



CITY OF VINCENT

NOTES

Council Briefing

5 December 2023

Table of Contents

1	Declaration of Opening / Acknowledgement of Country	3
2	Apologies / Members on Approved Leave of Absence	3
3	Public Question Time and Receiving of Public Statements	4
4	Declarations of Interest	7
5	Strategy & Development	8
5.4	Mount Hawthorn Youth Skate Space Revised Location	8
5.1	No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth - Proposed Change of Use from Restaurant/Cafe to Restaurant/Cafe and Small Bar	9
5.2	No. 276 (Lot: 63; D/P: 97776) Newcastle Street, Perth - Proposed Office and Showroom (Amendment to Approved) (Unauthorised Existing Development)	12
5.3	Nos. 378 and 380 (Lots: 68 & 67; D/P: 613) William Street, Perth - Proposed Change of Use from Warehouse/Storage to Tavern, Restaurant/Cafe and Shop Including Alterations and Additions	14
5.5	RFT PP272/2023 Robertson Park Redevelopment - Stage 1 - Separable Portion A Constructi	15
	Report will be presented to Council Meeting on 12 December 2023	15
5.6	Licence to Broadway Unit Trust (trading as Spritz Spizzicheria Italiana) on road reserve adjacent to No. 148 (Lot: 600) Scarborough Beach Road, Mount Hawthorn	16
6	Infrastructure & Environment	18
6.1	Response To Petition - Corner Scarborough Beach Road and Killarney Street - Maintenance and Infrastructure	18
6.2	Response to Petition - Ellesmere Street, North Perth Parking	19
6.3	Outcome of advertising and adoption of amendments to Asset Management Policy	20
6.4	Kyilla Community Farmers Market - Waiver of Fees	21
7	Community & Business Services	22
7.1	Financial Statements as at 31 October 2023.....	22
7.2	Authorisation of Expenditure for the Period 01 October 2023 to 31 October 2023	23
7.3	Investment Report as at 31 October 2023	24
7.4	Outcome of Advertising and Adoption of New Child Safe Awareness Policy	25
7.5	Outcome of advertising and adoption of amendments to Diversity Access and Inclusion Policy	26
7.6	Annual Report 2022/23 [ABSOLUTE MAJORITY DECISION REQUIRED].....	27
8	Chief Executive Officer	28
8.1	Council Recess Period 2023-24 - Delegated Authority to the Chief Executive Officer [ABSOLUTE MAJORITY DECISION REQUIRED]	28
8.2	Appointment of Council Members and Community Representatives to Advisory Groups	29
8.3	Information Bulletin	30
9	Motions of Which Previous Notice Has Been Given	31
10	Representation on Committees and Public Bodies	31
11	Confidential Items/Matters For Which the Meeting May be Closed	31
12	Closure	31

**44NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AS E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 5 DECEMBER 2023 AT 6.00PM**

PRESENT:	<p>Mayor Alison Xamon Cr Alex Castle Cr Nicole Woolf Cr Ron Alexander Cr Suzanne Worner Cr Jonathan Hallett Cr Sophie Greer Cr Ashlee La Fontaine</p>	<p>Presiding Member North Ward North Ward North Ward North Ward South Ward South Ward (electronically) South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Peter Varris</p> <p>John Corbellini</p> <p>Rhys Taylor Luke McGuirk Jay Naidoo</p> <p>Jayde Robbins</p> <p>Paul Morrice</p> <p>Janine Neugebauer</p> <p>Joslin Colli</p> <p>Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Strategy & Development Chief Financial Officer Manager Engineering Executive Manager Development & Design & Strategic Planning Manager City Buildings & Asset Management (left at 6.38pm after Item 6.3) Manager Rangers Services (left at 6.40pm after Item 7.1) Executive Assistant Infrastructure & Environment (left at 6.41pm after Item 7.2) Executive Manager Corporate Strategy & Governance Council Liaison Officer</p>
Public:	Approximately two members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Alison Xamon, declared the meeting open at 6.00pm and read the following Acknowledgement of Country statement:

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

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Cr Ashley Wallace was an apology for this meeting.

3 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.

3.1 Linda Harris of Leederville – Item 5.4

- Spoke in support of the recommendation
- Queried if the soil is unsuitable for a skate park will there be a similar problem for the proposed mobile phone tower? Will the soil be able to support the tower?

The Presiding Member, Alison Xamon, thanked Ms Harris for her comments.

3.2 Grace Orifici of Leederville – Item 5.4

- Spoke in support of the recommendation
- Mentioned that the skate park is being used by young children and families and encourages Council to approve the recommendation

The Presiding Member, Alison Xamon, thanked Ms Orifici for her comments.

The following questions and statements were received in writing prior to the meeting.

Sam Russell of Mt Hawthorn – Item 5.4

I had sent a query a few weeks ago asking about the status as I was interested in what was going on.

This location seems significantly inferior to the previous one. The previous location had better accessibility and integration with a space already well used.

Primarily my concern is around safety though - the cycle path sees a lot of traffic, often at high speed. The carpark is often full with cars and is heavily utilised. A large number of the skate park users will be young - such as my daughters. How will the council ensure the mix of uses will be safe for users? For example, interaction between cars in the car park and kids entering the skate park. How will the council manage interaction between cyclists on the bike path and small kids who are at the skate park - who have a tendency to wander.

Is there another way for the council to find the additional funds to move to the earlier location or proposal #2 - which both largely solve the safety problems?

Administration response:

The costing received to enable the skate space to be suitably constructed in the previous location near the pump track was well beyond the suitability and capacity of a facility of this scale. This was agreed to by the City, project working group and contractor as not being a good value-for-money outcome. In addition, the City could not ensure a skate space at the previously endorsed location would have a suitably long asset life due to subsoil movement. This would subsequently be an expensive asset for the City to maintain.

