



CITY OF VINCENT

**ORDINARY
COUNCIL MEETING**

Minutes

20 SEPTEMBER 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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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. Rick Van Der Feltz, Mt Hawthorn – Item 9.1.12

- Spoke in support of the application. Disputed the measurements presented in the Officers Report.

Requested the trees encroaching on footpath be trimmed.

Raised concern over the parking across the footpath.

Cr McDonald arrived at 6.12pm.

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

2. Faye Caldwell, Leederville – Item 9.1.5

- Spoke against the application. Sought clarification on whether the request for a public forum mentioned in the report relates to her initial request that goes back to February 2016. Expressed concern that some residents hadn't received any notification of tonight's Council Meeting. Some residents had also noted damage to their homes as a result of demolition or development works on site.

The Presiding Member Mayor Carey thanked Ms Caldwell for her queries and assured her that the questions will be taken on notice, if they are not replied at the Council Meeting.

3. Renata Ogilvie from pSquared Communications, East Perth– Item 9.1.15

- Spoke in support of the recommendation.

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

4. Stuart Lofthouse, Leederville

- Asked the following questions:

Has City of Vincent got any CCTV cameras that work in Leederville?

Is it possible to get signage in the back car park of Leederville to help people get to Oxford Street? People are currently using his shop as a thoroughfare.

Can the toilets in Leederville be left open until such time as the restaurants are allowed to remain open?

Why is the name of only one coffee shop mentioned on the Leederville Connect page? Is Leederville Connect a ratepayer funded initiative?

The Presiding Member Mayor Carey thanked Mr Lofthouse for his comments and mentioned that the questions were taken on notice.

5. Russell Kingdom, North Perth – Item 9.1.11

- Spoke in support of the application.

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

6. Tim Hughes, Highgate - Item 9.1.9

- Requested the Council to defer the application to ensure that all relevant criteria of Council policies have been applied against the assessment. Sought confirmation on assessment of criteria to ensure that new development is of a mass and scale that respects the adjacent heritage.

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

7. Debbie Saunders, Leederville - Item 9.3.4

- Queried why the online portal was not available on the website by 10 August 2016?

Stated that the old policy on Alfresco is being displayed on the City's website. Queried whether there is any policy in force at the moment?

Stated that the freedom of information register should not be displayed as a freedom of information request can only be about the person that makes the request on a third party and as such would not improve the accountability and transparency of Council. She also stated that the names of eating houses are irrelevant to the accountability and transparency of the Council.

Requested that the information on dates, time and payment details of child care costs be made available.

The Presiding Member Mayor Carey thanked Ms Saunders for her comments and mentioned that the question regarding the Alfresco Policy would be taken on notice.

8. Norman Langham, East Perth - Item 9.1.4

- Spoke in support of the application.

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

Ms Dennise Vives distributed a plan in support of the application.

9. Nathan Stewart, Perth - Item 9.1.1

- Confirmed that the people using the proposed child care centre will not be able to use the Public Transport Authority (PTA) parking area. This is not required as sufficient parking is provided on the site as demonstrated by the traffic analysis. Stated that the PTA did not object to the proposal.

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

10. Aaron Lohman, North Perth – Item 9.1.8

- Requested that condition 2 of the approval recommendation which requires the construction of a masonry fence be deleted.

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

11. Vanessa Tritaris, North Perth – Item 9.1.8

- Requested that Council defer the application until amendments were made. Also requested that the height of the fence proposed be 1.8 meters in its entirety. Sought more information on the bollard. Requested information be provided to her in case of any damage to her property.

Requested the car parking setback be a minimum of 0.5 meters from the fence line.

Requested plans be provided to her before any decision is made.

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

12. Dudley Maier, Highgate – Item 9.1.13, 9.3.4 and 9.4.4

Item 9.4.4

Objected to the proposal and raised concern over the residential parking issues and the allocation of the parking permits. Recommended the introduction of parking technology is an opportunity to provide better services to residents and to significantly improve the efficiency of the Rangers.

Item 9.3.4

Raised concern over the report which recommended not publishing Annual Returns on the website because it contains staff and Council Members addresses.

Item 9.1.13

Rather than increasing the deemed to comply requirement for open space why does the Mayor's proposal state a drop from 45 to 30%?

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

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

[3.1](#) Letter sent in response to questions from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 23 August 2016.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Mr Craig Nolan, Secretary, Floreat Hellenic Cricket Club along with 25 signatures, to voice concern over the removal of the cricket pitch at Beatty Park.

Moved Cr McDonald, Seconded Cr Harley

CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 23 August 2016.

Moved Cr Murphy, Seconded Cr Cole

That the Minutes of the Ordinary Meeting of Council held on 23 August 2016 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Carey made the following announcement:

7.1 Trial in relation to Waste and Rubbish Bins

The City has been reviewing its waste management practices with a view to moving towards a system next year where the true value of our waste services is reflected in a separate fee for both commercial and residential properties. The City does not intend to introduce a three bin system and instead wishes to incentivise the reuse and recycling of waste in order to reduce waste to land fill. There are numerous reasons why we do not support a three bin system - the first being density and lack of kerb space, the second is a philosophy of reducing waste and the third is the mulch that is produced from a green waste is not of a high quality and cannot be used in a substantial number of places. The first trial which we are proposing to start in November in response to community demand is to ask residents to trade in their large domestic waste bin for a smaller waste bin and in return we will give them a larger recycling bin. We think that it is a better way to go in terms of encouraging waste reduction. It is a trial and we will see how it goes.

7.2 New Director Development Services

Mr John Corbellini is our new Director of Development Services. He was previously Manager of Planning at the City of Joondalup. Over the last two years the City has undergone substantial reform. It has been part of our reform emphasis and recognition that we always have to do better in terms of customer service, governance, financial management and accountability. We have a new Chief Executive Officer, Director Corporate Services, Director Community Engagement and now a new Director Development Services. There has been massive change in the leadership of this organisation and each one of those directors has been given one clear task to think outside the box, to improve performance and to positively influence the culture of the organisation. There are big challenges ahead for the new Director and I have full confidence in him that with our Chief Executive Officer, he will lift our customer service as well as our planning and policy performance.

8. DECLARATIONS OF INTERESTS

8.1 Cr Laine McDonald - Declared an impartiality interest in Item 9.1.1 - FURTHER REPORT: Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth – Proposed Change of Use from Grouped Dwelling to Community Use (Day Care Centre). The extent of her interest being that she has received correspondence from personal acquaintances and who are members of a local community group Norwood Neighbourhood Association (who her partner serves on the Executive Committee with) in relation to this Agenda Item.

8.2 Cr Susan Gontaszewski – Declared an impartiality interest in Item 9.1.11 - No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House. The extent of her interest being that her children are at the same school as the applicants and she sits on the Highgate Board with Mr Russel Kingdom.

- 8.3 Mayor John Carey – Declared an indirect Financial Interest in Item 9.1.11 - No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House. The extent of his interest being that one co- applicant has made a financial donation into the State WA Labor Campaign.
- 8.4 Cr Jimmy Murphy - Declared an impartiality interest in Item 9.4.3 - Amendment to Schedule of Fees & Charges 2016/17 – Concert and Event Fees. The extent of his interest being that he is involved in festivals and events in the City of Vincent.

9. REPORTS

As listed in the Index.

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

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

Items 9.1.1, 9.1.4, 9.1.5, 9.1.8, 9.1.9, 9.1.11, 9.1.12, 9.1.13, 9.1.15, 9.3.6 and 9.4.4.

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

Items 9.1.3 and 9.4.3.

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

Item 9.1.11.

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 Harley (Deputy Mayor)	9.3.4 and 10.1
Cr Buckels	Nil.
Cr Cole	9.1.10 and 9.1.14
Cr Gontaszewski	9.1.6
Cr Laine McDonald	Nil.
Cr Murphy	Nil.
Cr Topelberg	9.4.1 and 10.2

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, 9.2.1, 9.2.2, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.3.5, 9.3.6, 9.4.2, 9.4.3 and 9.5.1.

- (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 McDonald

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

Items 9.1.7, 9.2.1, 9.2.2, 9.2.3, 9.2.4, 9.2.5, 9.3.1, 9.3.2, 9.3.3, 9.3.5, 9.3.6, 9.4.2, 9.4.3 and 9.5.1.

CARRIED UNANIMOUSLY (8-0)
BY AN ABSOLUTE MAJORITY

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.7 No. 24 (Lots: 2 & 3; D/P: 75) Brisbane Street, Perth – Change of Use from Office and Multiple Dwelling to Office and Serviced Apartments (Retrospective)

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 13 – Beaufort	File Ref:	PR18666; 5.2016.183.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification and Management Plan/Code of Conduct 4 – Car Parking and Bicycle Tables 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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 a Change of Use from Office and Multiple Dwelling to Office and Serviced Apartments (Retrospective) at No. 24 (Lots: 2 & 3; D/P: 75) Brisbane Street, Perth in accordance with plans date stamped 10 May 2016 and 19 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

1. Limitation on Use – Serviced Apartment

1.1 Maximum Lease Period

Guests are not permitted to stay at the subject serviced apartment for a continuous period of more than six months within any 12 month period; and

1.2 Management Plan

1.2.1 The serviced apartment shall continue to operate in accordance with the Management Plan dated 10 May 2016; and

1.2.2 The terms and conditions outlined in the Management Plan shall be provided to occupants of the Serviced Apartment at the time of check-in and displayed in a prominent location within the entrance area within the service apartment;

2. Car Parking and Access

2.1 A minimum of six car parking bays shall be provided onsite for the office and serviced apartment use;

2.2 The car park shall be used only by residents, tenants and visitors directly associated with the development;

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

- 2.4 Vehicle and pedestrian access points are required to match into existing footpath levels; and
 - 2.5 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);
3. **External Fixtures**
- All external fixtures shall not be visually obtrusive from Bulwer and Brisbane Streets and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;
4. **Waste Management**
- 4.1 A Waste Management Plan is to be provided within 28 days of the date of approval and shall be approved by the City detailing a bin store to accommodate the City's specified bin requirement; and
 - 4.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;
5. **Bicycle Bays**
- Prior to occupancy or use of the development a minimum of one resident bay is to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and
6. 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 9.1.7

