



CITY OF VINCENT

**ORDINARY
COUNCIL MEETING**

Minutes

18 OCTOBER 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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INDEX
(18 OCTOBER 2016)

ITEM	REPORT DESCRIPTION	PAGE
9.1	DEVELOPMENT SERVICES	
9.1.1	FURTHER REPORT: No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House (PR12043; 5.2016.124.1)	16
9.1.2	FURTHER REPORT: No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House (PR19871; 5.2016.102.1)	29
9.1.3	No. 29 (Lot: 2; D/P: 73385) Edith Street, Perth – Change of Use from Grouped Dwelling to Short Term Dwelling (Unlisted Use) (PR54373; 5.2016.288.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	17
9.1.4	Nos. 284-286 (Lot: 500; D/P: 70429) Oxford Street, Leederville – Change of Use from Office to Office and Ancillary Laboratory (Unlisted Use) (PR15530; 5.2016.216.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	52
9.1.5	No. 50 (Lot: 103; D/P: 1659) Buxton Street, Mount Hawthorn – Change of Use from Single House to Bed And Breakfast (Unlisted Use) (PR11293; 5.2016.257.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	54
9.1.6	Nos. 104-110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn – Proposed Extension of Term of Approval: Ancillary Eating House to Existing Warehouse (PR14032; 5.2016.233.1)	7
9.1.7	No. 131 (Lot: 361 & 364; D/P: 2355) Walcott Street, Mount Lawley – Proposed Amendment to Previous Approval: Four Grouped Dwellings (PR26760; 5.2016.334.1)	9
9.1.8	No. 5 (Lot: 33 D/P: 2001) Bramall Street, East Perth – Proposed Amendment to Previous Approval (Retrospective): Three Storey Mixed Use Development (PR18611, 5.2016.354.1)	10
9.1.9	Nos. 36-38 (Lots 3 & 4; D/P: 1346) Melrose Street, Leederville – Proposed Two Storey Six Unit Multiple Dwelling Development (PR23573; 5.2016.36.1) [ITEM WITHDRAWN BY ADMINISTRATION]	57
9.1.10	Submission on Draft Perth Transport Plan (SC1973)	33
9.1.11	Initiation of Amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas (SC1343)	19
9.1.12	Initiation of Amendment to Local Planning Policy No. 7.7.1 – Parking and Access (SC2632)	36
9.1.13	Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship (PR15617; 5.2016.305.1)	20
9.1.14	LATE ITEM: No. 21a (Lot: 25; D/P: 2422) View Street, North Perth – Proposed Change of Use from Shop and Office (Design Studio) to Educational Establishment (Make-up School), Shop and Eating House (PR26135; 5.2016.250.1)	39

**INDEX
(18 OCTOBER 2016)**

ITEM	REPORT DESCRIPTION	PAGE
9.2	TECHNICAL SERVICES	
9.2.1	Proposed Safety Improvement at the Intersection of Walcott and Beaufort Streets, Mount Lawley (SC686, SC986)	43
9.2.2	Traffic Related Matters Anzac Road, Mount Hawthorn – Proposed Installation of Traffic Calming Measures Oxford Street to Sasse Avenue (SC673, SC446)	24
9.2.3	Proposed Parking Restriction Trial – Chelmsford Road, Fitzgerald Street to Ethel Street, North Perth (SC738, SC1201)	27
9.2.4	Urgent Works: Ceiling Panel Renewal and Lighting Upgrade (SC377) [ABSOLUTE MAJORITY DECISION REQUIRED]	56
9.2.5	Deed of Variation to the Constitution Agreement of the Mindarie Regional Council – Further Report (SC1161)	45
9.3	CORPORATE SERVICES	
9.3.1	Investment Report as at 30 September 2016 (SC1530)	11
9.3.2	Authorisation of Expenditure for the period 1 September 2016 to 21 September 2016 (SC347)	12
9.3.3	Financial Statements as at 31 August 2016 (SC357)	13
9.3.4	Review of Policy 4.2.7 – Council Members – Allowances, Fees and Reimbursement of Expenses (SC2639)	26
9.3.5	Arrangements for an Extraordinary Election (SC2639)	46
9.3.6	Assignment of Lease – Portion of Beatty Park Leisure Centre – NBP Holdings Pty Ltd to Beatty Park Physiotherapy Pty Ltd (SC1968)	14
9.4	COMMUNITY ENGAGEMENT	
9.4.1	Review of Local Law Provisions Relating to Storage of Items on Verge (SC1991)	49
9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	Review of Policy No. 4.2.15 - Council Members Contact with Developers (SC2639)	50
9.5.2	Information Bulletin	15
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	Nil.	58
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil.	58

**INDEX
(18 OCTOBER 2016)**

ITEM	REPORT DESCRIPTION	PAGE
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES Nil.	58
13.	URGENT BUSINESS Nil.	58
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”) Nil.	58
15.	CLOSURE	58

ORDINARY COUNCIL MEETING MINUTES

Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 18 October 2016, commencing at 6:02pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6:02 pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies

(b) Members on Approved Leave of Absence

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Susan Gontaszewski	South Ward
Cr Dan Loden	North Ward
Cr Jimmy Murphy	South Ward
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer
John Corbellini	Director Development Services
Rick Lotznicker	Director Technical Services
Mick Quirk	Director Community Engagement
John Paton	Director Corporate Services
Tim Evans	Manager Governance & Risk
Priyamvada Rasal	Governance & Council Support Officer
Louise Hood	Acting Governance & Council Support Officer
<u>Media</u>	
Julian Wright	Journalist – "Guardian Express" (until approximately 9:15pm)

Approximately 15 Members of the Public.

3. APPLICATIONS FOR LEAVE OF ABSENCE

3.1 Cr Topelberg requested leave of absence from 24 October 2016 to 28 October 2016 (inclusive) due to work commitments.

Moved Cr Cole , Seconded Cr Harley

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

CARRIED UNANIMOUSLY (6-0)

(Cr Murphy and Cr Buckels had not yet arrived at the Meeting.)

Cr Murphy arrived at 6.03pm.

4. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

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

1. Rick Van Der Feltz, Mt Hawthorn – Item 9.1.1

- Requested approval of his application.

The Presiding Member Mayor Carey thanked Mr Van Der Feltz for his comments.

Cr Buckels arrived at 6.05pm.

2. Anthony Ramage of Perth - Statement

- Complained about a compliance notice that the City issued to him due to the level of his patio being significantly different to that shown on the plans. Mr Ramage stated that having paid a number of fees in relation to seeking a retrospective approval for the patio, it turned out that the patio was built as per the original approved plans. He believes that the compliance notice was issued in error, and that the patio was built as approved in 2012 and that it should consequently not require any further approvals. He would like this matter expediently resolved and to receive an apology from the City.

The Presiding Member Mayor Carey thanked Mr Ramage for his comments.

3. Graham Pratt of Perth – Item 9.1.3

- Spoke against the recommendation.

The Presiding Member Mayor Carey thanked Mr Pratt for his comments.

4. Carmel Van Ruth of Highgate – Item 9.1.11

- Spoke in support of the guidelines for maintaining the character of Harley Street.

The Presiding Member Mayor Carey thanked Ms Van Ruth for her comments.

5. Reid Ballantine of Beckenham – Item 9.1.13

- Spoke in support of the recommendation.

The Presiding Member Mayor Carey thanked Mr Ballantine for his comments.

6. Colette O’Dea of Mount Hawthorn – Item 9.2.2

- Spoke in support of the proposed speed humps along Anzac Road but expressed concern over where they are to be positioned.

The Presiding Member Mayor Carey thanked Ms O’Dea for her comments.

7. Saskia from East Perth

- Stated that her sister has written a letter to the government to ask if the rules can be changed to allow chickens and ducks to be kept in the backyard. Saskia gave the letter to the CEO.

The Presiding Member Mayor Carey thanked Saskia for her comments.

8. Dudley Maier of Highgate – Items 9.34 and 9.1.11

- Thanked the Chief Executive Officer for his apology at the last meeting. Also stated that he received some answers to questions taken on notice at the last meeting but some of his questions have not been fully addressed. A further list of questions on notice was given to the CEO.

The Presiding Member Mayor Carey thanked Mr Maier for his comments.

9. Debbie Saunders of Leederville - Statement

- Sought clarification on the questions taken on notice at the last Council Meeting.

Asked whether the application form for the alfresco permit was available “on-line”?

