



**CITY OF VINCENT**

**ORDINARY  
COUNCIL MEETING**

**Minutes**

**15 NOVEMBER 2016**

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

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## 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 15 November 2016, commencing at 6:08pm.

The Mayor had given advance notice of his apology for the opening proceedings of the Council Meeting. The Deputy Mayor, Cr Harley, was also an apology for the entire Council Meeting. Therefore, in the absence of either the Mayor or Deputy Mayor to preside over the Council Meeting, Council Members, in accordance with clause 2.1 of the City of Vincent Standing Orders Local Law 2008 and Section 5.6 of the Local Government Act 1995, chose Cr Cole to act as Presiding Member, pending the Mayors arrival.

### 1. (a) DECLARATION OF OPENING

The Presiding Member, Cr Cole, declared the meeting open at 6:08pm 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

Mayor John Carey arriving late.  
Cr Roslyn Harley (*Deputy Mayor*).

#### (b) Members on Approved Leave of Absence

Nil.

#### (c) Present:

Mayor John Carey Presiding Member (from 6:25pm)

Cr Emma Cole North Ward  
Presiding Member (until 6.25pm)

Cr Matt Buckels North Ward

Cr Susan Gontaszewski South Ward

Cr Dan Loden North Ward

Cr Jimmy Murphy South Ward

Cr Joshua Topelberg South Ward

Len Kosova Chief Executive Officer  
John Corbellini Director Development Services  
Rick Lotznicker Director Technical Services  
Mick Quirk Director Community Engagement  
John Paton Director Corporate Services  
Tim Evans Manager Governance & Risk  
Anita Radici Executive Secretary

#### Media

Julian Wright Journalist – "*Guardian Express*" (until approximately 7:37pm)

Approximately 12 Members of the Public.

**3. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

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

1. Veronica Komarenko Perth – Item 9.4.1

- Spoke in support of the Petition submitted at the Ordinary Meeting of Council held on 18 October 2016 relating to anti-social behaviour in and round Weld Square.

*The Presiding Member Cr Cole thanked Ms Komarenko for his comments.*

**Cr Buckels arrived at 6.05pm.**

2. David Weir on behalf of the Owners of 227 Loftus Street – Item 9.1.1

- Spoke in support of the recommendation.

*The Presiding Member Cr Cole thanked Mr Weir for his comments.*

3. Dudley Maier, Highgate

- Spoke in relation to Council allowances and reimbursements. Can the CEO indicate if he will be including the review of the policy in the next Council Agenda? If it is not for the next meeting, why not? It might pay to consult the standing orders about appointment of presiding members.

CEO advised that he would take the questions on Notice.

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

4. Jenny Hopwood – Leederville - representing the Claisebrook Catchment Group, Leederville

- This is the 15th year that the Claisebrook Catchment Group has been able to sponsor the garden competition in the catchment friendly garden category. The Claisebrook Catchment Group presented a cheque for \$1375 for prize money for the winners of this year's competition.

*Received with acclamation.*

*The Presiding Member Cr Cole thanked Ms Hopwood and the Claisebrook Catchment Group for her contribution,*

5. Annette Johnson, Dalkeith – Item 9.1.2

- Spoke in support of the application.

*The Presiding Member Cr Cole thanked Ms Johnson for her comments.*

6. Bruce Webber, Mt Hawthorn – Item 14.1 and 9.1.3

- 14.1 Urged the City to be an active participant in the legal proceedings relating to this matter.
- 9.1.3 Spoke in support of tree canopy cover in the City.

*The Presiding Member Cr Cole thanked Mr Webber for his comments.*

7. Tony Reed, Mt Hawthorn – Item 14.1 and 9.1.3

- 14.1 Urged the City to be an active participant in the legal proceedings relating to this matter.
- 9.1.3 Spoke in support of the application.

*The Presiding Member Cr Cole thanked Mr Reed for his comments.*

There being no further speakers, Public Question Time closed at approximately 6:25pm.

**Mayor Carey arrived at the Meeting at 6.25, Cr Cole vacated the Chair and the Mayor assumed the Chair at that time.**

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

4.1 Response to questions from Ms Debbie Saunders taken on notice at the Ordinary Council Meeting held on 18 October 2016.

4.2 Response to questions from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 18 October 2016.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Ordinary Meeting of Council held on 18 October 2016.

**Moved Cr Loden, Seconded Cr Gontaszewski**

**That the Minutes of the Ordinary Meeting of Council held on 18 October 2016 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Harley was an apology for the Meeting.)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

The Presiding Member Mayor Carey made the following announcement:

The Mayor apologised for being late as he was at a launch for the Leederville Connect Festival which Councillor Murphy is heavily involved in which is now in its 5<sup>th</sup> year and is doing extremely well and has had a terrific attendance at two long table lunches, which is the build up to the community festival to be held on 4 December 2016. I am looking forward to the festival.

