



CITY OF VINCENT

NOTES

Council Briefing

16 April 2024

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**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AS E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 16 APRIL 2024 AT 6.00PM**

PRESENT:	<p>Mayor Alison Xamon Cr Alex Castle Cr Ron Alexander Cr Suzanne Worner Cr Nicole Woolf Cr Ashley Wallace 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 Rhys Taylor Jay Naidoo</p> <p>Luke McGuirk Mitchell Hoad</p> <p>Ruth Markham</p> <p>Karsen Reynolds Dale Morrissy</p> <p>Chris Dixon</p> <p>Paul Morrice</p> <p>Joslin Colli</p> <p>Wendy Barnard</p>	<p>Chief Executive Officer A/Chief Executive Officer Chief Financial Officer A/Executive Director Strategy & Development Manager Engineering A/Manager Strategic Planning & Specialist Planner A/ Manager City Buildings and Asset Management A/Manager Development & Design Manager Community Facilities (left at 6.42pm after Item 6.1) Senior Projects and Strategy Officer (left at 6.48pm during Item 5.1) Manager Ranger Services (left at 7.19pm after Item 5.1) Executive Manager Corporate Strategy & Governance Council Liaison Officer</p>
Public:	Approximately 12 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.”

Also acknowledging that as a Council we can play our role towards achieving reconciliation with First Nations people.

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Cr Jonathan Hallett is an apology for the 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 Matt Dowell of Perth – Item 6.4

Spoke in regards to the recommendation
Full transcript of his comments can be found [here](#)

The Presiding Member, Alison Xamon, thanked Mr Dowell for his comments.

3.2 Paul Russell of Joondanna – Item 6.1

- Stated that he is the Treasurer of North Perth Bowling Club
- Spoke in regards to the recommendation
- Full transcript of his comments can be found [here](#).

The Presiding Member, Alison Xamon, thanked Mr Russell for his comments.

3.3 Scott McGill of Perth – Item 5.2

Stated that he is from the Department of Planning, Lands and Heritage
Full transcript of his comments can be found [here](#).

Submitted comments in writing (below) and spoke to them:

The Department of Planning, Lands and Heritage (DPLH) is administering the Housing Diversity Pipeline (HDP) program, a key initiative supporting the delivery of the State Government's \$2.6 billion investment in social housing. The HDP seeks to maximise the use of underutilised surplus government land by partnering with industry to deliver mixed housing developments with a minimum 20% social housing component.

The East Parade development site was released to market through an Expressions of Interest (EOI) in early 2023 and subsequently progressed through a competitive closed tender process seeking development proposals, which concluded in late 2023. A number of submissions were received which were rigorously evaluated giving consideration to aspects such as public benefit, number of social and affordable dwellings, organisational capability and track record, and capacity to deliver on commitments. It is anticipated the Government will announce appointment of a preferred proponent in the coming months to deliver a housing development involving a significant social housing component.

Following appointment, DPLH will work with the proponent and other agencies to negotiate a development agreement and finalise detailed designs. It is expected a development application will be lodged in the latter half of 2024 in preparation for construction to commence by mid-2025.

The Site

The East Parade development site currently comprises 34 lots owned by the Western Australian Planning Commission (WAPC) located on Guildford Road and East Parade between Gardiner Street and Stanley Street, Mount Lawley.

Work has been continuing to de-constrain and prepare the site for development which includes extensive land assembly, contamination remediation, demolition of existing buildings on Stanley Street, and subdivisional works to service and create the development lots.

This work has been progressing concurrently with the procurement process to reduce timeframes and expedite the delivery of new housing.

A plan of subdivision is expected to be lodged with the WAPC within the next month to excise a portion of land to be set aside as road reserve and amalgamate the remaining portions of lots into four large development lots. The draft deposited plan is provided as an attachment to the officer's report.

Road Widening

The site is affected by an existing Primary Regional Road Reservation (PRR) along the Guildford Road and East Parade street boundaries.

The subject land was progressively acquired by the WAPC in the 1990's to allow for road widening and intersection upgrade works which were initially completed circa 2001.

Main Roads WA (MRWA) has continued planning for additional future widening and intersection upgrades on Guildford Road and East Parade to cater for growing traffic demand and to meet future transport network needs. WAPC has retained ownership of the land during this time to ensure the land is available when required.

MRWA have released an authorised land dealings plan which shows additional land take required for road widening over and above the existing PRR reserve. A copy of the authorised plan is provided as an attachment to the officer's report.

Through the HDP program it was agreed between DPLH, WAPC and MRWA that the required road widening would be excised and set aside for the future upgrades as part of the wider land assembly process.

Additional road widening requirements would typically be introduced through an amendment to the Metropolitan Region Scheme (MRS) to protect the required land through a reservation. An amendment to the MRS to reserve the land has not been initiated in this instance as there is no immediate need to protect the land through a reservation as WAPC owns the land and use of the land for road widening has been coordinated directly between MRWA and WAPC.

In these scenarios, MRWA typically undertakes an MRS amendment following construction as part of a periodic omnibus amendment package.

Should Council resolve to support this application, to

offer a higher level of certainty to the City in respect to the road widening, DPLH has offered to initiate an MRS amendment as a priority to rationalise the road reservation in line with the authorised land dealings plan.

No.40 Guildford Road

The additional land take requirements affect Lots 245 and 403 (No.40) Guildford Road and conflict with the existing building creating a notable encroachment into the future road reserve which would require substantial demolition or modification of the building to rectify.

DPLH is seeking approval to remove the dwelling from the City's Local Heritage Inventory to allow for demolition of the building to occur as necessary to facilitate the road upgrade outcome in line with the ultimate purpose for which the land was originally acquired, and to allow for the required subdivision of the development site to progress in an orderly manner.

Need for Widening - Traffic Modelling

The land take requirements are based on detailed traffic modelling completed by MRWA comparing traffic impacts under current conditions against the proposed upgrades out to 2036. A copy of the modelling is provided as an attachment to the officer's report.

Performance is measured by the degree of saturation (DOS) and level of service (LOS). A DOS of 90% or lower and a LOS of 'D' or lower is targeted for signalised intersections. LOS ranges from 'A' at best, to 'F' at worst.

The Guildford Road east intersection currently exhibits poor performance across the day with the worst during the morning peak with a maximum DOS of 120% and a minimum LOS of 'F' with vehicle queuing lengths well exceeding 500m particularly in the existing left turn lane significantly impacting the flow of through traffic.

Modelling shows that proposed upgrades deliver an improvement in 2036 however even with the additional capacity provided by significant upgrades, the intersection still experiences low performance during the morning due to increasing traffic volumes. The data shows a maximum DOS of 110% and a minimum LOS of 'F' with total vehicle queuing lengths in the left turn lane down to 185m with vehicle queuing for through lanes up to 500m.