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.2.1 Further Report No 4: Proposed Traffic Management Improvement on Vincent Street near Norfolk Street, North Perth/Mount Lawley

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 10 - Norfolk	File Ref:	SC979; SC228
Attachments:	1 - Plan No 3347-CP-01A		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the feedback received from residents regarding the proposed installation of speed humps on Vincent Street near Norfolk Street;
2. **APPROVES** the installation of speed humps along Vincent Street as shown on attached Plan No 3347-CP-01A (Attachment 1) estimated to cost \$15,000; and
3. **ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.2.2 Proposed Parking Restrictions - Smith, Lincoln and Wright Streets, Perth

Ward:	South	Date:	1 September 2016
Precinct:	Precinct 14 - Forrest	File Ref:	SC948, SC853, SC1006, SC1201
Attachments:	1 - Consultation Summary 2 - Plan No. 3343-PP-01		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer S Butler, Manager and Community Safety		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the comments received during the public consultation regarding the implementation of parking restrictions in Smith, Lincoln and Wright Streets, Perth as shown in Attachment 1;
2. **APPROVES** the introduction of 3P parking restrictions 8am to 5.30pm Monday to Friday, in Smith, Lincoln and Wright Streets, Perth as shown on attached Plan No 3343-PP-01 (Attachment 2); and
3. **ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.2.3 Tender No 522/16 - Supply and Delivery of Sprinklers, Controllers, Solenoid Valves, PVC Pipes/Fittings and Associated Products

Ward:	Both	Date:	2 September 2016
Precinct:	All	File Ref:	SC2727
Attachments:	Confidential Attachment – Pricing Schedule		
Tabled Items:	Nil.		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **ACCEPTS** Tender No 522/16 from Elliotts Irrigation for the supply and delivery of sprinklers, controllers, solenoid valves, PVC pipes/fittings and associated products for a three year period, as per the pricing schedule (Confidential Attachment) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.2.4 Tender No 521/16 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection

Ward:	Both	Date:	2 September 2016
Precinct:	All	File Ref:	SC2689
Attachments:	Confidential Attachment – Pricing Schedule		
Tabled Items:	Nil		
Reporting Officers:	C Wilson, Manager Asset and Design S Cross, Waste Minimisation Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **ACCEPTS** Tender No 521/16 from Steann Pty Ltd to undertake the bi-annual bulk verge green waste collection and annual bulk verge general junk collection for a period of three years, as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.2.5 Proposed Parking Restrictions in Scott Street between Bourke and Tennyson Streets, Leederville

Ward:	North	Date:	5 September 2016
Precinct:	Precinct 3 - Leederville	File Ref:	SC902, SC1201
Attachments:	1 - Plan No 3328-PP-01 2 - Plan No 3328-PP-02		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of parking restrictions in Scott Street, Leederville as shown within the report;
2. **APPROVES** the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Scott Street, between Bourke and Tennyson Streets, as shown on attached Plan No 3328-PP-01 (Attachment 1) and Plan No 3328-PP-02 (Attachment 2); and
3. **ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.3.1 Investment Report as at 31 August 2016

Ward:	Both	Date:	2 September 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 31 August 2016 as detailed in Attachment 1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.3.2 Authorisation of Expenditure for the Period 1 August 2016 to 31 August 2016

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

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 01 August 2016 to 31 August 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80190 - 80258	\$134,297.47
Cancelled Cheques	- \$300.00
EFT Documents 1968 - 1979	\$2,616,572.26
Payroll	\$1,088,205.57
Direct Debits	
• Lease Fees	\$8,049.90
• Loan Repayment	\$145,736.82
• Bank Fees and Charges	\$15,353.82
• Credit Cards	\$4,900.16
Total Direct Debit	\$174,040.70
Total Accounts Paid	\$4,012,816.00

COUNCIL DECISION ITEM 9.3.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.3.3 Financial Statements as at 31 July 2016

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

RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.3.5 Approval of Council Briefing and Council Meeting Dates for 2017

Ward:	-	Date:	31 August 2016
Precinct:	-	File Ref:	ADM0016 & ADM0066
Attachments:	1 – Council Briefing and Council Meeting Schedule 2017		
Tabled Items:	-		
Reporting Officer:	Pia Rasal, Governance & Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **ADOPTS** the 2017 Council Briefing and Council Meeting Schedule included as Attachment 1, consisting of a four-weekly meeting cycle of:

1. Twelve (12) Council Briefing Sessions, commencing Tuesday 31 January 2017; and
2. Twelve (12) Council Meetings, commencing Tuesday 7 February 2017.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.3.6 Review of City of Vincent Local Laws under Section 3.16 of the Local Government Act 1995

Ward:	-	Date:	5 September 2016
Precinct:	-	File Ref:	SC2688
Attachments:	1 – Local Law Review 2016 Schedule		
Tabled Items:	-		
Reporting Officer:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

1. In accordance with *section 3.16* of the *Local Government Act 1995*, **AUTHORISES** Administration to provide Statewide and local public notice stating that:
 - a) the City proposes to review the following local laws:
 - i) Dogs Local Law 2007;
 - ii) Fencing Local Law 2008;
 - iii) Health Local Law 2004;
 - iv) Local Government Property Local Law 2008;
 - v) Parking and Parking Facilities Local Law 2007;
 - vi) Standing Orders Local Law 2008;
 - vii) Trading in Public Places Local Law 2008; and
 - b) submissions about the local laws are invited for a period of 6 weeks;
and
2. **NOTES** that the results of the above advertising will be presented to Council for consideration of any submissions received.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.4.2 Tender No. 517/16 Beatty Park Leisure Centre Café Supply Contracts

Ward:	Both	Date:	7 September 2016
Precinct:	All	File Ref:	SC2619
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	D Morrissy, Manager Beatty Park Leisure Centre		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council **ACCEPTS** the following Tenders for the Beatty Park Leisure Centre Café supply categories within Tender No. 517/16 as per the pricing schedule in the tender submissions and general conditions of tendering:

Tenders	Supply Category
Unilever Australia Ltd	Ice creams
Coca Cola Amatil Pty Ltd	Non-alcoholic beverages
PFD Food Services Pty Ltd	Frozen foods

COUNCIL DECISION ITEM 9.4.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.4.3 Amendment to Schedule of Fees & Charges 2016/17 – Concert and Event Fees

Ward:	Both	Date:	7 September 2016
Precinct:	All	File Ref:	SC1897
Attachments:	<u>1</u> – Amendments to the Schedule of Fees and Charges 2016/2017 <u>2</u> – Other Local Government Comparisons <u>3</u> – Festivals and Events Information Pack		
Tabled Items:	Nil		
Reporting Officers:	A Curtin, Acting Coordinator Arts and Creativity		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council:

1. **APPROVES BY ABSOLUTE MAJORITY** in accordance with Section 6.16 of the *Local Government Act 1995* amendments to the Schedule of Fees and Charges 2016/2017 shown in Attachment 1.
2. **ADVERTISES** the revised fee structure for Concerts and Events to be included in the Schedule of Fees and Charges 2016/17 effective from 1 October 2016 pursuant to section 6.19 of the *Local Government Act 1995*.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)
BY AN ABSOLUTE MAJORITY

(Cr Loden was on approved leave of absence for the Meeting.)

9.5.1 Information Bulletin

Ward:	-	Date:	2 September 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Pia Rasal, Governance & Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 20 September 2016 as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

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

Ward:	North	Date:	2 September 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR12043; 5.2016.124.1
Attachments:	1 – Location Plan 2 – Development Application Plans 3 – Applicant's Photos		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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, **REFUSES** the application for the Carport addition to Existing Single House at No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn in accordance with plans date stamped 5 August 2016, as shown on Attachment 2, subject to the following reasons:

1. The proposal does not comply with the requirement to provide a crossover with a minimum width of 3 metres (Australian Standards AS2890.1);
2. The proposal will negatively impact the amenity of the locality as it is likely to impact the long-term health of the existing well established mature "Weeping Peppermint Tree", and potentially resulting in the tree having to be removed; and
3. The proposal is contrary to the orderly and proper planning.

COUNCIL DECISION ITEM 9.1.12

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Cole, Seconded Cr Buckels

That the item be deferred.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Loden was on approved leave of absence for the Meeting.)

Reason: Council requested an arboricultural assessment report be presented to Council for consideration.

9.1.5 Nos. 5-9 (Lot: 40; D/P: 41827) Britannia Road, Leederville – Amendment to Existing Approval: Alterations and additions to Institutional Building (Aged Care Facility)

Ward:	North	Date:	2 September 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR11095; 5.2016.145.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Previous Council Approval and Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for an amendment to an existing approval granted on 24 May 2011 numbered 5.2010.596.2 for a proposed Institutional Building (Aged Care Facility) at Nos. 5-9 (Lot: 40; D/P: 41827) Britannia Road, Leederville as depicted by cross hatching on plans date stamped 21 April 2016, as shown on Attachment 2, subject to the following condition:

1. All conditions, requirements and advice notes detailed on the previous approval dated 24 May 2011 numbered 5.2010.596.2 shall remain.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.15 Leederville Farmers Market – Expression of Interest: Operations and Management

Ward:	South	Date:	31 August 2016
Precinct:	Oxford Centre	File Ref:	5.2015.206.1
Attachments:	1 – Expression of Interest Documentation: Leederville Farmers' Market Operations and Management 2 – EOI Questions and Answers following Site Inspection Confidential: Review Panel Summary		
Tabled Items:	Nil		
Reporting Officer:	D Doy, Place Manager J O'Keefe, Manager Policy & Place		
Responsible Officer:	P Di Perna, Acting Director Development Services		

That Council **AUTHORISES** the Chief Executive Officer to negotiate a licence agreement with pSquared Communications to operate and manage a Farmers Market at Lot 1 Frame Court Car Park, Leederville subject to the following conditions:

1. the licence agreement not exceeding 12 months;
2. the Market being permitted to use the space on Sundays between 6:30am and 12:30pm;
3. a payable fee of \$19,305;
4. the Market operator paying any additional and relevant fees in accordance with the Schedule of Fees and Charges 2016/2017;
5. the market shall not include stalls that sell coffee or hot drinks;
6. all requirements outlined in the Expression of Interest document as shown in Attachment 1;
7. all relevant default, penalties and indemnity clauses; and
8. any other conditions deemed to be appropriate by the City.