The other event that has occurred was on the weekend which was North Perth Local's 6006 in the Park. There was previously some public criticism about the Angove St festival finishing and the decision by North Perth Local to actually decide to do

something different and that was to hold a community event and a concert in a less used reserve, Woodville Reserve, with some star acts like Alex Lloyd.

There were also community stalls including City of Vincent and some food vans. I have to say this and I say this sincerely - this was an outstanding Community Event. In fact I'm going to rate it the best for the year. The reason was that at its heart it was truly about the local community. It had a relaxed, safe atmosphere. It wasn't about alcohol. I think we have so many events in Perth where if we don't have alcohol we don't think it's succeeding. It just had a beautiful feel and the feedback I've had from parents and residents is incredible.

The level of engagement at our community stalls from the Councillor's feedback was amazing. There was a line-up of people wanting to give their views about a new public space for the North Perth town centre and I thought that was fantastic and I'm excited about how already the North Perth community has embraced this, whether light rail happens or not. So I just want to recognise on the public record all the work of the Chair who is Ida and the whole North Perth Local team. It was a great success.

## **8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Emma Cole – Declared an impartiality interest on Item 9.3.4. Lease of Leederville Early Childhood Centre (LECC) by Department of Community Welfare (now Department Local Government and Communities) – Department's request to withdraw from lease (SC579). Cr Cole's children formerly attended LECC but she no longer has use of this service. She will consider the matter on its merits and vote accordingly.
- 8.2 Cr Emma Cole – Declared an impartiality interest on Item 14.2. CONFIDENTIAL REPORT: LATE ITEM: Consideration of Ex Gratia Payment. The nature of her interest is that the persons affected have an association with a local community group with which she occasionally has an involvement in her role as a Council Member. She will consider the matter on its merits and vote accordingly.
- 8.3 Cr Jimmy Murphy – Declared an impartiality interest on Item 14.2. CONFIDENTIAL REPORT: Consideration of Ex Gratia Payment. The nature of his interest is that the persons affected are involved with a local community group to whom his company, Upbeat Events, has contracted its services for event management. He will consider the matter on its merits and vote accordingly.
- 8.4 Cr Jimmy Murphy – Declared a financial interest on Item 9.1.5. LATE ITEM: No. 459 (Lots: 9-12 and 66; D/P: 1647) Fitzgerald Street, North Perth – Proposed Pop Up Events (Unlisted Use) (PR50982; 5.2016.308.1). He is occasionally contracted by the Rosemount Hotel for booking entertainment. He will consider the matter on its merits and vote accordingly. Cr Murphy does not intend to vote on the matter.
- 8.6 Cr Dan Loden – Declared a financial interest on Item 9.3.4. Lease of Leederville Early Childhood Centre (LECC) by Department of Community Welfare (now Department Local Government and Communities) – Department's request to withdraw from lease (SC579). The extent of the interest in this matter is on the basis that both his children attend LECC where he pays fees and knows members of staff and directors at the facility. Cr Loden does not intend to vote on the matter.
- 8.7 Mayor Carey – Declared an impartiality interest on Item 14.2. CONFIDENTIAL REPORT: Consideration of Ex Gratia Payment. The basis of the impartiality interest being that the persons affected have an association with a local community group with which he occasionally has involvement with as his role as Mayor. The Mayor will consider the matter on its merits and vote accordingly.

**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:**

Nil.

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

Items 9.1.5, 9.3.6 and 14.2.

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

Items 9.1.5 and 9.3.4.

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	Nil
Cr Buckels	Nil
Cr Cole	Nil
Cr Loden	Items 9.2.2 and 9.2.3
Cr Gontaszewski	Nil
Cr Murphy	Nil
Cr Topelberg	Item 9.3.7

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

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

Items 9.1.4, 9.2.1, 9.3.1, 9.3.2, 9.3.3, 9.3.5, 9.3.8 and 9.5.1.

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

Items 14.1 and 14.2.