This clearly demonstrates the necessity of the addition and extension of turning lanes on Guildford Road to ensure a greater volume of turning vehicles can be managed without creating additional impacts on through traffic, exacerbating congestion at the intersection and further limiting performance.

MRWA have emphasised that any reduction in the length of the turning lanes would have a significant detrimental impact on the level of service and congestion at the Guildford Road intersection and would have a compounding worsening effect on the delay and queuing length of through traffic along Guildford Road.

Outcomes

Providing certainty in respect to demolition of the building at No.40 Guildford Road will allow for an orderly subdivision process and maximise the alternative development opportunity on the surrounding land to deliver a more effective, consistent, and beneficial overall outcome. Having certainty will also provide greater scope to positively respond to other design factors such as tree retention.

With the additional road widening land secured and set aside MRWA can with certainty continue to progress project planning and detailed design development for the delivery of the upgrades in close consultation with the City of Vincent. These upgrades are essential to ensuring the intersection can operate more effectively now and does not worsen or fail under growing future demand.

Subsequent redevelopment of the site including No.40 Guildford Road will deliver significant community benefit through provision of community housing with a substantial uplift in the number of dwellings on the site, easing local housing pressure and providing access to secure housing for vulnerable members of the community.

The State Government is focused on delivering projects which address current housing pressures while balancing local community needs and expectations. It is considered that this proposal balances broader community interests, infrastructure and planning needs, and long-term benefits to deliver a positive development outcome.

The Department of Planning, Lands and Heritage respectfully request that you accept this written statement in support of our application to be put before a council briefing session on the 16th April 2024, and submit this to Council for their due consideration prior to resolving the item at their ordinary meeting on the 23rd April 2024.

The Presiding Member, Alison Xamon, thanked Mr McGill for his comments.

3.4 Michael Douglas of Mount Hawthorn – Item 5.1

Spoke in regards to the recommendation
Full transcript of his comments can be found [here](#).

The Presiding Member, Alison Xamon, thanked Mr Douglas for his comments.

3.5 Nathan Ebbs of Mount Hawthorn - Item 5.1

Spoke in regards to the recommendation
Full transcript of his comments can be found [here](#)

The Presiding Member, Alison Xamon, thanked Mr Ebbs for his comments.

3.6 Daniella Mrdja- Urbanista Town Planning – Item 5.1

Spoke in regards to the recommendation
Full transcript of his comments can be found [here](#)

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

There being no further speakers, Public Question Time closed at approximately 6.21pm.

The following statements were submitted in writing prior to the meeting:

Gail Mitchell of Mt Hawthorn – Item 5.1

I wish to express my strong support for the application for a coffee shop at 5 Berryman St, Mount Hawthorn. I believe it will add vibrance and a lovely meeting place for local community members and groups.

A coffee shop in this location has the added advantage of being away from the busy, noisy strip along Scarborough Beach Road, offering a far more pleasant option within walking distance from home. The strip has become so congested I consciously avoid it as a pedestrian.

Kylie Taylor of Mt Hawthorn – Item 5.1

This is such exciting news for our community if this is allowed to move forward. My question is the trading times? 7.00am-4.00pm. From 7:00am -7:00pm??

Why would a cafe close SO EARLY? The traffic that would be missed at having to close at 4 pm. Seems unfair. Is this a mutual decision or something the COV have have proposed?

Patricia Alessi of Mt Hawthorn – Item 5.1

I am writing with regards to the proposed coffee shop opposite Menzies Park.

As a local living on Egina Street, this would be a very welcome development.

There is plenty of parking opposite on the verge of the park for this coffee shop, and the improvements to the shopfront would be greatly welcomed.

As a local, I also would not mind if more than 2 staff were present as this would assist with workflow, as well as waiting outside for a cup of coffee. This would not hinder access to the street.

As a professional in the music industry (with extensive experience in site assessment for acoustic amplification and usage, which includes for the National Trust and heritage venues), I am acutely aware that acoustical reports do not always possess all of the required data to make accurate decisions with regards to sound; however, from the construction of proposed site (including the materials used), the impact would be minimal to the surrounding area and neighbouring houses.

With regards to development, it is best to ensure practical and reasonable conditions are imposed, so that every business is provided with an equal opportunity for success.

If there are such restrictions on this approval, it would be best to remove them at this time.

Rita Khouri of Mount Hawthorn – Item 5.1

I am a local resident and frequent Menzies Park daily with my dog and 8 month old son. I am very excited for the Menzies Park coffee shop as it is more convenient for me to get a coffee especially when I return to work. Menzies Park has a great community of neighbours that bring their dogs and children and it is great that a small business will continue to grow and foster these relationships. I am fully supportive of the Menzies Park Coffee Shop. To ensure this small business is set up for success, I really hope the conditions are fair and realistic. Most people will get their coffee and go straight to the park after. Looking forward to Menzies Park Coffee Shop opening soon.

Victoria of Mount Hawthorn – Item 5.1

I'd like to submit my support for the change to residential cafe, and would like to see the restrictions reduced. I think it will be a lovely addition to our neighbourhood, a family owned business will bring the local community together and be a place for locals to chat and get to know each other. I don't believe parking will be an issue as most people in the area would take the opportunity to walk out for their coffee.

Susanna Wills-Johson of Mount Hawthorn – Item 5.1

I live close to the proposed coffee shop on Berryman Street (we are on Egina Street). I want to submit my strong support for this shop to go ahead. As a regular visitor to Menzies Park, to walk my dog, get exercise and attend kids' sports activities, I would very much love for there to be a local coffee shop to visit. I understand some neighbours are concerned about things like additional traffic and people talking while waiting for their coffee, but I don't imagine many people will drive to the venue (it will be serving locals) and I think one of the benefits of our community is that we are respectful of our neighbours when it comes to noise. I think the shop will need more than two staff to be able to accommodate demand (especially on Saturdays during footy season!) and I really hope that approval for this venture is given, without placing trading restrictions on it that will negatively impact success. Many, many locals in my network want this coffee shop to be approved.

Danielle Power of Mount Hawthorn – Item 5.1

My name is Danielle Power and I am a COV ratepayer and resident from Sasse Avenue in Mount Hawthorn. We are in full support of the new Menzies Park coffee shop and recently wrote an email explaining our support at the time.

I cannot attend the briefing session tonight but would like to explain that as local residents who live in the street away, we are thrilled to have this sort of establishment supporting what is a beautiful community space and enhancing the opportunities to meet with friends more at the local park with a coffee or treat. It would be amazing to support local businesses and make community sport and walking activities refreshed with a new option and vendor to support so close to this amazing space.