Sought confirmation on the dates and payments for childcare costs and in particular which childcare providers the reimbursements were paid for.

Asked whether there will there be a meeting to discuss street closure consultation?

The Presiding Member Mayor Carey thanked Ms Saunders for her comments.

The CEO advised Ms Saunders that the proposed trial closure of Oxford Street could be determined by Administration having regard to any submissions received during the consultation process.

10. Stuart Lofthouse of Leederville - Statement

- Asked whether the Mayor is aware of who was making telephone calls on his behalf?
- Mr Lofthouse made a number of further statements relating to the Mayor’s state election campaign.

The Presiding Member Mayor Carey responded to Mr Lofthouse’s comments saying that he maintains a high standard of conduct and integrity, consistent with the rules that apply to his position as Mayor. The Mayor also stated that people making phone calls on his behalf and in relation to his state election campaign are entirely unrelated to the City of Vincent.

11. Graham Chave - Item 9.2.3

- Spoke in support of the application.

The Presiding Member Mayor Carey thanked Mr Chave for his comments.

12. Clare Overhoy – Item 9.1.13

- Spoke in support of the application.

Also stated that currently there are 170 attendees at the church on Sunday mornings accounting for approximately about 55 cars.

The Presiding Member Mayor Carey thanked Ms Overhoy for her comments.

13. Paul Astill – Item 9.1.3

- Spoke in support of the application.

The Presiding Member Mayor Carey thanked Mr Astill for his comments.

There being no further speakers, Public Question Time closed at approximately 6:40 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 4.1 Response to questions from Ms Faye Caldwell taken on notice at the Ordinary Council Meeting held on 20 September 2016.
- 4.2 Response to questions from Mr Stuart Lofthouse taken on notice at the Ordinary Council Meeting held on 20 September 2016.
- 4.3 Response to questions from Ms Debbie Saunders taken on notice at the Ordinary Council Meeting held on 20 September 2016.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received on 14 October 2016 from Ms V Komarenko of Stirling Street, Perth, along with 90 signatures from residents and businesses in the area, respectfully requesting that the City of Vincent (Council): *'Keep to their promise and relocate the Manna Inc. feeding service from Weld Square to a non-residential location by December 2016. City of Vincent is to propose a new location as they see fit to offer the individuals in need the dignity they deserve.'*

Moved Cr Cole, Seconded Cr Murphy

That the petition be received and referred to Administration.

CARRIED UNANIMOUSLY (8-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Ordinary Meeting of Council held on 20 September 2016.

Moved Cr Topelberg, Seconded Cr Loden

That the Minutes of the Ordinary Meeting of Council held on 20 September 2016 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Carey made the following announcement:

There have recently been some incredibly great community developments that make me really proud to live in the City of Vincent. The Mt Hawthorn P&C approached the

City of Vincent about improving the verges in front of their school which consist of both school and City of Vincent property. We provided the mulch and plants and some equipment and they provided the labouring. I was out there digging with them and it was an outstanding job of turning a pretty bad area into a native garden.

On Sunday, there were three events that I went to and they were all a demonstration of the great things about the City of Vincent. First I went to the morning North Perth Local Swap Market which is about trying to foster new creativity and is bringing new people in to the cafes.

Secondly I went to the Kidz Cycle Event arranged by parents in Mount Hawthorn who have set up a group to promote cycling for families encouraging them to use the Vincent bike lines. About 60 people turned up for this event. We cycled from Hobart Park down to the new Oxford Reserve. It was fantastic and it was interesting to note the behaviour of cars who were slowing them down. This event was driven by local parents.

The third event I went to was the Norwood Garden Association Annual General Meeting and Community garden where we celebrated and planned for the future. This was also driven by local residents.

All these examples are the demonstration of the best of the City of Vincent community. These people stand up and decide to do stuff, not out of commercial interest but just because they want their community to do better. That is the best of our Council and of Vincent and I am really proud of it. I want to salute the efforts of all those community groups.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Susan Gontaszewski – Declared an impartiality interest in Item 9.1.2 - FURTHER REPORT: No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House. The extent of her interest being that she sits on the Highgate School Board with Mr Russel Kingdom and her children attend the same school with the children of Mr Russell Kingdom and Ms Helen Curtis.
- 8.2 Cr Jimmy Murphy - Declared an impartiality interest in Item 9.1.6 - Nos. 104-110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn – Proposed Extension of Term of Approval: Ancillary Eating House to Existing Warehouse (PR14032; 5.2016.233.1). The extent of his interest being that he is friends with the applicant James De Leo.
- 8.3 Cr Emma Cole – Declared a proximity interest in Item 9.2.2 - Traffic Related Matters Anzac Road, Mount Hawthorn - Proposed Installation of Traffic Calming Measures Oxford Street to Sasse Avenue. The extent of her interest being that she lives on Anzac Road where she is an owner/occupier of her primary (and only) dwelling.
- 8.4 Mayor John Carey – Declared a financial interest in Item 9.1.2 - FURTHER REPORT: No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House. The extent of his interest being that one of the co-owners of 52 Chelmsford Road donated to Mayors Campaign for the State of Perth and as such he will not be participating in the consideration of this matter.

9. REPORTS

As listed in the Index.

The Presiding Member, Mayor John Carey, advised the meeting of:

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**

Items 9.1.1, 9.1.3, 9.1.11, 9.1.13, 9.2.2, 9.2.3 and 9.3.4

- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**

Items 9.1.3, 9.1.4, 9.1.5, 9.2.4 and 9.3.5

- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**

Item 9.1.2 and 9.2.2.

Presiding Member, Mayor John Carey, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	9.4.1
Cr Harley (Deputy Mayor)	Nil
Cr Buckels	9.1.10, 9.1.14
Cr Cole	9.1.2, 9.1.12, 9.3.5
Cr Loden	9.2.5
Cr Gontaszewski	Nil
Cr Murphy	Nil
Cr Topelberg	9.2.1, 9.5.1

The Presiding Member, Mayor John Carey therefore advised the meeting of:

- (e) **Unopposed items which will be moved “En Bloc”, being:**

Items 9.1.6, 9.1.7, 9.1.8, 9.3.1, 9.3.2, 9.3.3, 9.3.6 and 9.5.2

- (f) **Confidential Reports which will be considered behind closed doors, being:**

Nil.

ITEMS APPROVED “EN BLOC”:

The following Items were adopted unopposed and without discussion “*En Bloc*”, as recommended:

Moved Cr Harley, Seconded Cr Buckels

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

Items 9.1.6, 9.1.7, 9.1.8, 9.3.1, 9.3.2, 9.3.3, 9.3.6 and 9.5.2

CARRIED UNANIMOUSLY (8-0)

9.1.6 Nos. 104-110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn – Proposed Extension of Term of Approval: Ancillary Eating House to Existing Warehouse

Ward:	North	Date:	4 October 2016
Precinct:	Precinct 2 – Mount Hawthorn	File Ref:	PR14032; 5.2016.233.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Previous Approval		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. In accordance with subclause 77(4)(b) and Part 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to extend the period within which the development approval 5.2016.233.1 granted on 11 June 2014 for Ancillary Eating House to Existing Warehouse at Nos. 104 – 110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn, must be substantially commenced, subject to the following conditions:

- 1.1 Condition 3.2 of the development approval is deleted and replaced with the following condition:

“3.2 Landscape and Reticulation Plan

3.2.1 A detailed landscape and reticulation plan for the development site (south western corner adjacent to Hobart Street and Edinboro Street) and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

3.2.1.1 The location and type of existing and proposed trees and plants;

3.2.1.2 Areas to be irrigated or reticulated; and

3.2.1.3 The removal of redundant crossovers;

3.2.2 All works shown on the approved plans shall be undertaken in accordance with the approved plans to the City’s satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.”