COUNCIL DECISION ITEM 9.1.15

Moved Cr Topelberg, Seconded Cr Gontaszewski

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

The Presiding Member Mayor Carey had declared a financial interest in Item 9.1.11. Mayor Carey vacated the Chair and the Chamber at 7.15pm.

Deputy Mayor Cr Roslyn Harley assumed the Chair at 7.15pm.

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

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR19871; 5.2016.102.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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, REFUSES the application for Proposed Alterations and Additions to Existing Single House at No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 23 March and 17 August 2016, as shown on Attachment 2, subject to the following reasons:

1. The proposal does not comply with the:
 - 1.1 Criteria to obtain access from Chelmsford Road given a Right of Way is available (Policy No. 7.2.1 – Residential Design Elements Clause SADC8 and Residential Design Codes Clause 5.3.5); and
 - 1.2 Criteria for roof forms to be compatible with existing development and streetscape (Policy No. 7.2.1 – Residential Design Elements Clause BDADC3);
2. The proposal will negatively impact the amenity of the locality as it will require the removal of healthy mature verge trees to accommodate the associated vehicle crossover; and
3. The proposal is contrary to orderly and proper planning.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Buckels, Seconded Cr Gontaszewski

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION:

Moved Cr McDonald, Seconded Cr Murphy

That the item be deferred.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (4-3)

For: Cr Cole, Cr Gontaszewski, Cr McDonald and Cr Murphy

Against: Cr Buckels, Cr Harley and Cr Topelberg

(Cr Loden was on approved leave of absence for the Meeting.)

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

Reason: In order to allow time for the Council to consider the alternative recommendation that was provided late.

Deputy Mayor Cr Roslyn Harley vacated the Chair at 7.25pm.

The Presiding Member Mayor Carey returned to the Chamber and assumed the Chair at 7.25pm.

9.1.9 No. 28 (Lot: 146, D/P: 64743) Harley Street, Highgate – Proposed Alterations and Additions to Existing Single House

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR22085, 5.2016.238.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Spicer, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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 Alterations and Additions to Existing Single House at No. 28 (Lot: 146, D/P: 64743) Harley Street, Highgate in accordance with plans date stamped 2 September 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 Nos. 24 and 30 Harley Street 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**

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

3. **External Fixtures**

All external fixtures shall not be visually obtrusive from Harley Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

4. **Verge Trees**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

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; and

6. Landscape and Reticulation Plan

6.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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 Areas to be irrigated or reticulated; and**
- 6.1.3 Include specific provision for landscaping in the setback area along the southern boundary, abutting the proposed addition**

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

COUNCIL DECISION ITEM 9.1.9

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

For: Cr Buckels, Cr Cole, Cr Gontaszewski, Cr McDonald, Cr Murphy and Cr Topelberg

Against: Presiding Member Mayor John Carey and Cr Harley

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.4 No. 471 (Lot: 301; D/P: 29907) Beaufort Street, Mount Lawley – Proposed Construction of an Eating House

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 11 – Mount Lawley Centre	File Ref:	PR18316; 5.2016.222.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification and Response to Submissions 4 – Car Parking and Bicycle Tables 5 – Department of Planning Comments 6 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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 Construction of an Eating House at No. 471 (Lot: 301; D/P: 29907) Beaufort Street, Mount Lawley in accordance with plans date stamped 2 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 6 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 Nos. 467-469 Beaufort Street 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. **Use of the Premises**

- 2.1 The total occupancy associated with the eating house 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; and
- 2.2 Any proposed increase to the number of patrons of the Eating House will require a further development application;

3. **Hours of Operation**

The hours of operation shall be limited to:

3.1 **Indoor Areas:**

Monday to Saturday – 7:00am to Midnight; and
Sunday – 7:00am to 10:00pm; and

3.2 **Outdoor Areas:**

Sunday to Thursday – 7:00am to 10:00pm;
Friday and Saturday – 7:00am to Midnight;

4. Building

- 4.1 The windows, doors and adjacent floor area facing Beaufort Street and Chatsworth Road shall maintain an active and interactive frontage to this street with clear glazing provided; and**
- 4.2 The proposed awning along Chatsworth Road shall have a minimum clearance of 2.75 metres from the footpath level to the underside of the awning;**

5. Car Parking and Access

- 5.1 A minimum of five car bays shall be provided onsite;**
- 5.2 The car park shall be used only by persons directly associated with the development;**
- 5.3 The car parking and access areas are to comply with the requirements of AS2890.1;**
- 5.4 Vehicle and pedestrian access points are required to match into existing footpath levels;**
- 5.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;**
- 5.6 The area 1 metre in width adjacent to the Right of Way that is required to be ceded to the widening of the Right of Way shall be sealed, drained and graded to match into the level of the existing Right of Way;**
- 5.7 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s); and**
- 5.8 A car parking management plan in accordance with the approved plans shall be prepared and is to form part of the application for Building Permit. It shall be approved by the City prior to the commencement of the development and is to include details relating to on-going management of the tandem bays. The plan is to be implemented and thereafter maintained by the owners/occupiers;**

6. Proposed Road Widening of Beaufort Street

Prior to the commencement of use the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the City of Vincent and registered by a caveat on the title of the land and prepared at the owner's cost stating that:

- 6.1 any development on the land reserved for the widening of Beaufort Street shall not be taken into consideration when determining any land acquisition cost or compensation that may be payable by Council of the WAPC, and**
- 6.2 the land owner agrees to remove the development on the reserved land at their cost at the time the reserved land is required for the upgrading of Beaufort Street;**

7. **External Fixtures**

All external fixtures shall not be visually obtrusive from Beaufort Street, Chatsworth Road and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

8. **Verge Trees**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

9. **Acoustic Report**

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

9.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the acoustic report have been implemented to the City's satisfaction, prior to occupancy or use of the development;

10. **Landscape and Reticulation Plan**

10.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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:

- 10.1.1 The location and type of existing and proposed trees and plants;
- 10.1.2 Areas to be irrigated or reticulated; and
- 10.1.3 The removal of redundant crossovers; and

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

11. **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development;

12. **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 form part of the application for a Building Permit and shall be 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;

13. Waste Management

13.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing:

13.1.1 that waste collection is taken from the Right of Way at the rear of the property and collection is not permitted from the Beaufort Street road reserve; and

13.1.2 a bin store to accommodate the City's specified bin requirement; and

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

14. 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;

15. Bicycle Bays

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

16. Cash-in-Lieu

Prior to occupancy or use of the development, a cash-in-lieu contribution to be paid for the shortfall of 5.368 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 \$28,987.20; and

17. 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.

Moved Cr Gontaszewski, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Topelberg, Seconded Cr Cole

That the following new Condition 18 be inserted as follows:

"18. Revised Plans

A revised north-eastern elevation plan (elevation fronting Chatsworth Road) be submitted as part of the application for building permit, to the satisfaction of the City, which reduces the use of metal sheeting material and introduces other

materials to minimise the building bulk and enable interpretation of the materials found within the locality.”

Debate ensued.

AMENDMENT PUT AND CARRIED (6-2)

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

Against: Cr Cole and Cr Gontaszewski

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

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

(Cr Loden was on approved leave of absence for the Meeting.)

Cr Murphy departed the Chamber at 7.43pm.

Cr Murphy returned to the Chamber at 7.45 pm.

COUNCIL DECISION ITEM 9.1.4

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 Construction of an Eating House at No. 471 (Lot: 301; D/P: 29907) Beaufort Street, Mount Lawley in accordance with plans date stamped 2 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 6 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 Nos. 467-469 Beaufort Street 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. **Use of the Premises**

2.1 The total occupancy associated with the eating house 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; and

2.2 Any proposed increase to the number of patrons of the Eating House will require a further development application;

3. **Hours of Operation**

The hours of operation shall be limited to:

3.1 **Indoor Areas:**

Monday to Saturday – 7:00am to Midnight; and
Sunday – 7:00am to 10:00pm; and

3.2 **Outdoor Areas:**

**Sunday to Thursday – 7:00am to 10:00pm;
Friday and Saturday – 7:00am to Midnight;**

4. Building

- 4.1 The windows, doors and adjacent floor area facing Beaufort Street and Chatsworth Road shall maintain an active and interactive frontage to this street with clear glazing provided; and**
- 4.2 The proposed awning along Chatsworth Road shall have a minimum clearance of 2.75 metres from the footpath level to the underside of the awning;**

5. Car Parking and Access

- 5.1 A minimum of five car bays shall be provided onsite;**
- 5.2 The car park shall be used only by persons directly associated with the development;**
- 5.3 The car parking and access areas are to comply with the requirements of AS2890.1;**
- 5.4 Vehicle and pedestrian access points are required to match into existing footpath levels;**
- 5.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;**
- 5.6 The area 1 metre in width adjacent to the Right of Way that is required to be ceded to the widening of the Right of Way shall be sealed, drained and graded to match into the level of the existing Right of Way;**
- 5.7 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s); and**
- 5.8 A car parking management plan in accordance with the approved plans shall be prepared and is to form part of the application for Building Permit. It shall be approved by the City prior to the commencement of the development and is to include details relating to on-going management of the tandem bays. The plan is to be implemented and thereafter maintained by the owners/occupiers;**

6. Proposed Road Widening of Beaufort Street

Prior to the commencement of use the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the City of Vincent and registered by a caveat on the title of the land and prepared at the owner's cost stating that:

- 6.1 any development on the land reserved for the widening of Beaufort Street shall not be taken into consideration when determining any land acquisition cost or compensation that may be payable by Council of the WAPC, and**
- 6.2 the land owner agrees to remove the development on the reserved land at their cost at the time the reserved land is required for the upgrading of Beaufort Street;**

7. **External Fixtures**

All external fixtures shall not be visually obtrusive from Beaufort Street, Chatsworth Road and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

8. **Verge Trees**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

9. **Acoustic Report**

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

9.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the acoustic report have been implemented to the City's satisfaction, prior to occupancy or use of the development;

10. **Landscape and Reticulation Plan**

10.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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:

- 10.1.1 The location and type of existing and proposed trees and plants;
- 10.1.2 Areas to be irrigated or reticulated; and
- 10.1.3 The removal of redundant crossovers; and

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

11. **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development;

12. **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 form part of the application for a Building Permit and shall be 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;

13. Waste Management

13.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing:

13.1.1 that waste collection is taken from the Right of Way at the rear of the property and collection is not permitted from the Beaufort Street road reserve; and

13.1.2 a bin store to accommodate the City's specified bin requirement; and

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

14. 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;

15. Bicycle Bays

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

16. Cash-in-Lieu

Prior to occupancy or use of the development, a cash-in-lieu contribution to be paid for the shortfall of 5.368 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 \$28,987.20; and

17. 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.