The proposed location represents an underutilised area of the reserve, it is located 50 metres away from residential housing which is considered appropriate for a local-level skate facility and it has the potential with minor investment to connect into the existing footpath and road network in Mount Hawthorn. In addition, the halfcourt basketball court immediately to the south of the proposed skate space location is reaching the end of its asset life and can be refurbished as part of the broader project to interact with the skate space.

Safety and accessibility featured highly in the discussion and although some interpretive buffering and access measures have been identified in the indicative design as per Attachment 1, Administration and Skate Sculpture will be further refining this through a detailed design process. All skateable elements have been designed to or below 1m high, which will enable clear sight lines for parents and carers across this area.

During the detailed design process, Administration and Skate Sculpture will ensure the interface between the skate space and car park is safe through strategic placement of safety measures including grass embankments, picnic shelters, landscaping, footpaths and kerb ramps to ensure users of the facility do not inadvertently skate between the skate space and the car park. The connecting pathways will also be designed to limit speed and momentum to and from the access points of the skate space.

There is currently no proposed formal connection between the skate park and Principal Shared Path with existing trees and landscaping providing a natural buffer. During a detailed design process, Administration and Skate Sculpture will investigate further elements including grass embankments and additional landscaping.

Tracey and Neil Gray of Perth – Item 5.2

We are the owners of Unit 9/117 Lake Street but we are unfortunately unable to attend the Briefing as we are currently overseas. We will attempt to watch the live stream of the proceedings if possible. Our unit is only 3-4 m from the new development.

As stated in the Briefing Agenda the development was granted conditions to be built in breach of the applicable Building Codes. Unfortunately the developer has not installed the privacy screening as shown in the original proposal drawings and is now seeking to obtain a retrospective modification to the conditions of the DA to allow approval of a solution that we believe is unacceptable.

Administration response:

The development at No. 276 Newcastle Street did not breach building codes. The development proposed setbacks to the rear boundary that did not meet the then-applicable Acceptable Outcome standard of the Built Form Policy.

The Built Form Policy did not include specific visual privacy standards or objectives when the original development application was considered.

The original application was assessed against Element Objectives of the Built Form Policy relating to setbacks and satisfied these objectives.

We have a number of issues with the responses from the Developer as detailed in the Council Briefing Agenda

- The shared garden and courtyard area does constitute a private place as it used by the occupants in a number of ways and forms an important part of the amenity of the entire complex. For example our daughter used to sunbake and read in the garden area. It also gives the occupants the opportunity to spend time in the gardens. Any green space in an urban area like this is very important to the welfare of the occupants.
- Only the option of a permanently affixed structure gives a guarantee of privacy into the future. It would also guarantee that there are no privacy issues with view lines into either our bedroom or main living areas. While there is some screening afforded by plants on our property they are deciduous so not a guarantee of year round privacy.
- Our experiences with this project to date has not given us great confidence in the reassurances by the developer that the bamboo planting option will be adequately maintained into the future. Furthermore it is likely that any future disputes regarding privacy will be time consuming and difficult to resolve. What happens if the bamboo does not provide an adequate screen? Surely it makes more sense for everyone to implement the screening as originally approved and fix the situation now.
- We have experience using this bamboo in another of our properties where we found it quite difficult to maintain a lush enough screening while staying within the Perth watering restrictions. After several years we removed the bamboo and installed a fence to provide adequate screening.

Frankly we have been disappointed that a company with the reputation and depth of experience of the developer would not meet the requirements of the DA and would propose a clearly inadequate solution. It would be interesting to see their response if a similar privacy issue arose in their “backyard”. We can see no reason why this development should not meet planning regulations.

In summary we believe that the amenity of our property has been severely compromised through the loss of privacy. The developer has chosen not to implement the relaxed conditions of the DA and is seeking to obtain retrospective approval using a solution that we believe is inferior to the original proposal.

We would ask that the Council not approve the modifications to the DA and instruct the Developer to either implement the permanent external screening (11.2 (b)) or offer an equivalent solution.

Paula Babic of North Perth – Item 5.1

I am a residential property owner directly affected by this development.

Since this cafe opened it has caused car parking and traffic safety issues in Venn Street, and these problems are still existing today.

Since its opening the cafe staff and patron cars have been taking up street and verge parking that residents of Venn Street use and need.

And have been parking in the 'no-park' areas, causing danger for residents trying to access/egress between Venn & Fitzgerald Streets.

The vehicle access gate to the development was installed in Sept 2020 without authorization or approval. It was only last month, over 3 years later, that this gate was retrospectively approved. However the gate is still closed during the cafe business hours.

During these 3 years of restricted access to the carparking, the 8 bays which are proposed to be designated for use by cafe staff/patrons, have been occupied by the residential tenants and/or their visitors.

So I ask the question what will happen now to ensure these bays, which have been used and occupied by the residents cars for over 3 years now, are actually always available for the cars of cafe staff/patrons? There is no guarantee that a simple sign marking the bays will stop the residents from using the bays. Who will be responsible for ensuring the carboys are not used by the residents?

Administration response:

It is the operator and landowner's responsibility to ensure that the development is in compliance with the terms of the development approval. This includes the requirement for car parking bays allocated for exclusive use by the commercial tenancy being set aside for that purpose.

And the next question is where will the cars that have been utilizing these 8 bays for the past 3 years now park? Will those residents and visitors cars now also park on Venn Street to again cause parking and safe access/egress for cars in Venn Street?

Administration response:

There are 20 resident bays and two residential visitor bays provided on-site. This is as per previous approvals issued for the site and was considered adequate to meet the demands of the residential component of the development. This allocation of parking is not changing as part of this application. Residents and residential visitors would park in these bays.