- 1.2 Additional conditions 6 and 7 are included on the development approval as follows:

“6. Use of the Premises

- 6.1 The total occupancy associated with the eating house shall be limited to a maximum of 12 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City; and
- 6.2 Any proposed increase to the number of patrons of the Eating House will require a further development application;

7. General

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

2. NOTES that all other conditions and advice notes detailed on development approval 5.2014.51.1 granted on 11 June 2014 and included in Attachment 2 continue to apply to this approval.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.1.7 No. 131 (Lot: 361 & 364; D/P: 2355) Walcott Street, Mount Lawley – Proposed Amendment to Previous Approval: Four Grouped Dwellings

Ward:	South	Date:	4 October 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR26760; 5.2016.334.1
Attachments:	1 – Location Map 2 – Previous Approval and Plans 3 – Amended Development Application Plans 4 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. In accordance with subclause 77(4)(a) and Part 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to amend development approval 5.2015.169.1 granted on 28 July 2015 for Four Grouped Dwellings at No. 131 (Lot: 361 & 364; D/P: 2355) Walcott Street, Mount Lawley, in accordance with the plans date stamped 9 August 2016, as shown on Attachment 3; and
2. NOTES that all conditions and advice notes detailed on development approval 5.2016.169.1 granted on 13 August 2016 and included in Attachment 2 continue to apply to this approval.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.1.8 No. 5 (Lot: 33 D/P: 2001) Bramall Street, East Perth – Proposed Amendment to Previous Approval (Retrospective): Three Storey Mixed Use Development

Ward:	South Ward	Date:	4 October 2016
Precinct:	Precinct 15 – Banks	File Ref:	PR18611, 5.2016.354.1
Attachments:	1 – Location and Consultation Map 2 – Previous Approval and Plans 3 – Development Application Plans 4 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	A Spicer, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

1. Pursuant to Clause 77(4)(a) and Part 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the retrospective application to amend development approval 5.2014.79.1 granted on 26 August 2014 for Three Storey Mixed Use Development at No. 5 (Lot: 33; D/P: 2001) Bramall Street, East Perth, in accordance with the plans date stamped 18 August 2016, as shown on Attachment 3; and
2. NOTES that all conditions and advice notes detailed on the development approval 5.2014.79.1 granted on 26 August 2014 and included in Attachment 2 continue to apply to this approval

COUNCIL DECISION ITEM 9.1.8

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.3.1 Investment Report as at 30 September 2016

Ward:	Both	Date:	5 October 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	S Teoh, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 September 2016 as detailed in Attachment 1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.3.2 Authorisation of Expenditure for the Period 1 September to 21 September 2016

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 01 September 2016 to 21 September 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80259 - 80348	\$547,299.94
Cancelled Cheques	- \$870.00
EFT Documents 1980 - 1992	\$4,646,221.85
Payroll	\$1,116,155.27

• Lease Fees	\$2,664.86
• Infringement Lodgement Fees	\$54,424.00
• Loan Repayment	\$145,737.94
• Bank Fees and Charges	\$27,390.95
• Credit Cards	\$4,530.01
Total Direct Debit	\$234,747.76
Total Accounts Paid	\$6,543,554.82

COUNCIL DECISION ITEM 9.3.2

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.3.3 Financial Statements as at 31 August 2016

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 August 2016 as shown in Attachment 1.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.3.6 Assignment of Lease – Portion of Beatty Park Leisure Centre – NBP Holdings Pty Ltd to Beatty Park Physiotherapy Pty Ltd

Ward:	South	Date:	30 September 2016
Precinct:	Smith's Lake (6)	File Ref:	SC1968
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer / D Morrissy, Manager BPLC		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

1. That Council **APPROVES** the assignment of the lease of a portion of the Beatty Park Leisure Centre from NBP Holdings Pty Ltd to Beatty Park Physiotherapy Pty Ltd subject to:
 - (a) the directors of Beatty Park Physiotherapy Pty Ltd providing personal guarantees that they will comply with the Lessee's covenants as set out in the Lease; and
 - (b) the Deed of Assignment of Lease providing for the release of NBP Holdings Pty Ltd from any lease obligations which arise and are a result of occupation of the premises from the date of the assignment of the Lease.
2. Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the Deed of Assignment of Lease in 1 above.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.5.2 Information Bulletin

Ward:	-	Date:	30 September 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	P Rasal, Governance & Council Support Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 18 October 2016 as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.1.1 FURTHER REPORT: No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House

Ward:	North	Date:	10 October 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR12043; 5.2016.124.1
Attachments:	1 – Location and Consultation Plan 2 – Development Application Plans 3 – Applicant’s Photos 4 – Arboricultural Assessment Report		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(c) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, REFUSES the application for development approval for the Carport addition at No. 131 (Lot 282; D/P: 2503) Coogee Street, Mount Hawthorn in accordance with amended plans date stamped 5 August 2016, as shown on Attachment 2, subject to the following reasons:

1. Due to the proposed location of the carport, the development is not capable of providing a crossover with a minimum width of 3 metres (Australian Standards AS2890.1); and
2. Due to the proposed location of the crossover, the development is likely to impact the long-term health of the existing well established mature “Weeping Peppermint Tree”, and potentially resulting in the tree having to be removed.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Cole , Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

For: Cr Buckels, Cr Cole, Cr Gontaszewski, Cr Harley, Cr Loden and Cr Topelberg

Against: Presiding Member Mayor John Carey and Cr Murphy

9.1.3 No. 29 (Lot: 2; D/P: 73385) Edith Street, Perth – Change of Use from Grouped Dwelling to Short Term Dwelling (Unlisted Use)

Ward:	South	Date:	4 October 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR54373; 5.2016.288.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Management Plan and Code of Conduct received 11 July 2016 4 – Applicant Response to Advertising Comments 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES BY ABSOLUTE MAJORITY the application for Change of Use from Grouped Dwelling to Short Term Dwelling (Unlisted Use) at No. 29 (Lot: 2; D/P: 73385) Edith Street, Perth in accordance with plans date stamped 11 July 2016, as shown on Attachment 2, subject to the following conditions:

1. Limitation on Use

1.1 The development shall be used in accordance with the definition of ‘Short Term Dwelling’ set out under the City’s Local Planning Policy No. 7.4.5 – Temporary Accommodation; and

1.2 Maximum Number of Residents

The Short Term Dwelling shall accommodate a maximum of six persons at any one time;

2. Management Plan

2.1 Prior to the development first being occupied, a Management Plan shall be submitted to and approved by the City. The Management Plan shall set out the House Rules and Code of Conduct for residents. The Short Term Dwelling shall operate in accordance with the approved Management Plan; and

2.2 The House Rules and Code of Conduct shall be provided to occupants of the Short Term Dwelling on arrival and displayed in a prominent location within the premise at all times;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings; and

4. Street Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage, including unauthorised pruning, to the satisfaction of the City.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.1.11 Initiation of Amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas

Ward:	Both	Date:	30 September 2016
Precinct:	All Precincts	File Ref:	SC1343
Attachments:	<p>1 – Current Local Planning Policy No. 7.5.15 – Character Retention Areas</p> <p>2 – Location Map – Harley Street</p> <p>3 – Amended Local Planning Policy No. 7.5.15 – Character Retention Areas (with tracked changes)</p> <p>4 – Amended Local Planning Policy No. 7.5.15 – Character Retention Areas (without tracked changes)</p>		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Strategic Planning Officer J O’Keefe, Manager Policy and Place		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. PREPARES amendments to Local Planning Policy No. 7.5.15 – Character Retention Areas included as Attachment 4 pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of advertising; and
2. NOTES that amendments to Local Planning Policy No. 7.5.15 – Character Retention Areas will be advertised for a period of 28 days pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.1.13 Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship

Ward:	North	Date:	10 October 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR15617; 5.2016.305.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification and Management Plan 4 – Car Parking and Bicycle Tables 5 – Response from the Applicant to the Submissions 6 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for a Change of Use from Educational Establishment to Place of Public Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville in accordance with plans date stamped 21 September 2016, as shown on Attachment 2, subject to the following conditions:

1. Parking and Special Events Management Plan

A Parking and Traffic Management Plan shall be submitted to, and approved by the City prior to the use of the site as a ‘Place of Public Worship’. The Parking and Traffic Management Plan shall detail for each time period and each activity of the ‘Place of Public Worship’:

- The capacity and demand for parking and traffic;
- The location and management of parking areas, including any agreements necessary to provide access to the parking areas;
- The management of traffic;
- The management of pedestrian movement and safety;
- The maximum number of persons permitted on the site;
- The community consultation requirements;
- A Travel Behaviour Change Plan;

Use of the premises shall be carried out in accordance with the approved Parking and Traffic Management Plan and all requirements of the Parking and Traffic Management Plan shall be implemented to the satisfaction of the City;

2. Use of the Premises

2.1 The maximum number of persons permitted on the site at any given time shall accord with the Parking and Traffic Management Plan;

2.2 The hours of operation of the development shall not exceed:

- 10:00am to 10:00pm Monday to Thursday;
- 9:00am to 10:00pm Friday and Saturday;
- 9:00am to 7:00pm Sunday;

