



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**23 April 2024**

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**MINUTES OF CITY OF VINCENT  
ORDINARY COUNCIL MEETING  
HELD AS E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,  
244 VINCENT STREET, LEEDERVILLE  
ON TUESDAY, 23 APRIL 2024 AT 6.00PM**

<b>PRESENT:</b>	<b>Mayor Alison Xamon</b>	<b>Presiding Member</b>
	<b>Cr Alex Castle</b>	<b>North Ward</b>
	<b>Cr Ron Alexander</b>	<b>North Ward</b>
	<b>Cr Suzanne Worner</b>	<b>North Ward</b>
	<b>Cr Nicole Woolf</b>	<b>North Ward</b>
	<b>Cr Ashley Wallace</b>	<b>South Ward</b>
	<b>Cr Sophie Greer</b>	<b>South Ward</b>
	<b>Cr Ashlee La Fontaine</b>	<b>South Ward</b>
<b>IN ATTENDANCE:</b>	<b>David MacLennan</b>	<b>Chief Executive Officer</b>
	<b>Peter Varris</b>	<b>Executive Director Infrastructure &amp; Environment</b>
	<b>Jay Naidoo</b>	<b>A/Executive Director Strategy &amp; Development</b>
	<b>Rhys Taylor</b>	<b>Chief Financial Officer (left at 6.55pm during Item 9.1)</b>
	<b>Joslin Colli</b>	<b>Executive Manager Corporate Strategy &amp; Governance</b>
	<b>Karsen Reynolds</b>	<b>A/Manager Development &amp; Design (left at 8.24pm after Item 9.1)</b>
	<b>Mitchell Hoad</b>	<b>A/Manager Strategic Planning &amp; Specialist Planner (left at 8.24pm after Item 9.1)</b>
	<b>Luke McGuirk</b>	<b>Manager Engineering (left at 8.35pm after Item 12.3)</b>
	<b>Wendy Barnard</b>	<b>Council Liaison Officer</b>

**Public:** Approximately 18 members of the public.

## **1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member, Mayor Alison Xamon declared the meeting open at 6.00pm and read the following Acknowledgement of Country statement:

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past and present.

We also acknowledge that Council has a role to play in achieving reconciliation and justice for First Nations people.”

## **2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE**

Cr Jonathan Hallett is an apology for this meeting.

### 3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following questions and statements were received at the meeting. This is not a verbatim record of questions and statements made at the meeting.

#### 3.1 Caroline Cohen of East Perth – Item 9.2

Full details of her comments are [here](#)

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

#### 3.2 Lesley Florey of Mount Hawthorn

Full details of her comments are [here](#)

- Will the City not be notifying all affected residents and ratepayers of pipes affecting their property? Yes or No answer required
- Will the City only notify residents and ratepayers if maintenance is to be conducted? Yes or No answer required
- Does City follow WA Ombudsman's Guidelines for a formal hearing?
- Does City follow WA Ombudsman Guidelines for complaint investigation and resolution process?
- Can CCTV footage and photos of the pipe prior to relining be provided?
- With reference to the GHD Technical Drainage memorandum report in 2022, since then and to 23 April 2024, how many properties to date are affected by stormwater pipes running through their property?
- Please advise the full contracted cost of relining the pipe on my property?
- Why was my property an isolated case to reline the stormwater pipe? Other properties, which have damage and cracks in the pipe, as per the CCTV footage, remain unlined?

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

#### 3.3 Frances Buchanen of Perth

Full details of her comments are [here](#)

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

#### 3.4 Sally Dixon – Item 9.2

Full details of her comments are [here](#)

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

#### 3.5 Robert Bowe of Perth – Item 10.4

Full details of his comments are [here](#)

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

#### 3.6 Matt Dowell of Perth – Item 10.4

Full details of his comments are [here](#)

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

**3.7 Mark Fritz of East Perth- Item 9.2**

Full details of his comments are [here](#)

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

**3.8 Michael Douglas – Item 9.1**

Full details of his comments are [here](#)

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

**3.9 Nathan Ebbs – Item 9.1**

Full details of his comments are [here](#)

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

**3.10 Bev Whitfield of Mount Hawthorn – Item 9.1**

Full details of her comments are [here](#)

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

**3.11 Alex Stoichev of Mount Hawthorn – Item 9.1**

Full details of her comments are [here](#)

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

There being no further speakers, Public Question Time closed at approximately 6.33pm.