Since the applicant submitted for the change of use, the problems of carpeting problems and dangers have been raised by concerned residents.

But at no time during this process has the applicant shown any affirmative action to resolve these problems. So the residents of Venn Street have no assurance that anything will change, all we are given in the Planning Departments Recommendations, is a proposal that the vehicle access gate is kept open during the cafe operational hours, which is not sufficient given the problems we have been having since the cafe opened.

In my previous submission on this matter I commented that a trial period should be held, to test and determine:

1. If the vehicle access gate will in reality be open during the entire cafe operation hours
2. If the 8 designated commercial carboys will actually be vacant and available for the use of the cafe staff/patrons
3. If there is continued parking problems or issues from this development affecting Venn Street residents

This trial period should be required prior to any new approvals given on this application change of use or increase in patron numbers.

Administration response:

A trial period or time-limited approval would not be appropriate in this circumstance.

Car parking provided for the proposed change of use complies with the car parking standard prescribed in the City's Non-Residential Parking Requirements Policy. This means that adequate car parking is provided.

Compliance with conditions of approval, including ensuring that the allocated car parking bays are made available for use by the commercial tenancy, is not a matter to be addressed via a time-limited condition. A time-limited condition imposed on this basis would not be reasonable.

The City has a Development Compliance Enforcement Policy that sets out mechanisms and enforcement action available to the City to ensure compliance with the terms of development approval. This would be the appropriate response to deal with any alleged non-compliance that arises.

It would be a mis-use of Council's privilege to grant a discretion for this application, without the above proposed trial period been done.

I ask Council to insist on this action before any approval for change of use, or increase in patron numbers in granted.

There being no further speakers, Public Question Time closed at approximately 6.05pm.

4 DECLARATIONS OF INTEREST

Cr Ashlee La Fontaine declared an impartiality interest in Item 8.2 Appointment of Council Members and Community Representatives to Advisory Groups. The extent of her interest is that she has social contact with two of the applicants.

Cr Ashlee La Fontaine declared an impartiality Interest in Item 12.3 Information Bulletin. The extent of her interest is that she owns and resides at a property on Forrest Street, North Perth, which is referred to in the Infobulletin.

5 STRATEGY & DEVELOPMENT

5.4 MOUNT HAWTHORN YOUTH SKATE SPACE REVISED LOCATION

- Attachments:
1. Mount Hawthorn Youth Skate Space - Revised Location Plan 
 2. Mount Hawthorn Youth Skate Space - Alternate Locations Map 
 3. Britannia Rd Reserve North West - Amended Development Plan 

RECOMMENDATION:

That Council:

1. NOTES:

- 1.1 the findings and advice on the previously endorsed location; and
- 1.2 that Administration will inform and engage the local community in relation to the new location; and

2. ENDORSES the:

- 2.1 revised location at Attachment 1 for the purpose of varying the current project contract; and
- 2.2 revised Britannia Rd Reserve North West Development Plan at Attachment 3.

CR CASTLE:

What consideration has there been around how this site would connect with exiting activity within the reserve?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The proposed location represents an underutilised area of the reserve, it is located 50 metres away from residential housing which is considered appropriate for a local-level skate facility and it has the potential with minor investment to connect into the existing footpath and road network in Mount Hawthorn. In addition, the halfcourt basketball court immediately to the south of the proposed skate space location is reaching the end of its asset life and can be refurbished as part of the broader project to interact with the skate space.

If the new location is adopted, Administration and Skate Sculpture will undertake a detailed design process that considers the Britannia North West Reserve Development Plan and the broader site conditions. It will address safe and efficient connections between the skate space and a refurbished basketball court, the new Litis Stadium changerooms and public toilets, the Litis Stadium car park, Britannia Road, the pump track and the mountain bike trail network.

Engagement will occur with the working group and immediate community during the detailed design process.

CR CASTLE:

What safety measures could be implemented in relation to the sites proximity to the car park?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The proposed concept plan at Attachment 1 has a 10 metre buffer between the skate park and the existing car park. In this 10 metre buffer, there is currently a number of physical barriers including trees, bollards and grass.

During the detailed design process, Administration and Skate Sculpture will ensure the interface between the skate space and car park is safe through strategic placement of safety measures including grass embankments, picnic shelters, landscaping, footpaths and kerb ramps to ensure users of the facility do not inadvertently skate between the skate space and the car park. The connecting pathways will also be designed to limit speed and momentum to and from the access points of the skate space.








CR HALLETT:

Would the soil issues impacting the original skate park also affect the proposed telecommunications tower?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Prior to entering into a Lease with the City the proponent of the telecommunications tower completed a geotechnical report. The findings of the report will inform detailed design for the tower and will need to be incorporated in the submission of a building permit.

5.1 NO. 500 (LOT: 41; D/P: 418433) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM RESTAURANT/CAFE TO RESTAURANT/CAFE AND SMALL BAR**Ward:** South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Parking Management Plan 
 4. Previous Joint Development Assessment Panel Approval 
 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 development application for a proposed Change of Use from Restaurant/Café to Restaurant/Café and Small Bar at No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Approval

This approval is for a Change of Use from Restaurant/Café to Restaurant/Café and Small Bar as shown on the approved plans dated 18 August 2023. No other development forms part of this approval;

2. Use of Premises

2.1 This approval is for a Restaurant/Café and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;

2.2 The total number of persons attending the Restaurant/Cafe and Small Bar at any one time, including staff and customers, shall be limited to 32 persons; and

2.3 The Restaurant/Café and Small Bar shall be limited to the following hours of operation:

- Monday to Sunday: 8:00am to 5:00pm; and
- All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday; and

