the roller shutter addition and subsequent reduced street surveillance, the proposed development:
  - 4.1 Is not compatible nor complimentary to the town centre area in which it is located (Clause 67(m) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
  - 4.2 Would detract from the amenity and character of the locality and would set an undesirable precedence (Clause 67(n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
5. Within 28 days from the issuing of the notice of determination, the roller shutters must be removed from the façade and the affected areas of the façade restored to their original form, to the satisfaction of the City.

**COUNCIL DECISION ITEM 9.3**

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









**That the recommendation be adopted.**

**CARRIED (5-4)**

**For:** Cr Castle, Cr Fotakis, Cr Loden, Cr Topelberg and Cr Wallace

**Against:** Mayor Cole, Cr Gontaszewski, Cr Hallett and Cr Smith

**9.1 NO. 64 (LOT 41; D/P: 2360) CLEAVER STREET, WEST PERTH - PROPOSED 11 MULTIPLE DWELLINGS****Ward:** South

- Attachments:**
1. Consultation and Location Map 
  2. Development Plans 
  3. Advertised Plans 
  4. Summary of Submissions - Administration's Response 
  5. Summary of Submissions - Applicant's Response 
  6. Design Review Panel Minutes 
  7. Applicant's Technical Reports 
  8. Determination Advice Notes 

**RECOMMENDATION:**

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval for 11 Multiple Dwellings at No. 64 (Lot: 41; D/P: 2360) Cleaver Street, West Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

**1. Use of Premises**

This approval is for Multiple Dwellings as shown on the approved plans dated 8 January 2020. No other development forms part of this approval;

**2. Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 66 Cleaver Street in a good and clean condition prior to practical completion of the development to the satisfaction of the City. The finish of the boundary walls is to be fully rendered or face brickwork to the satisfaction of the City;

**3. Building Design**

**3.1** Prior to the issue of a Building Licence, revised plans shall be submitted and approved by the City that demonstrates the following:

- The fourth storey of the building shall be amended to be constructed of white or cream colour hues, to the satisfaction of the City's Design Review Panel;
- The gate and/or fencing above 1.2 metres in height within the front setback area shall be 'visually permeable' as defined by the Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City;
- The shading structures located on the western façade of the building shall be flipped so the shading structures are provided to the southern side of the openings, to the satisfaction of the City; and
- The southern window to the kitchen in Unit A4 shall not exceed an area of 1 square metre;

**3.2** Prior to occupancy or use of the development, all privacy screening shall be at least 1.6 metres in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property, to the satisfaction of the City; and

**3.3** Prior to the lodgement of a building permit, demonstration the development would satisfy Acceptable Outcome A4.9.1 relating to universal design of Residential Design Codes Volume 2 – Apartments shall be provided to and approved by the City;

**4. External Fixtures**

All external fixtures, such as television antennas (of a non-standard type), radio and other

antennae's, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;

#### 5. Schedule of External Finishes

Prior to the lodgement of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Local Government, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Local Government, prior to occupation of the development;

#### 6. Landscaping

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

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum of 10.1 percent deep soil area, as defined by the Residential Design Codes Volume 2 – Apartments;
- The provision of trees contributing towards canopy coverage within deep soil areas provided and within the front setback area. The tree species are to be in accordance with the City's recommended tree species list; and
- A detailed drawing of the communal open space area to the satisfaction of the City's Design Review Panel;

6.2 All works shown in the plans as identified in Condition 6.1 shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

6.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City;

#### 7. Car Parking, Access and Bicycle Facilities

7.1 Prior to the commencement of the approved use, 11 parking bays for the residents of the Multiple Dwellings and two (2) visitor car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS2890.1;

7.2 No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where;

- walls, letterboxes or fences adjoin vehicular access points to the site; or
- a driveway meets a public street; or
- two streets intersect,

unless otherwise approved by the City of Vincent.

7.3 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City;

7.4 Two (2) visitor parking bays shall be permanently marked, maintained and legally

accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City;

- 7.5 Prior to the first occupation of the development, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense; and
- 7.6 A minimum of six (6) bicycle parking bays shall be provided on site prior to occupation of the development. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking;

## 8. Access Management Plan

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

- Detailed management measures for the operation of the vehicular entry gate, to ensure access is readily available for owners/visitors/tenants to the residential units at all times; and

- 8.2 The approved Access Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Access Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers;

## 9. Waste Management

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

- the location of bin storage areas and bin collection areas;
- the number, volume and type of bins, and the type of waste to be placed in the bins;
- details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- frequency of bin collections; and

- 9.2 The Waste Management Plan must be implemented at all times to the satisfaction of the City of Vincent;

## 10. Acoustic Report and Noise Management

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be lodged with and approved by the City prior to the lodgement of a Building Permit. All recommended measures in the report shall be undertaken in accordance with the report to the City’s satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

## 11. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the issuing of a building permit (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;

- Noise control and vibration management;
- Dilapidation Reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees on the development site, and measures to ensure the protection of existing trees on adjoining properties;

## 12. Public Art

- 12.1 In accordance with City of Vincent Policy No. 7.5.13 – Percent for Art the application is required to make a public art contribution of \$19,000 being one percent of the estimated cost of development.