3. Car Parking and Access

- 3.1 The car parking and access areas are to comply with the requirements of AS2890.1;**
- 3.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and**
- 3.3 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);**

4. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

5. Interactive Front

Windows, doors and adjacent areas fronting Oxford Street and Franklin Street shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited;

6. Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

7. Landscape and Reticulation Plan

7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. 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; and**
- 7.1.3 The removal of redundant crossovers;**

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

8. Waste Management

- 8.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and**
- 8.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;**

9. **Stormwater**

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

10. **Bicycle Bays**

10.1 Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; **and**

10.2 Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided at the applicants cost in the Franklin Street verge, in a location to the City's satisfaction. The bicycle facilities shall be designed in accordance with AS2890.3 and all works shall be undertaken to the City's specification and satisfaction;

11. **Signage**

11.1 Signage shall not have flashing or intermittent lighting;

11.2 All signage shall be safe, non-climbable, free from graffiti and kept in a good state of repair for the duration of its display on-site;

11.3 The signage is to be entirely contained within the property boundary;

11.4 The proposed signage is to advertise the place of public worship and services only; and

11.5 The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising; and

12. **Heritage**

12.1 Landscaping to the perimeter of the hail shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp;

12.2 A photographic archival record is to be made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*; and

13. **General**

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

COUNCIL DECISION ITEM 9.1.13

Moved Cr Topelberg, Seconded Cr Murphy

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Cole

That the item be DEFERRED for further consideration.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (5-3)

For: Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Gontaszewski
and Cr Harley

Against: Cr Murphy, Cr Loden and Cr Topelberg

Cr Emma Cole had declared a proximity interest in Item 9.2.2. Cr Cole departed the Chamber at 7.15pm and did not speak or vote on the matter.

9.2.2 Traffic Related Matters Anzac Road, Mount Hawthorn - Proposed Installation of Traffic Calming Measures Oxford Street to Sasse Avenue

Ward:	North	Date:	29 September 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	SC673, SC446
Attachments:	1 - Consultation Summary 2 - Plan No 3338-CP-01 Stage 1 3 - Plan No 3338-CP-02 Stage 2		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of traffic calming measure in Anzac Road, Mount Hawthorn as shown in Attachment 1;
2. **APPROVES** Stage 1 comprising the removal of existing speed cushions and installation of 'low profile' speed humps, and formalised parking, as shown on Plan No 3338-CP-01 (Attachment 2), at an estimated cost of \$50,000;
3. **MONITORS** the street following the implementation of the Stage 1 works to determine whether the works have been effective in reducing vehicle speeds;
4. **RECEIVES** a further report should the additional Stage 2 works, as indicated on Plan No 3338-CP-02 (Attachment 3) are justified; and
5. **ADVISES** the respondents of its decision.

Moved Cr Gontaszewski, Seconded Cr Loden

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Harley, Seconded Cr Murphy

That Recommendation 2 be amended to read as follows:

“APPROVES Stage 1 comprising the removal of existing speed cushions and installation of ‘low profile’ speed humps, and formalised parking, generally as shown on Plan No 3338-CP-01 (Attachment 2) subject to any minor relocation of the proposed speed humps considered necessary by and to the satisfaction of the Director Technical Services in liaison with affected adjacent property owners, at an estimated cost of \$50,000;”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Cole was absent from the Chamber and did not speak or vote on the matter.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-1)

For: Presiding Member Mayor John Carey, Cr Buckels, Cr Gontaszewski, Cr Loden
Cr Harley and Cr Murphy
Against: Cr Topelberg

(Cr Cole was absent from the Chamber and did not speak or vote on the matter.)

COUNCIL DECISION ITEM 9.2.2

That Council:

1. **NOTES** the comments received regarding the implementation of traffic calming measure in Anzac Road, Mount Hawthorn as shown in Attachment 1;
 2. **APPROVES** Stage 1 comprising the removal of existing speed cushions and installation of 'low profile' speed humps, and formalised parking, generally as shown on Plan No 3338-CP-01 (Attachment 2) subject to any minor relocation of the proposed speed humps considered necessary by and to the satisfaction of the Director Technical Services in liaison with affected adjacent property owners, at an estimated cost of \$50,000;
 3. **MONITORS** the street following the implementation of the Stage 1 works to determine whether the works have been effective in reducing vehicle speeds;
 4. **RECEIVES** a further report should the additional Stage 2 works, as indicated on Plan No 3338-CP-02 (Attachment 3) are justified; and
 5. **ADVISES** the respondents of its decision.
-

Cr Cole returned to the Chamber at 7.28pm.

9.3.4 Review of Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC2639
Attachments:	<p>1 – Amended Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses 2 – Current Policy 4.2.6 - Council Members – Purchase Of Items and Equipment Upon Retirement 3 – Current Policy 4.2.7 – Council Members - Allowances, Fees and Re-imburement of Expenses –Marked Up 4 – Current Policy 4.2.8 - Council Members – Acknowledgement of Service and Purchase of Retirement Gift</p>		
Tabled Items:	Nil.		
Reporting Officer:	T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **REVOKES Policy 4.2.6 – Council Members – Purchase Of Items and Equipment Upon Retirement;**
2. **REVOKES Policy 4.2.8 – Council Members – Acknowledgement of Service and Purchase of Retirement Gift;**
3. **ADOPTS the amended Policy 4.2.7 – Council Members - Allowances, Fees and Re-imburement of Expenses, as shown on Attachment 1, and agrees that public advertising and community consultation is not required due to the minor nature of the amendments; and**
4. **NOTES that the payment of the ICT allowance for the 12 months commencing October 2016 will be at the reduced rate of \$1500 and have a positive impact on the 2016/17 budget.**

COUNCIL DECISION ITEM 9.3.4

Moved Cr Harley, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Gontaszewski

That the item be DEFERRED.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For: Presiding Member Mayor John Carey, Cr Cole, Cr Gontaszewski, Cr Harley
Cr Loden, Murphy and Cr Topelberg

Against: Cr Buckels

9.2.3 Proposed Parking Restriction Trial – Chelmsford Road, Fitzgerald Street to Ethel Street, North Perth

Ward:	South	Date:	3 October 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	SC738, SC1201
Attachments:	1 – Plan No 3311-PP-01B 2 – Plan No 3311-PP-01C		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **APPROVES** the introduction of a 12 month parking restriction ‘trial’ as shown on Plan 3311-PP-01C, Attachment 2, as summarised below;

Location	Proposal
Chelmsford Road, between Fitzgerald and Ethel Street	TRIAL – 2P 8.00am to 6.00pm Monday to Friday on both the North and South side of the street

2. **ADVISES** residents/business in Chelmsford Road between Fitzgerald and Ethel Street, of its decision;
3. **CONSULTS** with residents/business in Chelmsford Road between Fitzgerald and Ethel Street in October 2017 seeking further comments regarding the outcomes of the trial prior to the matter being further considered; and
4. **RECEIVES** a further report at the conclusion of the trial period.

Moved Cr Topelberg, Seconded Cr Loden

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Topelberg, Seconded Cr Loden

That Recommendation 3 be amended to read as follows:

That Council:

“**CONSULTS** with residents/business in Chelmsford Road between Fitzgerald and ~~Ethel Street~~ Norfolk Street, in Vincent Street, between Fitzgerald and Norfolk Streets, and in Ethel Street, between Grosvenor Road and Vincent Street, in October 2017 seeking ~~further~~ their comments regarding the outcomes of the trial prior to the matter being further considered; and”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

COUNCIL DECISION ITEM 9.2.3

That Council:

1. **APPROVES** the introduction of a 12 month parking restriction ‘trial’ as shown on Plan 3311-PP-01C, Attachment 2, as summarised below;

Location	Proposal
Chelmsford Road, between Fitzgerald and Ethel Streets	TRIAL – 2P 8.00am to 6.00pm Monday to Friday on both the North and South side of the street

2. **ADVISES** residents/business in Chelmsford Road between Fitzgerald and Ethel Street, of its decision;
3. **CONSULTS** with residents/business in Chelmsford Road between Fitzgerald and Norfolk Street, in Vincent Street, between Fitzgerald and Norfolk Streets, and in Ethel Street, between Grosvenor Road and Vincent Street, in October 2017 seeking their comments regarding the outcomes of the trial prior to the matter being further considered; and
4. **RECEIVES** a further report at the conclusion of the trial period.