3. Venue Management

3.1 Prior to commencement of the approved development, a Venue Management Plan shall be submitted to and approved by the City. The Venue Management Plan shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises, to the satisfaction of the City (refer advice note 8); and

3.2 The premises shall operate in accordance with the approved Venue Management Plan, to the satisfaction of the City;

4. Waste Management

The approved development shall operate in accordance with the approved Waste Management Plan dated 28 September 2018 at all times, to the satisfaction of the City;

5. Façade Design

5.1 Doors and windows and adjacent floor areas fronting Fitzgerald Street and Venn Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;

- 5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City; and
- 5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;

6. Car Parking

Prior to operation of the approved development, eight parking bays on-site shall be line marked for the exclusive use of the Restaurant/Café and Small Bar;

7. Bicycle Facilities

A minimum of two short-term bicycle bays shall be provided in the Venn Street verge adjacent to the subject site, in a location approved by the City. These bicycle bays shall be designed in accordance with AS2890.3 prior to the use of the approved development, to the satisfaction of the City; and

8. Parking Management

8.1 Prior to commencement of the approved development, a revised Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall include the following, to the satisfaction of the City:

- The revised parking bay numbers available to the proposed development, being eight bays;
- The revised customer and staff numbers, being a maximum total number of persons attending the venue of 32 persons;
- Details of Parking Management Strategies that include:
 - The promotion for customers to use the rear car parking bays; and
 - The vehicle access gate remaining open during the operating and delivery hours of the tenancy; and

8.2 The premises shall operate in accordance with the approved Parking Management Plan at all times, to the satisfaction of the City.

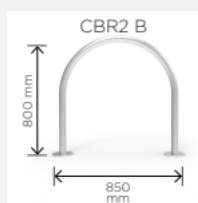
MAYOR XAMON:

In relation to the bike racks can I ask what is the favoured design of bikes racks for that particular area?

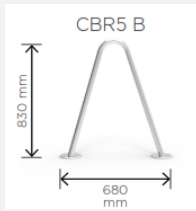
Certain designs of bike racks are better with e-scooters than others. And so, I am aware that as a Council we are trying to encourage more alternative means of transport. As we are looking at these designs we can look at what is not simply good for a bike but what is good for e-scooters as well.

MANAGER DEVELOPMENT & DESIGN & STRATEGIC PLANNING:

The Engineering Team advised that the City has been installing bike racks of the design pictured below (CBR2 B) as standard in the past.



The Engineering Team has consulted with the City's bike rack provider who advised that the design (CBR5 B), pictured below, is the most suitable design to provide flexibility to accommodate parking both bicycles and e-scooters.



The condition of approval included in the officer recommendation requires the provision of a bike rack to the City’s satisfaction and an accompanying advice note 11 has been included in Attachment 7 of the officer report that outlines it should be provided in the design specification of CBR5 B.

CR LA FONTAINE:

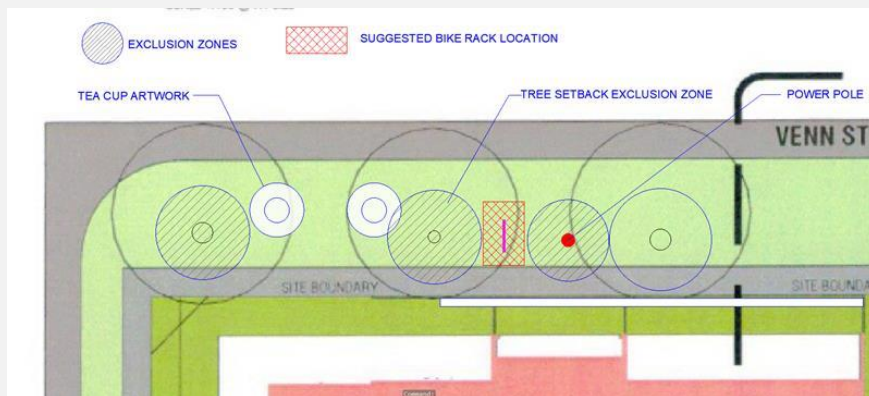
With the bike racks that are provided, they are said to be installed on the verge on Venn Street. There are two trees and also two tea cups where most people usually lean their bikes up against them? Are the tea cups going to stay and where are the bike racks going to go?

MANAGER DEVELOPMENT & DESIGN & STRATEGIC PLANNING:

The tea cups and street trees would be retained and would not be altered or modified as part of installing the bike rack.

The Engineering Team has advised that the location as indicated in red on the plan below would be the most suitable location within the Venn Street verge for the bike rack to be positioned.

The condition of approval included in the officer recommendation requires the provision of a bike rack to the City’s satisfaction and an accompanying advice note 11 has been included in Attachment 7 of the officer report that sets out it should be positioned in the location identified below.



CR HALLETT:

Do we have parameters around distance from public art that things are allowed to be installed in terms of maintaining integrity of viewing as opposed to just fitting in that location?

MANAGER DEVELOPMENT & DESIGN & STRATEGIC PLANNING:






There are no applicable standards which determine the location of infrastructure in relation to public art.

Decisions regarding placement of infrastructure in proximity to existing public art is made on case-to-case basis.

In determining the suitable locations for infrastructure in relation to public art consideration would be given the objectives and provisions of the City’s Public Art Policy. This includes the need for public art to be in clear public view and not to be obstructed.