18. Revised Plans

A revised north-eastern elevation plan (elevation fronting Chatsworth Road) be submitted as part of the application for building permit, to the satisfaction of the City, which reduces the use of metal sheeting material and introduces other materials to minimise the building bulk and enable interpretation of the materials found within the locality.

9.1.1 FURTHER REPORT: Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth – Proposed Change of Use from Grouped Dwelling to Community Use (Day Care Centre)

Ward:	South	Date:	2 September 2016
Precinct:	EPRA Precinct 15 – Claisebrook Road North	File Ref:	PR50539; 5.2015.586.1
Attachments:	1 – Consultation Map 2 – Amended Development Application Plans 3 – KCTT Traffic Impact Assessment dated July 2016 4 – DVC Independent Traffic Review 5 – Acoustic Report revised July 2016 6 – Additional Information from applicant dated 13 July 2016 7 – Determination Advice Notes 8 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

That Council, pursuant to its powers under the Local Government (Change of District Boundaries) Order 2007 and the *Local Government (Constitution) Regulations 1998*, Regulation 5(4)(c), allowing the City of Vincent to, in effect, administer the City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, APPROVES the application for Change of Use from Grouped Dwelling to Community Use (Day Care Centre) at Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth in accordance with plans date stamped 29 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 7 and the following conditions:

1. Use of the Premises

- 1.1 A maximum of 60 children and 15 staff are permitted on site at any one time;
- 1.2 The Day Care Centre shall only operate between:
 - Monday to Friday: 7:00am – 6:30pm and
 - Closed Saturday, Sunday and Public Holidays;

2. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 107 Summers Street to the west and Norwood Park to the east in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

3. Car Parking and Access

- 3.1 A minimum of four car parking bays shall be provided onsite;
- 3.2 The car park shall only be used by visitors directly associated with the development;

- 3.3 The staff shall not park in the onsite car park during the hours of 7:00am – 10:00am and 3:00pm to 6:30pm;
- 3.4 At all times at least 1 car bay shall be available for pick up/drop off;
- 3.5 The car parking and access areas are to comply with the requirements of AS2890.1;
- 3.6 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 3.7 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and
- 3.8 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);

4. External Fixtures

All external fixtures shall not be visually obtrusive from Summers Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

5. Verge Trees

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

6. Parking Management Plan

A Management Plan is to be submitted as part of the application for building permit and shall be approved by the City prior to the commencement of the development, a copy of which is to be provided to all parents and staff, detailing but not limited to, the following:

- 6.1 Drop off and pick up procedure;
- 6.2 Staff parking;
- 6.3 Services/delivery vehicle procedure; and
- 6.4 All points detailed in Condition 3 – Car Parking and Access;

7. Acoustic Report and Noise Management Plan

7.1 The recommended measures of the report dated July 2016 shall be implemented and shall include a Noise Management Plan to be submitted and approved by the City prior to the use or occupation of the development and, as a minimum addresses the following:

- 7.1.2 Operating Hours;
- 7.1.2 Predicted noise levels from Indoor Child Play and applicable noise management practices to control sound levels;
- 7.1.3 Predicted noise levels from Outdoor Child Play and applicable noise management practices to control sound levels;
- 7.1.4 Use and style of amplified music;
- 7.1.5 Duration and frequency of 'play times' applicable to each and all age groups;
- 7.1.6 Time and frequency of waste collection and deliveries at the premises; and
- 7.1.7 Community relations/complaint management procedure;

- 7.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the acoustic report have been undertaken to the City's satisfaction, prior to occupancy or use of the development;

8. Landscape and Reticulation Plan

- 8.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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:

8.1.1 The location and type of existing and proposed trees and plants with specific emphasis on landscaping forward of the building line;

8.1.2 Areas to be irrigated or reticulated; and

8.1.3 The removal of redundant crossovers;

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

9. Waste Management

- 9.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and

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

10. 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; and

11. 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.

Moved Cr Murphy, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Cole, Seconded Cr Topelberg

That the following Conditions 7.3 and 7.4 be inserted as follows:

“7.3 The acoustic report be amended to the satisfaction of the City, prior to the commencement of development, to include provision of an acoustic barrier along the western boundary for the length of the babies play area and include recommendations in relation to the implementation of the barrier; and

7.4 The proposal include, as part of the submission for building permit, the installation of an acoustic barrier along the western boundary for the length of the babies play area to the satisfaction of the City;”

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

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

Against: Cr Murphy

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-2)

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

Against: Presiding Member Mayor John Carey and Cr Buckels

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.1.1

That Council, pursuant to its powers under the Local Government (Change of District Boundaries) Order 2007 and the *Local Government (Constitution) Regulations 1998*, Regulation 5(4)(c), allowing the City of Vincent to, in effect, administer the City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, APPROVES the application for Change of Use from Grouped Dwelling to Community Use (Day Care Centre) at Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth in accordance with plans date stamped 29 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 7 and the following conditions:

1. Use of the Premises

1.1 A maximum of 60 children and 15 staff are permitted on site at any one time;

1.2 The Day Care Centre shall only operate between:

- **Monday to Friday: 7:00am – 6:30pm and**
- **Closed Saturday, Sunday and Public Holidays;**

2. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 107 Summers Street to the west and Norwood Park to the east in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

3. Car Parking and Access

- 3.1 A minimum of four car parking bays shall be provided onsite;
- 3.2 The car park shall only be used by visitors directly associated with the development;
- 3.3 The staff shall not park in the onsite car park during the hours of 7:00am – 10:00am and 3:00pm to 6:30pm;
- 3.4 At all times at least 1 car bay shall be available for pick up/drop off;
- 3.5 The car parking and access areas are to comply with the requirements of AS2890.1;
- 3.6 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 3.7 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and
- 3.8 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);

4. **External Fixtures**

All external fixtures shall not be visually obtrusive from Summers Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

5. **Verge Trees**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

6. **Parking Management Plan**

A Management Plan is to be submitted as part of the application for building permit and shall be approved by the City prior to the commencement of the development, a copy of which is to be provided to all parents and staff, detailing but not limited to, the following:

- 6.1 Drop off and pick up procedure;
- 6.2 Staff parking;
- 6.3 Services/delivery vehicle procedure; and
- 6.4 All points detailed in Condition 3 – Car Parking and Access;

7. **Acoustic Report and Noise Management Plan**

7.1 The recommended measures of the report dated July 2016 shall be implemented and shall include a Noise Management Plan to be submitted and approved by the City prior to the use or occupation of the development and, as a minimum addresses the following:

- 7.1.2 Operating Hours;
- 7.1.2 Predicted noise levels from Indoor Child Play and applicable noise management practices to control sound levels;
- 7.1.3 Predicted noise levels from Outdoor Child Play and applicable noise management practices to control sound levels;
- 7.1.4 Use and style of amplified music;

- 7.1.5 Duration and frequency of 'play times' applicable to each and all age groups;
- 7.1.6 Time and frequency of waste collection and deliveries at the premises; and
- 7.1.7 Community relations/complaint management procedure;
- 7.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the acoustic report have been undertaken to the City's satisfaction, prior to occupancy or use of the development;
- 7.3 The acoustic report be amended to the satisfaction of the City, prior to the commencement of development, to include provision of an acoustic barrier along the western boundary for the length of the babies play area and include recommendations in relation to the implementation of the barrier; and
- 7.4 The proposal include, as part of the submission for building permit, the installation of an acoustic barrier along the western boundary for the length of the babies play area to the satisfaction of the City;

8. **Landscape and Reticulation Plan**

- 8.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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:
 - 8.1.1 The location and type of existing and proposed trees and plants with specific emphasis on landscaping forward of the building line;
 - 8.1.2 Areas to be irrigated or reticulated; and
 - 8.1.3 The removal of redundant crossovers;
- 8.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

9. **Waste Management**

- 9.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and
- 9.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

10. **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; and

- 11. 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.

9.1.8 Nos. 53-65 (Lot: 12; D/P: 73684) Wasley Street, Dual Frontage to Forrest Street, North Perth – Proposed Part Demolition of Existing Institutional Building (Two Independent Living Units) and Construction of Associated Car Parking Bays

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR26784; 5.2016.186.1; WAPC/151944; WAPC/146268
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking Table 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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 Proposed Demolition of Existing Institutional Building (Two Independent Living Units) and Construction of Associated Car Parking Bays at Nos. 53-65 (Lot: 12; D/P: 73684) Wasley Street, Dual Frontage to Forrest Street, North Perth in accordance with plans date stamped 12 May 2016, 7 June 2016 and 2 September 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

1. **Car Parking and Access**
 - 1.1 The car park shall be used only by residents and visitors directly associated with the development;
 - 1.2 A minimum of five car parking bays shall be provided for the Independent Living Units;
 - 1.3 The car parking and access areas are to comply with the requirements of AS2890.1;
 - 1.3 The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);
 - 1.4 Wheel stops shall be provided at the end of each car parking bay;
 - 1.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
 - 1.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

2. **Fencing**

- 2.1 The proposed dividing fence abutting the proposed parking bays on the eastern boundary shall be constructed of masonry material;
- 2.2 The fence shall be to a height of 1.8 metres as denoted on the site plans with the exception of the first 1.5 metres when measured from the front boundary which is to have a maximum height of 0.65 metres; and
- 2.3 The owners of the subject land shall finish and maintain the surface of the dividing fencing facing No. 88 Forrest Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

3. **Verge Trees**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

4. **Landscape and Reticulation Plan**

- 4.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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 within the car park;
 - 4.1.2 Areas to be irrigated or reticulated; and
 - 4.1.3 The removal of redundant crossovers; and
- 4.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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; and

- 6. 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.