The Presiding Member Mayor Carey had declared a financial interest in Item 9.1.2. Mayor Carey vacated the Chair and left the Chamber at 7.39pm.

Deputy Mayor Cr Roslyn Harley assumed the Chair at 7.39pm.

9.1.2 FURTHER REPORT: No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House

Ward:	South	Date:	11 October 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR19871; 5.2016.102.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclauses 68(2)(b) and 73(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for development approval for Alterations and Additions to Existing Single House at No.52 (Lot: 66; D/P2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 17 August 2016, as shown on Attachment 2, except for the proposed ‘New Carport’ and ‘New Porch/Deck’, subject to Determination Advice Notes in Attachment 5 and the following conditions:

1. Where a condition has a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists;
2. **Crossover**
Any proposed crossover must maintain a minimum of 500mm from any verge tree, lot boundary and street pole, to the satisfaction of the City;
3. **Stormwater**
All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;
4. **External Fixtures**
All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;
5. **Street Verge Trees**
 - 5.1 The verge tree located on the western side of the verge shall not be removed without the prior written approval of the City. The verge tree shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;
 - 5.2 The verge tree located on the eastern side of the verge, being in conflict with the proposed crossover is to be removed at the applicants cost, to the satisfaction of the City; and
6. In accordance with Clause 73(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* this approval does not relate to the ‘New Carport’ and ‘New Porch/Deck’ indicated on the approved plans.

Moved Cr Cole , Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Cole , Seconded Cr Topelberg

That the Recommendation be amended to read as follows:

That Council, in accordance with subclauses 68(2)(b) and 73(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for development approval for Alterations and Additions to Existing Single House at No.52 (Lot: 66; D/P2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 17 August 2016, as shown on Attachment 2, except for the proposed 'New Carport', and 'New Porch/Deck' and 'New X-over', subject to Determination Advice Notes in Attachment 5 and the following conditions:

1. Where a condition has a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists;

~~2. Crossover~~

~~Any proposed crossover must maintain a minimum of 500mm from any verge tree, lot boundary and street pole, to the satisfaction of the City;~~

32. Stormwater

All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

43. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

54. Street Verge Trees

54.1 The verge tree located on the western side of the verge shall not be removed without the prior written approval of the City. The verge tree shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

~~5.2 The verge tree located on the eastern side of the verge, being in conflict with the proposed crossover is to be removed at the applicants cost, to the satisfaction of the City; and~~

65. In accordance with Clause 73(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* this approval does not relate to the 'New Carport', and 'New Porch/Deck' and 'New X-over' indicated on the approved plans.

Debate ensued.

AMENDMENT PUT AND CARRIED (6-1)

For: Cr Cole, Cr Gontaszewski, Cr Loden, Cr Harley Cr Murphy and Cr Topelberg

Against: Cr Buckels

(Mayor John Carey was absent from the Chamber and did not speak or vote on the matter.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Mayor John Carey was absent from the Chamber and did not speak or vote on the matter.)

COUNCIL DECISION ITEM 9.1.2

That Council, in accordance with subclauses 68(2)(b) and 73(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for development approval for Alterations and Additions to Existing Single House at No.52 (Lot: 66; D/P2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 17 August 2016, as shown on Attachment 2, except for the proposed 'New Carport', 'New Porch/Deck' and 'New X-over', subject to Determination Advice Notes in Attachment 5 and the following conditions:

1. Where a condition has a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists;
 2. **Stormwater**
All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;
 3. **External Fixtures**
All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;
 4. **Street Verge Trees**
 - 4.1 The verge tree located on the western side of the verge shall not be removed without the prior written approval of the City. The verge tree shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;
 5. In accordance with Clause 73(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* this approval does not relate to the 'New Carport', 'New Porch/Deck' and 'New X-over' indicated on the approved plans.
-

Deputy Mayor Cr Roslyn Harley vacated the Chair at 7.55pm.

The Presiding Member Mayor Carey returned to the Chamber and assumed the Chair at 7.55pm.

9.1.10 Submission on Draft Perth Transport Plan

Ward:	Both	Date:	18 October 2016
Precinct:	All	File Ref:	SC1973
Attachments:	1 – Draft Perth Transport Plan 2 – City of Vincent Comments on Draft Perth Transport Plan		
Tabled Items:	Nil		
Reporting Officer:	S Schreck, Strategic Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. **ENDORSES** the proposed City of Vincent comments on the draft Perth Transport Plan included as Attachment 2 and **ADVISES** the Department of Transport that Council expresses its significant concern with the lack of a light rail route through the City of Vincent by a Perth population of 2.7 Million; and
2. **NOTES** that Administration will forward the comments included as Attachment 2 to the Department of Transport.

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Buckels, Seconded Cr Topelberg

That the Recommendation be amended to read as follows:

“That Council:

1. **ENDORSES** the proposed City of Vincent comments on the draft Perth Transport Plan included as Attachment 2, subject to the following points being included:
 - 1.1 The City ADVISES the Department of Transport and Minister for Transport that in terms of the draft Perth Transport Plan in general the City considers that:
 - 1.1.1 The draft Perth Transport Plan fails to deliver a transport system, or a metropolitan area, that is significantly different to the status quo;
 - 1.1.2 Either the draft Perth Transport Plan does not articulate a transport vision that matches the intention or vision of the Western Australian Planning Commission's Perth and Peel @ 3.5 Million suite of documents, or that the latter document is also flawed;
 - 1.1.3 Nebulous timeframes such as "beyond 3.5 million" are of absolutely no value and as a result are misleading as no Government or agency is accountable for their implementation;

- 1.1.4 There is a genuine risk that Government will prioritise the extensive road network projects proposed within the draft Perth Transport Plan, based upon the stated vision to maintain a free-flowing freeway and arterial road network. This will result in transit/cycling/pedestrian infrastructure being pushed to more distant timeframes;
- 1.1.5 The draft Perth Transport Plan proposes many significant projects to the benefit of increased sprawl, and proposes few projects that benefit Vincent where increased density is being planned for and delivered, and where the impacts of traffic congestion are the most acute; and
- 1.1.6 The draft Perth Transport Plan is silent on the levels of funding and local infrastructure that will be required to provide the proposed improvements to cycling infrastructure. Projects such as the three point bridge will provide little benefit if the fundamentals of a safe local cycling network are not given priority;
- 1.2 The City ADVISES the Department of Transport and the Minister for Transport in relation to the East Wanneroo Rail Link that:
- 1.2.1 The abandonment of the well developed and Department of Transport driven MAX Light Rail project along Fitzgerald Street is of significant concern to the City;
- 1.2.2 The current 960 bus service is provided as an interim measure prior to the introduction of MAX Light Rail, and as a result was introduced without appropriate ancillary infrastructure such as bicycle end of trip facilities, landmark bus stops or street scaping. If this bus route is now the long term deliverable the City requires immediate dialogue with the Department of Transport regarding upgrades;
- 1.2.3 The lack of a proposed station on the East Wanneroo Rail Link at North Perth lacks vision and is unacceptable to the City. This would be as inadequate as there being no Leederville Station on the Joondalup Line; and
- 1.2.4 The North Perth station should also connect with the proposed subway network, linking this east-west connection to the Perth Central Business District, Mount Lawley Edith Cowan University, and Mount Lawley Senior High School and the north-eastern corridor;
- 1.3 The City ADVISES the Department of Transport that Council expresses its significant concern with the lack of a light rail route through the City of Vincent by a Perth population of 2.7 Million; and the Minister for Transport that an east-west bus service through the City of Vincent is a much needed piece of local infrastructure, and should be introduced on a short timeframe as an interim measure prior to the long term development of the proposed underground rail loop; and
2. NOTES that Administration will forward the comments included as Attachment 2, updated to include points 1.1, 1.2 and 1.3 above, to the Department of Transport.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

COUNCIL DECISION ITEM 9.1.10

That Council:

1. **ENDORSES** the proposed City of Vincent comments on the draft Perth Transport Plan included as Attachment 2, subject to the following points being included:
 - 1.1 The City **ADVISES** the Department of Transport and Minister for Transport that in terms of the draft Perth Transport Plan in general the City considers that:
 - 1.1.1 The draft Perth Transport Plan fails to deliver a transport system, or a metropolitan area, that is significantly different to the status quo;
 - 1.1.2 Either the draft Perth Transport Plan does not articulate a transport vision that matches the intention or vision of the Western Australian Planning Commission's Perth and Peel @ 3.5 Million suite of documents, or that the latter document is also flawed;
 - 1.1.3 Nebulous timeframes such as "beyond 3.5 million" are of absolutely no value and as a result are misleading as no Government or agency is accountable for their implementation;
 - 1.1.4 There is a genuine risk that Government will prioritise the extensive road network projects proposed within the draft Perth Transport Plan, based upon the stated vision to maintain a free-flowing freeway and arterial road network. This will result in transit/cycling/pedestrian infrastructure being pushed to more distant timeframes;
 - 1.1.5 The draft Perth Transport Plan proposes many significant projects to the benefit of increased sprawl, and proposes few projects that benefit Vincent where increased density is being planned for and delivered, and where the impacts of traffic congestion are the most acute; and
 - 1.1.6 The draft Perth Transport Plan is silent on the levels of funding and local infrastructure that will be required to provide the proposed improvements to cycling infrastructure. Projects such as the three point bridge will provide little benefit if the fundamentals of a safe local cycling network are not given priority;
 - 1.2 The City **ADVISES** the Department of Transport and the Minister for Transport in relation to the East Wanneroo Rail Link that:
 - 1.2.1 The abandonment of the well developed and Department of Transport driven MAX Light Rail project along Fitzgerald Street is of significant concern to the City;

- 1.2.2 The current 960 bus service is provided as an interim measure prior to the introduction of MAX Light Rail, and as a result was introduced without appropriate ancillary infrastructure such as bicycle end of trip facilities, landmark bus stops or street scaping. If this bus route is now the long term deliverable the City requires immediate dialogue with the Department of Transport regarding upgrades;
 - 1.2.3 The lack of a proposed station on the East Wanneroo Rail Link at North Perth lacks vision and is unacceptable to the City. This would be as inadequate as there being no Leederville Station on the Joondalup Line; and
 - 1.2.4 The North Perth station should also connect with the proposed subway network, linking this east-west connection to the Perth Central Business District, Mount Lawley Edith Cowan University, and Mount Lawley Senior High School and the north-eastern corridor;
 - 1.3 The City ADVISES the Department of Transport and the Minister for Transport that an east-west bus service through the City of Vincent is a much needed piece of local infrastructure, and should be introduced on a short timeframe as an interim measure prior to the long term development of the proposed underground rail loop; and
2. NOTES that Administration will forward the comments included as Attachment 2, updated to include points 1.1, 1.2 and 1.3 above, to the Department of Transport.
-

9.1.12 Initiation of Amendment to Local Planning Policy No. 7.7.1 – Parking and Access

Ward:	Both	Date:	4 October 2016
Precinct:	All	File Ref:	SC2632
Attachments:	<p>1 – Current Local Planning Policy No. 7.7.1 – Parking and Access 2 – Amended Local Planning Policy No. 7.7.1 – Parking and Access (with tracked changes) 3 – Amended Local Planning Policy No. 7.7.1 – Non-Residential Parking Requirements (without tracked changes) 4 – Schedule of Modifications 5 – Parking Requirements Comparison Table</p>		
Tabled Items:	Nil		
Reporting Officer:	S Schreck, Strategic Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. PREPARES amendments to Local Planning Policy No. 7.7.1 – Parking and Access included as Attachment 3 pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of advertising; and
2. NOTES that the amendments to Local Planning Policy No. 7.7.1 – Parking and Access will be advertised for a period of 28 days pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Topelberg, Seconded Cr Harley

That Recommendation 1 be amended as follows:

- “1. PREPARES amendments to Local Planning Policy No. 7.7.1 – Parking and Access included as Attachment 3 pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of advertising, subject to the following changes:

1.1 Clause 1.2 be amended to read as follows:

“1.2 (iii) Do not propose or require any building works that contribute to more than a 25% increase in Net Lettable Area of that tenancy; additional floor area; and”

1.2 Include the following definition for Net Lettable Area as follows:

“Net Lettable Area (NLA): The area of all floors within the internal finished surfaces of permanent walls of a

building, but excludes all car parking areas, stairs, toilets, cleaner's cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, alfresco areas located off-site, lobbies between lifts facing other lifts serving the same floor, and areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

PROPOSED AMENDMENT 2:

Moved Cr Cole, Seconded Cr Topelberg

That a new item 1.3 be added to recommendation 1 as follows:

"1.3 That Clause 2.2.5 is reinstated for the purpose of advertising."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

COUNCIL DECISION ITEM 9.1.12

1. PREPARES amendments to Local Planning Policy No. 7.7.1 – Parking and Access included as Attachment 3 pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of advertising, subject to the following changes:

1.1 Clause 1.2 be amended to read as follows:

1.2 (iii) Do not propose or require any building works that contribute to more than a 25% increase in Net Lettable Area of that tenancy;

1.2 Include the following definition for Net Lettable Area as follows:

Net Lettable Area (NLA): The area of all floors within the internal finished surfaces of permanent walls of a building, but excludes all car parking areas, stairs, toilets, cleaner's cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, alfresco areas located off-site, lobbies between lifts facing other lifts serving the same floor, and areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building.

1.3 That Clause 2.2.5 is reinstated for the purpose of advertising.

2. **NOTES** that the amendments to Local Planning Policy No. 7.7.1 – Parking and Access will be advertised for a period of 28 days pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.
-

9.1.14 LATE ITEM: No. 21a (Lot: 25; D/P: 2422) View Street, North Perth – Proposed Change of Use from Shop and Office (Design Studio) to Educational Establishment (Make-up School), Shop and Eating House

Ward:	South	Date:	18 October 2016
Precinct:	Precinct 9 – North Perth Centre	File Ref:	PR26135; 5.2016.250.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Car Parking and Bicycle Tables 4 – Determination Advice Notes 5 – State Heritage Office Comment		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for Proposed Change of Use from Shop and Office (Design Studio) to Educational Establishment (Make-up School), Shop and Eating House at No. 21a (Lot 25; D/P: 2422) View Street, North Perth in accordance with plans date stamped 22 July 2016 and 28 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 4 and the following conditions:

1. Use of the Premises

- 1.1 The area shown as ‘Retail Shop’ and numbered ‘1’ on the approved plans shall be used as a ‘Shop’ as defined by the City’s Town Planning Scheme No. 1. The area shown as ‘Porch’ and ‘Garden’ and numbered ‘5’ and ‘16’ respectively on the approved plans shall be used as an ‘Eating House’ as defined by the City’s Town Planning Scheme No. 1. All other areas shall be used as an ‘Educational Establishment’ as defined by the City’s Town Planning Scheme No. 1;
- 1.2 A maximum of 24 persons are permitted on the premise at any one time including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City;
- 1.3 Educational Establishment (Make-up School):
 - 1.3.1 The hours of operation of the ‘Educational Establishment (Make-up School)’ shall be limited to:
 - Monday to Friday: 10:00am – 4:00pm and 6:00pm – 9:00pm;
 - Saturday: 10:00am – 4:00pm;
 - Closed Sunday and Public Holidays;
 - 1.3.2 A maximum of 16 students are permitted on the site at any one time;

1.4 Eating House

1.4.1 The hours of operation of the 'Eating House' shall be limited to:

- **Monday to Friday: 8:00am – 4:00pm;**
- **Saturday: 8:00am – 2:00pm;**
- **Closed Sunday and Public Holidays;**

1.4.2 A maximum of 12 customers are permitted in the 'Eating House' at any one time including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City.

1.5 Shop

The hours of operation of the 'Eating House' shall be limited to:

- **Monday to Friday: 10:00am – 4:00pm;**
- **Saturday: 10:00am – 4:00pm;**
- **Closed Sunday and Public Holidays;**

2. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

3. Building

The windows, doors and adjacent floor area facing Leake Street and View Street shall maintain an active and interactive frontage with clear glazing provided;

4. Heritage

4.1 Any stud walls to be fixed to wall and floor only, and fixings to be minimised to the satisfaction of the City; and

4.2 Any damage to the original fabric of the building is to be made good to match the existing to the satisfaction of the City;

5. Car Parking and Access

5.1 Prior to the first occupation of the development the car parking area which forms part of this approval shall be line marked in accordance with the approved plans and maintained thereafter by the owner/occupier to the satisfaction of the City;

5.2 The Disabled car bay is required to be lined marked and a bollard to be placed to comply with AS2890.6 figure 2.2;

5.3 A minimum of 5 car bays shall be provided onsite;

5.4 The car parking and access areas are to comply with the requirements of AS2890.1; and

5.5 Vehicle and pedestrian access points are required to match into existing footpath levels;

6. **Bicycle Bays**

Prior to the first occupation of the development a minimum of two Class 1 or 2 bicycle parking facilities and three Class 3 bicycle parking facilities shall be installed in a location and in accordance with the City's Policy No. 7.7.1 – Parking and Access, to the satisfaction of the City;

7. **Waste Management**

7.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

7.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

8. **Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning;

9. **Stormwater**

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

10. **Signage**

Any signage shall be the subject of a separate development application; and

11. **General**

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

COUNCIL DECISION ITEM 9.1.14

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Cr Topelberg departed the Chamber at 8.12pm.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Harley, Seconded Cr Cole

That condition 1.2 and condition 1.3.2 be amended to read as follows:

“1.2 A maximum of ~~24~~ 28 persons are permitted on the premise at any one time including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City;”

“1.3.2 A maximum of ~~46~~ 20 students are permitted on the site at any one time;”

Debate ensued.