The following statements were submitted prior to the Meeting.

**Lauren Spenceley of Mount Hawthorn – Item 9.1**

I would like to express my strong support for the coffee shop proposed opposite Menzies Park. Living in close proximity to the site and being a very regular visitor to Menzies Park for children's sport and dog walking I look forward to having an opportunity to enjoy refreshments in this pocket of Mount Hawthorn.

I am also extremely disappointed to see the rigmarole that has surrounded this development and the restrictions that are being enforced because of a very small group of residents. Common sense must prevail. This coffee shop will only be frequented by locals who will walk to the site, do not need a toilet and will take their waste away with them.

**Shannon Fernandes of Mount Hawthorn – Item 9.1**

I live in Federation Street, Mount Hawthorn and fully support the opening of the coffee shop at the end of Federation and Berryman Street.

It would be lovely to have it as a nice walking distance destination opposite the park where we can go and get a coffee and relax.

It would be a lovely place to get together with friends and neighbours and promote a closer neighbourhood.

**Emily Hunt of Mount Hawthorn – Item 9.1**

I am a resident of Federation Street un Mt Hawthorn and I strongly support the proposal of a cafe on the corner of Berryman and Federation Street.

I have lived a few metres from Menzies Park for many years and have always thought we needed a cafe at the proposed location.

A cafe will help to foster community in the park and make it an even better place for families to meet. I have spent many hours with young children at the park and being able to buy coffee on the way there would make the park visit much nicer. I have read the argument that there are other cafes in easy distance. That distance becomes less easy when you are also lugging kids and nappy bags and water bottles and toys.

A cafe will make the park community more vibrant and more connected.

#### **Tania Watts of Mount Hawthorn – Item 9.1**

I would like to raise a few concerns. Mainly it would be the parking and traffic flow problems. And secondly it is difficult for the Mount Hawthorn Football Club to make money from sales on the weekend. I feel this would be a direct competitor and would be harmful for fund raising efforts of a community sports club.

I don't think Mt Hawthorn needs another coffee shop.

#### **Felicity Keys of Mount Hawthorn – Item 9.1**

I am unable to attend the council meeting tomorrow but would like to voice my support for the proposal for a coffee shop located at 5 Berryman Street, Mount Hawthorn. I am a resident of Federation St and live just 140m from the site. I have no issues with the proposal as I think it will mostly service people who are already utilising Menzies park and will not significantly increase noise/traffic any more than already experienced with the park. I also think it will add to the vibrancy of the area, Cafes such as this are what make the City of Vincent an attractive area to live in for many.

I do think some of the conditions are quite onerous and unnecessary. For example, not being able to wait outside for a coffee is impractical for the dog walkers who frequent Menzies.

All the neighbours I have spoken to have been very excited at the prospect of a cafe and I hope it gets approved.

#### **Blake Rawlinson of DPLH – Item 9.2**

##### **Urges Council not to defer and to make a decision tonight.**

At their council briefing session held on the 16 April 2024, the City of Vincent Council heard a statement from the Department of Planning, Lands and Heritage (DPLH) in support of Item 5.2 and were also provide a supplementary written statement. Various members of the Council made statements in response and raised questions in relation to the matter.

Following the briefing, City of Vincent officers put two questions to DPLH seeking further information, responses to which are provided below for Council's consideration.

##### **1. Sensitivity analysis on the effects of shortening the dual-turning lane on Guildford Road**

Main Roads WA (MRWA) have completed detailed traffic modelling for the proposed intersection upgrades. The results were provided in a Traffic Assessment Report (January 2024) which is provided as an attachment to Item 9.2 in the meeting agenda.