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Buckels, Seconded Cr Cole

That the following conditions be inserted to the existing Condition 1:

- “1.7 Car parking bay 1 shall be deleted on the denoted plans and replaced with landscaping;”**
- 1.8 The setback of the car bays be increased from the eastern boundary from 0.5 metres to 1.5 metres to provide increased landscaping; and**
- 1.9 Bollards shall be installed within the designated landscaping at the end of each car parking bay, to the satisfaction of the City, prior to use of the car parking bays;”**

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

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

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.1.8

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 Proposed Demolition of Existing Institutional Building (Two Independent Living Units) and Construction of Associated Car Parking Bays at Nos. 53-65 (Lot: 12; D/P: 73684) Wasley Street, Dual Frontage to Forrest Street, North Perth in accordance with plans date stamped 12 May 2016, 7 June 2016 and 2 September 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

1. Car Parking and Access

- 1.1 The car park shall be used only by residents and visitors directly associated with the development;**
- 1.2 A minimum of five car parking bays shall be provided for the Independent Living Units;**
- 1.3 The car parking and access areas are to comply with the requirements of AS2890.1;**
- 1.3 The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);**
- 1.4 Wheels stops shall be provided at the end of each car parking bay;**
- 1.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and**
- 1.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;**
- 1.7 Car parking bay 1 shall be deleted on the denoted plans and replaced with landscaping;**

1.8 The setback of the car bays be increased from the eastern boundary from 0.5 metres to 1.5 metres to provide increased landscaping; and

1.9 Bollards shall be installed within the designated landscaping at the end of each car parking bay, to the satisfaction of the City, prior to use of the car parking bays;

2. Fencing

2.1 The proposed dividing fence abutting the proposed parking bays on the eastern boundary shall be constructed of masonry material;

2.2 The fence shall be to a height of 1.8 metres as denoted on the site plans with the exception of the first 1.5 metres when measured from the front boundary which is to have a maximum height of 0.65 metres; and

2.3 The owners of the subject land shall finish and maintain the surface of the dividing fencing facing No. 88 Forrest Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

3. Verge Trees

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

4. Landscape and Reticulation Plan

4.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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 within the car park;

4.1.2 Areas to be irrigated or reticulated; and

4.1.3 The removal of redundant crossovers; and

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

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; and

6. 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.

9.1.10 No. 148 (Lot: 1; STR: 57977) Carr Street, West Perth – Proposed Change of Use from Single House to Office (Retrospective)

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 5 – Cleaver	File Ref:	PR51740; 5.2016.165.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

1. 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 change of use from Single House to Office (Retrospective) at No. 148 (Lot: 1; STR: 57977) Carr Street, West Perth on plans date stamped 4 May 2016, as shown on Attachment 2, for the following reasons:
 - 1.1 The development is not consistent with the orderly and proper planning and the preservations of the amenities in the locality; and
 - 1.2 The approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and
2. Within 28 days of this notice, the unauthorised use and occupancy of the office is required to cease.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-7)

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

(Cr Loden was on approved leave of absence for the Meeting.)

Cr McDonald departed the Chamber at 8.18pm.

Cr McDonald returned to the Chamber at 8.21pm.

Debate ensued.

Moved Cr Buckels, Seconded Cr Topelberg

ALTERNATIVE 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 change of use from Single House to Office (Retrospective) at No. 148 (Lot: 1;

STR: 57977) Carr Street, West Perth on plans date stamped 4 May 2016, as shown on Attachment 2, subject to the following conditions:

1. Hours of Operation

The hours of operation shall be limited to:

**Monday to Friday – 9:00am to 4:30pm; and
Saturday and Sunday – Closed;**

2. Limitations on Operations

**2.1 The maximum number of employees be limited to four, at any one time;
and**

2.2 Customers and Clients are not to attend the premises;

3. Building

The windows, doors and adjacent floor area facing Carr Street shall maintain an active and interactive frontage to this street with clear glazing provided; and

4. Car Parking and Access

4.1 A minimum of one car bay shall be provided onsite;

4.2 The car park shall be used only by persons directly associated with the development; and

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

5. External Fixtures

All external fixtures shall not be visually obtrusive from Carr Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

6. Verge Trees

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

7. Waste Management

7.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and

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

8. 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;

9. **Bicycle Bays**

Prior to occupancy or use of the development a minimum of one Class 3 bay is to be provided on site to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

10. **Cash-in-Lieu**

Prior to occupancy or use of the development, a cash-in-lieu contribution to be paid for the shortfall of 0.36 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 \$1,944.00; and

11. 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.

ADVICE NOTES:

1. With reference to Condition 8, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings; and

2. With reference to Condition 10:

2.1 The cash-in-lieu amount may be reduced if additional car bays are provided onsite or in conjunction with any other arrangement acceptable to the City;

2.2 Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:

2.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or

2.2.2 To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

2.2.3 To the owner/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and

2.3 The applicant may request the City to approve a payment plan up to five years;

3. All Vehicle and pedestrian access points are required to match into existing footpath levels;

4. An Occupancy Permit is required prior to the occupation of the building;

5. Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage.

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.1.10

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 change of use from Single House to Office (Retrospective) at No. 148 (Lot: 1; STR: 57977) Carr Street, West Perth on plans date stamped 4 May 2016, as shown on Attachment 2, subject to the following conditions:

1. **Hours of Operation**

The hours of operation shall be limited to:

Monday to Friday – 9:00am to 4:30pm; and
Saturday and Sunday – Closed;

2. **Limitations on Operations**

2.1 The maximum number of employees be limited to four, at any one time;
and

2.2 Customers and Clients are not to attend the premises;

3. **Building**

The windows, doors and adjacent floor area facing Carr Street shall maintain an active and interactive frontage to this street with clear glazing provided; and

4. **Car Parking and Access**

4.1 A minimum of one car bay shall be provided onsite;

4.2 The car park shall be used only by persons directly associated with the development; and

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

5. **External Fixtures**

All external fixtures shall not be visually obtrusive from Carr Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

6. **Verge Trees**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

7. **Waste Management**

7.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and

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

8. **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;

9. **Bicycle Bays**

Prior to occupancy or use of the development a minimum of one Class 3 bay is to be provided on site to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

10. **Cash-in-Lieu**

Prior to occupancy or use of the development, a cash-in-lieu contribution to be paid for the shortfall of 0.36 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 \$1,944.00; and

11. 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.

ADVICE NOTES:

1. With reference to Condition 8, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings; and

2. With reference to Condition 10:

2.1 The cash-in-lieu amount may be reduced if additional car bays are provided onsite or in conjunction with any other arrangement acceptable to the City;

2.2 Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:

- 2.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- 2.2.2 To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 2.2.3 To the owner/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
- 2.3 The applicant may request the City to approve a payment plan up to five years;
- 3. All Vehicle and pedestrian access points are required to match into existing footpath levels;
- 4. An Occupancy Permit is required prior to the occupation of the building;
- 5. Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage.

Reason: Council was of the view that the development was largely consistent with orderly and proper planning and the preservations of the amenity of the locality.

9.1.3 No. 249 (Lot: 121; D/P: 95653) Lake Street, Perth – Proposed Change of Use from Single House to Short Term Dwelling (Unlisted Use)

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR22904; 5.2016.14.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Management Plan and Code of Conduct dated 16 August 2016 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Spicer, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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 Change of Use from Residential to Short Term Dwelling (Unlisted Use) at No. 249 (Lot: 121; D/P: 95653) Lake Street, Perth in accordance with plans date stamped 21 May 2016 as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

1. Limitation on Use

1.1 Maximum Lease

The Short Term Dwelling residents may stay at the subject short term dwelling for a continuous period of less than six months within any twelve month period;

1.2 Maximum Number of Tenants

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

1.3 Management Plan

1.3.1 The Short Term Dwelling shall operate in accordance with the Management Plan dated 16 August 2016 to the satisfaction of the City; and

1.3.2 The terms and conditions dated 16 August 2016 shall be provided to occupants of the short term dwelling and shall be displayed in a prominent position within the premises at all times; and

2. External Fixtures

All external fixtures shall not be visually obtrusive from Lake Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

Debate ensued.

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

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.6 No. 31 (Lot: 74; D/P: 32) Smith Street, Highgate – Proposed Additions and Alterations to Existing Public Place of Worship (Serbian Church Hall)

Ward:	South	Date:	2 September 2016
Precinct:	Precinct 14 – Forrest	File Ref:	PR25404; 5.2016.228.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Planning Report 4 – Car Parking and Bicycle Tables 5 – State Heritage Office Comment 6 – Marked up plans showing proposed versus required setback 7 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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 a proposed Two Storey Alteration and Additions to Existing Public Place of Worship (Serbian Church Hall) at No. 31 (Lot: 74; D/P: 32) Smith Street, Highgate on plans date stamped 9 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 7 and the following conditions:

1. **Limitation on Use – Church Classroom**
 - 1.1 A maximum of 20 students are to be accommodated in the classroom at any one time;
 - 1.2 The proposed Friday classes shall operate at a separate time to the Place of Public Worship Use;
 - 1.3 The proposed Friday religious classes to operate from 6:00pm to 7:30pm;

2. **Car Parking and Access**
 - 2.1 A minimum of two car parking bays shall be provided onsite for the use;
 - 2.2 The car parking and access areas are to comply with the requirements of AS2890.1;
 - 2.3 The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owners/occupiers;

3. **Stormwater**

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

4. **External Fixtures**

All external fixtures shall not be visually obtrusive from Smith Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

5. **Landscaping and Reticulation Plan**

5.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be 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 proposed trees and plants;

5.1.2 Areas to be irrigated and reticulated; and

5.1.3 The proposed landscaping treatment of the verge;

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

6. **Bicycle Bays**

Prior to occupancy or use of the development a minimum of 6 Class 3 bicycle facilities are to be provided onsite to the satisfaction of the City. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

7. 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 9.1.6

Moved Cr Gontaszewski, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.13 Proposed Amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations

Ward:	Both	Date:	2 September 2016
Precinct:	All	File Ref:	SC2320
Attachments:	<p>1 – Policy No. 7.5.11 – Exercise of Discretion for Development Variations</p> <p>2 – Draft Amended Policy No. 7.5.11 – Exercise of Discretion for Development Variations</p>		
Tabled Items:	Nil		
Reporting Officer:	S Smith, Coordinator Policy and Place J O’Keefe, Manager Policy and Place		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

That Council:

- ADOPTS** the amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations included as Attachment 2 and shown by strike through and underline, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- NOTES** that the amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations included as Attachment 2 will not be advertised pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.1.13

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.16 LATE ITEM: Mount Hawthorn Hawker’s Market – Expression of Interest: Operations and Management

Ward:	North	Date:	19 September 2016
Precinct:	Precinct 2 - Mt Hawthorn Centre	File Ref:	SC1243
Attachments:	1 – Expression of Interest Documentation: Mount Hawthorn Hawker’s Market Operations and Management Confidential Attachment: Review Panel Summary		
Tabled Items:	Nil		
Reporting Officer:	G Lawrence, Place Manager J O’Keefe, Manager Policy & Place		
Responsible Officer:	J Corbellini, Director Development Services		

That Council **AUTHORISES** the Chief Executive Officer to negotiate a licence agreement with Heart Inspired Events to operate and manage the Mount Hawthorn Hawker’s Market at Axford Park, Mount Hawthorn subject to the following conditions:

1. the licence agreement shall be for a maximum term of 24 months;
2. the Market operator paying any relevant fees in accordance with the Schedule of Fees and Charges 2016/2017;
3. all requirements outlined in the Expression of Interest document as shown in Attachment 1;
4. all relevant default, penalties and indemnity clauses; and
5. any other conditions deemed to be appropriate by the City.