**ITEMS APPROVED “EN BLOC”:**

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

**Moved Cr Topelberg, Seconded Cr Buckels**

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

**Items 9.1.4, 9.2.1, 9.3.1, 9.3.2, 9.3.3, 9.3.5, 9.3.8 and 9.5.1.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Harley was an apology for the Meeting.)**

**9.1.4 Amendments to the Municipal Heritage Inventory**

<b>Ward:</b>	South Ward	<b>Date:</b>	21 October 2016
<b>Precinct:</b>	Precinct 10 – Norfolk	<b>File Ref:</b>	SC448
<b>Attachments:</b>	<u>1</u> – Heritage Assessment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	H Au, Heritage Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council **AUTHORISES**, under Town Planning Scheme No. 1, the entry of No. 15 (Lot 245) Wasley Street, Mount Lawley in the City’s Municipal Heritage Inventory as Management Category B – Conservation Recommended.

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Harley was an apology for the Meeting.)**

**9.2.1 Proposed Parking Improvements – Albert Street, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	27 October 2016
<b>Precinct:</b>	Precinct 9 – North Perth Centre	<b>File Ref:</b>	SC656, SC1201
<b>Attachments:</b>	<u>1</u> – Plan No 3340-CP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

**That Council:**

1. **NOTES** that the Education Department has offered the City \$50,000, to be expended in the 2016/17 financial year, to construct additional 90 degree angle verge parking bays in Albert Street, North Perth, adjacent the North Perth Primary School oval, as shown on drawing 3340-CP-01 (Attachment 1).
2. **CONSULTS** with Albert Street residents and the North Perth Primary School, regarding the parking proposal; and
3. **RECEIVES** a further report at the conclusion of the public consultation.

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Harley was an apology for the Meeting.)**

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**9.3.1 Investment Report as at 31 October 2016**

<b>Ward:</b>	Both	<b>Date:</b>	4 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	1 – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Teoh, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council **NOTES** the Investment Report for the month ended 31 October 2016 as detailed in Attachment 1.

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**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Harley was an apology for the Meeting.)**

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**9.3.2 Authorisation of Expenditure for the Period 22 September to 20 October 2016**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1 – Creditors Report – Payments by EFT</li> <li>2 – Creditors Report – Payments by Cheque</li> <li>3 – Credit Card Transactions</li> </ol>		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 22 September 2016 to 20 October 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80349 - 80445	\$126,951.21
Cancelled Cheques	- \$1,218.00
EFT Documents 1993 - 2001	\$2,354,367.40
Payroll	\$1,089,409.61
<b>Direct Debits</b>	
• Lease Fees	\$183,547.14
• Loan Repayment	\$145,739.06
• Bank Fees and Charges	\$43,114.80
• Credit Cards	\$7,189.56
• Total Direct Debit	
<b>Total Accounts Paid</b>	<b>\$379,590.56</b>
	<b>\$3,949,100.78</b>

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harley was an apology for the Meeting.)

**9.3.3 Financial Statements as at 30 September 2016**

<b>Ward:</b>	Both	<b>Date:</b>	2 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	1 – Financial Reports		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council RECEIVES the Financial Statements for the month ended 30 September 2016 as shown in Attachment 1.

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**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Harley was an apology for the Meeting.)**

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**9.3.5 Request for funding for carpet replacement – Lease of 286 Beaufort Street, Perth to Association for Services to Torture and Trauma Survivors**

<b>Ward:</b>	South	<b>Date:</b>	28 October 2016
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	SC2411
<b>Attachments:</b>	1 – Letter to ASeTTS dated 19 August 2016 2 – Letter from ASeTTS dated 20 September 2016 3 – Letter from ASeTTS dated 20 October 2016		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Bancroft, Property Leasing Officer		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council REFUSES the Association for Services to Torture & Trauma Survivors' (ASeTTS') request for \$20,000 to fund the replacement of the carpets within the building located at 286 Beaufort Street, Perth, on the basis that ASeTTS is the sole beneficiary and enjoys exclusive use of the buildings under a lease that imposes responsibilities for repair and replacement of carpets on the Lessee.

**COUNCIL DECISION ITEM 9.3.5**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harley was an apology for the Meeting.)

**9.3.8 Leederville Gardens Retirement Village – Village Manager**

<b>Ward:</b>	North	<b>Date:</b>	4 November 2016
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	SC313 & SC308
<b>Attachments:</b>	<u>1</u> – Confidential Report 10.4.5 (20 November 2001)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>			
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council **ADVISES** the Board of Leederville Gardens Inc. that the City:

1. **INTENDS** to withdraw from the role of Village Manager no later than 1 July 2017;
2. **WILL ASSIST** the Board in developing and undertaking an appropriate procurement process to identify suitably qualified and experienced providers to undertake the role of Village Manager, with a transition/handover period prior to the end of the financial year; and
3. **REAFFIRMS** its commitment to maintain a stewardship role with the Board, which could include providing ex-officio support to the Board or Board meetings.

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**COUNCIL DECISION ITEM 9.3.8**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Harley was an apology for the Meeting.)