5.2 NO. 276 (LOT: 63; D/P: 97776) NEWCASTLE STREET, PERTH - PROPOSED OFFICE AND SHOWROOM (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Existing Development Approval Notices and Approved Plans 
 4. Summary of Submissions - Administration Response 
 5. Summary of Submissions - Applicant Response 

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 Office and Showroom (Amendment to Approved) (Unauthorised Existing Development) at No. 276 (Lot: 63; D/P: 97776) Newcastle Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2020.57.1 granted on 14 April 2020 and 5.2021.486.1 granted on 10 January 2022 continue to apply to this approval except as follows:
 - 1.1 Condition 10 is deleted and replaced as follows:
 10. All landscaping works shown in the approved plans dated 9 November 2023 shall be undertaken within 28 days of the date of this approval and maintained thereafter at the expense of the owners/occupiers, to the satisfaction of the City.
 - 1.2 Condition 11 is deleted and replaced as follows:
 - 11.1 The obscure glazing privacy screen to the north east elevation of the first floor, as indicated on the approved plans dated 9 November 2023, shall be durable and visually impermeable to a minimum height of 1.6 metres above the first-floor finished floor level, to the satisfaction of the City.
 - 11.2 The north-east elevation of the ground floor shall be screened by either:
 - (a) The provision of bamboo planting along the north east lot boundary, as shown on the approved plans dated 9 November 2023. The bamboo shall be maintained to a minimum height of 1.6 metres above the ground floor finished floor level to restrict views of the adjoining property; or
 - (b) The installation of privacy screening to the portion of the north-east elevation of the ground floor indicated in red on the approved plans dated 9 November 2023. The screening shall be fixed, durable and visually impermeable to restrict views of the adjoining property;

The privacy screening and/or bamboo planting are to be maintained at all times from the date of the issue of this decision, to the satisfaction of the City

CR WOOLF:

Honey Locust trees are proposed to the car park at the front of the development. Were any native trees considered for this area?

MANAGER DEVELOPMENT & DESIGN & STRATEGIC PLANNING:

Yes, the City has a tree selection tool with recommended tree species. This includes both native and exotic tree species that are considered in the assessment of proposals. Honey locust tree is a recommended tree species in the City's tree selection tool. This tool is [available to the public](#) on the City's website.

The proposed honey locust trees would be located within a 0.8 metre wide planting strip within a car park

which is a challenging planting environment. Honey locust trees are able to cope with urban environments including heat, pollution, a variety of soils and provide a wide canopy spread.

The City's Parks team has advised that the honey locust tree is faster growing and provides greater canopy cover compared to native trees, and is supported to be planted in these 0.8 metre wide planting areas.

ADDITIONAL INFORMATION:

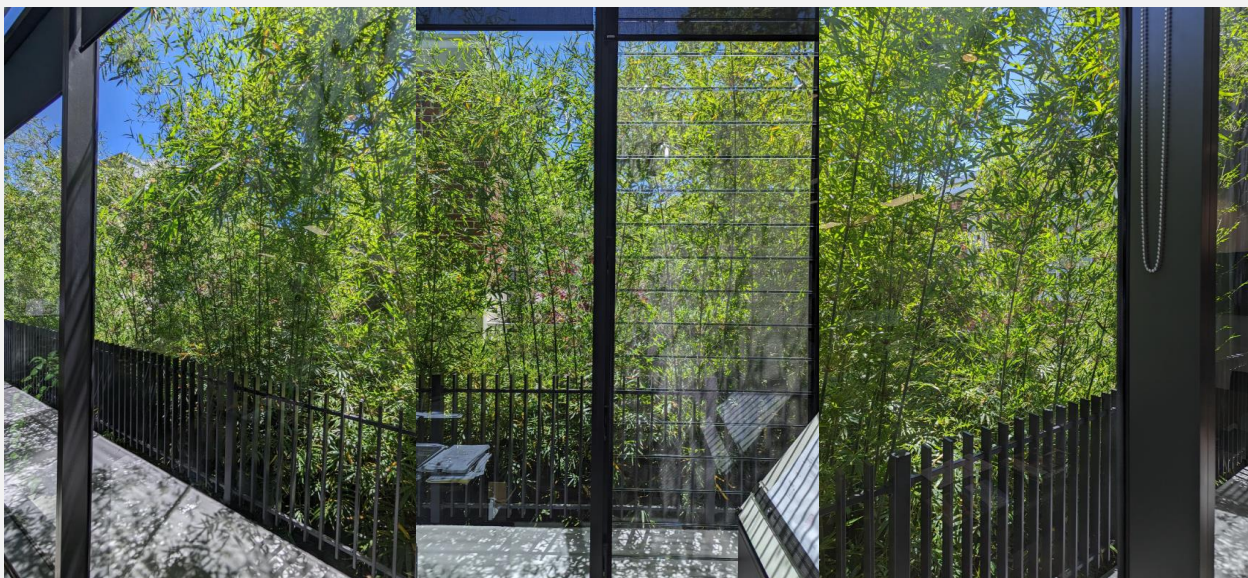
Screening Provided by the Bamboo

The existing condition of the development approval requires the screening to comply with the deemed-to-comply standards of Clause 5.4.1 of the R Codes Volume 1. These are for screening to be at least 1.6 metres high and at least 75 percent obscure.

The R Codes design principles and the Built Form Policy element objectives aim to minimise direct overlooking of adjoining properties. As outlined in the R Codes Explanatory Guidelines, 'minimisation of overlooking should not be interpreted as an absolute prohibition on visual interaction'. This is reflected in the deemed-to-comply standards of the R Codes which seek to interrupt sight lines with screening to be 75 percent obscure rather than 100 percent.

Landscaping is specified as an accepted screening method in the design principles of the R Codes.

Figures included below are also in the officer report. These images views from the ground floor of the subject site looking towards the adjoining property. These images demonstrate that views towards the adjoining property are interrupted by the bamboo and effectively minimise overlooking of the adjoining property. The bamboo would continue to grow and increase in foliage density with time, providing further screening of views towards the adjoining property.