I would like to mention that I am not in support of the Officer's recommendations of only two employees, an acoustic report, on site parking and no waiting outside for coffee.

I hope these recommendations can be seen as impractical solutions to the success of a small business of this nature.

The football and cricket games are held at this park and have not been required to supply acoustic reports and on site parking for their visiting sides or players, this seems like an unnecessary and costly exercise which falls on a new business owner.

I hope tonight's briefing outcomes find a more sensible solution or recommendations than the above being required and this hopefully will ensure that the overwhelming support for this business ensures the shop can not only open but thrive.

If you require something more formal to complete in regards to this briefing session and feedback, please feel free to reach out by email or mobile.

Elle Peddie of Mount Hawthorn- Item 5.1

I want to send my support for the approval of the Menzies Park Cafe.

The restrictions you are putting on a small business is ridiculous all because of the power of one neighbour. I live next door to dejaxo and it is such a great community coffee shop and bakery. That one neighbour that is going against this cafe frequents Dejaxo everyday.

If you want to have a supportive local community then support the local who has lived in Mt Hawthorn and wants to continue the beautiful community that it is bringing people together.

Sarah Rudnicki of Mount Hawthorn – Item 5.1

As a local resident I support the plans for the new coffee shop, without restrictions.

Coffee shops are the modern corner stores, of which there was one in this location, which creates community connection thereby increasing liveability and reducing crime through natural neighbourhood watch. I see this local meeting point as appealing to mainly only locals, and there is already ample parking at Menzies.

This is an inner city suburb and residents attitudes to new endeavours should reflect this.

Matt Mueller of Mount Hawthorn – Item 5.1

I am writing regarding the proposed Menzies Park Coffee Shop at 5 Berryman St (or the corner of Berryman St and Federation St).

I am in **STRONG SUPPORT** of having such a coffee shop. I live in Mount Hawthorn on Purslowe Street and can attest to the need, opportunity, community support and alignment of this proposal with Vincent's vision. For transparency, I have no financial interest in the proposal. My personal interest is only that of a local resident (also adjacent to Menzies Park).

However, I also want to also express concern that the council's proposed conditions and process seem to be counter to Vincent's Vision and worryingly, has the appearance of being overly sensitive to, or providing undue weight from, feedback of a few. I'm supportive of reasonable conditions, however the reasons for my concern are set out below.

The conditions from my understanding include a limit of number of staff to two, requirement for an acoustic report for a small cafe, restrictions on waiting for a coffee, among others.

On face value, my concern is that they seem to be cleverly constructed in their individual elements and as a whole to engineer in a situation that, even if the proposal is 'approved', they are so restrictive and onerous as to have the same effect as a rejection of the proposal.

Experienced participants to these types of processes would be familiar that, unfortunately, a common tactic by people more au fait with regulatory planning and legal processes will be to use such knowledge to amplify their minority views and/or interests onto a project, even in the face of overwhelming majority and community support.

Is this occurring in this case? If not - I'm happy to be better informed. Perhaps with a transparent overview of the level of support vs concern. I may be present for the public discussion to both express my support and explore this concern directly with the Council. This is a genuine openness and curiosity for reasons set out below regarding what the community has communicated in the construct of Vincent's 2032 vision, and how these will be applied in this proposal.

Vincent Vision

These conditions, if accurate and perhaps well intended, are simply not appropriate in their current form for reasons above. However, they are also at odds with the purpose of proposing community and day-time economies next to a community park. To be specific, these are in direct conflict with Vincent's mission to build a vibrant, diverse and sustainable community. I refer to the 2032 Vision statement (which was subject to extensive consultation across the town and to a much greater extent than this development proposal, thus should have far greater weight on the Council's decision making processes and guidance with regards to conditions).

It states (ref p. 14 of the 2022-2032 Imagine Vincent, the Sequel):

*"In 2032, the City of Vincent is a leafy and vibrant 24-hour city, which is synonymous with quality design and sustainability. Its diverse population is supported in their innovative endeavours by a **council that says YES!** This vision was created by the independently and randomly selected Community Engagement Panel for the Strategic Community Plan 2018 – 2028. It continues to be important to our community.*

The additional feedback confirms that the community wants us to be a Council and an organisation that:

- is clever, creative and courageous*
- prioritises and protects our natural and built environments*
- is in line with the community appetites and expectations*
- supports day-time and night-time economies*
- is open-minded and willing to push the boundaries*
- is willing to think and act as an enabler rather than a traditional local government regulator*
(emphasis added to relevant areas)

This indicates this proposal would be an exemplar of how the vision could come to life. However it needs to be supported with a Council that lives its vision with regards to the aspects above. I'm looking forward to today's meeting, and will be happy to discuss this further.

Brooke Wade of Mount Hawthorn – Item 5.1

I am writing ahead of the briefing session tonight being held in regards to the proposed coffee shop across from Menzies Park.

I am rate payer of Vincent council, residing in Mount Hawthorn. I am in full support of this proposed development, and I do not feel unfair conditions should be put on this development, conditions that could see this business fail because they're unable to operate at capacity and flourish.

Conditions such as;

- Total number of staff to be limited to 2 people, this will not help the business run efficiently if they're inundated with customers - the areas the proposed development is located is very busy with kids weekend sport as well as everyday active people in the neighbourhood walking their dogs and exercising - there is a good chance that this business will be welcomed and quite busy to this particular area of Mount Hawthorn

- no waiting outside for a cup of coffee. I don't think I have come across a cafe in Perth where people aren't wait outside for a cup of coffee, this is a completely unreasonable condition and request.

- on site parking, this is a local community cafe that will 90% be serving people in the immediate area surrounding it and people will most like be walking to the coffee shop - again, I feel this is an unreasonable condition

- acoustic reporting???? It's a local coffee shop opened during the day, not a nightclub.

- opening hours being challenged. I feel 7am-7pm is more than fair - services early risers on their way to work or people out exercising and then also in the evening out for a walk exercising or post school kids sports.

Businesses like this are the fabric of local communities like Mount Hawthorn, where people can gather to meet and greet each other in a happy, safe environment. There is no offering of a coffee shop in that pocket of Mount Hawthorn, with people having to make the trek up to Scarborough Beach Road or Dejaxo on Anzac Rd, this pocket of Mount Hawthorn shouldn't have to miss out on a business like this that will enrich the neighbourhood and the immediate local community surrounding it.

This proposed business has my full support, with no unfair conditions attached - I want to see this business thrive!

Leonie Edwards of Mount Hawthorn – Item 5.1

I am unable to attend the meeting this evening but I fully support the proposed cafe in Berryman St opposite Menzies Park.

I live very locally in Federation St and this small business will contribute greatly to the local community. The restriction of 2 only staff is totally unreasonable as are the other conditions.