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**9.5.1 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	28 October 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	L Hood, A/Governance & Council Support Officer		
<b>Responsible Officer:</b>	L Kosova, Chief Executive Officer		

**RECOMMENDATION:**

That Council **RECEIVES** the Information Bulletin dated 15 November 2016 as distributed with the Agenda.

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**COUNCIL DECISION ITEM 9.5.1**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Harley was an apology for the Meeting.)

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**9.4.1 Manna Inc. – Provision of Free Meal Services for the Homeless at Weld Square**

<b>Ward:</b>	South	<b>Date:</b>	10 November 2016
<b>Precinct:</b>	Beaufort	<b>File Ref:</b>	SC1789
<b>Attachments:</b>	<u>1</u> – Weld Square Site Map		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	L Keillor, Community Development Officer C Mooney, A/Manager Community Development		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** the use of Weld Square by Manna Inc. for a 12 month period concluding 30 November 2017 for the purposes of providing the free meal service for people who are experiencing homelessness or at risk of homelessness, subject to the following conditions:
  - 1.1 **Hours of operation shall be between 1.30pm and 2:30pm, six days a week excluding Saturdays;**
  - 1.2 **A direct contact number for Manna Inc. shall be provided and made available to local residents and businesses on the City of Vincent website;**
  - 1.3 **Manna Inc. shall ensure that the service provision will have minimal impact and disturbance to the nearby amenities and environment, and comply with all relevant legislation;**
  - 1.4 **Manna Inc. staff shall pick up all rubbish and litter pertaining to its client group before leaving the Square;**
  - 1.5 **Manna Inc. must maintain appropriate public liability insurance coverage and indemnify the City against any accident, injury and damage resulting from or incidents arising from Manna Inc.'s use of Weld Square as per Policy No. 2.1.7 Parks, Reserves and Hall Facilities;**
  - 1.6 **No more than two vehicles shall be allowed access on the Square at any time;**
  - 1.7 **Manna Inc. will enter the Square via the Newcastle Street crossover and provide its meal service at the southern side of the park in Winter (May to October) and northern side of the park in Summer (November to April) as identified within Attachment 1 with specific dates to be determined by Administration through liaison with Manna Inc. dependent upon high temperatures; and**
  - 1.8 **Permission to operate within the Square may be withdrawn by the City at its discretion.**
2. **APPROVES** a fee waiver up to the amount of \$13,125 for usage of Weld Square by Manna Inc. during the period November 2016 to November 2017; and
3. **NOTES** that Administration will provide a quarterly update through the Council Information Bulletin detailing key statistics related to the Manna Inc. free meal service at Weld Square including any complaints, issues and associated actions.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Loden, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Harley was an apology for the Meeting.)**

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**9.1.1 No. 227 (Lot: 33; D/P: 2358) Loftus Street, Leederville – Proposed Grouped Dwelling and Outbuilding Addition to Existing Dwelling**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2016
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	PR15617; 5.2016.305.1
<b>Attachments:</b>	1 – Location and Consultation Map 2 – Development Application Plans 3 – Relevant Design Principles/Criteria 4 – Applicant’s Justification 5 – Determination Advice Notes 6 – Summary of Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council **APPROVES** the application for development approval, under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for Grouped Dwelling and Outbuilding Addition to Existing Dwelling at No. 227 (Lot 33; D/P: 2358) Loftus Street, Leederville in accordance with plans date stamped 25 October 2016 as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

**1. Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 225 Loftus Street, Leederville in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

**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. Stormwater**

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

**4. Landscape and Reticulation Plan**

**4.1** 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:

- 4.1.1** The location and type of existing and proposed trees and plants;
- 4.1.2** A deep soil zone along the internal eastern boundary and roof garden;
- 4.1.3** The provision of mature tree planting in the deep soil zones; and
- 4.1.4** Areas to be irrigated or reticulated; and

4.2 All works shown in the plans as identified in Condition 4.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5. **Privacy**

The windows to bedroom 2 and the master bedroom located on the northern elevation shall be screened or modified, prior to occupation or use of the development, so that they do not constitute 'major openings' as defined by State Planning Policy 3.1: Residential Design Codes;

6. **Schedule of 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; and

7. **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.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Cole, Seconded Cr Gontaszewski**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