AMENDMENT PUT AND LOST (2-5)

For: Presiding Member Mayor John Carey and Cr Harley
Against: Cr Buckels, Cr Cole, Cr Gontaszewski, Cr Loden and Cr Murphy

Debate ensued.

(Cr Topelberg was absent from the Chamber and did not vote on the matter.)

Cr Topelberg returned to the Chamber at 8.19pm.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

9.2.1 Proposed Safety Improvement at the Intersection of Walcott and Beaufort Streets, Mount Lawley

Ward:	South	Date:	30 September 2016
Precinct:	Precinct 11 - Mount Lawley Centre	File Ref:	SC686, SC986
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. NOTES that:

- 1.1 Walcott Street is a boundary road between the City of Stirling and the City of Vincent; and**
- 1.2 on 29 May 2012 the City of Stirling Council approved the implementation of permanent right turn bans at the intersection of Walcott Street and Beaufort Street;**

- 2. APPROVES undertaking a 12 month trial right turn ban, at all times at the intersection of Beaufort and Walcott Streets, Mount Lawley;**
- 3. UNDERTAKES a traffic assessment on potentially affected streets (in Vincent) Roy Street, Barlee Street and Curtis Street prior to implementing the trial right turn ban and during the trial;**
- 4. LIAISES with both the City of Stirling and Main Roads WA regarding implementing the trial, including lowering the posted speed on Walcott Street between Field Street and Roy Street, from 60kph to 40kph;**
- 5. Prior to the commencement of the trial PROVIDES information to potentially affected stakeholders on the reasons for the trial and seeks their feedback during the course of trial; and**
- 6. RECEIVES a further report at the conclusion of the trial in late 2017.**

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Topelberg, Seconded Cr Buckels

That Clause 2 be amended to read as follows:

- 2. APPROVES undertaking a 12 month trial right turn ban, from 7.00am to 8.00pm at all times at the intersection of Beaufort and Walcott Streets, Mount Lawley;**

Debate ensued.

AMENDMENT PUT AND LOST (1-7)

For: Cr Topelberg

Against: Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Gontaszewski, Cr Harley, Cr Loden and Cr Murphy

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-1)

For: Presiding Member Mayor John Carey, Cr Cole, Cr Gontaszewski, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Cr Buckels

9.2.5 Deed of Variation to the Constitution Agreement of the Mindarie Regional Council – Further Report

Ward:	Both	Date:	10 October 2016
Precinct:	All	File Ref:	SC1161
Attachments:	1 – Proposed Deed of Variation by Mindarie Regional Council		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services J Paton, Director Corporate Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES:**

1.1 that at its Ordinary Meeting held on 28 June 2016 it approved a variation to clauses 5.1(a) and 5.1(b) of the Mindarie Regional Council Constitution Agreement to enable the Mindarie Regional Council to pursue more sustainable waste treatment options; and

1.2 not all member Councils supported the proposed changes as recommended by the Mindarie Regional Council Administration;

2. **APPROVES** the ‘revised’ Deed of Variation Constitution Agreement of the Mindarie Regional Council between participants incorporating the following variation to the current Constitution Agreement (refer Attachment 1):

2.1 Clause 5.1(a) - At the end of clause 5.1(a), insert the words ‘or such other building or place as agreed from time to time between the regional council and all municipalities’; and

2.2 Clause 5.1(b) - At the end of clause 5.1(b), insert the words ‘or such other building or place as agreed from time to time by the parties to the contract’; and

3. **AUTHORISES** the Mayor and the Chief Executive Officer to sign and seal the Deed of Variation Constitution Agreement of the Mindarie Regional Council as per Attachment 1.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Loden, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.3.5 Arrangements for an Extraordinary Election

Ward:	-	Date:	04 October 2016
Precinct:	-	File Ref:	SC2639
Attachments:	<p>1 – Proposed extraordinary election timeline from WA Electoral Commission.</p> <p>2 – Letter and cost estimate from the Western Australian Electoral Commission</p>		
Tabled Items:	Nil		
Reporting Officers:	T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **FIXES** in accordance with Section 4.9(1) of the *Local Government Act 1995* the date of the extraordinary election for the vacant South Ward Councillor to be on Friday 6 January 2017; and
2. **RESOLVES BY ABSOLUTE MAJORITY** to:
 - a) **DECLARE** in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner be responsible for the conduct of the extraordinary election;
 - b) **DECIDE** in accordance with Section 4.61(2) of the *Local Government Act 1995*, the method of conducting the election will be as a postal election;
 - c) **APPROVE** in accordance with section 6.8(1) of the *Local Government Act 1995* the unbudgeted expenditure of \$36000 for the carrying out of the extraordinary election.

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Topelberg, Seconded Cr Harley

That Recommendation 1 be deleted and replaced with the following:

- “1. **REQUESTS** approval, pursuant to Section 4.9(2) of the *Local Government Act 1995*, from the Electoral Commissioner to allow the City to hold an extraordinary election for the vacancy of a Council Member South Ward on a date that is later than 4 months after the vacancy occurred and for that date to be fixed by Council immediately following: the potential resignation of the Mayor; or the Western Australian State Election on 11 March 2017, whichever occurs first. The request is made for the following reasons:
 - Should the Mayor be successful in his candidacy for the State Election then the extraordinary election for the office of the Mayor could be combined with the current extraordinary election, saving the City of Vincent ratepayers up to \$36,000 in election costs;

- The timing of the extraordinary election over the Christmas period is unfair to candidates who may find that it is impractical to effectively campaign at this time of year; and
- The effect of Christmas postage is likely to have an adverse impact on the timely delivery of election packs to electors and the receipt of postal votes by the Electoral Commission;”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (5-3)

For: Presiding Member Mayor John Carey, Cr Cole, Cr Gontaszewski, Cr Loden, Cr Murphy

Against: Cr Buckels, Cr Harley and Cr Topelberg

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Cr Harley

That Council suspends so much of Standing Orders as is necessary to enable free discussion and debate on the matter.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-1)

For: Cr Buckels, Cr Cole, Cr Gontaszewski, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

Against: Presiding Member Mayor John Carey

Discussion ensued.

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Cr Harley

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

PROPOSED AMENDMENT 2:

Moved Cr Topelberg, Seconded Cr Harley

That a new Recommendation 1 be inserted and existing Recommendation 1 be amended and re-numbered as Recommendation 2 as follows, with existing Recommendation 2 being deleted pending a response from the Electoral Commissioner.