<p>View from ground floor of No. 276 Newcastle Street looking north towards No. 117 Lake Street.</p>	<p>View from ground floor of No. 276 Newcastle Street looking north-east towards No. 117 Lake Street.</p>	<p>View from ground floor of No. 276 Newcastle Street looking east towards No. 117 Lake Street.</p>
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Updates to Officer Report

- The Privacy section in the Detailed Assessment table has been updated to remove references to the screening on the first floor. This is to avoid confusion because the screening that has been provided to the first floor is consistent with the conditions of the existing development approval and is not subject to Council's consideration as part of this application.
- Figure 2 has been replaced to correct the unit numbers of No. 117 Lake Street that adjoin the subject site. 'Unit 8' has been updated to read 'Unit 9' and 'U7' has been replaced to read 'Unit 8'.

Clarification of Original Decision Maker

The original development on the subject site was approved by Administration under delegated authority in July 2019, as referred to in the officer report. A response provided at Council's Briefing Session incorrectly referred to the decision being made by the Development Assessment Panel.



- 5.3 NOS. 378 AND 380 (LOTS: 68 & 67; D/P: 613) WILLIAM STREET, PERTH - PROPOSED CHANGE OF USE FROM WAREHOUSE/STORAGE TO TAVERN, RESTAURANT/CAFE AND SHOP INCLUDING ALTERATIONS AND ADDITIONS



**5.5 RFT PP272/2023 ROBERTSON PARK REDEVELOPMENT - STAGE 1 - SEPARABLE PORTION
A CONSTRUCTI**

Report will be presented to Council Meeting on 12 December 2023.

NO QUESTIONS

5.6 LICENCE TO BROADWAY UNIT TRUST (TRADING AS SPRITZ SPIZZICHERIA ITALIANA) ON ROAD RESERVE ADJACENT TO NO. 148 (LOT: 600) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN

- Attachments:**
1. Plan of Licence Area 
 2. Structure Plan 
 3. 2018 Development Application Approval 
 4. 2023 Development Approval Application 
 5. Market Valuation - Confidential

RECOMMENDATION:

That Council:

1. **APPROVES** the City granting a licence to Broadway Unit Trust trading as Spritz Spizzicheria Italiana (ABN 87 196 418 066) tenant of Lot: 600 on Deposited Plan: 47025, Certificate of Title Volume 2598, Folio 388, known as No. 148 Scarborough Beach Road, Mount Hawthorn, for a portion of the road reserve adjacent to No. 148 Scarborough Beach Road, Mount Hawthorn, as shown in Attachment 1, on the following key terms:
 - 1.1 **Term:** 5 years
 - 1.2 **Licence Area:** 48m² (3.9m x 13m) of Scarborough Beach road reserve (verge area);
 - 1.3 **Licence fee:** \$1,680 per annum plus GST, indexed by CPI annually on 1 July;
 - 1.4 **Permitted use:** non exclusive right to use the Licence Area as an outdoor dining area and liquor consumption in connection with the operation of Spritz Spizzicheria Italian restaurant; and

to locate alfresco canopy structure. motorised café blinds, lighting and heat lamps and outdoor fixtures and furniture on the Licence Area as approved by the City, as shown on the plan at Attachment 2 (Structure);
 - 1.5 **Removal of furniture:** All furniture used (unless affixed to the ground) within the Licence Area must be removed by the Applicant at the close of each business
 - 1.6 **Cleaning:** Applicant must, keep the Licence Area clean and tidy at all times, at its cost;
 - 1.7 **Insurance:** Applicant must effect and maintain public liability insurance to a minimum value of \$20,000,000 (per claim);
 - 1.8 **Indemnity:** Applicant will indemnify the City and the Minister for Lands against loss or damage to property or persons occurring as a result of the Applicant's structure and use of the Licence Area;
 - 1.9 **Assignment** Applicant may not assign or transfer its right under this Licence;
 - 1.10 **Maintenance:** Applicant must, at its cost, keep the Licence Area in good repair including repairing damage to structures, fittings or fixtures and the road reserve on the Licence

Area;

- 1.11 Outdoor Eating Area Permit: Applicant must (for the duration of the Licence) maintain a valid Outdoor Eating Permit for the Licence;
- 1.12 Liquor Licence Applicant must (for the duration of the Licence) maintain a current liquor licence for the Licence Area in order to serve alcohol in this area;
- 1.13 Access the City, State and public utilities may access the Licence Area at any time in connection with its respective services, and no compensation is payable to the Applicant for any resultant loss;
- 1.14 Make Good: Upon expiry or termination of licence to remove any Structure and make good the Licence Area, at Applicant's cost, to the satisfaction of the City; 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.

ADDITIONAL INFORMATION FROM EXECUTIVE MANAGER CORPORATE STRATEGY AND GOVERNANCE:

Key Term 1.4 relating to Permitted Use has been amended as follows:

Non-exclusive right to use the Licence Area as an outdoor dining area and liquor consumption in connection with the operation of Spritz Spizzicheria Italian restaurant; and

~~to locate alfresco canopy structure, motorised café blinds, lighting and heat lamps and outdoor fixtures and furniture on the Licence Area as approved by the City, as shown on the plan at Attachment 2 (Structure);~~

This is to reflect that this decision relates to an approval for a licence to use the land for alfresco dining. Approval for the alfresco structure will be subject to a development application should this licence be approved.

