



CITY OF VINCENT

**ORDINARY
COUNCIL MEETING**

Minutes

13 DECEMBER 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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INDEX
(13 DECEMBER 2016)

ITEM	REPORT DESCRIPTION	PAGE
9.1	DEVELOPMENT SERVICES	
9.1.1	FURTHER REPORT: 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 (5.2016.390.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	33
9.1.2	No. 478 (Lot: 60; D/P: 2355) Fitzgerald Street, North Perth – Change of Use from Single House to Consulting Room Non-Medical (Beauty Therapy) (Retrospective) (Unlisted Use) (5.2016.168.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	40
9.1.3	No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth – Temporary Outdoor Market (Car Boot Sale) (Unlisted Use) (5.2016.357.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	42
9.1.4	No. 642 (Lot: 99; D/P: 692) Beaufort Street, Mount Lawley – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office (5.2016.390.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	46
9.1.5	No. 18 (Lot: 401; D/P: 74600) Turner Street, Highgate – Proposed Amendment to Previous Approval and Extension of the Term of Approval: Three Multiple Dwellings (5.2016.379.1)	22
9.1.6	No. 161 (Lots: 14 and 15; D/P: 1509) Loftus Street, Leederville – Extension of the Term of Approval: Ten Multiple Dwellings (5.2016.296.1)	24
9.1.7	No. 124 (Lot: 57; D/P: 1034) Richmond Street, Leederville – Proposed Extension of the Term of Approval: Four Multiple Dwellings (5.2016.452.1)	6
9.1.8	Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn – Six Grouped Dwellings (5.2016.368.1)	49
9.1.9	Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Non-Residential Building (Stairwell and Lift) (5.2016.267.1)	7
9.1.10	No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate – Section 31 Reconsideration – Proposed Single House (5.2016.144.1)	26
9.1.11	Outcomes of Advertising – Draft Policy No. 7.1.1 – Built Form (SC2320)	16
9.2	TECHNICAL SERVICES	
9.2.1	Hardy Street, North Perth - Proposed Parking Restriction (SC816, SC1201)	9
9.3	CORPORATE SERVICES	
9.3.1	Investment Report as at 30 November 2016 (SC1530)	53
9.3.2	Authorisation of Expenditure for the period 21 October 2016 to 23 November 2016 (SC347)	10
9.3.3	Financial Statements as at 31 October 2016 (SC357)	11
9.3.4	2015/2016 Carry Forwards Adjustment Report (SC357) [ABSOLUTE MAJORITY DECISION REQUIRED]	54

**INDEX
(13 DECEMBER 2016)**

ITEM	REPORT DESCRIPTION	PAGE
9.3.5	Proposed Parking Restrictions and Car Parking Licence, Mick Michael Park/Royal Park carpark, 413 Bulwer Street, West Perth (corner Charles Street) – WA Volleyball Inc & Bethanie Group Inc (SC613)	56
9.3.6	Short-Term Lease of Litis Stadium/Floreat Athena Soccer Club (SC614)	29
9.3.7	Lease of clubrooms and croquet courts at Forrest Park, No 66 (Lot 143) Harold Street, Mt Lawley – Forrest Park Croquet Club Inc (SC619)	58
9.4	COMMUNITY ENGAGEMENT	
9.4.1	Review of Local Law Provisions Relating to Storage of Items on Verge (SC1991)	12
9.4.2	Community Development Initiative for Isolated Seniors (SC1978)	13
9.4.3	Review of Policy No. 3.10.9 – Public Murals (SC1450)	14
9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	Council Recess Period 2015-2016 - Receiving of Reports (ADM0018) [ABSOLUTE MAJORITY DECISION REQUIRED]	60
9.5.2	Annual Report 2014-2015 – Adoption and Annual General Meeting of Electors 2016 (SC165) [ABSOLUTE MAJORITY DECISION REQUIRED]	61
9.5.3	Audit Committee Minutes and Annual Financial Report 2015/2016 (SC243) [ABSOLUTE MAJORITY DECISION REQUIRED]	62
9.5.4	Report to the Audit Committee Best Practice and Proposed Changes to the Audit Committee Terms of Reference (ADM0018)	63
9.5.5	Information Bulletin	15
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
10.1	NOTICE OF MOTION: Councillor Susan Gontaszewski, Cr Emma Cole and Cr Dan Loden – Development of a City of Vincent Public Open Space Strategy	6
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil.	67
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil.	67
13.	URGENT BUSINESS	
	Nil.	67
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)	
	Nil.	67

**INDEX
(13 DECEMBER 2016)**

ITEM	REPORT DESCRIPTION	PAGE
15.	CLOSURE	67

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 13 December 2016, commencing at 6:07pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6:07pm 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

Nil.

(b) Members on Approved Leave of Absence

Nil.

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Emma Cole	North Ward
Cr Matt Buckels	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
Louise Hood	A/Governance and Council Support Officer

Media

Julian Wright	Journalist – " <i>Guardian Express</i> " (until approximately 9:00pm)
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Approximately 35 Members of the Public.

3. (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. Ben Doyle of Perth – Item 9.1.11

- Requested that Council consider increasing the height of allowable developments within the Built Form Policy.
- Requested a transition period be considered to allow discretion for substantially advanced projects.

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

2. Peter Mrdja of Perth – Item 9.1.5

- Spoke in support of the application.

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

3. Colin Irwin of Leederville – Item 9.1.6

- Spoke against the application for reasons of parking.

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

4. Tim Hughes of Highgate – Item 9.1.10

- Spoke against the application for reasons of character retention.

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

5. Marie Slyth of West Perth – 9.1.11

- Spoke in relation to the Rosewood site in Cleaver St which is currently out for public comment.
- Requested that the Confidential DAC Minutes of the 18 October 2016 meeting be made available to the public.
- Item 9.1.11 – Thanked the staff involved and recommended that Council adopt the draft Built Form Policy.

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

6. Trent Will of Perth – Item 9.3.6

- Spoke in support of the amended recommendation for a 12 month lease.

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

7. Robert Player of Leederville – Item 9.1.6

- Spoke against the application for reasons of parking.

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

8. Patrick Ford of North Perth – Item 9.1.11

- Spoke against the adoption of the Built Form Policy because he believes that it does not align well to the state government's planning direction.

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

9. Dudley Maier of Highgate – 9.1.11 & 10.1

- Spoke in relation to Council member allowances.
- Congratulated the staff on work in relation to the Built Form Policy.
- Spoke in support of 10.1 - Motion on Notice.

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

9. Nicola Limond of Leederville - 9.1.6

- Spoke against the application for reasons of parking.

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

There being no further speakers, Public Question Time closed at approximately 6:27pm.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition submitted by Mr J Singh of Wright Street, Highgate along with 145 signatures from members of the Highgate community, requesting that the Council strongly object to the proposed four and five storey, 40 Unit Development on 66-70 Wright Street, Highgate, for the following reasons:

“The proposed development does not keep with the established streetscape of the surrounding residences. It exceeds the three storey height limit and the front setbacks required. It also contravenes the 25% landscaping provision and is 33% over the maximum plot ratio.

The size and scale of this proposed development is a gross interpretation of the planning regulations and would dominate and remove the amenity of Wright Street.”

Moved Cr Cole, Seconded Cr Gontaszewski

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

- 5.2 Deputation:

Item 9.1.10 – Mr Greg O’Brien, co-owner of No. 14 Harley Street, and Joe Algeri consultant from Altus Planning, made a deputation in relation to this item. They spoke in support of the application and addressed a number of items of concern that had been raised in relation to the development application.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Ordinary Meeting of Council held on 15 November 2016.

Moved Cr Loden, Seconded Cr Gontaszewski

That the Minutes of the Ordinary Meeting of Council held on 15 November 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 John Carey made the following announcements;

- 7.1 The Mayor noted the success of the Leederville festival. He acknowledged the efforts of Leederville Connect and Cr Jimmy Murphy, the director of the festival. He commended the courage of the organisers in not trying to organise a "bigger and better" festival and commended the low key and relaxed atmosphere which provided a stronger focus on attracting locals and was an outstanding success.

The Mayor congratulated Leederville Connect and has full confidence that the Leederville festival will continue long into the future.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Harley – Declared a financial interest in Item 9.1.4. No. 642 (Lot: 99; D/P: 692) Beaufort Street – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office. The extent of the interest in this matter is that one of the co-applicants is Cr Harley's son.
- 8.2 Cr Jimmy Murphy - Declared an impartiality interest in Item 9.1.4 No. 642 (Lot: 99; D/P: 692) Beaufort Street – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office. The extent of the interest in this matter is that Cr Murphy is a friend of one of the co-applicants.
- 8.3 Mayor Carey - Declared an impartiality interest in Item 9.1.4. No. 642 (Lot: 99; D/P: 692) Beaufort Street – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office. The extent of the interest in this matter is that one of the co-applicants, Reece Harley, is a personal family friend.
- 8.4 Cr Emma Cole – Declared an impartiality interest in Item 9.1.8: Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn – Six Grouped Dwellings. The extent of the interest in this matter is that Cr Cole is an owner/occupier located on the right of way on which the proposed grouped dwelling will be located. Cr Cole's property is not a neighbouring or adjoining property.
- 8.5 Cr Emma Cole – Declared an impartiality interest in Item 9.1.9. Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Non-Residential Building (Stairwell and Lift) (5.2016.267.1). The extent of the interest in this matter is that the applicant is Cr Cole's neighbour. The applicant has not approached Cr Cole to discuss this application.
- 8.6 Cr Susan Gontaszewski – Declared an impartiality interest in Item 9.1.10. No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate – Section 31 Reconsideration – Proposed Single House. The extent of the interest in the matter is social contact with some of the Harley St residents through Cr Gontaszewski's children's school.
- 8.7 CEO Len Kosova – Declared an impartiality interest in Item 9.5.3 Audit Committee Minutes and Annual Financial Report 2015/2016 on the basis that a friend of Mr Kosova's is an Associate Director of Moore Stephens, the City's internal auditor.