This park already has enough parking to accommodate cricket and football matches so there is enough parking to accommodate the modest amount of cafe parking.

I am yet to receive an explanation of what acoustic reporting is having emailed the ToV a few weeks ago. It is disappointing that the council considers the complaints of a few and not the approval of many.

Alex Stoichev of Mount Hawthorn – Item 5.1

I support the City's recommendation to conditionally approve the proposed restaurant/cafe at No. 5 Berryman Street, Mt Hawthorn. It is apparent from the 3 rounds of public consultation that this proposal has overwhelming support resulting in many community benefits.

Despite the recommendation for approval, my concern is that the draft conditions may pose significant challenges potentially preventing the proposal from proceeding. The sheer number of conditions appears to be excessive, in the context of the proposal, as well as the requirements that sit behind them. The City should consider working together with the applicant to develop a reasonable set of conditions that can be implemented. In particular, I request Council consider the following conditions to determine whether they are reasonable or not:

- **Condition 2.3** - prohibits more than 2 staff attending the restaurant/cafe - can the City advise the reasons for this requirement? This appears to be unreasonable particularly in the event a staff member requires a break. From an operational efficiency perspective, the number of permitted staff members should be increased so that it can operate smoothly and provide quality service.
- **Condition 2.4** - this condition proposes to limit the number of persons to 14 which seems to be onerous & difficult to manage or enforce. In addition, limiting patrons may impact the businesses ability to generate revenue and contribute to the local economy. Can the City justify its reasons for limiting patrons?
- **Condition 3.2** - Can the City explain why customers would not be allowed to wait for take-away orders on the footpath or verge? It would be very difficult to manage or enforce this requirement both from the owner and City's perspective. I suggest this condition is removed as it would result in the loss of community interaction & social cohesion.
- **Condition 3.3** - suggested signage advising customers that queuing, waiting and dining must occur internally seems overly onerous resulting in undue burden on small business.
- **Condition 4** - the preparation of an Acoustic Report seems excessive - is this a common requirement? There is already a significant volume of noise generating uses from local sporting events, traffic, Mitchell Freeway and passing trains. It is very difficult to imagine that this proposal will result in additional noise concerns given the inner city living environment.
- **Condition 6.2** - it is unclear why 2 parking bays for customer use is required - can the City advise its reasons for requiring customer parking? There is sufficient parking surrounding the proposal including street parking and verge parking on Menzies which occurs every weekend. Suggest the City seeks to promote active transport by removing this requirement.

Overall, it is a positive step that recommendation for approval is proposed by the City's Administration. However, I urge Councillors to review the draft conditions to determine what is fair and reasonable for a small business seeking to establish in Vincent. I believe the applicant has been very patient during this incredibly lengthy process & it is now left with Councillor's to ensure that Vincent upholds its status as a small business friendly local government.

Kirsty Sanders of Mount Hawthorn – Item 5.1

As a resident at 54 Federation Street, Mount Hawthorn, I'm writing to provide my full support for the proposed coffee shop at the end of Federation Street, opposite Menzies Park, without any conditions. I strongly believe the addition of this business will enrich the suburb and local community, by providing opportunities for community connection and engagement. I would love to see this small business supported by local government.

Elena Stoichev of Mount Hawthorn – Item 5.1

I am writing to express my thoughts, as a resident of Mount Hawthorn (77 Federation St Mount Hawthorn), about the proposed coffee shop located across from Menzies Park at 5 Berryman St Mount Hawthorn. I understand there are some conditions being applied and my thoughts are below:

- Staff limited to 2 people: This does not allow or set up a coffee shop of this nature to succeed. More staff will be required to fulfil the foot traffic this location provides. 2 staff will not allow a business to provide efficient or good service to customers. Why is it a problem if more than 2 staff are working? I'm not sure how this is reasonable.

- No waiting outside for take away or coffee: As above, having only 2 staff members will force people to wait longer periods of time. Naturally, people will wait outside in the fresh air. Why is this condition put forward? I'm confused as to how this is of importance?

- Acoustic reporting: I'm unsure why this is necessary. Surely the sport played on the oval and increased traffic from this sport creates more noise than a small suburban cafe?? Why is there no acoustic reporting of sports and the traffic caused by these sports on the oval?? If there is acoustic reporting, how will noise be attributed to this particular cafe of there is ample traffic and sports on the weekends nearby? This seems very unreasonable. How often is acoustic reporting performed? By who? What are the parameters/acceptable levels? Who decides this? Is there law related to this?

The conditions above I have mentioned are harsh and unreasonable and certainly set this business up to fail.

This business will bring more life to this suburban area. It will encourage people to get out, walk and socialise within the community they live. This will add enjoyment to the area overall and create a safe community feel to the neighbourhood. I would like to see less harsh and more realistic conditions (if any) imposed on such a business to ensure that we are setting them up to succeed into the future.

Matt Sanders of Mount Hawthorn - Item 5.1

I am a homeowner (54 Federation St, Mount Hawthorn) and I wanted to register my strong support for the proposed coffee shop on Berryman St.

I would like to see the coffee shop able to operate with minimal restrictions and I strongly believe it will provide a material increase in community engagement and connection.

Sarah Thomas of Mount Hawthorn – Item 5.1

I understand there is a meeting today and I would like to understand the reasons behind some of the strict conditions being considered, specifically limit of 2 staff and not being able to wait outside for a coffee. Thinking about other similar coffee shops like dejaxo or Hobart deli (ie in more suburban streets), do these conditions align with these businesses.

I think the city should be supporting small business, not making conditions so difficult it's setting them up to fail.

Zoe Rogerson of Mount Hawthorn – Item 5.1

I live at 3 Birrell St, Mount Hawthorn and would like to send my support for the proposed coffee shop on Federation Street.

I walk past every day with my baby and dog in tow and think it would be a great spot to grab a takeaway coffee or sit and meet with friends.

I hope that there will be a positive verdict for this local opportunity.

Catherine Fragomeni of Mount Hawthorn – Item 5.1

As a resident of Mt Hawthorn and property owner I wish to show my support for the new cafe opposite Menzies park.

My family frequent this park multiple times each week and think a cafe would be a great addition.

Some of the conditions being imposed don't seem fair or practical and I ask that you remove these conditions to allow the cafe to thrive.

- Total number of staff limited to 2.
- On-site parking.
- No waiting outside for a cup of coffee.

Sarah Wood of Mount Hawthorn – Item 5.1

I am writing in strong support of the application for a Cafe on the corner of Berryman Street and Federation Street in Mount Hawthorn.

I love how it will service a busy local park with good parking facilities already in situ around Menzies and servicing a lot of sporting teams over the weekends through the seasons.

I think it is an appropriate development for an inner-city city suburb.