Analysis provided by MRWA in that report (pg.13-14) in relation to the length of the proposed turning lanes states the following:

*'The results of the analysis indicate that the Guildford Road to East Parade left turn movement will operate satisfactorily with the dual left turn pockets with a DOS below 90% and worst LOS of 'D' in 2036 despite the 4.5% increase in traffic volumes. The length of auxiliary lanes is usually selected based on the maximum of the length of the 95th percentile queue or the length of lane required for a design vehicle to decelerate at 2.5m/s<sup>2</sup> to a stop condition.*

*For Guildford Road with a speed limit of 60km/h, the length of lane required to decelerate to a stop condition is 75m. The 95th percentile queues of the left turn movement is expected to extend to beyond the proposed pocket length in both the 2031 and 2036 AM scenarios. Therefore, the current proposed left turn pocket length will be required for storage of turning movements expected by 2031 and beyond.*

*Also, considering the through traffic queue extends over 500m, the longer pocket length would be necessary to ensure left-turning vehicles are not held up in the through queue and thus worsening the degree of saturation of the intersection.'*

In response to Council's questions, DPLH sought further information from MRWA who provided the following advice:

*'Reducing the length of the turn pocket will increase the likelihood of vehicles queuing back into the through lane creating increased risks of rear end crashes. Main Roads agree that there is a balance between the length of the turning pocket, operational performance and traffic safety but given the strategic location of this intersection of the road network Main Roads position is to ensure that the traffic safety and operational performance risks are minimised. Main Roads therefore do not want to compromise these by reducing the length of the turn pocket beyond what is currently proposed.'*

## 2. Indication of how the site is intended to be developed

DPLH has been coordinating a competitive procurement process to secure a development partner to develop the site. A preferred proponent is yet to be announced and as such a specific development proposal is yet to be confirmed and any details in relation to specific submissions currently remain commercial in confidence. Following appointment of a preferred proponent however, the proponent will progress through a detailed design process to refine the specifics of the development proposal for lodgement of a development application.

DPLH expects that the site will be developed in accordance with the requirements of the City of Vincent Local Planning Scheme No.2 and development will be designed in accordance with the applicable R-Code requirements.

The site is zoned Residential R100 which in accordance with the R-Codes permits development up to a 4-storey maximum building height. It is expected a grouped/multiple dwelling development will be proposed that is consistent with the R100 R-Code provisions.

DPLH respectfully requests that you accept this statement in response to questions raised by City of Vincent's officers and submit it along with our written statement dated 16 April 2024 to Council for their due consideration prior to resolving the item at their ordinary meeting on the 23<sup>rd</sup> April 2024.

DPLH also respectfully requests that Council consider objectively in full all information provided in the officer's report and previously provided by DPLH in support of this application against the relevant City of Vincent Local Planning Scheme No.2 provisions and local planning policy requirements, and in doing so, make a final determination and resolve to support the officer's recommendation.

## **Dudley Maier of Highgate**

At the last meeting I asked for confirmation that the 2023/24 budgeted Employee Costs for the (Executive) Director Community and Business Services was \$322,000. I thank the staff for pointing out that this is not the correct figure – the detailed budget document does not have page headings on each page, and I inadvertently used last year's budgeted amount in my question.

My subsequent questions are:

1. Can you confirm that the initial 2023/24 budgeted Employee Costs for the (Executive) Director Community and Business Services was \$343,790?
2. Can you confirm that the pro-rata YTD budget for this line item for the period ending 31 March 2024 is approximately \$258,000 – if not, what was the YTD budget for this line item at the end of March 2024?
3. What was the actual expenditure on this line item at the end of March 2024?
4. Why was an adjustment not made to the revised budget for this item at either the first quarter or mid-year budget reviews?
5. As a precautionary measure, and for full transparency, can you confirm that the CEO has not received any extra payments for acting in this position?
6. What percent of his time is spent by the CEO on acting in the role of Executive Director?
7. If the CEO was not spending time on this role, would he have been able to manage the "Leederville Carpark Redevelopment" and/or "Concrete Batching Plant Relocation" projects.
8. How long will the City require the services of a Director of Major Projects?



### Beaufort Street Precinct Area Road Safety Treatments

1. Item 10.1 of the OMC 19 March recommended that the council “*SUPPORTS the development of a 6-year Road Safety Implementation Plan to design and deliver the “Beaufort Street Nodes” project and other projects identified within the precinct-wide Highgate traffic analysis report within attachment 1*”. A cursory view of the document indicates that there are some good proposals identified.

Will this plan be further developed with input from the whole Highgate community?

2. On page 3 of the document (OMC attachment 1) it suggests there is “*potential for the removal of centre medians midblock - allowing better on-street parking accessibility for local businesses*”.