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 9.1.5, 9.1.6, 9.1.10, 9.1.11 and 9.3.6

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.4, 9.3.4, 9.5.1, 9.5.2 and 9.5.3.

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

Item 9.1.4

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	
Cr Harley	9.5.4
Cr Buckels	
Cr Cole	
Cr Loden	9.3.1, 9.3.7
Cr Gontaszewski	9.3.4, 10.1
Cr Murphy	
Cr Topelberg	9.1.8, 9.3.5

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

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

Items 9.1.7, 9.1.9, 9.2.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.4.3, 9.5.5

- (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 Cole, Seconded Cr Murphy

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

Items 9.1.7, 9.1.9, 9.2.1, 9.3.2, 9.3.3, 9.4.1, 9.4.2, 9.4.3, 9.5.5

CARRIED UNANIMOUSLY (8-0)

9.1.7 No. 124 (Lot: 57; D/P: 1034) Richmond Street, Leederville – Proposed Extension of the Term of Approval: Four Multiple Dwellings

Ward:	South	Date:	30 November 2016
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.452.1
Attachments:	1 – Consultation and Location Map 2 – Previous Approval and Plans 3 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, APPROVES the application to extend the period within which the development approval 5.2014.102.1 granted on 23 September 2014 for a Two Storey Multiple Dwelling Development Consisting of Four (4) Multiple Dwellings at No. 124 (Lot: 57; D/P: 1034) Richmond Street, Leederville, must be substantially commenced, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2014.102.1 granted on 23 September 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 6.2 of the development approval is deleted and replaced with the following condition:

“6.2 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:

 - 6.2.1 The location and type of existing and proposed trees and plants;
 - 6.2.2 Deep Soil Zones equating to at least 13% of the site area, being 57.55m² be provided along the northern, western and street boundary and the provision of mature trees (minimum 500 litres) in these locations;
 - 6.2.3 Areas to be irrigated or reticulated; and
 - 6.2.4 The removal of redundant crossovers.

All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the City’s satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;”
2. Additional condition 8 is included on the development approval as follows:
 - “8. The development must be substantially commenced within twelve months from the date of this approval.”

COUNCIL DECISION ITEM 9.1.7

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.1.9 Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Non-Residential Building (Stairwell and Lift)

Ward:	South	Date:	1 December 2016
Precinct:	Precinct 4 – Oxford Centre	File Ref:	5.2016.267.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Car Parking Table 4 – Determination Advice Notes 5 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council **APPROVES** under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application for development approval for alterations and additions to Existing Shop/Showroom (Stairwell, Lift and Awning) at Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Leederville in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Car Parking and Access

1.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupancy or use of the development;

1.2 A minimum of four commercial car bays shall be provided on site.

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. Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) is to be lodged with and approved by the City prior to commencement of the development. The external finishes of the development shall be provided in accordance with the approved schedule prior to the occupancy or use of the development;

5. **Construction Management Plan**

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans is to be lodged with and approved by the City prior to commencement of the development. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

6. **Awning**

A minimum height clearance of 2.75 metres is to be provided from natural ground level as denoted on the approved plans;

7. **Stormwater**

Prior to occupancy or use of the development all storm water produced on the subject land shall be retained onsite by suitable means to the full satisfaction of the City. Stormwater shall thereafter be retained on site;

8. **Cash-in-Lieu**

Prior to occupancy or use of the development, a cash-in-lieu contribution shall be paid for the shortfall of 0.16 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$864; and

9. **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 9.1.9

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.2.1 Hardy Street, North Perth - Proposed Parking Restriction

Ward:	North	Date:	24 November 2016
Precinct:	Precinct 6 – Smith Lake	File Ref:	SC816, SC1201
Attachments:	1 - Plan No 3403-PP-01		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- 1 **APPROVES** the introduction of 3P parking restrictions 8am to 6pm Monday to Sunday, in all of the 90 degree angle parking bays in Hardy Street, North Perth, as shown on attached Plan No 3403-PP-01 (Attachment 1); and
2. **ADVISES** all potentially affected residents and businesses of its decision.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.3.2 Authorisation of Expenditure for the Period 21 October to 23 November 2016

Ward:	Both	Date:	25 November 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 21 October 2016 to 23 November 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80446 - 80600	\$199,398.41
Cancelled Cheques 80486, 80487	-1,097.51
EFT Documents 2002 - 2015	\$4,600,421.04
Payroll	\$1,105,037.02

Direct Debits

- Lease Fees \$5,832.29
- Loan Repayment \$145,740.19
- Bank Fees and Charges \$21,142.74
- Credit Cards \$7,649.37

Total Direct Debit	\$180,364.59
Total Accounts Paid	\$6,084,123.55

COUNCIL DECISION ITEM 9.3.2

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.3.3 Financial Statements as at 31 October 2016

Ward:	Both	Date:	25 November 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 October 2016 as shown in Attachment 1.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

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

Ward:	Both	Date:	25 November 2016
Precinct:	All	File Ref:	SC1991
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer(s):	S Butler, Manager Community Safety		
Responsible Officer:	M Quirk, 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 and NOTES the current discretion allowable under the City of Vincent Local Government Property Local Law.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.4.2 Community Development Initiative for Isolated Seniors

Ward:	Both	Date:	25 November 2016
Precinct:	All	File Ref:	SC1978
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer(s):	S-J Hansen, Community Development Officer C Mooney, A/ Manager Community Partnerships		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council;

1. **SUPPORTS** discussions with Silver Chain regarding the implementation of a pilot program within the City of Vincent in 2017 for seniors who are currently receiving low-level care and are at risk of or are currently experiencing social isolation;
2. **APPROVES** the City of Vincent Neighbour Day event on 26 March 2017 to build better relationships and social connections amongst the broader community'
3. **NOTES** the other specific actions being undertaken to address social isolation amongst residents within the City of Vincent:
 - 3.1 The establishment of a 'Seniors Social Connection' activity as part of the 2017 Well & Wise Calendar to determine its effectiveness in achieving participation by socially isolated seniors;
 - 3.2 The City of Vincent will remain a referral agent on the Australian Government 'My Aged Care' portal to support existing service delivery organisations and connect residents with essential support services; and
 - 3.3 Key findings from the City of Vincent Age Friendly Action Plan will be reported to Council by July 2017.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.4.3 Review of Policy No. 3.10.9 – Public Murals

Ward:	All	Date:	25 November 2016
Precinct:	All	File Ref:	SC1450
Attachments:	1 – Policy No 3.10.9 – Public Murals 2 – Draft Revised Policy No. 3.10.9 – Public Murals 3 – Public Mural Guidelines		
Tabled Items:	Nil		
Reporting Officer:	A Curtin, A/Coordinator Arts & Creativity C Mooney, A/Manager Community Development		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council:

1. **AUTHORISES** the Chief Executive Officer to advertise the draft revised Policy No. 3.10.9 – Public Murals for public comment for a period of 21 days inviting written submissions in accordance with the City’s Policy No. 4.1.5 – Community Consultation; and
2. **NOTES** that a further report will be submitted to Council at the conclusion of the public comment period in regard to any written submissions being received.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

9.5.5 Information Bulletin

Ward:	-	Date:	30 November 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	L Hood, A/Governance & Council Support Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 30 November 2016 as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Cole, Seconded Cr Murphy