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**9.1.2 No. 15 (Lot: 126; D/P: 2360) Kingston Avenue, West Perth – Proposed Four Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	31 October 2016
<b>Precinct:</b>	Precinct 5 – Cleaver	<b>File Ref:</b>	PR22550; 5.2016.115.1
<b>Attachments:</b>	1 – Location and Consultation Map 2 – Development Application Plans 3 – Relevant Design Principles/Criteria 4 – Summary of Submissions and Administration Response 5 – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Wright, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, APPROVES the application for development approval, under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for Four Grouped Dwellings at No. 15 (Lot: 126; D/P: 2360) Kingston Avenue, West Perth in accordance with plans date stamped 12 October 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

1. **Boundary Wall**

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

2. **Car Parking and Access**

2.1 A minimum of one car bay per dwelling shall be provided as shown on the approved plans;

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

2.3 All redundant crossovers shall be removed and the verge area reinstated to the City's satisfaction prior to the occupation or use of the development; and

2.4 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. **External Fixtures**

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

4. **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;

5. **Landscape and Reticulation Plan**

5.1 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:

- 5.1.1 The location and type of existing and proposed trees and plants;
- 5.1.2 15% of the site as deep soil zone;
- 5.1.3 Large canopy trees (minimum 500 litres) that will achieve 30% canopy coverage of the site within five years;
- 5.1.4 Areas to be irrigated or reticulated; and
- 5.1.5 The removal of redundant crossovers;

5.2 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 occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. **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;

7. **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;

8. **Stormwater**

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

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**COUNCIL DECISION ITEM 9.1.2**

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

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

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**9.1.3 Amendment to the City's Trees of Significance Inventory**

<b>Ward:</b>	North	<b>Date:</b>	31 October 2016
<b>Precinct:</b>	Precinct 1 – Mt Hawthorn	<b>File Ref:</b>	SC1348
<b>Attachments:</b>	1 – Arborist Report for 19 Dunedin Street, Mt Hawthorn 2 – Subject Tree		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council **LISTS** the Lemon Scented Gum tree (*Corymbia citriodora*) at No. 19 (Lot 352) Dunedin Street, Mount Hawthorn in the City's Trees of Significance Inventory, as identified in Clause 21 of Town Planning Scheme No. 1.

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Loden, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

**9.2.2 Waterwise Council – Water Efficiency Action Plan Endorsement**

<b>Ward:</b>	Both	<b>Date:</b>	27 October 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1299, SC1270
<b>Attachments:</b>	1 – Water Efficiency Action Plan		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Hill, Project Officer – Parks & Environment A Marriott, Sustainability Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

That Council **ENDORSES** the Water Efficiency Action Plan as shown in Attachment 1, which forms a guiding document for the City to retain its Waterwise Council status and to assist the City in current and future actions to meet water efficiency goals.

Moved Cr Loden, Seconded Cr Buckels

That the recommendation be adopted.

**PROPOSED AMENDMENT:**

Moved Cr Loden, Seconded Cr Buckels

That the Recommendation be amended as follows:

“That Council:

1. ENDORSES the Water Efficiency Action Plan as shown in Attachment 1, which forms a guiding document for the City to retain its Waterwise Council status and to assist the City in current and future actions to meet water efficiency goals; and
2. That Administration WRITES to the Water Corporation requesting that the Water Corporation work with the City to examine opportunities to reuse Grey Water for irrigation within the City.”

**PROPOSED AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.2.2**

That Council:

1. **ENDORSES** the Water Efficiency Action Plan as shown in Attachment 1, which forms a guiding document for the City to retain its Waterwise Council status and to assist the City in current and future actions to meet water efficiency goals; and
2. **That Administration WRITES to the Water Corporation requesting that the Water Corporation work with the City to examine opportunities to reuse Grey Water for irrigation within the City.**

**9.2.3 Mindarie Regional Council Joining the Eastern Metropolitan Regional Council Resource Recovery Facility Tender**

<b>Ward:</b>	Both	<b>Date:</b>	27 October 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1161
<b>Attachments:</b>	1 – Overview of the Three Waste to Energy Proposals 2 – Process for MRC Involvement in the EMRC Tender 3 – Risk/Benefit Analysis for MRC to Join EMRC Tender		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

That Council **ADVISES** the Mindarie Regional Council (MRC) that it:

1. **SUPPORTS** the MRC joining the Eastern Metropolitan Regional Council's (EMRC's) tender for a Waste to Energy, Resource Recovery Facility (RRF);
2. **IS NOT PREPARED TO** make any decisions on whether to commit the City's processible waste to the tender until the following information has been made available:
  - 2.1 the preferred tenderer's waste diversion percentage rate;
  - 2.2 the EMRC 'Waste to Energy' facility gate fee; and
  - 2.3 the revised MRC gate fee applicable to Member Council's waste.