6 INFRASTRUCTURE & ENVIRONMENT

6.1 RESPONSE TO PETITION - CORNER SCARBOROUGH BEACH ROAD AND KILLARNEY STREET - MAINTENANCE AND INFRASTRUCTURE

Attachments: 1. Petition - Cnr Scarborough Beach Rd & Killarney Str. - Maintenance & Infrastructure - Confidential

RECOMMENDATION:

That in response to a petition received by the Council on 21 November 2023 in relation to maintenance and infrastructure issues on the corner of Scarborough Beach Road and Killarney Street, Mount Hawthorn, Council:

1. NOTES that Administration is required to liaise with Main Roads WA to explore options regarding improved signage, line marking around and approaching the corner of Scarborough Beach Road and Killarney Street; and
2. REQUESTS administration to complete a review of the location of Scarborough Beach Road and Killarney Street for improved and additional signage and if warranted, provide a concept design on road infrastructure improvements to address road safety concerns which will be included in the wider precinct wide traffic modelling for the Mount Hawthorn area.

NO QUESTIONS

6.2 RESPONSE TO PETITION - ELLESMERE STREET, NORTH PERTH PARKING

Attachments: 1. Petition - Parking on Ellesmere Street, North Perth - Confidential

RECOMMENDATION:

That in response to a petition received by the Council on 21 November 2023 in relation to parking issues on Ellesmere Street, North Perth, Council:

1. **NOTES** the specific requests of the residents of Ellesmere Street and Highlands Road, between London Street and Charles Street, North Perth, as presented by the lead petitioners;
2. **NOTES** Administration's comments in respect to the residents list of requests;
3. **REQUESTS** Administration to investigate further traffic related issues along Ellesmere Street from Charles Street to London Street in conjunction with the new development proposal on the Charles Hotel site;
4. **CONSULTS** with the residents on the potential 'No Right Turn' sign at the Charles Street intersection; and
5. **RECEIVES** a further report at the conclusion of the collection of traffic data and public consultation.



CR LA FONTAINE:

Point 4 of petition it mentioned high speed over the hill, could Admin provide info on the number of vehicles travelling over the speed limit both up and down the hill? Between Eaton Street and London Street?

MANAGER ENGINEERING:

Further information has been included in the report.

6.3 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO ASSET MANAGEMENT POLICY

- Attachments:
1. DRAFT - Asset Management Policy review 2023 
 2. Policy 2.2.12 - Asset Management 

RECOMMENDATION:

That Council

1. **NOTES** that at the conclusion of the local public notice period, no public submissions were received in relation to the Asset Management Policy, at Attachment 1;
2. **ADOPTS** the Asset Management Policy at Attachment 1; and
3. **REPEALS** Policy 2.2.12 Asset Management Policy at Attachment 2.

NO QUESTIONS

At 6.38pm Manager City Buildings & Asset Management left the meeting and did not return.

6.4 KYILLA COMMUNITY FARMERS MARKET - WAIVER OF FEES

Attachments: Nil

RECOMMENDATION:

That Council:

1. **ACKNOWLEDGES** the success of the Kyilla Community Farmers Market, and the efforts of the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. to operate the Market over the last ten year period;
2. **APPROVES BY ABSOLUTE MAJORITY** a waiver of the following fees and charges:
 - 2.1 Reserve hire fees of \$8,788 per annum totalling \$43,940 over a five (5) year period;
 - 2.2 Waste service fees of \$1,971 per annum totalling \$9,855 over a five (5) year period

CR ALEXANDER:

Cr Alexander noted 2.1 and 2.2 above and asked whether administration approved of waiving the waste service fee, given that the service fee is waived.

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Yes Administration approves of a waiving of the waste fees as well as the reserve hire fees.

Administration has discussed the waste fee component with the City Waste and Event teams and believes waiving the waste fee of \$1,971 per annum will continue to directly benefit the school and children that attend. It will also continue to provide opportunity for the Waste team to promote FOGO and other waste initiatives in the community at a regular event that may be lost if offered by an outside contractor at a reduced cost.

The recommendation is replicating two (2) previous approvals for five (5) year periods of operation of the Kyilla Markets.

7 COMMUNITY & BUSINESS SERVICES

7.1 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2023

Attachments: 1. Financial Statements as at 31 October 2023 

RECOMMENDATION:




That Council **RECEIVES** the Financial Statements for the month ended 31 October 2023 as shown in Attachment 1.

That Council **BY ABSOLUTE MAJORITY APPROVES** the purchase of a rubbish truck for \$520,000 to be funded from the 2024/2025 annual budget.

NO QUESTIONS

At 6.40pm Manager Rangers Services left the meeting and did not return.

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 OCTOBER 2023 TO 31 OCTOBER 2023

- Attachments:
1. October 2023 Payments by EFT and Payroll 
 2. October 2023 Payments by Direct Debit 
 3. October 2023 Payments by Cheques 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 October 2023 to 31 October 2023 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$5,513,607.25
Cheques	\$689.55
Direct debits, including credit cards	\$139,208.30
Total payments for August 2023	\$5,653,505.10

CR WORNER:

Could I get some further information about the cost to *Transport public artwork to Titan storage?*

EXECUTIVE MANAGER CORPORATE STRATEGY AND GOVERNANCE:

As a result of delays by Western Power the City has not been able to install power required in Leederville Village square for the installation of the COVID Arts Relief commissioned piece. As the artist has completed the art work and this is unable to be installed until power is connected at the site, the artwork has been collected from the artist and is being stored in an appropriate facility by the City.

CR WOOLF:

Removal of existing and new equipment at Charles Veryard Reserve, what was that?

CHIEF FINANCIAL OFFICER:

The Forpark invoice for \$66,000 was for the removal of existing and supply and installation of new exercise equipment and associated rubber soft fall at Charles Veryard Reserve. The description in the expenditure report has also been updated.

At 6.41pm Executive Assistant Infrastructure & Environment left the meeting and did not return.