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

9.1.11 Outcomes of Advertising – Draft Policy No. 7.1.1 – Built Form

Ward:	Both	Date:	5 December 2016
Precinct:	All	File Ref:	SC2320
Attachments:	1 – Advertised Draft Policy No. 7.1.1 – Built Form 2 – Summary of Building Height Submissions 3 – Summary of Submissions and Recommended Modifications 4 – Revised Draft Policy No. 7.1.1 – Built Form (Track Changes) 5 – Revised Draft Policy No. 7.1.1 – Built Form (Clean)		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Strategic Planning Officer S Smith, Coordinator Policy and Place J O’Keefe, Manager Policy and Place		
Responsible Officer:	John Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 5 pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **RESCINDS** Policy No. 7.1.1 – Mount Hawthorn Precinct – Scheme Map 1; Policy No. 7.1.2 – Mount Hawthorn Centre Precinct – Scheme Map 2; Policy No. 7.1.3 – Leederville Precinct – Scheme Map 3; Policy No. 7.1.4 – Oxford Centre Precinct – Scheme Map 4; Policy No. 7.1.5 – Cleaver Precinct – Scheme Map 5; Policy No. 7.1.6 – Smith’s Lake Precinct – Scheme Map 6; Policy No. 7.1.7 – Charles Centre Precinct – Scheme Map 7; Policy No. 7.1.8 – North Perth Precinct – Scheme Map 8; Policy No. 7.1.9 – North Perth Centre Precinct – Scheme Map 9; Policy No. 7.1.10 – Norfolk Precinct – Scheme Map 10; Policy No. 7.1.11 – Mount Lawley Centre Precinct – Scheme Map 11; Policy No. 7.1.12 – Hyde Park Precinct – Scheme Map 12; Policy No. 7.1.13 – Beaufort Precinct – Scheme Map 13; Policy No. 7.1.14 – Forrest Precinct – Scheme Map 14; Policy No. 7.1.15 – Banks Precinct – Scheme Map 15; Policy No. 7.2.1 – Residential Design Elements; Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **NOTES:**
 - 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Built Form included as Attachment 2 and Attachment 3, and **ENDORSES** Administration’s responses to those submissions included in Attachment 3;
 - 3.2 That Administration will publish a notice of adoption pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - 3.3 That Administration will publish a notice of revocation pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

- 3.4 That Administration will FORWARD the landscaping and setback provisions in Policy No. 7.1.1 – Built Form to the Western Australian Planning Commission for approval pursuant to Clause 7.3.2 of State Planning Policy 3.1: Residential Design Codes; and
- 3.5 That Administration will commence a review of the Built Form Policy, including the heights in the Claisebrook area, when Town Planning Scheme No. 2 is adopted.

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

Moved Cr Cole, Seconded Cr Buckels

That Cr Topelberg be granted an extension of time.

PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 1 be amended as follows:

“1. ADOPTS draft Policy No. 7.1.1 – Built Form included as Attachment 5 pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following changes; and

1.1 Amend Part 2, Section 1, Clause C1.2.6 as follows:

“C1.2.6 Where development adjoins a right of way the setback shall be measured from the midpoint include the whole width of the right of way”;

1.2 Amend Part 2, Section 4, Clause C4.3.7 as follows:

“C1.2.6 Where development adjoins a right of way the setback shall be measured from the midpoint include the whole width of the right of way”; and

1.3 Amend Part 2, Section 5, Clause C5.3.4 as follows:

“C1.2.6 Where development adjoins a right of way the setback shall be measured from the midpoint include the whole width of the right of way”.”

Debate ensued.

AMENDMENT 1 PUT AND LOST (4-5*)

For: Cr Buckels, Cr Loden, Cr Murphy and Cr Topelberg

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

****Presiding Member John Carey exercised his casting vote.***

PROPOSED AMENDMENT 2:

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 1 be amended as follows:

"1. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 5 pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following changes; and

1.1 Delete Part 2, Section 5, Clause C5.31.3 as follows:

~~"C5.31.3 Development must be setback 1 metre from a right of way. If the site is subject to right of way widening, the setback is measured from the new lot boundary after the widening is applied".~~

and renumber the remaining clauses as required."

Debate ensued.

AMENDMENT 2 PUT AND LOST (2-6)

For: Cr Buckels and Cr Topelberg

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

Debate ensued.

Moved Cr Topelberg, Seconded Cr Cole

That Presiding Member John Carey be granted an extension of time.

PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

PROPOSED AMENDMENT 3:

Moved Cr Buckels

That the height limit on Oxford Street south of Burke Street be increased to five storeys.

Proposed amendment 3 lapsed for want of a seconder.

PROPOSED AMENDMENT 4:

Moved Cr Buckels, Seconded Cr Topelberg

That the requirement for a 5 star Green Star rating be reduced to a 4 star Green Star requirement

Debate ensued.

AMENDMENT 4 PUT AND LOST (3-5)

For: Cr Buckels, Cr Topelberg and Cr Harley

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

Moved Cr Topelberg, Seconded Cr Buckels

That the item be deferred.

The CEO advised Council the procedural motion could not be entertained as Cr Topelberg had already commenced speaking in exercising his right of reply, prior to moving the procedural motion. Cr Topelberg questioned this interpretation and in reply the CEO commented that:

- *Cr Topelberg had exercised his right of reply in accordance with clauses 4.4(2) and 4.12 of the Standing Orders Local Law 2008 before moving the procedural motion;*
- *Clause 4.13(d) of the Standing Orders Local Law 2008 requires the original motion to be put to the vote once the right of reply has been taken; and*
- *Clause 6.1 of the Standing Orders Local Law 2008 allows a member to move a procedural motion, but only “when a motion is being debated”. As debate on the motion had been terminated upon Cr Topelberg exercising his right of reply, it was the CEO’s opinion that Council could not accept the procedural motion.*

Cr Topelberg requested that the Presiding Member Mayor John Carey allow Council to vote on whether to allow a procedural motion to defer this item. In response, the Presiding Member Mayor John Carey ruled to allow Council to consider the procedural motion to defer the item and proceeded to put that motion to the vote.

MOTION PUT AND LOST (3-5)

For: Cr Buckels, Cr Cole and Cr Topelberg

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

Debate ensued.

SUBSTANTIVE MOTION PUT AND CARRIED (6-2)

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

Against: Cr Topelberg and Cr Buckels

COUNCIL DECISION ITEM 9.1.11

That Council:

1. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 5 pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **RESCINDS** Policy No. 7.1.1 – Mount Hawthorn Precinct – Scheme Map 1; Policy No. 7.1.2 – Mount Hawthorn Centre Precinct – Scheme Map 2; Policy No. 7.1.3 – Leederville Precinct – Scheme Map 3; Policy No. 7.1.4 – Oxford Centre Precinct – Scheme Map 4; Policy No. 7.1.5 – Cleaver Precinct – Scheme Map 5; Policy No. 7.1.6 – Smith’s Lake Precinct – Scheme Map 6; Policy No. 7.1.7 – Charles Centre Precinct – Scheme Map 7; Policy No. 7.1.8 – North Perth Precinct – Scheme Map 8; Policy No. 7.1.9 – North Perth Centre Precinct – Scheme Map 9; Policy No. 7.1.10 – Norfolk Precinct – Scheme Map 10; Policy No. 7.1.11 – Mount Lawley Centre Precinct – Scheme Map 11; Policy No. 7.1.12 – Hyde Park Precinct – Scheme Map 12; Policy No. 7.1.13 – Beaufort Precinct – Scheme Map 13; Policy No. 7.1.14 – Forrest Precinct – Scheme Map 14; Policy No. 7.1.15 – Banks Precinct – Scheme Map 15; Policy No. 7.2.1 – Residential Design Elements;

Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and

3. NOTES:

- 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Built Form included as Attachment 2 and Attachment 3, and ENDORSES Administration’s responses to those submissions included in Attachment 3;**
 - 3.2 That Administration will publish a notice of adoption pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - 3.3 That Administration will publish a notice of revocation pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - 3.4 That Administration will FORWARD the landscaping and setback provisions in Policy No. 7.1.1 – Built Form to the Western Australian Planning Commission for approval pursuant to Clause 7.3.2 of State Planning Policy 3.1: Residential Design Codes; and**
 - 3.5 That Administration will commence a review of the Built Form Policy, including the heights in the Claisebrook area, when Town Planning Scheme No. 2 is adopted.**
-

9.1.5 No. 18 (Lot: 401; D/P: 74600) Turner Street, Highgate – Proposed Amendment to Previous Approval and Extension of the Term of Approval: Three Multiple Dwellings

Ward:	South	Date:	30 November 2016
Precinct:	Precinct 14 – Forrest	File Ref:	5.2016.379.1
Attachments:	1 – Consultation and Location Map 2 – Previous Approval and Plans 3 – Applicant’s Justification 4 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, **APPROVES** the application to amended the conditions and extend the period within which the development must be substantially commenced for development approval 5.2013.35.1 granted on 24 June 2014 for a Three Storey Multiple Dwelling Development Consisting of Three Multiple Dwellings and Associated Car Parking at No. 18 (Lot: 401; D/P: 74600) Turner Street, Highgate, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2013.35.1 granted 24 June 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 2.8 of the development approval is deleted;
 - b) Condition 2.7 of the development approval is deleted and replaced with the following condition:

“2.7 Affordable Housing

 - 2.7.1 Prior to the occupation of the development the applicant shall demonstrate partnership agreements with an approved housing provider recognised by the Department of Housing for at least one of the three proposed dwellings to be provided as affordable housing in accordance with the National Rental Affordability Scheme;
 - 2.7.2 Prior to the occupation of the development, the owner shall enter into a restrictive covenant, to the City’s satisfaction, which identifies that at least one of the three proposed dwellings is to be maintained as affordable housing in accordance with the National Rental Affordability Scheme;
 - 2.7.3 The restrictive covenant referred to in condition 2.7.2 above, is to be prepared and implemented at the applicants cost;” and
 - c) Additional condition 5 is included on the development approval as follows:

“5. The development must be substantially commenced within six months from the date of this approval.”