Would this provide any more parking or would it just make it “more accessible”, whatever that means?

Wouldn't this involve the removal of the median strip trees?

Would the removal of the median make it safer or more dangerous for pedestrians?

### Transfer of the Depot to Mount Claremont

Prior to recommending to Council that the depot be transferred from Osbourne Park to Mount Claremont (OMC 21 November 2023) did the Administration identify and quantify any one-off and any on-going costs associated with transferring the depot, in particular the on-going costs associated with lost productivity because of the significant extra travel between the proposed depot and the city?

1. If so:

- What are the one-off costs?
- What are the expected annual costs related to reduced productivity and extra machinery costs (i.e. people are still paid even though they are just sitting in a vehicle doing nothing, and machinery has extra fuel and wear-and-tear costs of making those journeys)

2. Even if the city developed the notion of a ‘virtual depot’ for employees to start work, wouldn't there still be extra costs associated with the extra movement of machinery (i.e. employee costs and machine costs).

3. If these costs were not identified and quantified, how could the administration come to the conclusion that the proposal was financially feasible?

4. If these costs were identified, why weren't they included in the report to Council?

Why does the Administration see it as the City's responsibility to find a new home for Hanson's operations given that they have had adequate time, and given that they seem to have decided to take the gamble on the current Minister/Government being too weak to follow through with the previous minister's determination?

Administrations' responses will be provided in the Agenda for the 21 May 2024 Ordinary Council Meeting.

## **(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

### **Cara-May McGrogan of Leederville**

Is it fair that the Department of Communities, the very organisation that placed a tenant in a residence, is the only organisation that oversees whether their tenant should remain at the residence, particularly when their tenant is causing distress to their neighbour, a member of the public?

I am living next door to a Department of Communities tenant. She has made verbal threats to me, I have had to call the police a few times and despite various complaints made to Strata and the Department of Communities, it seems an impossible feat for this tenant to be moved. I currently have a VRO against her. The police have told me she is well known to them and they feel sorry for me that I have to live next door to her.

There needs to be discussion in the community about the impact these tenants have on members of the public and the power that the Department of Communities has to keep them there even if they are disturbing the peace of the residents next door to them. I would prefer for this tenant to be moved but the Department of Communities will not do this and they seem to be the only people in power to decide.

1. *The Department of Communities can only investigate and take action against tenants in public housing properties if the disruptive behaviour breaches the conditions of their tenancy agreement or the Residential Tenancies Act 1987.*

*Some activities or behaviour may be concerning but cannot be investigated by the Department, including:*

- *unpleasant or annoying neighbours*
- *personal disputes or disagreements you may have with a neighbour*
- *noise and activity associated with normal daily life e.g., children playing*
- *barking dogs*
- *incidents that take place away from the tenant's property.*

2. *The Housing Authority, operating within the Department of Communities, manages disruptive behaviour in accordance with their Department of Communities Disruptive Behaviour Management Policy. The disruptive behaviour management strategy is based on the principles of providing tenants with the opportunity to resolve tenancy concerns and modify behaviour (with relevant assistance), while also providing clarity and standards for tenants and the community on the consequences of ongoing disruptive behaviour.*

*The Department also works closely with tenants, other government and support agencies and community organisations to assist and encourage tenants to meet their tenancy obligations and sustain their tenancies. The strategy includes appropriate referrals to support services, including Thrive, and the Department of Communities' Child Protection and Family Support services where relevant.*

**Error! Hyperlink reference not valid.**

3. *Unfortunately the City does not have jurisdiction over this matter, however we encourage you to keep reporting incidents as and when they occur to WA Police and share incident report numbers with the Department through their Disruptive Behaviour Management Unit so that the Department can validate your concerns and investigate accordingly.*
4. *If you are dissatisfied with the outcome of the Department's complaint process or wish to take your complaint outside of the Department of Communities, the most appropriate channel would be through the Ombudsman Western Australia on 9220 7555 or 1800 117 000.*

**Error! Hyperlink reference not valid.**

5. *The City's Safer Vincent Advisor would be happy to discuss your situation further if you would like to leave your contact details and can connect you to the most appropriate local contacts to seek further advice and support.*

**Glenn Christie of Mt Lawley**

### **QUESTION 1**

I refer the Mayor and Councillors to my question at the OCM dated, 24 July 2023, regarding an update on the progress of the Council Decision OCM 14 February 2023 Item 10.1 (5) 'Request Administration to consult with owner/occupiers on Vincent Street between William and Beaufort Streets to determine if they support the inclusion of the section of Vincent Street in the 40km/h zone'.