“1. OBJECTS to the need to hold an extraordinary election to fill the vacancy for a Council Member of the South Ward and REQUESTS the vacancy be held over until the October 2017 Local Government Election;”

1.2. In the event that the Electoral Commissioner does not accept the Council's request from Recommendation 1, REQUESTS approval, pursuant to Section 4.9(2) of the Local Government Act 1995, from the Electoral Commissioner to allow the City to hold an extraordinary election for the vacancy of a Council

Member for the South Ward on a date that is later than 4 months after the vacancy occurred and for that date to be fixed by Council, ~~immediately following: the potential resignation of the Mayor; or the Western Australian State Election on 11 March 2017, whichever occurs first. The request is made for the following reasons:~~

- ~~• Should the Mayor be successful in his candidacy for the State Election then the extraordinary election for the office of the Mayor could be combined with the current extraordinary election, saving the City of Vincent ratepayers up to \$36,000 in election costs;~~
- ~~• The timing of the extraordinary election over the Christmas period is unfair to candidates who may find that it is impractical to effectively campaign at this time of year; and~~
- ~~• The effect of Christmas postage is likely to have an adverse impact on the timely delivery of election packs to electors and the receipt of postal votes by the Electoral Commission;”~~

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

COUNCIL DECISION ITEM 9.3.5

That Council:

1. OBJECTS to the need to hold an extraordinary election to fill the vacancy for a Council Member of the South Ward and REQUESTS the vacancy be held over until the October 2017 Local Government Election; and
 2. In the event that the Electoral Commissioner does not accept the Council's request from Recommendation 1, REQUESTS approval, pursuant to Section 4.9(2) of the Local Government Act 1995, from the Electoral Commissioner to allow the City to hold an extraordinary election for the vacancy of a Council Member for the South Ward on a date that is later than 4 months after the vacancy occurred and for that date to be fixed by Council.
-

9.4.1 Review of Local Law Provisions Relating to Storage of Items on Verge

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC1991
Attachments:	Confidential Attachment– Advice from City's Solicitors		
Tabled Items:	Nil		
Reporting Officer(s):	R Hall, A/Director Community Engagement		
Responsible Officer:	R Hall, A/Director Community Engagement		

RECOMMENDATION:

That Council RECEIVES Administration's report that considers introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Loden

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Cole

That the item be deferred.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.5.1 Review of Policy 4.2.15 - Council Member Contact with Developers

Ward:	-	Date:	30 September 2016
Precinct:	-	File Ref:	SC2639
Attachments:	1 - Amended Policy 4.2.15 – Council Member contact with Developers 2 - Current Policy 4.2.15 – Council Member contact with Developers – Marked Up		
Tabled Items:	Nil		
Reporting Officers:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

1. **NOTES** the review of amended Policy 4.2.15 - Council Member Contact with Developers; and
2. **ADOPTS** the amended Policy 4.2.15 - Council Member Contact with Developers, as shown in Attachment 1, and agrees that public advertising and community consultation is not required.

Moved Cr Topelberg , Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Topelberg, Seconded Cr Loden

That Recommendation 2 be amended to include the following:

- “2. **ADOPTS** the amended Policy 4.2.15 - Council Member Contact with Developers, as shown in Attachment 1 and agrees that public advertising and community consultation is not required, subject to following change:

2.1 Amend the definition of “Prescribed Contact” as follows:

“Prescribed Contact: Means any contact relating to a planning or development proposal for which the developer is a proponent, excluding any exempt contact;”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

PROPOSED AMENDMENT 2:

Moved Cr Cole , Seconded Cr Loden

That Recommendation 2 be further amended to also include the following:

- “2.2 The time period for notification of contact with a developer being increased from 7 days to 10 days.”**

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

COUNCIL DECISION ITEM 9.5.1

That Council:

1. **NOTES** the review of amended Policy 4.2.15 - Council Member Contact with Developers; and
 2. **ADOPTS** the amended Policy 4.2.15 - Council Member Contact with Developers, as shown in Attachment 1 and agrees that public advertising and community consultation is not required, subject to following changes:
 - 2.1 **Amend** the definition of "Prescribed Contact" as follows:

"Prescribed Contact: Means any contact relating to a planning or development proposal for which the developer is a proponent, excluding any exempt contact;"
 - 2.2 **The time period for notification of contact with a developer being increased from 7 days to 10 days."**
-

9.1.4 Nos. 284-286 (Lot: 500; D/P: 70429) Oxford Street, Leederville – Change of Use from Office to Office and Ancillary Laboratory (Unlisted Use)

Ward:	North	Date:	3 October 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR15530; 5.2016.216.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES BY ABSOLUTE MAJORITY the application for a Change of Use from Office to Office and Ancillary Laboratory (Unlisted Use) at Nos. 284-286 (Lot: 500; D/P: 70429) Oxford Street, Leederville in accordance with plans date stamped 19 July 2016, as shown on Attachment 2, subject to the following conditions:

1. **Use of the Premises**

- 1.1 The laboratory use shall be ‘ancillary’ to the existing office, as defined by Town Planning Scheme No. 1; and
- 1.2 The maximum floor area of the laboratory use shall be limited to 53 square meters;

2. **External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

3. **Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage, including unauthorised pruning, to the satisfaction of the City;

4. **Waste Management**

- 4.1 A Waste Management Plan is to be submitted to the City prior to the commencement of development and approved by the City prior to development first being occupied. The Waste Management Plan shall detail:
 - 4.1.1 that waste collection is taken from Galwey Street and collection is not permitted from the Oxford Street road reserve; and
 - 4.1.2 a bin store to accommodate the City’s specified bin requirement; and
- 4.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan; and

5. **General**

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

COUNCIL DECISION ITEM 9.1.4

Moved Cr Loden, Seconded Cr Murphy

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)
BY AN ABSOLUTE MAJORITY

9.1.5 No. 50 (Lot: 103; D/P: 1659) Buxton Street, Mount Hawthorn – Change of Use from Single House to Bed And Breakfast (Unlisted Use)

Ward:	North	Date:	3 October 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR11293; 5.2016.257.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Management Plan and Code of Conduct dated 27 June 2016 4 – Determination Advice Note		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, **APPROVES BY ABSOLUTE MAJORITY** the application for Change of Use from Single house to Bed And Breakfast (Unlisted Use) at No. 50 (Lot: 103; D/P: 1659) Buxton Street, Mount Hawthorn in accordance with plans date stamped 27 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 4 and the following conditions:

1. Limitation on Use

- 1.1 The development shall be used in accordance with the definition of ‘Bed And Breakfast’ set out under the City’s Local Planning Policy No. 7.4.5 – Temporary Accommodation; and
- 1.2 The operator shall reside at the premises at all times while the ‘Bed and Breakfast’ is in operation;

2. Management Plan

- 2.1 Prior to the development first being occupied, a Management Plan shall be submitted to and approved by the City. The Management Plan shall set out the House Rules and Code of Conduct for residents. The Bed And Breakfast shall operate in accordance with the approved Management Plan to the satisfaction of the City; and
- 2.2 The house rules and code of conduct shall be provided to occupants of the Bed And Breakfast on arrival and shall be displayed in a prominent position within the premises at all times; and

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Murphy, Seconded Cr Loden

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)
BY AN ABSOLUTE MAJORITY

9.2.4 Urgent Works: Ceiling Panel Renewal and Lighting Upgrade

Ward:	South	Date:	3 October 2016
Precinct:	Precinct 4 - Oxford Centre	File Ref:	SC377
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J Hopper, Property Maintenance Officer		
Responsible Officers:	R Lotznicker, Director Technical Services J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. NOTES that urgent works are required to renew 455 square metres of ceiling panels and upgrade 78 light fittings to the group fitness room located within Loftus Recreation Centre;
2. In accordance with Section 6.8(1) of the *Local Government Act 1995*, APPROVES BY AN ABSOLUTE MAJORITY the unbudgeted expenditure of \$50,000, with \$25,000 to be funded from the 'Loftus Recreation Centre Reserve Fund' to undertake the urgent works as stated in (1) above;
3. NOTES the following budget adjustment to facilitate (2) above:

	From	To
New Budget Item: 'Loftus Centre Group Fitness Room Ceiling and Lighting Renewal'		\$50,000
Miscellaneous Renewal Across All Assets (Lycopodium) Budget	\$25,000	
Loftus Recreation Centre Reserve Fund	\$25,000	
Total	\$50,000	\$50,000

;and

4. ADVISES Belgravia Leisure Group Pty Ltd that the City will be arranging for the works to be undertaken immediately.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Topelberg, Seconded Cr Murphy

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)
BY AN ABSOLUTE MAJORITY

**9.1.9 Nos. 36-38 (Lots 3 & 4; D/P: 1346) Melrose Street, Leederville –
Proposed Two Storey Six Unit Multiple Dwelling Development**

ITEM WITHDRAWN BY ADMINISTRATION

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.15pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Dan Loden	North Ward
Cr Susan Gontaszewski	South Ward
Cr Jimmy Murphy	South Ward
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer
John Corbellini	Director Development Services
Rick Lotznicker	Director Technical Services
Mick Quirk	Director Community Engagement
John Paton	Director Corporate Services
Tim Evans	Manager Governance & Risk
Priyamvada Rasal	Governance & Council Support Officer
Louise Hood	Acting Governance & Council Support Officer

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 18 October 2016.

Signed: Mayor John Carey.

Dated this day of 2016.