- d) **Additional condition 2.1.9 is included on the development approval as follows:**

“2.1.9 Canopy trees (minimum 500 litres) that will achieve at least 12% canopy coverage of the site;”

COUNCIL DECISION ITEM 9.1.5

Moved Cr Cole, Seconded Cr Gontaszewski

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Harley

9.1.6 No. 161 (Lots: 14 and 15; D/P: 1509) Loftus Street, Leederville – Extension of the Term of Approval: Ten Multiple Dwellings

Ward:	North	Date:	30 November 2016
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.296.1
Attachments:	1 – Consultation and Location Map 2 – Previous Approval and Plans 3 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, APPROVES the application to extend the period within which the development approval 5.2014.311.1 granted on 9 September 2014 for a Three Storey Multiple Dwelling Development consisting of 10 multiple dwellings and associated car parking at No. 161 (Lots: 14 and 15; D/P: 1509) Loftus Street, Leederville, must be substantially commenced, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2014.311.1 granted on 9 September 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 6.1 of the development approval is deleted and replaced with the following condition:
 - “6.1 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:
 - 6.1.1 The location and type of existing and proposed trees and plants;
 - 6.1.2 A minimum of 7 mature trees (minimum 500 litres) are to be provided onsite;
 - 6.1.3 Areas to be irrigated or reticulated;
 - 6.1.4 The removal of redundant crossovers; and
 - 6.1.5 Deep Soil Zones;
 - 6.2 All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the City’s satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;”
2. Additional condition 6.5 is included on the development approval as follows:
 - “6.5 Amalgamation
Lots 14 and 15 shall be amalgamated into one lot on a certificate of Title to the satisfaction of the City prior to the occupation or use of the development;”
3. Additional condition 11 is included on the development approval as follows:
 - “11. The development must be substantially commenced within two years from the date of this approval;”; and

4. Additional condition 12 is included on the development approval as follows:

- “12. Prior to the occupation of the dwelling, a screening device be installed to the balcony of Unit 10 to the satisfaction of the City, to accord with the requirements of the State Planning Policy 3.1: Residential Design Codes.**
-

COUNCIL DECISION ITEM 9.1.6

Moved Cr Loden , Seconded Cr Cole

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

9.1.10 No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate – Section 31 Reconsideration – Proposed Single House

Ward:	South	Date:	2 December 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	5.2016.144.1
Attachments:	<p>1 – Location and Consultation Map 2 – Previously Refused Development Application Plans 3 – Amended Development Application Plans (subject of this report) 4 – Applicant’s Justification 5 – Detailed Assessment against the draft Harley Street Character Retention Guidelines 6 – Summary of Submissions 7 – Marked up plans showing modifications imposed through proposed conditions of approval 8 – Determination Advice Notes</p>		
Tabled Items:	Nil		
Reporting Officer:	G Hajigabriel of Rowe Group, Consultant acting on behalf of Council		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision of the 26 July 2016 and, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, APPROVES the application for the construction of a Two Storey Single House at No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate in accordance with the plans as shown on Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 8:

1. Revised Plans

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1 a raised level within the paved driveway area located parallel to the Right of Way, to prevent potential flooding of the driveway and garage from the Right of Way;
- 1.2 the wall plate height of bedroom 1 and the study on the ground floor, together with the level of the verandah roof, increased by 3 courses (approximately 257mm) as annotated in red on the stamped approved plans;
- 1.3 the window of bedroom 1 facing Harley Street modified so that there are two windows with a vertical orientation as annotated in red on the stamped approved plans; and
- 1.4 the front fence modified so that the brick piers have a maximum width of no greater than 355mm;

2. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 10 and 16 Harley Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

3. **Car Parking and Access**

The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupancy or use of the development;

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. **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;

6. **Schedule of External Finishes**

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

7. **Stormwater**

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

8. **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 9.1.10

Moved Cr Buckels, **Seconded** Cr Topelberg

That the recommendation be adopted.

Moved Cr Buckels

To delete Recommendation 1.2.

The motion lapsed for want of a seconder.

Moved Cr Buckels

To delete Recommendation 1.3.

The motion lapsed for want of a seconder.

Debate ensued.

SUBSTANTIVE MOTION PUT AND LOST (3-5)

For: Cr Topelberg, Cr Buckels and Cr Loden

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

Moved Cr Harley, Seconded Cr Cole

ALTERNATIVE RECOMMENDATION:

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, REAFFIRMS its decision of 26 July 2016 to refuse the proposed development application for the reasons as originally outlined with the exception of reason No. 2 relating to roof form.

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (5-3)

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

Against: Cr Topelberg, Cr Buckels and Cr Loden

9.3.6 Short-term Lease of Litis Stadium – Floreat Athena Soccer Club Inc

Ward:	North	Date:	02 December 2016
Precinct:	Leederville (3)	File Ref:	SC614
Attachments:	1 – Map of proposed lease area 2 – Lease Extension Request – Planning Solutions 24 November 2016		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **NOTES Floreat Athena Soccer Club’s intention to prepare at its cost a Master Plan for Litis Stadium for presentation to Council as the basis for future lease consideration;**
2. **APPROVES a short-term lease from 1 January 2017 to Floreat Athena Soccer Club Inc over the soccer stadium located at Britannia Reserve, 41 Britannia Road, Leederville, on the following key terms:**
 - 2.1 **Term:** 12 months;
 - 2.2 **Rent:** \$5,000 plus GST for the Term;
 - 2.3 **Rates & Taxes:** Lessee to pay, defined to expressly include rubbish bin charges and ESL;
 - 2.4 **Outgoings:** Lessee to pay;
 - 2.5 **Repairs & Maintenance:** Lessee responsible for all repairs and maintenance and to keep premises clean and in good condition, this includes repair of damage due to fair wear and tear (components at end of life) and structural maintenance (repair and replacement of roof, load bearing walls).
Lessor not responsible for any structural repair.
 - 2.6 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance (RCD, smoke alarm, emergency exit and fire hydrant testing) and pest inspections and treatment;
 - 2.7 **Insurance:** Lessee to effect a public liability policy, with cover not less than \$20 million, and pay premium for building insurance policy;
 - 2.8 **Indemnification:** Lessee to indemnify the City against all costs and claims;
 - 2.9 **Permitted Purpose:** As detailed in previous Lease;
 - 2.10 **Shared Use (hire):** Lessee permitted to hire out clubrooms, function rooms and soccer pitch at its discretion, provided that the use is consistent with the Permitted Purpose
 - 2.11 **Alterations:** Not without the prior approval in writing of the Lessor;

- 2.12 **Capital Works:** Not without the prior approval in writing of the Lessor and subject to the conditions stated; and
- 2.13 **Lessor's Covenant:** Lessor will provide Lessee with quiet enjoyment of the premises for the term of the lease.
3. **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 lease in 1 above;**
4. **ADVISES Floreat Athena Soccer Club that:**
- 4.1 **the granting of the short term lease in 1. above and preparation of a Master Plan should in no way be deemed a warranty or representation that the Council will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 December 2017; and**
- 4.2 **Council will not consider any future lease until it has received and considered the Master Plan, appropriately detailing Floreat Athena's proposed facility works and improvements, facility management plan, life cycle cost analysis and community benefit statement, which needs to be received no later than 30 June 2017.**

Moved Cr Cole, Seconded Cr Loden

That the recommendation be adopted.

(Cr Buckels left the Council Chambers at 8.22pm, returned at 8.23pm).

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Cole, Seconded Cr Topelberg

That a new Recommendation 4.3 be added as follows:

- 4.3 **Council requires and expects Floreat Athena to work closely with the City of Vincent Administration on the Club's Master Planning exercise to ensure that broader City and community interests and future use options are taken into account as part of that exercise.**

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 9.3.6

That Council:

1. **NOTES** Floreat Athena Soccer Club's intention to prepare at its cost a Master Plan for Litis Stadium for presentation to Council as the basis for future lease consideration;
2. **APPROVES** a short-term lease from 1 January 2017 to Floreat Athena Soccer Club Inc over the soccer stadium located at Britannia Reserve, 41 Britannia Road, Leederville, on the following key terms:
 - 2.1 **Term:** 12 months;
 - 2.2 **Rent:** \$5,000 plus GST for the Term;
 - 2.3 **Rates & Taxes:** Lessee to pay, defined to expressly include rubbish bin charges and ESL;
 - 2.4 **Outgoings:** Lessee to pay;
 - 2.5 **Repairs & Maintenance:** Lessee responsible for all repairs and maintenance and to keep premises clean and in good condition, this includes repair of damage due to fair wear and tear (components at end of life) and structural maintenance (repair and replacement of roof, load bearing walls).
Lessor not responsible for any structural repair.
 - 2.6 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance (RCD, smoke alarm, emergency exit and fire hydrant testing) and pest inspections and treatment;
 - 2.7 **Insurance:** Lessee to effect a public liability policy, with cover not less than \$20 million, and pay premium for building insurance policy;
 - 2.8 **Indemnification:** Lessee to indemnify the City against all costs and claims;
 - 2.9 **Permitted Purpose:** As detailed in previous Lease;
 - 2.10 **Shared Use (hire):** Lessee permitted to hire out clubrooms, function rooms and soccer pitch at its discretion, provided that the use is consistent with the Permitted Purpose
 - 2.11 **Alterations:** Not without the prior approval in writing of the Lessor;
 - 2.12 **Capital Works:** Not without the prior approval in writing of the Lessor and subject to the conditions stated; and
 - 2.13 **Lessor's Covenant:** Lessor will provide Lessee with quiet enjoyment of the premises for the term of the lease.
3. **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 lease in 1 above;