7.3 INVESTMENT REPORT AS AT 31 OCTOBER 2023

Attachments: 1. Investment Statistics as at 31 October 2023 

RECOMMENDATION:

That Council **NOTES** the Investment Statistics for the month ended 31 October 2023 as detailed in Attachment 1.

NO QUESTIONS

7.4 OUTCOME OF ADVERTISING AND ADOPTION OF NEW CHILD SAFE AWARENESS POLICY

Attachments: 1. Child Safe Awareness Policy 

RECOMMENDATION:

That Council **ADOPTS** the Child Safe Awareness Policy at Attachment 1.

NO QUESTIONS

7.5 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO DIVERSITY ACCESS AND INCLUSION POLICY

- Attachments:**
1. **Diversity Access and Inclusion Policy** 
 2. **Community Consultation Comments** 
 3. **Diversity Access and Inclusion Policy - Marked Up** 

RECOMMENDATION:

That Council ADOPTS the amended Diversity Access and Inclusion Policy at Attachment 1.

CR GREER:

Were any disable people part of the public submission process?

EXECUTIVE MANAGER COMMUNICATIONS AND ENGAGEMENT:

The Diversity Access and Inclusion Policy supports the Access and Inclusion Plan (AIP). During consultation for the AIP, it was noted that the Policy would be reviewed following the adoption of the AIP to ensure that the two documents are aligned.

Organisations such as Developmental Disability WA, Visibility, Carers WA, Mission Australia, People with Disabilities WA, Life Without Barriers and Access, and WA Deaf were included in the consultation on the AIP and the Policy. The Youth Disability Advocacy Network were involved in the survey design, reviewing data, reviewing the draft AIP and providing input into the Policy.

Consultation on the draft policy was recently advertised via the City of Vincent website, e-news, social media, and through the display of public notices at the City's Administration and Library and Local History Centre.

7.6 ANNUAL REPORT 2022/23

- Attachments:
1. Annual Report 2022/23 
 2. CEO KPI report 2023 

RECOMMENDATION:

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2022/23 Financial Year included as Attachment 1
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** an Annual Meeting of Electors of the City of Vincent to be held at 7pm on Thursday 1 February 2024 at the City of Vincent Administration and Civic Centre, to present the City of Vincent Annual Report for the 2022/23 Financial Year; and
3. **NOTES** that:
 - 3.1 the City of Vincent Annual Report may be subject to further formatting and styling, to be determined by the Chief Executive Officer prior to publication. The 2022/23 Financial Statements will be presented to Council as part of the recommendations of the Audit Committee and will be included in the Annual Report following adoption by Council;
 - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the Annual Meeting of Electors to be held on 1 February 2024, and of the availability of the City of Vincent Annual Report for the 2022/23 financial year, and will make the report available on the City of Vincent website within 14 days.

NO QUESTIONS

8 CHIEF EXECUTIVE OFFICER**8.1 COUNCIL RECESS PERIOD 2023-24 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**

Attachments: Nil

RECOMMENDATION:

That Council **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise between 13 December 2023 and 5 February 2024, and which are not the subject of delegated authority already granted by Council, subject to:

1. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
2. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 13 February 2024; and
4. A Register of Items Approved under this Delegated Authority is being kept and made available for public inspection on the City's website during the period that the delegation applies.

CR HALLETT:

If any reports are circulated, can Council Members be contacted via a text message or phone call as well as email?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, the recommendation has been amended to include reference to this requirement.

8.2 APPOINTMENT OF COUNCIL MEMBERS AND COMMUNITY REPRESENTATIVES TO ADVISORY GROUPS

- Attachments:
1. DRAFT Sustainability & Transport Advisory Group Terms of Reference 
 2. Sustainability and Transport Advisory Group nominations - November 2023 - Confidential

RECOMMENDATION:

That Council:

1. **APPROVES** the Terms of Reference for the Sustainability and Transport Advisory Group, as at Attachment 1; and

- 1.1 **APPOINTS** the following Council Members as Council's representatives Sustainability and Transport Advisory Group for a term expiring on 18 October 2025;

Members:

1. Cr _____;
2. Cr _____

and the Chair of the Advisory Group will be Cr _____; and

- 1.2 **APPOINTS** the following community members to the Sustainability and Transport Advisory Group, as detailed in Confidential Attachment 2;

1. Applicant 1;
2. Applicant 2;
3. Applicant 3;
4. Applicant 4;
5. Applicant 5;
6. Applicant 6;

NO QUESTIONS:

8.3 INFORMATION BULLETIN

- Attachments:
1. Minutes of the Catalina Regional Council - Special Meeting held on 16 November 2023 
 2. Statistics for Development Services Applications as at the end of November 2023 - to follow due to end of Month 
 3. Register of Legal Action and Prosecutions Monthly - Confidential
 4. Register of Legal Action - Orders and Notices Quarterly - Confidential
 5. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 28 November 2023 
 6. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
 7. Register of Applications Referred to the Design Review Panel - Current 
 8. Register of Petitions - Progress Report - November 2023 
 9. Register of Notices of Motion - Progress Report - November 2023 
 10. Register of Reports to be Actioned - Progress Report - November 2023 
 11. Council Workshop Items since 18 October 2023 
 12. Council Briefing Notes - 14 November 2023 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated December 2023.

ADDITIONAL INFORMATION:

The Register of State Administrative Tribunal (SAT) Appeals has been updated to reflect two SAT appeals that have recently been withdrawn and their upcoming directions hearings vacated. These two appeals relate to development applications for a Proposed Single House at No. 80 Auckland Street, North Perth and Proposed Alterations and Additions to a Single House at No. 12 Brookman Street, Perth.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

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

Nil

12 CLOSURE

There being no further business, the meeting closed at 6.51pm.