COUNCIL DECISION ITEM 9.1.16

Moved Cr Harley, **Seconded** Cr Cole

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.14 Review of Planning Policy Framework

Ward:	Both	Date:	2 September 2016
Precinct:	All	File Ref:	SC2320
Attachments:	<p>1 – Draft Policy No. 7.1.1 – Leederville Precinct 2 – Draft Policy No. 7.1.2 – North Perth Precinct 3 – Draft Policy No. 7.1.3 – Perth Precinct 4 – Draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct 5 – Draft Policy No. 7.1.5 – Mount Hawthorn Precinct 6 – Draft Policy No. 7.1.6 – Development Requirements and Building Design 7 – Draft Policy No. 7.1.1 – Built Form 8 – Summary of Submissions 9 – Building Setbacks Comparison Table</p>		
Tabled Items:	Nil		
Reporting Officer:	<p>T Elliott, Strategic Planning Officer S Smith, Coordinator Policy and Place J O’Keefe, Manager Policy and Place</p>		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

That Council:

1. **DOES NOT PROCEED** with draft Policy No. 7.1.1 – Leederville Precinct Policy, draft Policy No. 7.1.2 – North Perth Precinct draft Policy No. 7.1.3 – Perth Precinct, draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct, draft Policy No. 7.1.5 – Mount Hawthorn Precinct and draft Policy No. 7.1.6 – Development Requirements and Building Design included as Attachments 1, 2, 3, 4, 5, and 6 pursuant to Schedule 2, Part 2, Clause 4(3)(b)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 7 pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of public consultation; and
3. **NOTES:**
 - 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Leederville Precinct Policy, draft Policy No. 7.1.2 – North Perth Precinct draft Policy No. 7.1.3 – Perth Precinct, draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct, draft Policy No. 7.1.5 – Mount Hawthorn Precinct and draft Policy No. 7.1.6 – Development Requirements and Building Design included as Attachments 1, 2, 3, 4, 5, and 6, and **ENDORSES** Administration’s responses to those submissions included as Attachment 8;
 - 3.2 That draft Policy No. 7.1.1 – Built Form will be advertised for a period of 28 days pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation; and
 - 3.3 That Administration will give notice of the proposed Policy to the Western Australian Planning Commission pursuant to Schedule 2, Part 2, Clause 4(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Cole, Seconded Cr Buckels

That Recommendation 2 be amended to include the following:

“2. ADOPTS draft Policy No. 7.1.1 – Built Form included as Attachment 7 pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of public consultation subject to the following changes: ; and

2.1 Amend Part 1, Clause 2.3 as follows:

“2.3 Applications for development that seek departure from the ‘Deemed To Comply’ policy provisions may be deemed to be acceptable where the following occurs:

2.3.1 The applicant applies for assessment against the relevant ‘Design Principles’, Policy Objectives and Objectives of the local planning scheme;

2.3.2 The applicant provides adequate justification against those ‘Design Principles’, Policy Objectives and Objectives of the local planning scheme;

2.3.3 Where required by the City’s Policy 4.2.13 – Design Advisory Committee (DAC), the applicant presents the development to the DAC to review and provide comment to the City regarding whether the application meets the relevant design principles;

2.3.4 The City will assess and determine at its discretion that the same or better outcome will be achieved than would have been provided by the ‘Deemed to Comply’ criteria.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 2:

Moved Cr Topelberg, Seconded Cr Cole

That Recommendation 2 be amended to include the following:

“2.2 Part 2, Section 5, Clause C5.2.1 – C5.2.5 being replaced by new Clause C5.2.1 as follows, ‘The primary street setback is to be the average of the five properties adjoining the proposed development’; and

2.3 Delete Figure 5.2 – Residential Street Setbacks.”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (6-2)

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

Against: Cr Buckels and Cr Harley

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 3:

Moved Cr Cole, Seconded Cr Buckels

That Recommendation 2 be amended to include the following:

“2.4 Include new Clause P1.2.5 in Part 2, Section 1, as follows, ‘Street setbacks that facilitate the provision of useable open space, alfresco dining opportunities and landscaping which contributes to canopy coverage’; and

2.5 Include new Clause P1.5.7 in Part 2, Section 1, as follows, ‘The City may approve development which does not provide an awning where landscaping, which provides equal or greater coverage than an awning, is proposed.’ ”

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 4:

Moved Cr Cole, Seconded Cr Topelberg

That Recommendation 2 be amended to include the following:

“2.6 Amend Part 2, Section 4, Clause C4.10.2 as follows, ‘30% 50% of the front setback to be provided as soft landscaping’.”

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 5:

Moved Cr Cole, Seconded Cr Harley

That Recommendation 2 be amended to include the following:

“2.7 Amend Part 2, Section 5, Clause 5.14 as follows:
‘Deemed-To-Comply

New Dwellings

C5.14.1 Deep soil zones are to be provided as follows:

Site Area	Minimum Area	Deep Soil Zone (% of site)
<650m ²	1m ²	12%
650m ² – 1,500m ²	3m ²	12%
>1,500m ²	6m ²	12%

NOTE: the minimum dimension for the area of deep soil zone is to be 1m

C5.14.3~~2~~ If mature existing trees are retained the required deep soil zone may be reduced to 8%.

C5.14.4~~3~~ 30% of the site area is to be provided as canopy coverage within 5 years of development approval.

Multiple Dwellings

C5.14.4 In addition to Clauses C5.14.1 – C5.14.3 the following Clauses C5.14.5 – C5.14.9 also apply to the development of Multiple Dwellings.

C5.14.5 A Landscape Plan designed by a registered Landscape Architect is to be submitted to the City in conjunction with the Development Application.

~~NOTE: single houses and additions to existing buildings are exempt from this requirement~~

C5.14.6 A Landscape Maintenance Schedule setting out the program of activities required to maintain the health and amenity of plantings for the life of the development is to be prepared by the Landscape Architect responsible for the design and submitted to the City in conjunction with the Development Application.

~~NOTE: single houses and additions to existing buildings are exempt from this requirement~~

C5.14.7 Open air car parks are to have a minimum of 80% canopy coverage within 5 years of development approval.

C5.14.8 All open-air parking areas are to be landscaped at a rate of one tree per four car bays.

C5.14.9 The perimeter of all open-air parking areas are to be landscaped by a planting strip of at least 1.5m width.

Additions and Alterations to all buildings

C5.14.10 Where any additions or alterations to a building is proposed, **30% of the front setback area is to be provided as canopy coverage within 5 years of development approval, unless an existing mature tree with equivalent coverage is retained anywhere on the site.**

Debate ensued.

AMENDMENT 5 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 6:

Moved Cr Cole, Seconded Cr Buckels

That Recommendation 2 be amended to include the following:

“2.8 Amend Part 2, Section 1, Clause C1.7.1 as follows:

Site Area	Minimum Area	Deep Zone (%)	Soil Zone (% of site)
<650m ²	1m ²	12%	<u>15%</u>
650m ² – 1,500m ²	3m ²	12%	<u>15%</u>
>1,500m ²	6m ²	12%	<u>15%</u>

And apply these changes to Part 2, Section 4, Clause C4.10.1 and Part 2, Section 5, Clause C5.14.1.

2.9 Amend Part 2, Section 1, Clause C1.7.2 as follows, ‘~~If mature existing trees are retained the~~ The required deep soil zone may be reduced to 8% 12% where mature trees, which contribute to 30% or more of the required canopy coverage, are retained’

And apply these changes to Part 2, Section 4, Clause C4.10.3 and Part 2, Section 5, Clause C5.14.3.”

Debate ensued.