In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration prior to the lodgement of a Building permit stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

Or

Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

- 12.2 The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Policy No. 7.5.13 – Percent for Public Art:

12.2.1 in conjunction with the above chosen option;

Option 1: prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

Or

Option 2: prior to the issue of an Occupancy Permit pay the above cash-in-lieu contribution amount;

## 13. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve; and

## 14. Clothes Drying Facilities

Each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City, prior to the occupation or use of the development.

At 6.41pm the CEO left the meeting

Returned at 6.50pm



**COUNCIL DECISION ITEM 9.1**

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

That the recommendation be adopted.

**CARRIED (8-1)**

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

**Against:** Cr Wallace

**CHIEF EXECUTIVE OFFICER****12.4 LEASE OF 246 VINCENT STREET, LEEDERVILLE TO MINISTER FOR WORKS - DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES - AMENDMENT TO INCENTIVE**

Attachments: 1. Minister for Works' updated lease proposal dated 16 January 2020 

**RECOMMENDATION:**

That Council APPROVES the following amendment to the incentive for the proposed variation and extension of the City's lease to the Minister for Works approved by Council at its 10 December 2019 Ordinary Meeting of Council (Item 12.1):

1.13 Incentive: 40 per cent, equates to \$3,019,840 over the 10 year lease term. The incentive is applied against the rent, with up to \$1.625 million to be paid to the lessee via three instalments as follows:

July 2020 - \$558,333

July 2021 - \$533,333

July 2022 - \$533,333

~~allocated towards the lessee's fit out. The maximum amount of \$1.6 million is to be paid to the lessee in accordance with a schedule of fit out works approved by the City, with a cap of \$0.53 million per annum, via three annual instalments to be paid in 2020/21, 2021/22 and 2022/23. The balance of the incentive is to be applied against the rent and amortised evenly over the lease term;~~

At 6:58 pm, Cr Joshua Topelberg left the meeting.

**COUNCIL DECISION ITEM 12.4**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (8-0)**




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

**Against:** Nil

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

At 7:12 pm, Cr Joshua Topelberg returned to the meeting.

**STRATEGY & DEVELOPMENT****9.5 AMENDMENT NO. 4 TO LOCAL PLANNING POLICY NO. 7.5.15 - CHARACTER RETENTION AREAS AND HERITAGE AREAS TO INCLUDE GUIDELINES FOR THE BOULEVARDE, KALGOORLIE STREET, MATLOCK STREET AND BUXTON STREET**

- Attachments:
1. Summary of Consultation Results - Mount Hawthorn 
  2. Local Planning Policy No. 7.5.15 - Character Retention and Heritage Areas - Amendment No. 4 - with tracked changes 
  3. Local Planning Policy No. 7.5.15 - Character Retention and Heritage Areas - Amendment No. 4 - without tracked changes 

**RECOMMENDATION:****That Council:**

1. PREPARES Amendment No. 4 to Local Planning Policy No. 7.5.15 – Character Retention Areas and Heritage Areas included as Attachment 3 to include guidelines for The Boulevard, Kalgoorlie Street, Matlock Street and Buxton Street, Mount Hawthorn pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of public consultation; and
2. NOTES that Amendment No. 4 to Local Planning Policy No. 7.5.15 – Character Retention Areas and Heritage Areas will be advertised for a period of 28 days pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

**COUNCIL DECISION ITEM 9.5**

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

**That the recommendation be adopted.**

At 7:24 pm, Cr Dan Loden left the meeting.






At 7:25 pm, Cr Dan Loden returned to the meeting.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**9.6 COMMENT ON DRAFT WAPC POSITION STATEMENT: SPECIAL ENTERTAINMENT PRECINCTS AND DWER CONSULTATION PAPER**

- Attachments:
1. City of Vincent Submission - Planning for Entertainment Noise in the Northbridge Area November 2018 
  2. WAPC Draft Position Statement - Special Entertainment Precincts November 2019 
  3. DWER Consultation Paper - Managing Amplified Noise in Entertainment Precincts November 2019 
  4. City of Vincent Submission February 2020 - WAPC Special Entertainment Precincts 
  5. City of Vincent Submission February 2020 - DWER Managing Noise in Entertainment Precincts 

**RECOMMENDATION:**

That Council:

1. **ENDORSES** Attachments 4 and 5 as the City of Vincent's submissions in response to the Western Australian Planning Commission's draft Position Statement: Special Entertainment Precincts and the Department of Water and Environmental Regulation's Managing Amplified Music Noise in Entertainment Precincts Consultation Paper, respectively; and
2. **NOTES** the City will forward the submissions to the Western Australian Planning Commission and Department of Water and Environmental Regulation.