4. ADVISES Floreat Athena Soccer Club that:

- 4.1 the granting of the short term lease in 1. above and preparation of a Master Plan should in no way be deemed a warranty or representation that the Council will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 December 2017;**
 - 4.2 Council will not consider any future lease until it has received and considered the Master Plan, appropriately detailing Floreat Athena's proposed facility works and improvements, facility management plan, life cycle cost analysis and community benefit statement, which needs to be received no later than 30 June 2017; and**
 - 4.3 Council requires and expects Floreat Athena to work closely with the City of Vincent Administration on the Club's Master Planning exercise to ensure that broader City and community interests and future use options are taken into account as part of that exercise.**
-

9.1.1 FURTHER REPORT: 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:	2 December 2016
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.305.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Amended Development Application including Management Plan 4 – Car Parking and Bicycle Tables 5 – 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 the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Resolve Group Pty Ltd for the proposed Change of Use from Educational Establishment to Place of Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville, as shown on plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Parking and Special Events Management Plan

Use of the premises shall be carried out in accordance with the Parking and Traffic Management Plan date stamped 16 November 2016 or any revised Parking and Traffic Management Plan approved by the City. The Parking and Traffic Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Parking Management Plan approved by the City as part of the review.

All requirements of the Parking and Traffic Management Plan shall be implemented to the satisfaction of the City;

2. Use of the Premises

The maximum number of persons permitted on the site shall be limited to:

- 360 persons from 10:00 am to 1:00 pm on Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 300 persons from 10:00am to 1:00pm Sundays, except Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 200 persons from 11:00am to 5:00pm Saturdays and 2:00pm to 4:00pm Sundays;
- 30 persons from 10:00am to 2.30pm Monday to Friday;
- 30 persons from 7:00pm to 10:00pm Monday to Thursday;
- 50 persons from 7:30pm to 10:00pm Friday; and
- 10 persons at all other times unless a revised Parking and Traffic Management Plan is submitted to an approved by the City in accordance with Condition 1. above, in which case the maximum number of persons permitted on the site will be limited by the approved Parking and Traffic Management Plan;

3. Car Parking and Access

3.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;

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

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; and

7.2 All works shown in the approved landscape and reticulation plan shall be undertaken 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, and 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;

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; and

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 9.1.1

Moved Cr Topelberg, Seconded Cr Murphy

That the recommendation be adopted.

PROPOSED AMENDMENT 1:

Moved Cr Cole, Seconded Cr Buckels

That a new Condition 11.6 be inserted as follows:

“11.6 The southern window sign along Oxford Street, being the larger of the two proposed window signs, be removed;”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-1)

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

Against: Cr Loden

PROPOSED AMENDMENT 2:

Moved Cr Cole, Seconded Cr Topelberg

That the existing text under Condition 2 be renumbered as Condition 2.1 and a new Condition 2.2 be insert as follows:

“2.2 This approval for use of the premises as a Place of Public Worship is limited to a period of 5 years from the date of the approval.”

AMENDMENT 2 PUT AND CARRIED (5-3)

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

Against: Presiding Member Mayor John Carey, Cr Harley and Cr Buckels

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-2)

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

Against: Cr Harley and Cr Buckels

COUNCIL DECISION ITEM 9.1.1

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Resolve Group Pty Ltd for the proposed Change of Use from Educational Establishment to Place of Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville, as shown on plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. **Parking and Special Events Management Plan**

Use of the premises shall be carried out in accordance with the Parking and Traffic Management Plan date stamped 16 November 2016 or any revised Parking and Traffic Management Plan approved by the City. The Parking and Traffic Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Parking Management Plan approved by the City as part of the review.

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 shall be limited to:

- 360 persons from 10:00 am to 1:00 pm on Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 300 persons from 10:00am to 1:00pm Sundays, except Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 200 persons from 11:00am to 5:00pm Saturdays and 2:00pm to 4:00pm Sundays;
- 30 persons from 10:00am to 2.30pm Monday to Friday;
- 30 persons from 7:00pm to 10:00pm Monday to Thursday;
- 50 persons from 7:30pm to 10:00pm Friday; and
- 10 persons at all other times unless a revised Parking and Traffic Management Plan is submitted to an approved by the City in accordance with Condition 1. above, in which case the maximum number of persons permitted on the site will be limited by the approved Parking and Traffic Management Plan; and

2.2 This approval for use of the premises as a Place of Public Worship is limited to a period of 5 years from the date of the approval.

3. Car Parking and Access

3.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;

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

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; and

7.2 All works shown in the approved landscape and reticulation plan shall be undertaken 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, and 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;

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

11.6 The southern window sign along Oxford Street, being the larger of the two proposed window signs, be removed;

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; and

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.

9.1.2 No. 478 (Lot: 60; D/P: 2355) Fitzgerald Street, North Perth – Change of Use from Single House to Consulting Room Non-Medical (Beauty Therapy) (Retrospective) (Unlisted Use)

Ward:	South	Date:	30 November 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	5.2016.168.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Determination Advice Notes 5 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, APPROVES BY ABSOLUTE MAJORITY under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the retrospective application for Change of Use from Single House to Consulting Room Non-Medical – Beauty Therapy (Unlisted Use) at No. 478 (Lot: 60; D/P: 2355) Fitzgerald Street, North Perth in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. External Fixtures

- 1.1 Windows, doors and adjacent areas fronting Beaufort Street shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited; and
- 1.2 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;

2. Use of Premises

- 2.1 The development shall be used in accordance with the definition of ‘Non-Medical Consulting Rooms’ set out under the City’s Policy No. 7.5.22 – Consulting Rooms;
- 2.2 The use shall be limited to a maximum of four beauty therapists operating at any one time; and
- 2.3 The hours of operation shall be limited to the following times:
 - 8:00am to 9:00pm Monday to Friday;
 - 8:00am to 5:00pm Saturday;
 - 11:00am – 5:00pm Sundays and Public Holidays (except Christmas Day, Good Friday and Anzac Day); and
 - CLOSED Christmas Day, Good Friday and Anzac Day;

3. Car Parking and Access

- 3.1 A minimum of eight car bays shall be provided as shown on the approved plans;

- 3.2 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 3.3 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development; and
- 3.4 Three class 3 bicycle facilities shall be provided at a location convenient to the entrance and publicly accessible to the development. The bicycle facilities shall be designed in accordance with AS2890.3;

4. **Waste Management**

A bin store of sufficient size to accommodate the City's maximum bin requirement shall be provided, to the satisfaction of the City;

5. **Storm water**

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

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.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, **Seconded** Cr Loden

That the recommendation be adopted.

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

9.1.3 No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth – Temporary Outdoor Market (Car Boot Sale) (Unlisted Use)

Ward:	South	Date:	1 December 2016
Precinct:	Precinct 9 – North Perth Centre	File Ref:	5.2016.357.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Determination Advice Notes 5 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application for the proposed Temporary Outdoor Market (Unlisted Use) to existing Shopping Centre at No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth in accordance with plans date stamped 23 August 2016, as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Limitation on Use

- 1.1 The Outdoor Market shall be located within the North Perth Plaza car park located on Lot 1 Fitzgerald Street, North Perth, as shown on the approved plans;
- 1.2 The Outdoor Market shall only operate on one Sunday of every month;
- 1.3 Stallholder “set-up” shall occur no earlier than 6:30am;
- 1.4 Public sales from the Outdoor Market shall only occur between 6:30 am and 10:30am; and
- 1.5 Stallholder “pack-up” shall be concluded by 11:00am on market days after which time the car park shall be entirely available for vehicle parking;

2. Public Notification and Management

- 2.1 Written notification of the outdoor markets shall be provided to the City and all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include a contact telephone number to notify the event organisers of any problems. The written notification of all of the proposed event dates shall be undertaken in advance of the first event being held;
- 2.2 Event organisers shall be available to answer the nominated contact telephone number provided to the residents and operating businesses written to in 2.1 above from 6:00am until 12:00pm on the day of each event to enable members of the public to seek information or lodge any complaints. A copy of any complaints received shall be forwarded to the City; and

2.3 A Parking Management Plan shall be submitted to, and approved by the City prior to the outdoor market including more than 50 stalls or if operating during the same times and dates as the vintage art markets in the Rosemount Hotel Car Park. The Parking Management Plan shall include the following:

- The location and management of parking for the Outdoor Markets;
- Access to internal staff and customer parking; and
- Review of the Parking Management Plan every 12 months, with any changes identified during this review or by the City being incorporated into an updated Parking Management Plan approved by the City as part of the review.