The City's response provided on the 25<sup>th</sup> July advised that ... "The community consultation for Vincent Street, between William Street and Beaufort Street commenced on the 1st of August 2023. The consultation will run for a period of 21 days. There was no delay with this consultation, Administration has been working through several applications to Main Roads WA in reducing the speed on Roads to 40km/h and now recently issued the Vincent Street, (William Street to Beaufort Street section) for community consultation. This area is not included within the previous trial area, Council agreed that community consultation was required. Following community consultation, Administration can apply to Main Roads WA to have this section slowed to 40km/h. If approved, it would then be added to the 40% of roads which have already been approved to be slowed to 40km/h.

The City also advised that the responses would be included in the August [2023] Council Meeting – a search of Minutes indicates this appears to have not occurred in August or any subsequent Council Meetings to date.

An additional 6 months has now lapsed after the elected members requested community consultation closed, over 12 months since the original request, and there has been no report to Council and would appear no further action to progress this request.

Can the City please provide an update on;

- 1)
  - a) the outcome of the community consultation,
  - b) has the City made an application to Main Roads WA,
  - c) results of the application to Main Roads WA
  - d) action taken by the City to inform the Council and community and,
  - e) expected timeline for implementing a 40km/h speed reduction?
- 2) Do the residents need to lodge a petition to the City to have this item actioned?
- 3) Do the residents now need to lodge a request direct with the Minister for Transport and the Member for Perth?

*The City completed community consultation in August 2023 to seek feedback regarding slowing the speed to 40km/h on Vincent Street from William Street to Beaufort Street. Results found that 75% of respondents did support this, which followed a formal request by the City to Main Roads WA.*

*Main Roads WA responded at the end of October 2023 stating that Main Roads WA cannot support a reduction on this section of Vincent St as it is a District Distributor A road and given there are not higher than normal levels of pedestrian activity, formed the opinion that 40km/h is not appropriate for this section of Vincent Street.*

*Following ongoing negotiations with Main Roads WA, in January 2024 the City formally requested that Main Roads WA consider a speed reduction of 50km/h on Vincent Street from William Street to Beaufort Street and are awaiting formal feedback on this. Informal feedback does suggest that Main Roads WA are supportive in principle.*

*The City has recently informed the respondents of the survey on the above.*

*The City will continue to advocate for the 40km/h speed reduction on Vincent Street from William Street to Beaufort Street and is considering some traffic calming treatments to assist with this.*

## **QUESTION 2**

OCM 12 March 2023, Item 6.1.

Requests the City implements a 12 month trial of a partial closure of Harold Street as proposed (exit [left and right] only onto Beaufort Street) and retain 2 way traffic for the rest of the street.

The original reasoning behind reviewing the traffic complaints was based on residents' concerns as a direct result of the patrons of The Beaufort, where vehicles (Ubers, party buses, delivery trucks etc) were entering Harold Street and creating congestion, parking in No Stopping zones and blocking driveways, impacting residents accessing private property and amenity. The City has subsequently relocated a Loading Zone to Beaufort Street and in addition created an evening Taxi Zone to support and enhance the business operations and patron safety. By creating no access to Harold Street off Beaufort will in affect prevent Ubers, party buses etc access and may reduce the un-necessary rat run through traffic. Mirroring the Mary Street access model to Beaufort Street for Harold Street should be considered as a (trial) option.