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

That the recommendation be adopted.

**PROPOSED AMENDMENT 1**

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

That the Recommendation 2 be amended as follows:

2. **NOTES** the City:
  - 2.1** will forward the submissions to the Western Australian Planning Commission and Department of Water and Environmental Regulation; **and**
  - 2.2** **the City's support for the intent of the State Government's proposal to introduce special entertainment precincts; and the opportunities it provides for the City's town centres and live music hubs particularly Leederville and the potential Jazz Precinct.**

**AMENDMENT CARRIED (9-0)**

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

**Against:** Nil

**PROPOSED AMENDMENT 2****Moved: Cr Topelberg, Seconded: Cr Fotakis**

That the Recommendation 2.2 be amended as follows:

**2. NOTES the City:**

- 2.1 will forward the submissions to the Western Australian Planning Commission and Department of Water and Environmental Regulation; and**
- 2.2 the City's support for the intent of the State Government's proposal to introduce special entertainment precincts; and the opportunities it provides for the City's town centres and live music hubs particularly Leederville, North Perth and the potential Jazz Precinct.**

**AMENDMENT CARRIED (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil**COUNCIL DECISION ITEM 9.6****Moved: Cr Topelberg, Seconded: Cr Fotakis**

That Council:

- 1. ENDORSES Attachments 4 and 5 as the City of Vincent's submissions in response to the Western Australian Planning Commission's draft Position Statement: Special Entertainment Precincts and the Department of Water and Environmental Regulation's Managing Amplified Music Noise in Entertainment Precincts Consultation Paper, respectively; and**
- 2. NOTES the City:**
  - 2.1 will forward the submissions to the Western Australian Planning Commission and Department of Water and Environmental Regulation; and**
  - 2.2 the City's support for the intent of the State Government's proposal to introduce special entertainment precincts; and the opportunities it provides for the City's town centres and live music hubs particularly Leederville, North Perth and the potential Jazz Precinct.**

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

**INFRASTRUCTURE & ENVIRONMENT****10.1 TENDER NO. 575/19 BANKS RESERVE 'ACTIVE ZONE' CONSTRUCTION**

Attachments: 1. Evaluation Worksheet - RFT No. 575-19 - Banks Reserve Active Zone Construction - Confidential

**RECOMMENDATION:**

That Council:

1. **ACCEPTS** the tender submitted by Phase 3 Landscape Construction for Tender No. 575/19 to undertake the Banks Reserve 'Active Zone' construction;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of \$60,000 within the 2019/20 Public Open Space Implementation capital works budget to the Banks Reserve Masterplan Implementation Stage 1 capital works budget to enable completion of the 'Banks Reserve' Active Zone; and
3. **NOTES** the following budget adjustments to facilitate 2. above:

	From	To
Existing Budget Item: Public Open Space Implementation capital works budget (Capex)	\$60,000	
Existing Budget Item: Banks Reserve Masterplan Implementation Stage 1 capital works budget (Capex)		\$60,000

**COUNCIL DECISION ITEM 10.1**

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


That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (9-0)**

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

**Against:** Nil

**COMMUNITY & BUSINESS SERVICES****11.6 WAIVER OF FEES - WEST AUSTRALIAN FOOTBALL COMMISSION (WAFC) - AFL WOMENS**

Attachments: 1. Waiver request - West Australian Football Commission 

**RECOMMENDATION:**

That Council:

1. **APPROVES** a waiver of fees for the West Australian Football Commission to host an Australian Football League Women's match between West Coast Eagles and Western Bulldogs on Saturday 29 February 2020 totalling \$8,000; and
2. **ADVISES** the West Australian Football Commission that consideration of any further requests for waiver of fees remains subject to Council endorsement.

**COUNCIL DECISION ITEM 11.6**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

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

Nil

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

Nil

**15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**16 URGENT BUSINESS**

Nil

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

Carried En Bloc

**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.50pm with the following persons present:

<b>PRESENT:</b>	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Sally Smith	North Ward
	Cr Joshua Topelberg	South Ward
	Cr Ashley Wallace	South Ward

**IN ATTENDANCE:**

David MacLennan	Chief Executive Officer
Andrew Murphy	Executive Director Infrastructure & Environment
Virginia Miltrup	Executive Director Community & Business Services
Stephanie Smith	A/Executive Director Strategy & Development
Jay Naidoo	Manager Development & Design (until 7.40pm)
Mark Fallows	Manager Built Environment & Wellbeing(until 7.40pm)
Meluka Bancroft	Executive Manager Corporate Strategy & Governance
Jordan Korovesi	A/Manager Policy and Place
Emma Simmons	Governance Projects Officer
Debra Costarella	Council Liaison Officer

**Media:** Nil.**Public:** Nil.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council Meeting held on 11 February 2020.

Signed: Mayor Emma Cole

Dated