The Outdoor Markets shall be carried out and operated in accordance with the approved Parking Management Plan to the satisfaction of the City;

3. Operational Guidelines

Operational Guidelines and Market Rules shall be submitted to and approved by the City prior to the commencement of the Outdoor Market in accordance with the City's Policy *Guidelines for Markets in the City of Vincent*. The Outdoor Market shall thereafter be managed in accordance with the approved Operational Guidelines and Market Rules; and

4. Waste Management

A Waste Management Plan shall be submitted to the City for approval prior to the commencement of the Outdoor Market, to the satisfaction of the City.

Moved Cr Buckels, Seconded Cr Loden

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Murphy, Seconded Cr Loden

That Condition 1.3 be amended to read as follows:

"1.3 Stallholder "set-up" shall occur no earlier than ~~6:30am~~ 5:30am;"

AMENDMENT 1 PUT AND CARRIED (5*-4)

For: Presiding Member Mayor John Carey, Cr Buckels Cr Murphy and Cr Topelberg

Against: Cr Gontaszewski, Cr Loden, Cr Harley and Cr Cole

**Presiding Member John Carey exercised his casting vote.*

Debate ensued.

PROPOSED AMENDMENT 2:

Moved Cr Cole, Seconded Cr Murphy

That the number of stalls referred to in condition 2.3 be increased to 60.

AMENDMENT 2 PUT AND CARRIED (7-1)

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

Against: Cr Loden

MOTION AS AMENDED PUT AND CARRIED BY ABSOLUTE MAJORITY (7-1)

COUNCIL DECISION ITEM 9.1.3

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application for the proposed Temporary Outdoor Market (Unlisted Use) to existing Shopping Centre at No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth in accordance with plans date stamped 23 August 2016, as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Limitation on Use

- 1.1 The Outdoor Market shall be located within the North Perth Plaza car park located on Lot 1 Fitzgerald Street, North Perth, as shown on the approved plans;**
- 1.2 The Outdoor Market shall only operate on one Sunday of every month;**
- 1.3 Stallholder “set-up” shall occur no earlier than 5:30am;**
- 1.4 Public sales from the Outdoor Market shall only occur between 6:30 am and 10:30am; and**
- 1.5 Stallholder “pack-up” shall be concluded by 11:00am on market days after which time the car park shall be entirely available for vehicle parking;**

2. Public Notification and Management

- 2.1 Written notification of the outdoor markets shall be provided to the City and all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include a contact telephone number to notify the event organisers of any problems. The written notification of all of the proposed event dates shall be undertaken in advance of the first event being held;**
- 2.2 Event organisers shall be available to answer the nominated contact telephone number provided to the residents and operating businesses written to in 2.1 above from 6:00am until 12:00pm on the day of each event to enable members of the public to seek information or lodge any complaints. A copy of any complaints received shall be forwarded to the City; and**
- 2.3 A Parking Management Plan shall be submitted to, and approved by the City prior to the outdoor market including more than 60 stalls or if operating during the same times and dates as the vintage art markets in the Rosemount Hotel Car Park. The Parking Management Plan shall include the following:**

- The location and management of parking for the Outdoor Markets;
- Access to internal staff and customer parking; and
- Review of the Parking Management Plan every 12 months, with any changes identified during this review or by the City being incorporated into an updated Parking Management Plan approved by the City as part of the review.

The Outdoor Markets shall be carried out and operated in accordance with the approved Parking Management Plan to the satisfaction of the City;

3. **Operational Guidelines**

Operational Guidelines and Market Rules shall be submitted to and approved by the City prior to the commencement of the Outdoor Market in accordance with the City's Policy *Guidelines for Markets in the City of Vincent*. The Outdoor Market shall thereafter be managed in accordance with the approved Operational Guidelines and Market Rules; and

4. **Waste Management**

A Waste Management Plan shall be submitted to the City for approval prior to the commencement of the Outdoor Market, to the satisfaction of the City.

9.1.4 No. 642 (Lot: 99; D/P: 692) Beaufort Street, Mount Lawley – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office

Ward:	South	Date:	1 December 2016
Precinct:	Precinct 11 – Mount Lawley Centre	File Ref:	5.2016.390.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Licenced Premises Management Plan 4 – Car Parking and Bicycle Tables 5 – Summary of 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 the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the development application for the Change of Use from Eating House and Office to Office and Small Bar (Unlisted Use) at No. 642 (Lot: 99; D/P: 692) Beaufort Street, Mount Lawley, in accordance with plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Use of the Premises

- 1.1 The total occupancy associated with the Small Bar shall be limited to a maximum of 80 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;
- 1.2 The Small Bar shall comply with the definition under the City's Policy No. 7.5.7 – Licensed Premises; and
- 1.3 A minimum area of 50m² shall be set up for seated dining at all times;

2. Hours of Operation

The hours of operation for the Small Bar shall be limited to:

Monday to Saturday – 6:00am to Midnight; and
Sunday – 7:00 am to Midnight;

3. Interactive Front

Windows and doors fronting Beaufort Street shall maintain an active and interactive relationship to the street with the exception of a portion of frosted glazing to windows up to a maximum height of 1,100mm when measured from finished floor level. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;

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. **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;

6. **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. All recommended measures in the report shall be undertaken in accordance with the report 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;

7. **Bin Store**

Prior to the development first being occupied, a bin store is required to be provided of sufficient size to accommodate the City's specified bin requirement, as assessed by the City;

8. **Licensed Premises Management Plan**

Prior to the development first being occupied, a Licensed Premises Management Plan detailing the following matters shall be submitted to and approved by the City.

- The management of the parking area;
- The management of pedestrian movement and safety;
- The management and control of Noise;
- The management of patron and anti-social behaviour;
- The timing and management of deliveries;
- The timing and management of rubbish collection and disposal and litter associated with the development; and
- Any other matters, as required by the City;

The Small Bar shall operate in accordance with the approved Licensed Premises Management Plan.

9. **Signage**

- 9.1 Signage shall not have flashing or intermittent lighting;
- 9.2 All signage shall be safe, non-climbable, and free from graffiti and kept in a good state of repair for the duration of its display on-site;
- 9.3 Except the awning signs, signage is to be entirely contained within the property boundary; and
- 9.4 The signage shall relate to the development on site only;

10. **Bicycle Bays**

Prior to occupation or use of the development a minimum of two Class 1 or 2 and three Class 3 bicycle bays shall be provided onsite to the satisfaction of the City. Bicycle bays must be provided at a location convenient to the entrance and publically accessible. The bicycle facilities shall be designed in accordance with AS2890.3:2014;

11. **Cash-in-Lieu**

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 1.368 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$7,387.20; and

10. **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.

Cr Harley had declared a financial interest in Item 9.1.4 and left the Chamber at 8.58pm.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED BY ABSOLUTE MAJORITY (7-0)

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

Cr Harley returned to the Chamber at 9:00pm.

9.1.8 Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn – Six Grouped Dwellings

Ward:	North	Date:	5 December 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	5.2016.368.1
Attachments:	1 – Consultation and Location Map 2 – WAPC Subdivision Approval and Plans 3 – Development Application Plans 4 – Applicant’s Justification 5 – Summary of Submissions 6 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for Six Grouped Dwellings at Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn in accordance with plans as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. **Amalgamation**

Lots 3 and 4 shall be amalgamated into one lot on a certificate of Title to the satisfaction of the City prior to the occupation or use of the development;

2. **Privacy**

The proposed balconies at the front and rear of the upper floors to the western elevation of Units 1 and 3 and the eastern elevation of Units 2 and 6 are to be screened in accordance with the Residential Design Codes of WA prior to the occupancy of the development;

3. **Front Walls and Fencing**

3.1 The proposed fencing to Units 1 and 2 fronting Anzac Road within the front setback area shall be a maximum height of 1.8 metres, with the solid portions of wall to be a maximum height of 1.2 metres above the adjacent footpath level; and

3.2 The portion of wall above 1.2 metres referred to in condition 3.1 above is required to be a minimum fifty percent visually permeable the satisfaction of the City.

4. **Boundary Walls**

4.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City; and

4.2 The two storey boundary walls between Units 3 and 4 and Units 5 and 6 are to be simultaneously constructed;

5. Car Parking and Access

- 5.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;
- 5.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 5.3 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

6. 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;

7. Verge Trees

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

8. Acoustic Report

- 8.1 An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City; and
- 8.2 Certification from an acoustic consultant shall be provided to the City demonstrating that all of the recommended measures in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to occupation or use of the development;

9. Landscape and Reticulation Plan

- 9.1 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 the commencement of development. The plan shall be drawn to a scale of 1:100 and show the following:
 - 9.1.1 The location and type of existing and proposed trees and plants;
 - 9.1.2 Deep soil zones as indicated on the stamped approved plans;
 - 9.1.3 The inclusion of eighteen mature jacaranda trees as indicated on the stamped approved plans;
 - 9.1.4 30% of the site achieving a canopy coverage;
 - 9.1.5 Areas to be irrigated or reticulated; and
 - 9.1.6 The removal of redundant crossovers;
- 9.2 All works shown in the approved landscape and reticulation plan, as identified in Condition 9.1, shall be undertaken in accordance with that plan to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;

10. **Construction Management Plan**

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans shall be lodged with and approved by the City prior to commencement of development. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

11. **Waste Management**

11.1 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

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

12. **Stormwater**

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

13. **Schedule of External Finishes**

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

14. **Right of Way Setbacks & widening**

14.1 A 1.5 metre right of way setback to any buildings and structures is to be maintained at all times to enable future right of way widening; and