Regan Cleland of Mount Hawthorn – Item 5.1

My name is Regan and I am the owner and resident of 19 Lynton Street, Mount Hawthorn.

I am unable to attend the briefing today but wish to make my views available, should it not be too late to do so.

I am in favour of the change of use / approval for small business, unconditionally.

I believe there should be no onerous conditions on the operation of the business such as a limit on staff, or where customers may wait as such impositions only restrict the chance of establishing a successful business.

4 DECLARATIONS OF INTEREST

Cr Suzanne Worner declared a financial interest in Item 6.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that her son is employed at the Club. She is not seeking approval to participate in the debate or remain in Chambers or vote on the matter.

Cr Nicole Woolf declared an impartiality interest in Item 6.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that she has a longstanding relationship with the Club.

Cr Ashlee La Fontaine declared an impartiality interest in Item 6.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that she is a social member of the Club.

Cr Alex Castle declared an impartiality interest in Item 6.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that she is a social member of the Club.

Cr Alex Castle declared an impartiality interest in Item 5.3 Appointment of the Design Review Panel. The extent of her interest is that she is acquainted with a number of applicants for the panel.

REPORTS

The Presiding Member, Mayor Alison Xamon, 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 and the following was advised:**

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Alison Xamon	5.4
Cr Alexander	5.1, 5.2, 5.5 and 6.1
Cr Woolf	8.1

REPORTS WITH DISCUSSION**6.4 BRISBANE STREET - RESPONSE TO PETITION**

- Attachments:**
1. **Attachment 1: Brisbane Street Traffic Concerns - Petition - March 2024 - Confidential**
 2. **Attachment 2: Brisbane Street Traffic Concerns - Survey - March 2024 - Confidential**

RECOMMENDATION:

That in response to a petition received by the Council on 19 March 2024 in relation to Local Area Traffic Management and parking issues on Brisbane Street, between Lake and Palmerston Streets, Perth, Council:

1. **NOTES** the April 2024 Traffic Warrant scoring is 30 for Brisbane Street, between Lake and Palmerston Streets which suggests to consider low-cost non-capital works solutions;
2. **REQUESTS** Administration to design a low-cost treatment to be delivered which addresses road safety issues (speeding, driver behaviour etc) on Brisbane Street, between Lake and Palmerston Streets,
3. **CONSULT** with residents on the low-cost treatment design for Brisbane Street, between Lake and Palmerston Streets; and
4. **CONSULT** with residents on the proposed introduction of paid parking on both sides of Brisbane Street, between Lake Street and Palmerston Street.

MAYOR XAMON:

Noted a very high percentage of non-residents that are parking in the area, is there any indication of the average time that people are parking there?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Current data shows that whilst around 78% of the vehicles counted during the day were commuters/visitors/non-residents, the average length of stay of those vehicles is less than 3 hours. The car counts were conducted at approximately 9am, 12pm, 3pm and 6pm with minimal repeat parkers recorded (majority were residents). This suggests that most drivers are adhering to the 2P restriction and further supports the introduction of paid parking, consistent with the paid 2P ticket parking on Brisbane Street to the east.

CR CASTLE:

Traffic Warrant Scoring –this is a request for the report for next week could we have an indication of the scale of that and where 30 fits in the scale - this would be really useful in the report for next week.

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Traffic Warrant Scoring System included in Report item.

At 6:33 pm, Cr Suzanne Worner left the meeting due to a previously declared financial interest.

6.1 COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATION - NORTH PERTH BOWLING AND RECREATION CLUB SYNTHETIC BOWLING GREEN CONVERSION

Attachments: 1. **North Perth Bowling and Recreation Club - Synthetic Bowling Green Conversion - CSRFF application - Confidential**

RECOMMENDATION:

That Council:

1. **ENDORSES** the proposal from North Perth Bowling and Recreation Club to convert one of its grass bowling greens to a synthetic bowling green; and
2. **Subject to its endorsement, APPROVES:**
 - a) **the inclusion of \$66,104.55 (ex GST) for North Perth Bowling and Recreation Club synthetic bowling green conversion on the 2024/2025 budget, subject to confirmation of the required financial contribution through external grant funding and North Perth Bowling and Recreation Club; and**
 - b) **that all supporting documentation, including the completed application form, be forwarded to the Department of Local Government, Sport and Cultural Industries.**

CR CASTLE:

The report includes an assessment of the impact and relation to a grass green. Is there consideration of the environmental impact of synthetic lawn in general, in terms of soil run-off and flooding of the soil beneath?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Provision for run-off and flooding was considered as part of the design process. A review of the site drainage was undertaken, and a drainage design incorporated to capture any excess runoff into leech drains on the site.

CR WOOLF:

Can we please have an update on the Woodville Reserve Masterplan to understand this proposal in the broader context?

A/EXECUTIVE MANAGER URBAN DESIGN AND STRATEGIC PROJECTS:

The Woodville Reserve master plan is scheduled for next FY (24/25) and anticipates a project start date around Jan/February 2025. The master plan will represent the strategic vision for the Woodville Precinct over the next 10 years, with a focus on delivering achievable and sustainable short-term, medium-term, and long-term actions. A master plan will take several years to develop and implement (1 -2 years to develop the master plan and 2-10+ years of detailed design, funding & implementation). Given the synthetic turf has a lifecycle of 10years, implementation of the master plan can align with the lifecycle of the turf.

CR WOOLF:

Finances – the report had indicated that an outcome will be made available mid-year, and if this was approved the funds to be used following year, mid-year, is there any indication that if these funds were approved when would the funds be made available?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Should the grant be approved funds are expected to be available from July 2024. The project is planned to commence this winter in the Club's off season. A proposed timeline is included in the attachment. If not approved in time for the winter off season, the project will be moved to next April/May.

CR ALEXANDER:

In applications like these, what practice is in place to ensure that the Club has sufficient funds to replace the synthetic surface, such as a sinking fund?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

The attachment states that the Club has set aside a separate bank account for projects which will be utilised as a sinking fund for subsequent green replacements. The Club also advised Administration that future replacement costs would be a lot lower as it would be for the replacement of the turf only, not the base.

At 6:39 pm, Cr Suzanne Worner returned to the meeting.

At 6.42pm Manager Community Facilities left the meeting and did not return.

5.2 AMENDMENT TO THE MUNICIPAL HERITAGE INVENTORY - NO. 40 GUILDFORD ROAD, MOUNT LAWLEY

- Attachments:
1. Applicants Report
 2. Main Roads Approved Land Dealings Plan - Guildford Road and East Parade
 3. Heritage Impact Statement
 4. Proposed Demolition of Heritage Listed Single House - Photographic Archival Record
 5. Department of Planning, Lands and Heritage Letter of Response to City of Vincent Council Resolution - Removal of No. 40 Guildford Road from Municipal Heritage Inventory
 6. Main Roads Western Australia Traffic Assessment Report

RECOMMENDATION:

That Council:

1. **RESOLVES** that No. 40 (Lots: 254 and 403) Guildford Road, Mount Lawley be removed from the City's Municipal Heritage Inventory 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 the owner 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*.