AMENDMENT 6 PUT AND CARRIED (6-2)

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

Against: Cr Buckels and Cr Topelberg

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 7:

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 2 be amended to include the following:

“2.10 Amend Part 1, Figure 1 – Built Form Areas by including new transit corridor for the lots fronting William Street between Vincent Street and Walcott Street;

2.11 Amend Part 2, Section 1, Table 1 as follows:

Location	Maximum Building Height
Leederville	In accordance with the Leederville Masterplan, and where no height is stated the maximum is to be <u>6 storeys</u> , with the exception of: 4 storeys <u>Vincent Street – 5 storeys</u> <u>Carr Place – 4 storeys</u>
North Perth	<u>Fitzgerald Street – 5 6 storeys</u> <u>Angove Street – 4 storeys</u>
Perth	6 storeys
Mount Lawley / Highgate	5 <u>6</u> storeys
Mount Hawthorn	5 storeys
Glendalough	8 storeys

2.12 Amend Part 2, Section 2, Table 2 as follows;

Activity Corridors	Height Requirement Maximum Building Height
	<i>Maximum Building Height</i>
Oxford Street	5 <u>4</u> storeys
Scarborough Beach Road	5 <u>4</u> storeys
Fitzgerald Street (Newcastle St to Vincent St)	6 storeys
Fitzgerald Street (Vincent St to Raglan Road)	5 <u>4</u> storeys
Newcastle Street	6 storeys
Beaufort Street (Newcastle St to Lincoln St)	5 storeys
Beaufort Street (Lincoln St to Walcott St)	6 storeys

2.13 Amend Part 2, Section 3, Table 3 as follows:

Mixed Use Area	Proposed Maximum Building Height
	<i>Maximum Building Height</i>
Newcastle Street South	7 storeys
Newcastle Street North	4 storeys
Brisbane Street	4 storeys
Walcott St / Green St	
William St – Lord Street	
North Perth	4 storeys R/C40 – 3 storeys
Claisebrook	6 storeys; R/C100 – <u>6 storeys</u> 10 storeys; Cheriton St south – <u>10 storeys</u> 12 storeys; Cheriton St north – <u>12 storeys</u>

2.14 Amend Part 2, Section 4, Table 4 as follows:

Transit Corridors	Height Requirement Maximum Building Height
	<i>Maximum Height</i>
Loftus Street	3 storeys
Charles Street (Newcastle St to Carr Street)	<u>6 storeys</u>
Charles Street (Carr Street to Walcott Street)	R60 – 3 storeys R80 – 4 storeys R100 – 4 storeys
Fitzgerald Street (Angove St to Walcott St)	R60 – 3 storeys R100 – 4 storeys
Walcott Street	3 storeys
Lord Street	<u>6 storeys</u> R80 – 4 storeys R100 – 4 storeys
East Parade	R60 – 3 storeys R100 – 4 storeys
William Street (Vincent St to Walcott)	4 storeys

Debate ensued.

AMENDMENT 7 PUT AND CARRIED (7-1)

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

Against: Cr Buckels

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROPOSED AMENDMENT 8:

Moved Cr Topelberg, Seconded Cr Harley

That Recommendation 2 be amended to include the following:

“2.15 Amend Part 2, Section 1, Clause C1.2.7 as follows, ‘The stated setback distances may be reduced by half the width of an adjoining right-of-way; ~~to a maximum reduction of 2 metres.~~’;

And apply these changes to Part 2, Section 4, Clause C4.3.7 and Part 2, Section 5, Clause C5.3.4.”

Debate ensued.

AMENDMENT 8 PUT AND LOST (3-5)

For: Cr Buckels, Cr Gontaszewski and Cr Topelberg

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

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Cole, Seconded Cr Gontaszewski

That Council **SUSPENDS** so much of Standing Orders as is necessary to allow free discussion and debate on the proposed changes to carports and crossovers.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Loden was on approved leave of absence for the Meeting.)

Discussion ensued.

Moved Cr Cole, Seconded Cr Buckels

That the Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

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

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.1.14

That Council:

1. **DOES NOT PROCEED** with draft Policy No. 7.1.1 – Leederville Precinct Policy, draft Policy No. 7.1.2 – North Perth Precinct draft Policy No. 7.1.3 – Perth Precinct, draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct, draft Policy No. 7.1.5 – Mount Hawthorn Precinct and draft Policy No. 7.1.6 – Development Requirements and Building Design included as Attachments 1, 2, 3, 4, 5, and 6 pursuant to Schedule 2, Part 2, Clause 4(3)(b)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 7 pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of public consultation subject to the following changes:
 - 2.1 **Amend Part 1, Clause 2.3 as follows:**
 - “2.3 **Applications for development that seek departure from the ‘Deemed To Comply’ policy provisions may be deemed to be acceptable where the following occurs:**
 - 2.3.1 **The applicant applies for assessment against the relevant ‘Design Principles’, Policy Objectives and Objectives of the local planning scheme;**
 - 2.3.2 **The applicant provides adequate justification against those ‘Design Principles’, Policy Objectives and Objectives of the local planning scheme;**
 - 2.3.3 **Where required by the City’s Policy 4.2.13 – Design Advisory Committee (DAC), the applicant presents the development to the DAC to review and provide comment to the City regarding whether the application meets the relevant design principles;**
 - 2.3.4 **The City will assess and determine at its discretion that the same or better outcome will be achieved than would have been provided by the ‘Deemed to Comply’ criteria;**
 - 2.2 **Part 2, Section 5, Clause C5.2.1 – C5.2.5 being replaced by new Clause C5.2.1 as follows, ‘The primary street setback is to be the average of the five properties adjoining the proposed development’;**
 - 2.3 **Delete Figure 5.2 – Residential Street Setbacks;**
 - 2.4 **Include new Clause P1.2.5 in Part 2, Section 1, as follows, ‘Street setbacks that facilitate the provision of useable open space, alfresco dining opportunities and landscaping which contributes to canopy coverage’;**
 - 2.5 **Include new Clause P1.5.7 in Part 2, Section 1, as follows, ‘The City may approve development which does not provide an awning where landscaping, which provides equal or greater coverage than an awning, is proposed;’**
 - 2.6 **Amend Part 2, Section 4, Clause C4.10.2 as follows, ‘50% of the front setback to be provided as soft landscaping’;**

2.7 Amend Part 2, Section 5, Clause 5.14 as follows:

'Deemed-To-Comply

New Dwellings

C5.14.1 Deep soil zones are to be provided as follows:

Site Area	Minimum Area	Deep Soil Zone (% of site)
<650m ²	1m ²	12%
650m ² – 1,500m ²	3m ²	12%
>1,500m ²	6m ²	12%

NOTE: the minimum dimension for the area of deep soil zone is to be 1m

C5.14.2 If mature existing trees are retained the required deep soil zone may be reduced to 8%.

C5.14.3 30% of the site area is to be provided as canopy coverage within 5 years of development approval.

Multiple Dwellings

C5.14.4 In addition to Clauses C5.14.1 – C5.14.3 the following Clauses C5.14.5 – C5.14.9 also apply to the development of Multiple Dwellings.

C5.14.5 A Landscape Plan designed by a registered Landscape Architect is to be submitted to the City in conjunction with the Development Application.

C5.14.6 A Landscape Maintenance Schedule setting out the program of activities required to maintain the health and amenity of plantings for the life of the development is to be prepared by the Landscape Architect responsible for the design and submitted to the City in conjunction with the Development Application.

C5.14.7 Open air car parks are to have a minimum of 80% canopy coverage within 5 years of development approval.

C5.14.8 All open-air parking areas are to be landscaped at a rate of one tree per four car bays.

C5.14.9 The perimeter of all open-air parking areas are to be landscaped by a planting strip of at least 1.5m width.

Additions and Alterations to all buildings

C5.14.10 Where any additions or alterations to a building is proposed, 30% of the front setback area is to be provided as canopy coverage within 5 years of development approval, unless an existing mature tree with equivalent coverage is retained anywhere on the site;

2.8 Amend Part 2, Section 1, Clause C1.7.1 as follows:

Site Area	Minimum Area	Deep Zone (%) of site)	Soil of
<650m ²	1m ²	15%	
650m ² – 1,500m ²	3m ²	15%	
>1,500m ²	6m ²	15%	

And apply these changes to Part 2, Section 4, Clause C4.10.1 and Part 2, Section 5, Clause C5.14.1;

- 2.9 Amend Part 2, Section 1, Clause C1.7.2 as follows, ‘The required deep soil zone may be reduced to 12% where mature trees, which contribute to 30% or more of the required canopy coverage, are retained’

And apply these changes to Part 2, Section 4, Clause C4.10.3 and Part 2, Section 5, Clause C5.14.3;

- 2.10 Amend Part 1, Figure 1 – Built Form Areas by including new transit corridor for the lots fronting William Street between Vincent Street and Walcott Street;

- 2.11 Amend Part 2, Section 1, Table 1 as follows:

Location	Maximum Building Height
Leederville	In accordance with the Leederville Masterplan, and where no height is stated the maximum is to be 6 storeys, with the exception of: Vincent Street – 5 storeys Carr Place – 4 storeys
North Perth	Fitzgerald Street – 6 storeys Angove Street – 4 storeys
Perth	6 storeys
Mount Lawley / Highgate	6 storeys
Mount Hawthorn	5 storeys
Glendalough	8 storeys

- 2.12 Amend Part 2, Section 2, Table 2 as follows;

Activity Corridors	Maximum Building Height
Oxford Street	4 storeys
Scarborough Beach Road	4 storeys
Fitzgerald Street (Newcastle St to Vincent St)	6 storeys

Activity Corridors	Maximum Building Height
Fitzgerald Street (Vincent St to Raglan Road)	4 storeys
Newcastle Street	6 storeys
Beaufort Street (Newcastle St to Lincoln St)	5 storeys
Beaufort Street (Lincoln St to Walcott St)	6 storeys

2.13 Amend Part 2, Section 3, Table 3 as follows:

Mixed Use Area	Maximum Building Height
Newcastle Street South	7 storeys
Newcastle Street North	4 storeys
Brisbane Street	4 storeys
Walcott St / Green St	
William St – Lord Street	
North Perth	4 storeys
Claisebrook	R/C40 – 3 storeys R/C100 – 6 storeys Cheriton St south – 10 storeys Cheriton St north – 12 storeys

2.14 Amend Part 2, Section 4, Table 4 as follows:

Transit Corridors	Maximum Building Height
Loftus Street	3 storeys
Charles Street (Newcastle St to Carr Street)	6 storeys
Charles Street (Carr Street to Walcott Street)	R60 – 3 storeys R80 – 4 storeys R100 – 4 storeys
Fitzgerald Street (Angove St to Walcott St)	R60 – 3 storeys R100 – 4 storeys
Walcott Street	3 storeys
Lord Street	6 storeys
East Parade	R60 – 3 storeys R100 – 4 storeys

Transit Corridors	Maximum Building Height
William Street (Vincent St to Walcott)	4 storeys

3. NOTES:

- 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Leederville Precinct Policy, draft Policy No. 7.1.2 – North Perth Precinct draft Policy No. 7.1.3 – Perth Precinct, draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct, draft Policy No. 7.1.5 – Mount Hawthorn Precinct and draft Policy No. 7.1.6 – Development Requirements and Building Design included as Attachments 1, 2, 3, 4, 5, and 6, and ENDORSES Administration’s responses to those submissions included as Attachment 8;
- 3.2 That draft Policy No. 7.1.1 – Built Form will be advertised for a period of 28 days pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation; and
- 3.3 That Administration will give notice of the proposed Policy to the Western Australian Planning Commission pursuant to Schedule 2, Part 2, Clause 4(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

9.4.4 LATE ITEM: Review of Policy No. 3.9.3 – Parking Permits Policy – Outcome of Community Consultation

Ward:	Both	Date:	19 September 2016
Precinct:	All	File Ref:	SC90
Attachments:	1 – Current Policy No. 3.9.3 – Parking Permits 2 – Draft Revised Policy No. 3.9.3 – Parking Permits 3 – Public Comment Responses Summary		
Tabled Items:	Nil		
Reporting Officer(s):	S Butler, Manager Community Safety		
Responsible Officer:	R Hall, A/Director Community Engagement		

RECOMMENDATION:

That Council:

1. **NOTES** the submissions received in response to the advertisement of the Draft Revised Policy No. 3.9.3 – Parking Permits as shown in Attachment 3 and **ENDORSES** Administration’s responses to those submissions; and
2. **ADOPTS** the draft revised Policy No. 3.9.3 – Parking Permits as shown in Attachment 2.