14.2 The future right of way widening referred to in condition 14.1 above, is to be ceded free of cost to the City on subdivision of the land, including Built Strata subdivision;

15. **Garage Modifications**

Prior to the commencement of development, the proposed garages to Units 3-6 fronting the right of way shall be modified to the satisfaction of the City, to reduce the size of the garage door to accommodate a separate definable entry point to each dwelling at the ROW; and

16. **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 9.1.8

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (6-2)

For: Cr Topelberg and Cr Cole

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

COUNCIL DECISION ITEM 9.1.10

PROPOSED ALTERNATIVE RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application for Six Grouped Dwellings at Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn in accordance with plans as shown on Attachment 2 for the following reasons:

1. The outdoor living area is in the front setback area;
2. The building setback and boundary walls;
3. Street setback;
4. The impact on the streetscape and perceived bulk of the continuous rendered elements; and
5. The bulk of the development as a result of the height and boundary walls.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-1)

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

Against: Cr Buckels

9.3.1 Investment Report as at 30 November 2016

Ward:	Both	Date:	1 December 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 November 2016 as detailed in Attachment 1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Loden, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.3.4 2015/2016 Carry Forwards Adjustment Report

Ward:	Both	Date:	28 November 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – 2016/17 Carry-Forward Budget Review 2 – 2016/17 Budget – Amended Rate Setting Statement		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **RECEIVES** the list of reviewed Carry-Forward Budgets for the 2016/17 Capital Budget as detailed in Attachment 1; and
2. **APPROVES BY ABSOLUTE MAJORITY** the following adjustments to the 2016/17 Annual Budget:
 - a) a reduction to the Capital Expenditure Budget of \$402,931 to \$13,383,667, as per the individual line-item adjustments listed in Attachment 1;
 - b) a reduction of \$99,213 in Transfer from Reserves;
 - c) a reduction in Capital Grant Revenue of \$143,778; and
 - d) an increase in Transfers to the Asset Sustainability Reserve of \$151,741.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Gontaszewski, Seconded Cr Topelberg

That the recommendation be adopted.

PROPOSED AMENDMENT:

Moved Cr Gontaszewski, Seconded Cr Murphy

That recommendation 2. d) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED BY ABSOLUTE MAJORITY (8-0)

COUNCIL DECISION ITEM 9.3.4

That Council:

1. **RECEIVES** the list of reviewed Carry-Forward Budgets for the 2016/17 Capital Budget as detailed in Attachment 1; and

2. **APPROVES BY ABSOLUTE MAJORITY the following adjustments to the 2016/17 Annual Budget:**
- a) **a reduction to the Capital Expenditure Budget of \$402,931 to \$13,383,667, as per the individual line-item adjustments listed in Attachment 1;**
 - b) **a reduction of \$99,213 in Transfer from Reserves; and**
 - c) **a reduction in Capital Grant Revenue of \$143,778.**
-

9.3.5 Proposed Parking Restrictions and Car Parking Licence, Mick Michael Park / Royal Park carpark, 413 Bulwer Street, West Perth (corner Charles Street) – WA Volleyball Inc & Bethanie Group Inc

Ward:	South	Date:	9/11/2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	SC613
Attachments:	1 - Plan of Mick Michael / Royal Park car park – Plan No 3407-PP-01		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer A Brown, Engineering Technical Officer		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **APPROVES** the introduction of 3P parking restrictions from 8am to 5.30pm Monday to Friday, in the western bank (15 bays) of the Mick Michael Park / Royal Park carpark, as shown on attached Plan No 3407-PP-01 (Attachment 1);
2. **APPROVES** a car parking licence commencing 1 February 2017 to WA Volleyball Inc over 15 bays in the Mick Michael Park / Royal Park car park (eastern bank), as shown in Attachment 1, on the following key terms:
 - 1.1 **Term:** 2 years and 6 months, commencing 1 February 2017 and expiring 31 July 2019;
 - 1.2 **Permitted Use:** WA Volleyball Inc staff and visitor parking between 8am and 5.30pm Monday to Friday; and
 - 1.3 **Licence fee:** nil.
3. **APPROVES** the issue of 15 parking permits to WA Volleyball Inc in respect to the licenced bays as set out in 2 above;
4. **APPROVES** a car parking licence commencing 1 February 2017 to Bethanie Group Inc over the carpark (including 5 bays and a bus drop off area) in Mick Michael Park / Royal Park, accessible from Violet Street, as shown in Attachment 1, on the following key terms:
 - 1.1 **Term:** 2 years and 5 months, commencing 1 February 2017 and expiring 30 June 2019;
 - 1.2 **Permitted Use:** Bethanie Group Inc staff parking and bus pick up / drop off between 8am and 5.30pm Monday to Friday; and
 - 1.3 **Licence fee:** nil.
5. **APPROVES** the issue of 15 parking permits, at no cost to Without Walls Community Church, a not for profit community church group that hires Royal Park Hall each Wednesday from 8am to 2pm, for the use of the 15 western bays in the car park adjacent to the volleyball courts on each Wednesday; and
6. **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 licences in 2 and 4 above.

Moved Cr Topelberg, Seconded Cr Loden

That the recommendation be adopted.

PROPOSED AMENDMENT 1:

Moved Cr Harley, Seconded Cr Topelberg

That recommendation 3 be amended as follows:

“3. APPROVES the issue of ~~15~~ 10 parking permits to WA Volleyball Inc in respect to the licenced bays as set out in 2 above;”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.3.5

That Council:

1. APPROVES the introduction of 3P parking restrictions from 8am to 5.30pm Monday to Friday, in the western bank (15 bays) of the Mick Michael Park / Royal Park carpark, as shown on attached Plan No 3407-PP-01 (Attachment 1);
2. APPROVES a car parking licence commencing 1 February 2017 to WA Volleyball Inc over 15 bays in the Mick Michael Park / Royal Park car park (eastern bank), as shown in Attachment 1, on the following key terms:
 - 1.1 Term: 2 years and 6 months, commencing 1 February 2017 and expiring 31 July 2019;
 - 1.2 Permitted Use: WA Volleyball Inc staff and visitor parking between 8am and 5.30pm Monday to Friday; and
 - 1.3 Licence fee: nil.
3. APPROVES the issue of 10 parking permits to WA Volleyball Inc in respect to the licenced bays as set out in 2 above;
4. APPROVES a car parking licence commencing 1 February 2017 to Bethanie Group Inc over the carpark (including 5 bays and a bus drop off area) in Mick Michael Park / Royal Park, accessible from Violet Street, as shown in Attachment 1, on the following key terms:
 - 1.1 Term: 2 years and 5 months, commencing 1 February 2017 and expiring 30 June 2019;
 - 1.2 Permitted Use: Bethanie Group Inc staff parking and bus pick up / drop off between 8am and 5.30pm Monday to Friday; and
 - 1.3 Licence fee: nil.
5. APPROVES the issue of 10 parking permits, at no cost to Without Walls Community Church, a not for profit community church group that hires Royal Park Hall each Wednesday from 8am to 2pm, for the use of the 15 western bays in the car park adjacent to the volleyball courts on each Wednesday; and
6. 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 licences in 2 and 4 above.

9.3.7 Lease of clubrooms and croquet courts at Forrest Park, No. 66 (Lot 143) Harold Street, Mt Lawley - Forrest Park Croquet Club Inc

Ward:	South	Date:	26 November 2016
Precinct:	Precinct 14 - Forrest	File Ref:	SC619
Attachments:	1 – Map of proposed lease and licensed areas 2 – Submission by Forrest Park Croquet Club dated 17 Sept 2016		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **APPROVES** a lease from 1 January 2017 to Forrest Park Croquet Club Inc over the clubrooms and croquet courts located at Forrest Park, No. 66 Harold Street, Mt Lawley, on the following key terms:
 - 1.1 **Term:** 2 years;
 - 1.2 **Option Term:** 5 years, at the City's sole discretion;
 - 1.3 **Permitted Use:** Sporting Facility, with associated recreational and community use;
 - 1.4 **Rent:** \$1,000 plus GST per annum (indexed by CPI);
 - 1.5 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance (RCD, smoke alarm, emergency exit and fire hydrant testing) and pest inspections and treatment;
 - 1.6 **Rates & Taxes:** to be paid by the Lessee, defined to expressly include rubbish bin charges, rates and ESL;
 - 1.7 **Outgoings:** to be paid by the Lessee;
 - 1.8 **Repair & maintenance:** Lessee responsible to keep the premises clean and to repair and maintain the premises in good repair, including repair of damage due to fair wear and tear and repair / replacement of the split system air-conditioner, but excluding structural maintenance and evaporative air-conditioner;
 - 1.9 **Bore servicing / repair:** Lessor to undertake initial service of bore in winter 2017, Lessee responsible for all subsequent servicing, repairs and replacement;
 - 1.10 **Court Maintenance:** Lessee responsible;
 - 1.11 **Insurance:** Lessee to effect a public liability policy, with cover not less than \$20 million, and pay premium for building insurance policy;
 - 1.12 **Indemnification:** Lessee to indemnify the City against all costs and claims;
 - 1.13 **Shared Use (hire):** Lessee may hire premises and charge a fee, provided the use is consistent with the permitted use;
 - 1.14 **Sub Lease:** Lessee may sub lease portions of the premises provided the use is consistent with the permitted use and subject to the Lessor's consent; and
 - 1.15 **Lessor's Covenants:** to grant the Lessee quiet enjoyment of the premises; and undertake structural repairs unless damage caused by Lessee.