*The City has completed a Precinct wide traffic analysis of the Highgate area and has recommended that the one-way conversion of Harold Street be either from Vincent Street to Beaufort Street or vice versa, with the intersection of Harold Street and Beaufort Street receiving a treatment in the form of a raised plateau node. This will treat the crashes at these locations, allowing free flowing traffic, which will likely have low impact adjoining streets. These treatments have gone to Council in March 2024, with Councils' resolution being to defer until May 2024.*

*If the one-way conversion was focused at the intersection of Beaufort Street and Harold Street (similar to Mary Street), this would not have the same impact on treating crashes and will likely increase the overall cost. Trial installations are not recommended as the Guide to Traffic Management Part 8: Local Traffic*

*Management states these should be used as a last resort. Previous trials have proven to be of a similar cost to permanent works and have additional costs to remove if unsuccessful.*

## **Dudley Maier of Highgate**

### **Laneway lighting**

Last week the City installed lights in the laneways bounded by Chatsworth Road, William Street, Lincoln Street and Harly Street.

1. Can you confirm that residents adjacent to these laneways were not consulted or even notified prior to the installation of these lights?
2. What initiated the decision to install these lights – was it a specific request by a resident living adjacent to one of these lanes, or was it initiated by the City's staff?
3. If it was initiated by the City's staff in order to address tagging and anti-social behaviour, what objective measure did they use to prioritise those particular laneways ahead of others?
4. Which staff member approved the installation of the lights?
5. Can you confirm that when the City proposed to install lights in the laneway that runs parallel between Chelmsford Road and Grosvenor Road in August 2018 [that it consulted with the broader community?](#) What has changed between 2018 and now with regards to consultation?
6. The City's Community and Stakeholder Engagement Policy specifies four levels of participation ranging from 'Inform' to 'Collaborate'. 'Inform' is required when there is no ability to influence the decision; 'consult' is required when there is some ability to influence the decision; etc. At what level of participation does the City put the installation of lights in laneways?
7. If it is just at the 'inform' level of participation why does the City believe that residents and ratepayers should not be consulted, particularly the residents who live immediately adjacent to the lights and may be directly impacted by light spillage?
8. If the placement of these lights is part of the Laneway Lighting Program why aren't details of proposed laneways included on the City's web site in the same way as the previous [Right of Way Upgrade and Acquisition Programme](#) was (i.e. providing forewarning and demonstrating a methodology for determining priorities)?
9. How much did the installation of the lights cost?
10. Have the City's staff actually assessed the effectiveness of the selected lights prior to selecting them – the general observation being that they light up the areas immediately adjacent to the lights but the gaps between lights are just as dark as before (i.e. the selection and placement is sub-optimal)?

*The laneway lighting was installed in Marocchi Lane to largely address anti-social behaviour type activities. In 2019 it was brought to the City's attention that there was a large graffiti issue in Marocchi Lane, and subsequently this laneway was added to the programme to have lighting installed in the hope that this would act as a deterrent for this type of activity. The cost of this installation was \$23,540.*

*Unfortunately there was a miscommunication with the installer and the Project officer with the timing of the installation, and residents were not consulted prior to the installation. Consultation with affected property owners should have taken place prior to the installation, similar to what was communicated in 2018 with the laneway between Chelmsford Road and Grosvenor Road. However, consultation is to be limited to affected residents in this area rather than to the broader community.*

*Administration is currently working with the installer to investigate other options which will still achieve the objective of deterring anti-social behaviour. This includes lowering the wattage; a different style of light more in line with the character of the area; the possibility to have the lights operate as motion sensor as opposed to being on continuously; and modifying the amount of light spill to have minimal impact onto affected properties.*

*There are no immediate plans to place the program on the website, similar to the Right of Way Upgrade and Acquisition Programme, as the laneways priorities are identified by way of reports by residents, WA Police and internal stakeholders quantifying occurrences of anti-social behaviour such as graffiti, theft and damage. The lighting is spaced at adequate lengths between poles to meet the objective, without having an oversupply of lights within the laneway.*

### **Laneway naming**

On 28 September 2010 the Council approved the application to name the laneway extending from William Street to Harley St, running parallel to the southern side of Chatsworth Rd. The recommended name was Marocchi Lane in recognition of the contribution to the community of Doris Marocchi.

In recent times signs have been placed on the sections of the lane which extend to the east. This has been done without community consultation or even notification.

Questions:

- Did Landgate (or whoever is responsible for naming) explicitly request this change or was this change initiated by the City?
- Why weren't adjoining residents and property owners informed in accordance with the City's Engagement/Consultation policy?