CR WALLACE:

Is MRWA able to conduct some sensitivity analysis on the effects of shortening the dual-turning lane option by the length of the MHI lot? The current TAR seems to assess single vs double lane only.

A/MANAGER STRATEGIC PLANNING & SPECIALIST PLANNER

The Department of Planning, Lands and Heritage (DPLH) have advised that:

- *The length of the proposed dual left turn pocket on Guildford Road has been based on ensuring a greater volume of turning vehicles can be managed without creating additional impacts on through traffic, exacerbating congestion at the intersection and further limiting performance; and*
- *Any reduction in the length of the turning lanes would have a significant detrimental impact on the level of service and congestion at the Guildford Road intersection and would have a compounding worsening effect on the delay and queuing length of through traffic along Guildford Road which would undermine the impact and effectiveness of the wider intersection upgrades.*

The DPLH have not provided a sensitivity analysis as part of their response.

*The Traffic Assessment Report (TAR) that is provided in **Attachment 6** included modelling for the intersection that accounted for existing and future traffic volumes with a focus on the left turn movements from Guildford Road to East Parade.*

Ultimately the proposal relates to a request for the removal of the property from the Municipal Heritage Inventory (MHI).

The City's Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI Policy) sets out the criteria where Council would consider the deletion of a place.

One of these criteria is where the heritage value "cannot practically be retained in its entirety or in part because:

- a) *The location of the building on the site."*

The DPLH has submitted the TAR as part of its justification to satisfy this criteria of the MHI Policy, being that the existing location of the building would be located within the road widening area required to facilitate

intersection upgrades.

This would result in the front façade the building which is of heritage significance needing to be removed.

CR WALLACE:

What form of development is proposed for the Mount Lawley Housing Diversity Pipeline site?

A/MANAGER STRATEGIC PLANNING & SPECIALIST PLANNER:

The DPLH have advised that a preferred proponent for the redevelopment of the subject and surrounding sites has yet to be identified and because of this there is no information available on what a future development would be.

Any future development would need to demonstrate consistency with the Residential R100 zoning under the City's Local Planning Scheme No. 2, the Residential Design Codes, and the City's Policy No. 7.1.1 – Built Form Policy (Built Form Policy) which identifies a building height standard of three storeys.

5.1 NO. 5 (LOT: 516; PLAN: 2177) BERRYMAN STREET, MOUNT HAWTHORN - CHANGE OF USE FROM SINGLE HOUSE TO SINGLE HOUSE AND RESTAURANT/CAFE**Ward:** North

- Attachments:**
1. Consultation and Location Map
 2. Development Application Plans
 3. Applicant's Justification
 4. Applicant's Operation Management Plan
 5. Acoustic Letter of Advice
 6. 1975 Council Determination
 7. 1997 Council Determination
 8. Summary of Submission - Applicant Response
 9. Summary of Submissions - Administration Response
 10. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for the Change of Use from Single House to Single House and Restaurant/Cafe at No. 5 (Lot: 516; D/P: 2177) Berryman Street, Mount Hawthorn, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Development Approval

This approval relates to a Change of Use from Single House to Single House and Restaurant/Cafe as shown on the plans dated 12 February 2024. It does not relate to any other development on the site;

2. Use of Premises

- 2.1 The development shall be used in accordance with the definition of 'Single House' and 'Restaurant/Cafe' as set out in the City's Local Planning Scheme No. 2;
- 2.2 The Restaurant/Cafe use shall be contained to the 34 square metre room, annotated on the approved plans as 'Proposed Cafe', and the staff and customer car parking areas annotated on the approved plans as 'Tandem Carbays', to the satisfaction of the City. Remaining areas of the building and outdoor areas shall be used as a Single House, unless further development approval is received by the City;
- 2.3 The total number of staff attending the Restaurant/Cafe at any one time shall be limited to two (2) persons, to the satisfaction of the City;
- 2.4 The total number of customers/patrons attending the Restaurant/Cafe at any one time shall be limited to 14 persons, inclusive of dine-in and take-away customers, to the satisfaction of the City; and
- 2.5 The Restaurant/Cafe shall be limited to the following operating hours, to the satisfaction of the City:
 - Monday to Saturday: 7:00am to 4:00pm; and
 - Sunday: 9:00am to 4:00pm and Public Holidays: Closed, unless demonstrated through an Acoustic Report that the premises could operate from 7:00am on Sundays or on Public Holidays, in strict accordance with the *Environmental Protection (Noise) Regulations 1997*, and subject to the implementation of any recommended noise mitigation measures detailed in an Acoustic Report, to the satisfaction of the City;

3. Operation Management

- 3.1 The Restaurant/Cafe shall at all times operate in compliance with the Operation

Management Plan stamp dated 12 February 2024, to the satisfaction of the City;

- 3.2 At all times, customers shall not queue, wait for take-away orders, or dine, on the adjacent footpaths and/or verge areas, to the satisfaction of the City;
- 3.3 Prior to commencement of the use, an amended Operation Management Plan shall be submitted to and approved by the City, which provides measures regarding how take-away waiting areas would be accommodated within internal areas of the building, to the satisfaction of the City. This should include designated waiting areas as well as signage advising customers that queuing, waiting and dining must occur internal to the building only, in accordance with Condition 3.2, to the satisfaction of the City; and
- 3.4 All deliveries, servicing, food/drink preparation, set-up, pack-down, cleaning, and any other activities associated with the Restaurant/Cafe shall occur within the approved hours of operation, as detailed within Condition 2.5 of this approval, to the satisfaction of the City;

4. Acoustic Report

- 4.1 An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and to the satisfaction of the City, shall be lodged with and approved by the City prior to the operation of the Restaurant/Cafe. The Acoustic Report must address all activities, equipment, and operations at the premises, including but not limited to:
 - Vehicle noise (in accordance with the carpark design required by Condition 6);
 - Customer noise;
 - Noise from mechanical plants;
 - Proposed operating hours, inclusive of public holiday trading; and
 - Noise from glass waste disposal or compacting.