2. **APPROVES** a car parking licence from 1 January 2017 to Forrest Park Croquet Club Inc over the car park located at Forrest Park Recreational Facility, No. 66 Harold Street, Mt Lawley, on the following key terms:

- 2.1 Term: 2 years, plus 5 year option (at City's sole discretion);
 - 2.2 Permitted Use: access to members, visitors and hirers for parking during operational hours of Club; and
 - 2.3 Licence fee: nil; and
3. 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 lease in 1 above, and the licence in 2 above.
-

COUNCIL DECISION ITEM 9.3.7

Moved Cr Loden, Seconded Cr Harley

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

9.5.1 Council Recess Period 2016-2017 Allowing Delegated Authority to the Chief Executive Officer

Ward:	-	Date:	25 November 2016
Precinct:	-	File Ref:	ADM0018
Attachments:	Nil		
Tabled Items:	-		
Reporting Officer:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

1. **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the Local Government Act 1995, to the Chief Executive Officer, the power to deal with any items of business that may arise from 14 December 2016 to 31 January 2017, and which are not otherwise the subject of delegated authority already granted by Council, subject to:
 - a. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
 - b. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
 - c. a report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary meeting to be held on 7 February 2017; and
 - d. A Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies; and
2. **DETERMINES** to amend condition 1 on delegation 1.20 so that the Chief Executive Officer can accept tenders up to a maximum of \$500,000 for the period 14 December 2016 to 31 January 2017 subject to conditions a-d in resolution 1.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Topelberg, Seconded Cr Loden

That the recommendation be adopted.

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

9.5.2 Annual Report 2015-2016 – Adoption and Annual General Meeting of Electors 2016

Ward:	Both	Date:	25 November 2016
Precinct:	All	File Ref:	SC165
Attachments:	1 – Draft Annual Report 2015/16		
Tabled Items:	Nil		
Reporting Officer:	R Ellis, Manager Marketing and Communications		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2015/2016 Financial Year, included as Attachment 1 and **NOTES** that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on Tuesday 31 January 2017 at 6.00pm in the City’s Council Chambers, to present the City of Vincent Annual Report for the 2015/2016 Financial Year;
3. **NOTES** that in accordance with Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 31 January 2017 and of the availability of the City of Vincent Annual Report for the 2015/2016 Financial Year, as soon as practicable after the report has been accepted by Council; and
4. Pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, **PROVIDES** the Director General of the Department of Local Government and Communities with a copy of the City of Vincent Annual Report for the 2015/2016 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor’s Report on that Financial Report, as included in Attachment 1.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Loden, Seconded Cr Harley

That the recommendation be adopted.

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

9.5.3 Audit Committee Minutes and Annual Financial Report 2015/2016

Ward:	-	Date:	25 November 2016
Precinct:	-	File Ref:	SC243
Attachments:	1 – Unconfirmed Minutes Audit Committee 29 November 2016 2 – Annual Financial Report Year Ended 30 June 2016		
Tabled Items:	Nil		
Reporting Officer:	John Paton, Director Corporate Services		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

- 1. RECEIVES the unconfirmed Minutes of the Audit Committee Meeting held on 29 November 2016, as shown in Attachment 1; and**
- 2. BY ABSOLUTE MAJORITY ACCEPTS the Annual Financial Report of the City of Vincent for the financial year ended 30 June 2016 and associated Auditor's Report, as shown in Attachment 2.**

COUNCIL DECISION ITEM 9.5.3

Moved Cr Harley, Seconded Cr Murphy

That the recommendation be adopted.

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

9.5.4 Report on Audit Committee Best Practice and Proposed changes to the Audit Committee Terms of Reference

Ward:	-	Date:	25 November 2016
Precinct:	-	File Ref:	ADM0018
Attachments:	Nil		
Tabled Items:	1 – Report on Audit Committee Best Practice 2 – Proposed Audit Committee Terms of Reference 3 – Marked Up Audit Committee Terms of Reference		
Reporting Officer:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	John Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **RECEIVES** the report on Audit Committee best practice included as Attachment 1;
2. **ADOPTS** the revised Terms of Reference for the Audit Committee included as Attachment 2;
3. **NOTES** that Administration will advertise for suitably qualified City of Vincent residents or property owners to nominate for external independent membership of the Audit Committee, and that a further report dealing with membership of the Audit Committee will be presented to Council in February 2017;
4. **DECIDES**, pursuant to section 5.100 of the *Local Government Act 1995*, that any person who is a committee member but who is not a council member will be entitled to be reimbursed reasonable expenses related to their attendance at committee meetings, including training and professional development expenses approved in accordance with the Terms of Reference of that committee;
5. **DETERMINES**, pursuant to section 5.98(3)(b) of the *Local Government Act 1995*, that the maximum amount for reimbursement of expenses described in resolution 4 will be \$5,000 per member, per annum; and
6. **DIRECTS** the Chief Executive Officer to write to the Minister for Local Government requesting that amendments to the *Local Government Act 1995* be considered to allow for payments to be made to external members of audit committees in order for local governments to attract and retain high calibre independent members.

Moved Cr Harley, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Harley, Seconded Cr Cole

That recommendation 7 be added as follows:

“7. REQUESTS the Chief Executive Officer write to the Minister for Local Government and request that the best practice changes made by the City of Vincent be considered for inclusion in the *Local Government Act 1995* by way of legislative amendment.”

Debate ensued

AMENDMENT PUT AND CARRIED (7-1)

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

Against: Cr Buckels

PROPOSED AMENDMENT 2:

Moved Cr Harley, **Seconded** Cr Cole

That recommendation 8 be added as follows:

"8. REQUESTS the Chief Executive Officer write to the Office of the Auditor General to advise of the changes to the City of Vincent's Audit Committee Terms of Reference."

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.5.4

That Council:

1. **RECEIVES** the report on Audit Committee best practice included as Attachment 1;
2. **ADOPTS** the revised Terms of Reference for the Audit Committee included as Attachment 2;
3. **NOTES** that Administration will advertise for suitably qualified City of Vincent residents or property owners to nominate for external independent membership of the Audit Committee, and that a further report dealing with membership of the Audit Committee will be presented to Council in February 2017;
4. **DECIDES**, pursuant to section 5.100 of the *Local Government Act 1995*, that any person who is a committee member but who is not a council member will be entitled to be reimbursed reasonable expenses related to their attendance at committee meetings, including training and professional development expenses approved in accordance with the Terms of Reference of that committee;
5. **DETERMINES**, pursuant to section 5.98(3)(b) of the *Local Government Act 1995*, that the maximum amount for reimbursement of expenses described in resolution 4 will be \$5,000 per member, per annum;
6. **DIRECTS** the Chief Executive Officer to write to the Minister for Local Government requesting that amendments to the *Local Government Act 1995* be considered to allow for payments to be made to external members of audit committees in order for local governments to attract and retain high calibre independent members;

7. **REQUESTS** the Chief Executive Officer write to the Minister for Local Government and request that the best practice changes made by the City of Vincent be considered for inclusion in the Local Government Act 1995 by way of legislative amendment; and
 8. **REQUESTS** the Chief Executive Officer write to the Office of the Auditor General to advise of the changes to the City of Vincent's Audit Committee Terms of Reference.
-

10.1 NOTICE OF MOTION: Councillor Susan Gontaszewski, Cr Emma Cole and Cr Dan Loden – Development of a City of Vincent Public Open Space Strategy

That Council REQUESTS the Chief Executive Officer to:

1. Investigate the requirement for a City of Vincent Public Open Space Strategy by completing the following no later than April 2017:
 - Compilation of Public Open Space inventory including the number, size, function and use of all parks;
 - Classification of these Public Open Spaces using the Department of Sport and Recreation Classification Framework for Public Space;
 - Identification of benchmarks for Public Open Space provision based on current standards and best practice; and
 - Completion of a preliminary Public Open Space gaps analysis based on the abovementioned inventory and benchmarks;
2. Prepare a Public Open Space Strategy Project Plan identifying financial and resource implications for consideration during preparation of the 2017/18 Budget and Corporate Business Plan 2017/18 to 2020/21; and
3. Prepare cost estimates for priority Public Open Space projects for consideration within Council's 2017/18 Capital Works Budget that will ensure the ongoing improvement of open space amenity and provision while awaiting completion of the proposed City of Vincent Public Open Space Strategy.

COUNCIL DECISION ITEM 10.1

Moved Cr Gontaszewski, Seconded Cr Cole

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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 9:30 pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (Deputy Mayor)	North Ward
Cr Emma Cole	North Ward
Cr Matt Buckels	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
Louise Hood	A/Governance and 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 13 December 2016.

Signed: Mayor John Carey.

Dated this day of2016.