*The City received a laneway naming request in 2022 requesting that the unnamed portion of laneway running parallel to Chatsworth street east of Harley Street be named Marocchi Lane as an extension of the existing named portion of laneway.*

*Following discussion with Landgate the City was advised that this name could be extended to the remainder of the lane. As there were no properties with assigned street addresses and a previous consultation was undertaken with the name "Marocchi Lane" identified, no further consultation was undertaken.*

### **Special Projects**

The Briefing Notes of 12 March 2024 indicate that one of the Executive Directors has been appointed as the Director of Special Projects.

1. Can you confirm that this position is not considered as a Senior Employee in accordance with Section 5.37 of The Local Government Act?

*Director of Major Projects is not classified as a Senior Employee.*

2. Have any other positions been created in order to support this new position (e.g. an executive assistant)?

*Yes, a Deputy Director position has been created recently.*

3. What is the full-time equivalence of this position?

*0.50 FTE*

4. Was this position identified in the 2023/24 budget?

*In the Mid Year Budget review, in line with the Leederville Carpark Redevelopment Business Plan, \$50,000 was included for a Director of Major Projects position to oversee the implementation of this project.*

5. What projects will the position be responsible for?

*Leederville Carpark Redevelopment and Concrete Batching Plant Relocation projects.*

6. Was this position advertised?

*No. The position is currently filled on a temporary basis of less than 12 months.*

7. Can you confirm that the approved 2023-24 Budget shows an allocation of \$322,000 for Employee Costs for the (Executive) Director Community and Business Services and that the position of the Director has been vacant for over eight months this financial year? Was this budgeted amount varied in either the first quarter or mid-year budget reviews, particularly given that the pro-rata employee costs for the period July to February is over \$200,000?

*No, that is not the correct figure allocated to the budget for the Executive Director Community and Business Services. No, the salary of the position has not been adjusted. No, the position has not been vacant this financial year. The current management arrangements are outlined on the City's website: [Organisation Structure » City of Vincent](#)*

### **Electric Vehicle Charging**

At the 20 September 2022 council meeting I asked whether the City would be raising with Western Power the possibility of installing roadside car charging points as part of the introduction of underground power. The response stated that the City had been raising the issue with Western Power, that it felt that it was making some progress, and was hoping to partner with the State Government on a pilot program. Given that the City has recently asked for comments about installing two charging stations near the Moir/Brookman heritage area because most properties in that area do not have off-street parking thus demonstrating a need; and given that the Perth/Highgate underground power area (Area 3) has a large number of properties without off-street parking, and is currently in the detailed design phase:

Question:

Has any progress been made towards incorporating on-street EV power charging into the design for this area?

*Yes progress has been made. Additional electrical connection points are now being identified for inclusion in the network design, to cater for future public EV charging infrastructure.*

### **Loan Payments**

Given that it is proposed to pay down part of the Beatty Park Loan (Loan 10) as part of the mid-year budget review, and given that this indicates that the loan agreement allows early payments, and given that the rate of interest is 5.5%, why didn't the City re-finance this loan at the same time as re-financing the DSR building loan (Loan 2B) which has an interest rate of 1.4%, or when establishing the Resource Recovery Loan which has an interest rate of 1.3%?

*The City has fixed interest rate loans with WATC and early payment of these loans are calculated on a financial neutral basis so WATC makes no gain or loss from the early termination. WATC values all debt terminations based on the prevailing interest rate at which WATC would be able to buy back the underlying funding instruments in financial markets.*

*When interest rates are low, it is not advantageous to refinance a higher fixed rate loan as WATC will apply a premium to compensate their counterparty for foregone interest.*

**Lesley Florey of Mt Hawthorn**

Spoke in relation to a 900mm stormwater pipe running through her property and asked the following questions:

1. Does the City abide by the Private Property Rights Charter? Please provide a yes or no answer.

Yes

2. Requests a detailed step by step process outlining how the City conducts a formal hearing with natural justice and procedural fairness, when a resident requests and holds a formal hearing with them.
3. Request a comprehensive explanation of the procedures that the City follows after a formal hearing with a resident, specifically handling of documentation, the review process of evidence and the formal response provided to the resident, considering the gravity of the formal hearing and the evidence presented

*Response to Q2 and Q3*

*Formal Hearing is not a process contemplated by the Local Government Act and not covered by the City's policies and procedures.*

*The City conducts all its interactions with customers in line with its adopted [Customer Service Charter](#).*

4. Why does the City fail to provide transparency to those residents affected by stormwater pipes which run through their properties? The City has been aware of this situation since the GHD Technical Memorandum report in December 2022. Is it unconscionable conduct or omission of material facts for the City's decision makers to purposely withhold vital information from residents and ratepayers impacted by the stormwater pipe, which greatly affects the property values?