Moved Cr Loden, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**PROPOSED AMENDMENT 1:**

Moved Cr Buckels, Seconded Cr Topelberg

That Recommendation 2 be amended as follows:

- "2. **IS NOT PREPARED TO** make any decisions on whether to commit the City's processible waste to the tender until the following information has been made available:
  - 2.1 the preferred tenderer's waste diversion percentage rate;
  - 2.2 the EMRC 'Waste to Energy' facility gate fee; and
  - 2.3 the revised MRC gate fee applicable to Member Council's waste; and
  - 2.4 the technical specifications, process description, and emissions profile of the proposed Waste To Energy technology."

Debate ensued.

**PROPOSED AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

**PROPOSED AMENDMENT 2:**

**Moved Cr Loden, Seconded Cr Topelberg**

That the Recommendation be amended to read as follows:

“That Council **ADVISES** the Mindarie Regional Council (MRC) that it:

1. **Subject to 2 below, SUPPORTS** the MRC joining the Eastern Metropolitan Regional Council’s (EMRC’s) tender for a Waste to Energy, Resource Recovery Facility (RRF);
2. **IS NOT PREPARED TO:**
  - 2.1** **commit any of the City’s processible waste to a waste to energy incineration facility; or**
  - 2.2** **make any decisions on whether to commit the City’s processible waste to the tender until the following information has been made available:**
    - 2.1** (a) the preferred tenderer’s waste diversion percentage rate;
    - 2.2** (b) the EMRC ‘Waste to Energy’ facility gate fee; ~~and~~
    - 2.3** (c) the revised MRC gate fee applicable to Member Council’s waste; and
    - 2.4** (d) the technical specifications, process description, and emissions profile of the proposed Waste to Energy technology.”

Debate ensued.

**PROPOSED AMENDMENT 2 PUT AND LOST (3-4)**

**For:** Cr Buckels, Cr Loden, Cr Murphy  
**Against:** Mayor Carey, Cr Cole, Cr Gontaszewski, Cr Topelberg

(Cr Harley was an apology for the Meeting.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (6-1)**

**For:** Mayor Carey, Cr Cole, Cr Gontaszewski, Cr Loden, Cr Murphy, Cr Topelberg  
**Against:** Cr Buckels

(Cr Harley was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.2.3**

That Council **ADVISES** the Mindarie Regional Council (MRC) that it:

1. **SUPPORTS** the MRC joining the Eastern Metropolitan Regional Council’s (EMRC’s) tender for a Waste to Energy, Resource Recovery Facility (RRF);
2. **IS NOT PREPARED TO** make any decisions on whether to commit the City’s processible waste to the tender until the following information has been made available:
  - 2.1** the preferred tenderer’s waste diversion percentage rate;
  - 2.2** the EMRC ‘Waste to Energy’ facility gate fee;
  - 2.3** the revised MRC gate fee applicable to Member Council’s waste; and
  - 2.4** the technical specifications, process description, and emissions profile of the proposed Waste To Energy technology.

Cr Loden had declared a financial interest in Item 9.3.4 and departed the Chamber at 7:27pm.

**9.3.4 Lease of Leederville Early Childhood Centre by Department of Community Welfare (now Department Local Government & Communities) – Department’s request to ‘withdraw’ from Lease**

<b>Ward:</b>	South	<b>Date:</b>	28 October 2016
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	SC579
<b>Attachments:</b>	1 – Location Plan 2 – Letter from Department dated 27 June 2016 3 – Letter to Department dated 4 October 2016		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Bancroft, Property Leasing Officer		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council

1. **NOTES** the Department of Local Government and Communities’ advice dated 27 June 2016, as detailed in Attachment 2, proposing to withdraw from providing subsidised accommodation to community groups and childcare providers, including the Leederville Early Childhood Centre at 244A Vincent Street Leederville;
2. **ENDORSES** Administration’s advice to the Department as detailed in Attachment 3, indicating that the Department’s proposal is contrary to the provisions contained in the Lease for the Leederville Early Childhood Centre; and
3. **ADVISES** the Minister for Local Government and Communities that the City rejects the Department of Local Government and Communities’ proposal to withdraw from the Lease in 2. above, given:
  - (a) that option is not in compliance with the existing lease between the City and Department for the Leederville Early Childhood Centre; and
  - (b) the original development of the childcare centre undertaken by the Department was based on the understanding that the City would not have to commit any funds to the establishment and ongoing operations of the facility.

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**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Cole, Seconded Cr Gontaszewski**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (6-0)**

(Cr Loden was absent from the Chamber and did not speak or vote on the matter.)  
(Cr Harley was an apology for the Meeting.)

Cr Loden returned to the Chamber at 7:31pm.