All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City; and

- 4.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to the use of the approved development;

5. Building Design

The Proposed Restaurant/Cafe shall comply at all times with the following:

- 5.1 Doors and windows fronting Berryman 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. Parking and Access

- 6.1 One (1) off-street parking bay shall be provided for use of the Single House, in the location shown on the approved plans, to the satisfaction of the City;
- 6.2 Four (4) off-street parking bays shall be provided for use of the Restaurant/Cafe, in the locations shown on the approved plans, including two (2) parking bays for staff use and two (2) parking bays for customer use, to the satisfaction of the City. The parking bays

shall not be used for storage purposes or the like;

- 6.3 The design of the Restaurant/Café carpark shall be modified and thereafter constructed in accordance with the following specifications, prior to first use of the approved development and to the satisfaction of the City:**
- 6.3.1 A 1.5 metre setback provided between the Restaurant/Cafe carpark and the southern lot boundary;**
- 6.3.2 A 1.5 metre setback between the long term bicycle bay and the southern lot boundary; and**
- 6.3.3 A 0.5 metre setback between the proposed crossover and the existing western power pole located in the verge;**
- 6.4 Car parking and access areas associated with Single House and Restaurant/Cafe shall be sealed, drained, paved and respectively marked as ‘residential only’, ‘staff only’ and ‘customer parking’ in accordance with the approved plans and are to comply with the requirements of Australian Standard 2890.1, to the satisfaction of the City;**
- 6.5 The operator of the Restaurant/Cafe shall ensure that access to onsite customer parking bays are available during the approved operating hours, to the satisfaction of the City;**
- 6.6 A minimum of one onsite bicycle facility shall be provided and designed in accordance with the approved plans and shall comply with AS2890.3, to the satisfaction of the City; and**
- 6.7 A minimum of one bicycle bay shall be provided within the Berryman Street verge, adjacent to the Restaurant/Cafe premises and in a location approved by the City. The bicycle bays shall be designed in accordance with Australian Standard 2890.3 prior to the use of the approved development, to the satisfaction of the City (see Advice Notes);**

7. Landscaping

- 7.1 Prior to occupation of the Restaurant/Cafe, a detailed landscape and reticulation plan for the development site, to the satisfaction of the City, shall be lodged with and approved by the City. The plan shall be drawn to a scale of 1:100, and show the following:**
- 7.1.1 The location and type of existing and proposed trees and plants;**
- 7.1.2 Areas to be irrigated or reticulated;**
- 7.1.3 The provision trees that achieve a minimum of 60 percent (31.8 square metres) canopy coverage at maturity to the Restaurant/Café carpark. The tree species are to be consistent with the City’s Tree Selection Tool so as to maximise the provision of canopy coverage, to the satisfaction of the City;**
- 7.1.4 The provision of an additional landscaping area along the southern side of the carpark. The landscaping area shall have a minimum width of 1.5 metres; shall include shade providing tree/s to the staff car parking bays; and shall include a selection of fast growing shrubs or similar foliage bushes, to the satisfaction of the City; and**
- 7.1.5 The retention and protection of the existing on-site tree located adjacent to “Carpark 3” and all verge trees, to the satisfaction of the City;**
- 7.2 All landscaping works shall be undertaken in accordance with the landscape plan approved in accordance with Condition 7.1, prior to the occupancy or use of the Restaurant/Cafe and maintained thereafter to the satisfaction of the City;**

8. Sight Lines

Prior to use of the approved development, existing walls and fences shall be truncated or reduced to no higher than 0.75 metres, within 1.5 metres of where walls and fences adjoin the Restaurant/Cafe driveway, to the satisfaction of the City;

9. Waste Management

Prior to the operation of the approved development, a Waste Management Plan must be submitted to and approved by the City. The Waste Management Plan shall address the following:

- The location of bin storage areas shall be in accordance with location detailed within the approved Operation Management Plan;
- Screening of the Restaurant/Cafe bin store area from the street; from the outdoor living area of the Single House; and from adjoining properties, to the satisfaction of the City;
- The provision of a private collection service for the Restaurant/Cafe;
- The location of bin collection areas, being provided to the verge area of Berryman Street adjacent to the Restaurant/Cafe premises;
- 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 to the satisfaction and specification of the City.

Once approved, the Waste Management Plan must be implemented at all times to the satisfaction of the City; and

10. Stormwater

All stormwater produced on the subject land shall be retained on site or connected to the City's drainage system at the expense of the applicant/landowner, to the satisfaction of the City.

RESPONSE WILL BE PROVIDED PRIOR TO THE MEETING

At 6.48pm Senior Projects and Strategy Officer left the meeting and did not return.

At 7.19pm Manager Ranger Services left the meeting and did not return.

5.5 VARIATION OF LEASE TO WEST AUSTRALIAN TENNIS ASSOCIATION INC (ROBERTSON PARK TENNIS CENTRE)

- Attachments:
1. Robertson Park Tennis Centre lease plan
 2. Robertson Park development Staging plan

RECOMMENDATION:

That Council

1. **APPROVES** a variation of lease with West Australian Tennis Association Inc (ABN 90 803 634 736) located at a portion of 176 Fitzgerald Street, Perth as follows:
 - 1.1 waiver of rent; and
 - 1.2 extend the tenure of the lease to expire, whichever date occurs later:
 - 1.2.1 on 29 August 2025; or
 - 1.2.2 until Stages 1A and 1B works for the Robertson Park Development Plan relating to the Robertson Park Tennis Centre are completed; and
2. **Subject to satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES** the Mayor and CEO to execute the Deed of Variation of Lease in accordance with the Execution of Documents Policy.

CR WORNER:

Why have the tennis courts fallen into such a state of disrepair under the management of the leasee, Isn't it part of the terms of the lease that Tennis West upkeep maintenance of the grass courts?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

When Tennis West entered into the current lease to take over running of Robertson Park Tennis Centre in 2020, it was with the intention to continue the operations of tennis coaching, court hire and competitions at the Robertson Park Tennis Centre.

The Lease expressly states that the City would commence developing the tennis centre (as part of the renewal project of the Robertson Park Development Plan) within 24 - 36 months from the commencement of the lease in 2020. It is noted that the CSRFF funding was only received late last year and works as part of Stage 1A of the development plan have just commenced. The tennis courts were accepted by Tennis West on an 'as is' basis with intention that the development plan would commence soon after the lease had commenced.

Due to the delay in commencing works on the development plan, and notwithstanding that it is Tennis West's obligation to maintain the courts, it has not been financially viable for the operator to continue to maintain those courts where conditions have deteriorated to a point beyond repair and need to be replaced. The maintenance costs of the courts would have been generated from the income from hiring of the courts but due to its poor condition, these courts have only been hireable for casual tennis games resulting in the operator's reduced income.

It is also to be noted that the Lease does not require Tennis West to rectify any damage to the tennis courts that occurred prior to the commencement date.