Moved Cr Gontaszewski, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT:

Moved Cr Gontaszewski, Seconded Cr Cole

That clause 2 be amended to read as follows:

“2. **ADOPTS** the draft revised Policy No. 3.9.3 – Parking Permits as shown in Attachment 2 subject to the following changes being made to the satisfaction of the Chief Executive Officer:

- 2.1 That Residential Parking Permits are valid for a period of 3 years;
- 2.2 That Residential Parking Permits are subject to application;
- 2.3 That Residential Parking Permits run with the property and may be transferred between owner and tenant;
- 2.4 Where Residential Parking Permits have been issued to a property, but have not been transferred to the new owner or tenant, new Permits can be issued at no cost to the resident and previous Permits will be cancelled.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

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

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.4.4

That Council:

- 1. NOTES the submissions received in response to the advertisement of the Draft Revised Policy No. 3.9.3 – Parking Permits as shown in Attachment 3 and ENDORSES Administration’s responses to those submissions; and**
 - 2. ADOPTS the draft revised Policy No. 3.9.3 – Parking Permits as shown in Attachment 2 subject to the following changes being made to the satisfaction of the Chief Executive Officer:**
 - 2.1 That Residential Parking Permits are valid for a period of 3 years;**
 - 2.2 That Residential Parking Permits are subject to application;**
 - 2.3 That Residential Parking Permits run with the property and may be transferred between owner and tenant;**
 - 2.4 Where Residential Parking Permits have been issued to a property, but have not been transferred to the new owner or tenant, new Permits can be issued at no cost to the resident and previous Permits will be cancelled.**
-

9.3.4 Review of Registers maintained by the City with a view to publication on the City's website

Ward:	-	Date:	2 September 2016
Precinct:	-	File Ref:	(SC FY1-03)
Attachments:	1 – Format of registers proposed for publication		
Tabled Items:	-		
Reporting Officer:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

1. **RECEIVES** this report relating to statutory and non-statutory registers maintained by the City and the appropriateness of making those registers available for public inspection on the City's website;
2. **AGREES** to publish the following information on the City's website under the 'Accountability and Governance' portal, to the extent depicted in Attachment 1:
 - a. Tender Register;
 - b. Register of Complaints referred to under Section 5.121 of the *Local Government Act 1995*;
 - c. Electoral Gift Register;
 - d. Register of Freedom of Information Requests;
 - e. Register of Common Seal Usage;
 - f. Contracts Register;
 - g. Lease Register;
 - h. Register of Building Approvals;
 - i. Register of Lodging Houses;
 - j. Register of Food Businesses; and
3. **AUTHORISES** the Chief Executive Officer to publish any further information on the City's 'Accountability and Governance' portal that, in the Chief Executive Officer's opinion would meet the following criteria:
 - a. Is a register or list kept by the City; and
 - b. Is in the public interest to make available for public inspection on the City's website; and
 - c. Would not divert a substantial portion of the City's resources to make available.

The Presiding Member, Mayor John Carey requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council Meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Cr Gontaszewski

That the meeting be extended for 15 minutes to allow for the conclusion of the remaining items.

PROCEDURAL MOTION PUT AND CARRIED (6-2)

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

(Cr Loden was on approved leave of absence for the Meeting.)

Moved Cr Harley, **Seconded** Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT 1:

Moved Cr Harley, **Seconded** Cr Topelberg

That the Recommendation 2 be amended to read as follows:

2. **AGREES** to publish the following information on the City's website under the 'Accountability and Governance' portal, to the extent depicted in Attachment 1:
 - a. Tender Register;
 - b. Register of Complaints referred to under Section 5.121 of the *Local Government Act 1995*;
 - c. Electoral Gift Register;
 - d. Register of Freedom of Information Requests*;
 - e. Register of Common Seal Usage;
 - f. Contracts Register;
 - g. Lease Register;
 - h. Register of Building Approvals;
 - i. Register of Lodging Houses;
 - j. Register of Food Businesses;

* subject to the applicant's consent; and

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

Debate ensued.

Cr Cole departed the Chamber at 9.58pm.

Cr Cole returned to the Chamber at 10.00pm.

PROPOSED AMENDMENT 2:

Moved Cr Topelberg, **Seconded** Cr McDonald

That Recommendation 2 be amended to read as follows:

2. **AGREES** to publish the following information on the City's website under the 'Accountability and Governance' portal, to the extent depicted in Attachment 1:
 - a. Tender Register;
 - b. Register of Complaints referred to under Section 5.121 of the *Local Government Act 1995***;
 - c. Electoral Gift Register;
 - d. Register of Freedom of Information Requests*;

- e. Register of Common Seal Usage;
- f. Contracts Register;
- g. Lease Register;
- h. Register of Building Approvals;
- i. Register of Lodging Houses;
- j. Register of Food Businesses;

* subject to the applicant's consent; and

**with the permission of the complainant;

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

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

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.3.4

That Council:

1. RECEIVES this report relating to statutory and non-statutory registers maintained by the City and the appropriateness of making those registers available for public inspection on the City's website;
2. AGREES to publish the following information on the City's website under the 'Accountability and Governance' portal, to the extent depicted in Attachment 1:
 - a. Tender Register;
 - b. Register of Complaints referred to under Section 5.121 of the *Local Government Act 1995***;
 - c. Electoral Gift Register;
 - d. Register of Freedom of Information Requests*;
 - e. Register of Common Seal Usage;
 - f. Contracts Register;
 - g. Lease Register;
 - h. Register of Building Approvals;
 - i. Register of Lodging Houses;
 - j. Register of Food Businesses;

*subject to the applicant's consent; and
**with the permission of the complainant;
3. AUTHORISES the Chief Executive Officer to publish any further information on the City's 'Accountability and Governance' portal that, in the Chief Executive Officer's opinion would meet the following criteria:
 - a. Is a register or list kept by the City; and
 - b. Is in the public interest to make available for public inspection on the City's website; and
 - c. Would not divert a substantial portion of the City's resources to make available.

9.4.1 City of Vincent and Nyoongar Outreach Services – Partnership Understanding Agreement (PUA)

Ward:	Both	Date:	7 September 2016
Precinct:	All	File Ref:	SC1826
Attachments:	1 – Partnership Understanding Agreement (PUA) 2 – Nyoongar Outreach Services – Request to Review MOU		
Tabled Items:	Nil		
Reporting Officer(s):	R Slavin, Acting Manager Community Development		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council:

1. **APPROVES** the establishment of a Partnership Understanding Agreement with Nyoongar Outreach Services for the purposes of providing outreach services to Aboriginal homeless and youth at risk within public spaces; and
2. **AUTHORISES** the Chief Executive Officer to sign the Partnership Understanding Agreement with Nyoongar Outreach services for and on behalf of the City of Vincent.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, **Seconded** Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

10.1 NOTICE OF MOTION: Councillor Roslyn Harley – Request to Examine Options and Best Practice in the Composition and Operations of Audit Committees

That Council:

1. **SUPPORTS** a review by Administration of the Audit Committee Terms of Reference to examine opportunities for introducing greater independence, accountability and transparency to the Committee's operation through measures such as:
 - Publishing Committee Meeting Agendas and Minutes;
 - Holding open Committee Meetings;
 - Appointing external persons as Committee Members, including the possibility for those persons to be appointed as Chairperson of the Committee; and
2. **RECEIVES** a report back from Administration on the review referred to in 1 above, by December 2016.

COUNCIL DECISION ITEM 10.1

Moved Cr Harley, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

10.2 LATE NOTICE OF MOTION: Councillor Joshua Topelberg – Request to investigate the requirements, conditions and associated compliance for development applications involving tree retention on private land

That Council requests the Chief Executive Officer to:

1. Investigate and prepare Local Planning Policy provisions that will guide the application of conditions on development approvals where mature trees are required to be retained as part of a development through measures such as:
 - 1.1 Requiring an arboriculturist's report to be submitted to the City prior to commencement of development on the site;
 - 1.2 Ensuring that the recommendations of that report are required to be implemented by the developer/owner(s); and
 - 1.3 Including any other requirements the City believes will strengthen the planning and compliance framework to prevent wilful damage, neglect or removal of trees that are conditioned to be retained; and
2. Present a report to Council by May 2017 to examine the legal and operational mechanisms to require the City's approval for the removal of trees on private property and the introduction of subsequent penalties similar to those relating to the unauthorised removal of street trees.

COUNCIL DECISION ITEM 10.2

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.1.2 FURTHER REPORT No. 16/193-195 (Lot: 16; STR: 44402) Oxford Street, Leederville – Amendment to Previous Approval: Change of Use from Office to Consulting Room (Non-Medical Massage Therapy)

ITEM WITHDRAWN BY THE APPLICANT.

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 10:13pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Susan Gontaszewski	South Ward
Cr Laine McDonald	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
Ryan Hall	Acting Director Community Engagement
John Paton	Director Corporate Services
Tim Evans	Manager Governance & Risk
Paola Di Perna	Manager Approval Services
Joshua O’Keefe	Manager Policy and Place
Priyamvada Rasal	Governance & Council Support Officer

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 September 2016.

Signed: Mayor John Carey.

Dated this day of 2016.