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**9.3.7 Aged Persons Trust Account - Update**

<b>Ward:</b>	Both	<b>Date:</b>	28 October 2016
<b>Precinct:</b>		<b>File Ref:</b>	SC363
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Paton, Director Corporate Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

**That Council NOTES:**

1. That Administration's reconciliation of the surplus transfers from Leederville Gardens Inc. identified that the full surplus funds received in 2001/02, 2004/05, 2007/08 and 2010/11 were not transferred to the Senior Citizens and Aged Persons Reserve; and
2. The shortfall in transfers in 1. above of \$417,163 plus interest owing of \$217,782 totalling \$634,945 has been recognised in the Draft 2015/16 Annual Financial Report as an accrued debt.

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**COUNCIL DECISION ITEM 9.3.7**

**Moved Cr Topelberg, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

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Cr Murphy had declared a financial interest in Item 9.1.5 and departed the Chamber at 7:35pm.

**9.1.5 No. 459 (Lots: 9-12 and 66; D/P: 1647) Fitzgerald Street, North Perth – Proposed Pop Up Events (Unlisted Use)**

<b>Ward:</b>	North	<b>Date:</b>	4 November 2016
<b>Precinct:</b>	Precinct 8 – North Perth Centre	<b>File Ref:</b>	PR50982; 5.2016.308.1
<b>Attachments:</b>	<u>1</u> – Location and Consultation Map <u>2</u> – Development Application Plan <u>3</u> – Summary of Submissions <u>4</u> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council **APPROVES BY ABSOLUTE MAJORITY** under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application for development approval for Pop Up Events (Unlisted Use) at No. 459 (Lot: 9-12 and 66; D/P: 1647) Fitzgerald Street, North Perth in accordance with plans date stamped 22 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 4 and the following conditions:

**1. Limitation on Use**

- 1.1 'Pop Up Events' shall be associated with the operations of the Rosemount Hotel and shall be located within the Rosemount Hotel Car Park located on Lots 9-12 and 66 Fitzgerald Street, North Perth, as shown on the approved plans;
- 1.2 'Pop Up Events' shall occur on no more than four individual days within a 12 month period, are only to occur on Saturdays, Sundays and Public Holidays and are not to be held on the same weekend as the existing vintage markets; and
- 1.3 'Pop Up Events' shall not commence prior to 10:00am on the day of the event and shall be completed (including pack down) no later than 1:00am the following day, with public access to the events only permitted between 1:00pm and 12 midnight;

**2. Event Notification and Management**

- 2.1 The applicant shall advise the City, in writing, of the intention to hold each 'Pop Up Event' at least one month prior to that event;
- 2.2 The applicant shall notify all residents and operating businesses within a 100 metres radius of each 'Pop Up Event' via letter drop no later than seven calendar days prior to that event. The letter shall provide details of the event and a contact telephone number to notify the event organisers of any problems;
- 2.3 Event organisers shall be available to answer the nominated contact telephone number provided to the residents and operating businesses written to in 2.2 above from 10:00am until 1:00am for 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;

2.4 A responsible representative of the operator of the event shall be present on-site for the full duration of each of the 'Pop Up Events' to immediately respond to any complaints or concerns;

2.5 A Parking Management Plan shall be submitted to, and approved by the City prior to the use of the car park for 'Pop Up Events'. The management plan shall include the following:

- The location and management of parking for events, including the Rosemount Hotel, during 'Pop Up Events';
- The location and management of pedestrians attending the event;
- Review of the management plan after each event and before the next event, with any changes identified by this review or the City being incorporated into an updated Events Management Plan, to the satisfaction of the City, prior to the next event;

'Pop Up Events' shall be carried out in accordance with the approved management plan to the satisfaction of the City;

3. Acoustic Report and Management Plan

An Acoustic Report and Management Plan, 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. The Acoustic Report and Management Plan shall be reviewed after each event and before the next event, with any changes identified by this review or the City being incorporated into an updated Management Plan, to the satisfaction of the City, prior to the next event. The Acoustic Report and Management Plan shall be implemented as part of each of the 'Pop Up Events', to the satisfaction of the City.

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COUNCIL DECISION ITEM 9.1.5

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (6-0)**

(Cr Murphy was absent from the Chamber and did not speak or vote on the matter.)  
(Cr Harley was an apology for the Meeting.)