8.1 GOVERNANCE FRAMEWORK REVIEW 2024

Attachments: 1. **Governance Framework Review 2024 - Tracked Changes**

RECOMMENDATION:

That Council:

1. **NOTES** the review of the Governnace Framework, as outlined in this report; and
2. **ADOPTS** the updated Governance Framework, as tracked at Attachment 1.

CR WOOLF:

The attachment does not seem to be complete and contains a number of markups will this be updated for Council's adoption?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The recommendation has been updated to show which changes will be made after approval by Council. A draft of the final document has also now been as Attachment 2 for adoption.

5.4 LICENCE TO EXIPNOS PTY LTD (TRADING AS BRIKA BAR) ON PORTION OF PARRY STREET ROAD RESERVE ADJACENT TO UNITS 3 AND 4, NO. 177 STIRLING STREET, PERTH

- Attachments:**
1. Licence Area
 2. Market Valuation - Confidential
 3. FYE 2019 Audited Financials - Confidential
 4. FYE 2020 Audited Financials - Confidential
 5. Development Approval for Structure 3 December 2013

RECOMMENDATION:

That Council:

1. **APPROVES** the City granting a licence to Exipnos Pty Ltd (trading as Brika Bar) (ACN 162 355 339) of a portion of Parry Street road reserve adjacent to Lots 3 and 4 on Strata Plan 59820, Certificate of Title Volume 2807, Folio 731 and 732 (known as Units 3 & 4 of 177 Stirling Street, Perth), as shown in Attachment 1, on the following key terms:
 - 1.1 **Term:** 5 years
 - 1.2 **Licence Area:** 95 m² of Parry Street road reserve (verge area);
 - 1.3 **Licence fee:** \$1,000 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 Brika Bar;
 - 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 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; and

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.

NO QUESTIONS

REPORTS WITH NO DISCUSSION

5.3 APPOINTMENT OF THE DESIGN REVIEW PANEL

- Attachments:
1. Summary of Applicants - Confidential
 2. Summary of Interviews - Confidential
 3. Amended Terms of Reference
 4. Draft Amended Terms of Reference (Tracked)
 5. Design Review Panel Recommended Members 2024 - Confidential

RECOMMENDATION:

That Council:

1. **ADOPTS** the amended Design Review Panel – Terms of Reference included as Attachment 3;
2. **APPOINTS** the Applicants in Confidential Attachment 5 to the City's Design Review Panel from 18 May 2024 to 18 May 2026:
 - 2.1. Applicant 1;
 - 2.2. Applicant 2;
 - 2.3. Applicant 3;
 - 2.4. Applicant 4;
 - 2.5. Applicant 5;
 - 2.6. Applicant 6;
 - 2.7. Applicant 7;
 - 2.8. Applicant 8;
 - 2.9. Applicant 9;
 - 2.10. Applicant 10;
 - 2.11. Applicant 11;
 - 2.12. Applicant 12;
 - 2.13. Applicant 13; and
 - 2.14. Applicant 14; and
3. **NOTES** that:
 - 3.1. The City's Design Review Panel term expires on 17 May 2024; and
 - 3.2. Administration will notify all applicants of the Design Review Panel appointments and induct the successful applicants onto the Design Review Panel.

NO QUESTIONS

6.2 RFT IE269/2023 PROVISION OF PLUMBING AND GAS MAINTENANCE SERVICES

Attachments: 1. Evaluation Worksheet RFT IE269-2023 - Confidential

RECOMMENDATION:

That Council:

- 1. NOTES the outcome of the evaluation process for Tender IE269/2023 Provision of Plumbing and Gas Maintenance Services; and**
- 2. ACCEPTS the tender submission of Finestone Investments Pty t/a Ace Plus for Tender IE269/2023 Provision of Plumbing and Gas Maintenance Services.**

NO QUESTIONS

6.3 ADOPTION OF THE PARKING AMENDMENT LOCAL LAW 2024

- Attachments:
1. Parking Amendment Local Law 2024 clean copy
 2. Parking Amendment Local Law 2024 with changes
 3. Parking Amendment Local Law 2024 - DLGSC comments
 4. Parking Amendment Local Law 2024 - Public submissions

RECOMMENDATION:

That Council:

1. **GIVES NOTICE** that the purpose of the Parking Amendment Local Law 2024 is to amend certain provisions of the City of Vincent Parking Local Law 2023; and
2. **GIVES NOTICE** that the effect of the Parking Amendment Local Law 2024 is to provide further clarity of the requirements that any person parking a vehicle within the City of Vincent is to comply with these provisions; and
3. **MAKES BY ABSOLUTE MAJORITY** the Parking Amendment Local Law 2024 at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer;
 - 3.1 publishing the Parking Amendment Local Law 2024 in the Government Gazette in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and
 - 3.2 following Gazettal, providing local public notice in accordance with s3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

NO QUESTIONS

7.1 FINANCIAL STATEMENTS AS AT 29 FEBRUARY 2024

Attachments: 1. Financial Statements as at 29 February 2024

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 29 February 2024 as shown in Attachment 1.

NO QUESTIONS

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 FEBRUARY 2024 TO 29 FEBRUARY 2024

- Attachments:
1. February 2024 Payments by EFT and Payroll
 2. February 2024 Payments by Direct Debit
 3. February 2024 Payments by Cheque
 4. February 2024 AMPOL Fuel Card

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 February 2024 to 29 February 2024 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$5,899,385.40
Cheques	\$1,252.37
Direct debits, including credit cards	\$595,996.11
Total payments for February 2024	\$6,496,633.88

NO QUESTIONS

7.3 INVESTMENT REPORT AS AT 29 FEBRUARY 2024

Attachments: 1. Investment Statistics as at 29 February 2024

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 29 February 2024 as detailed in Attachment 1.

NO QUESTIONS

8.2 INFORMATION BULLETIN

- Attachments:**
1. **Unconfirmed Minutes of the Catalina Regional Council Meeting held on 15 February 2024**
 2. **Unconfirmed Minutes of the MIndarie Regional Council Meeting 28 March 2024**
 3. **Statistics for Development Services Applications as at the end of March 2024**
 4. **Register of Legal Action and Prosecutions Monthly - Confidential**
 5. **Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 4 April 2024**
 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 - April 2024**
 9. **Register of Notices of Motion - Progress Report - April 2024**
 10. **Register of Reports to be Actioned - Progress Report - April 2024**
 11. **Council Meeting Statistics - March 2024**
 12. **Council Workshop Items since 5 March 2024**
 13. **Council Briefing Notes - 12 March 2024**

RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated April 2024.

ADDITIONAL INFORMATION:

The SAT registers have been updated in relation to the matters at:

- No. 334-346 Beaufort Street, Perth;
- No. 414-414 Fitzgerald Street, North Perth; and

No. 37-43 Stuart 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 7.27pm.