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**9.3.6 Arrangements for an Extraordinary Election**

<b>Ward:</b>	-	<b>Date:</b>	28 October 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	SC2639
<b>Attachments:</b>	<u>1</u> – Letter to the WAEC conveying Council's decision of 18 October 2016 <u>2</u> – Reply from the WAEC dated 21 October 2016 <u>3</u> – Letter to WAEC advising of the date fixed for the election		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	T Evans, Manager Governance and Risk		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council:

1. **NOTES** that, further to item 9.3.5 of the Ordinary Council Meeting held on 18 October 2016, and in accordance with Section 4.9(1) of the *Local Government Act 1995* the Mayor has fixed the date for an extraordinary election on Friday 24 February 2017; and
2. **RESOLVES BY ABSOLUTE MAJORITY** to:
  - a) **DECLARE** in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner be responsible for the conduct of the extraordinary election;
  - b) **NOMINATE** in accordance with section 4.61(2) of the *Local Government Act 1995*, the method of conducting the election will be as a postal election; and
  - c) **APPROVE** in accordance with section 6.8(1)(b) of the *Local Government Act 1995*, the unbudgeted expenditure of \$37,000 for the carrying out of the extraordinary election.

**COUNCIL DECISION ITEM 9.3.6**

**Moved Cr Topelberg, Seconded Cr Loden**

That the recommendation be adopted.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (6-0)**

(Cr Murphy was absent from the Chamber.)  
(Cr Harley was an apology for the Meeting.)

Cr Murphy returned to the Chamber at 7:37pm.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 7:37pm Moved Cr Loden, Seconded Cr Gontaszewski

Pursuant to Section 5.23(2) of the *Local Government Act 1995* and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors", to consider the confidential reports relating to Items 14.1 and 14.2.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

**PRESENT:**

Mayor John Carey	Presiding Member
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Dan Loden	North Ward
Cr Susan Gontaszewski	South Ward
Cr Jimmy Murphy	South Ward
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer
John Corbellini	Director Development Services
Rick Lotznicker	Director Technical Services
Mick Quirk	Director Community Engagement
John Paton	Director Corporate Services
Tim Evans	Manager Governance & Risk
Anita Radici	Executive Secretary
Media	Nil.

No members of the public were present.

**14. CONFIDENTIAL ITEMS/MATTERS (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL REPORT: No. 42 (Lot: 10 DP: 167) Shakespeare Street (Formerly No. 86 Hobart Street), Mount Hawthorn – Amendment to Development Approval for 18 Multiple Dwellings – Supreme Court Appeal of State Administrative Tribunal Decision No. 115**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2016
<b>Precinct:</b>	Precinct 1 – Mt Hawthorn	<b>File Ref:</b>	PR14061; 5.2015.358.1
<b>Attachments:</b>	Confidential – Location and Notification Map Confidential – Development Plans Illustrating Proposed Overlooking Confidential – State Administrative Tribunal Decision Confidential – Supreme Court Appeal Notice Confidential – Legal Advice		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P Di Perna, Manager Approval Services		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Loden, Seconded Cr Loden**

That Council RESOLVE to submit a notice of intention to participate in the appeal proceedings for No. 42 (Lot: 10 DP: 167) Shakespeare Street (Formerly No. 86 Hobart Street), Mount Hawthorn.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Harley was an apology for the Meeting.)**

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**14.2 CONFIDENTIAL REPORT: Consideration of Ex Gratia Payment**

<b>Ward:</b>	Both	<b>Date:</b>	1 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	-
<b>Attachments:</b>	Confidential – Location Plan Confidential - Photographs		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	L Kosova, Chief Executive Officer		
<b>Responsible Officer:</b>	L Kosova, Chief Executive Officer		

**COUNCIL DECISION ITEM 14.2**

**Moved Cr Topelberg, Seconded Cr Loden**

That Council:

1. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995* the unbudgeted expenditure of \$4,533.20 to make a one-off ex gratia payment in accordance with the terms outlined in this report and **AUTHORISES** the Chief Executive Officer to execute an agreement for the same; and
2. **NOTES** the funds to facilitate the expenditure in 1. above will be reallocated from operating account 2031.250.702 – Insurance Expense: Public Liability.

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

(Cr Harley was an apology for the Meeting.)

**PROCEDURAL MOTION:**

At 7:43pm **Moved Cr Buckels, Seconded Cr Loden**

That the Council resume an “open meeting”.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Harley was an apology for the Meeting.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 7:43pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Dan Loden	North Ward
Cr Susan Gontaszewski	South Ward
Cr Jimmy Murphy	South Ward
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer
John Corbellini	Director Development Services
Rick Lotznicker	Director Technical Services
Mick Quirk	Director Community Engagement
John Paton	Director Corporate Services
Tim Evans	Manager Governance & Risk
Anita Radici	Executive Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 15 November 2016.

Signed: ..... Mayor John Carey.

Dated this ..... day of ..... 2016.