*The City is continuing with the collection of stormwater data within the Mount Hawthorn area, focusing on inspections to pipes which run within private property. If there is maintenance works required to pipes which run within private property, the City will notify the property owner and undertake the relevant works.*

## **4 APPLICATIONS FOR LEAVE OF ABSENCE**

### **LEAVE OF ABSENCE**

#### **COUNCIL DECISION**

**Moved: Cr Wallace, Seconded: Cr Woolf**

**That Cr Castle's request for leave of absence from 3 – 7 May for personal reasons be approved.**

**That Cr Worner's request for leave leave of absence from 6 – 13 May 2024 for personal reasons be approved.**

**That Mayor Xamon's request for leave of absence from 10- 17 July 2024 for personal reasons be approved.**

**CARRIED UNANIMOUSLY (8-0)**

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

## 5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Daniella Mrdja from Urbanista Town Planning made a deputation in relation to Item 9.1.

Her full deputation can be found [here](#)

At 6.36pm CEO left the meeting.

At 6.36pm A/Manager Strategic Planning & Specialist Planner left the meeting.

At 6.36 CEO returned to the meeting

At 6.37pm A/Manager Strategic Planning & Specialist Planner returned to the meeting.

## 6 CONFIRMATION OF MINUTES

### COUNCIL DECISION

**Moved: Cr Worner, Seconded: Cr Castle**

**That the minutes of the Ordinary Meeting held on 19 March 2024 be confirmed.**

**CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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

## 7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Alison Xamon made the following announcement:

### **7.1 40KM SPEED LIMIT SIGNS**

The 50km speed limit signs are in the process of being removed and replaced by 40km signs. Noted that if there is no sign, this means that the signs are being updated.

### **7.2 HYDE PARK REFERENCE GROUP**

A group of professionals and local experts who provide advice as to the future of Hyde Park replanting, taking into account the built and cultural heritage, have started meeting to provide clear guidance on the best way forward.

Concerns have been raised that the lake has dried out so much. The City has reached 95% of their annual water allocation, and so has reached out to Water Corp regarding lifting the allocation, as, like other parts of WA, our trees are dying. This is a crisis for all of WA and particularly in the City where we value our tree canopy. The Parks team is working to save as many trees as we can.

### **7.3 FRIENDS OF HYDE PARK GROUP**

Residents have been in contact regarding creating a Friends of Hyde Park Group, which is a fantastic idea. Friends Groups can be very useful in supporting a particular green space and can be a wonderful way for the community to assist Council in terms of preservation and upkeep of these sites. Other Friends groups assist with graffiti removal, removal of rubbish, weeding programs, monitoring programs and giving advice to Council, as well as suggestions on ways to improve. These Friends groups take ownership of an area and work collaboratively with the Council, which results in good outcomes.



Friends of Smith Lake are also looking to establish a group, which will be a wonderful opportunity to protect an important habitat and ensure that the birdlife is maintained and supported.

Encourage residents to set up local Friends group and offered to go out and meet with those groups to discuss how they could be established, hopefully being community led but working collaboratively with the Council.

**7.4 PLANT SALE**

The native plant sale this Saturday, it is almost the 20 year anniversary of this sale occurring. This was an joint initiative with Water Corp, and has been a huge success and should be encouraged. This is a great initiative and contributes to making the City a little bit more sustainable.

**8 DECLARATIONS OF INTEREST**

Cr Suzanne Worner declared a financial interest in Item 10.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that her son is employed at the Club. She is not seeking approval to participate in the debate or remain in Chambers or vote on the matter.

Cr Nicole Woolf declared an impartiality interest in Item 10.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that she has a longstanding relationship with the Club.

Cr Ashlee La Fontaine declared an impartiality interest in Item 10.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that she is a social member of the Club.

Cr Alex Castle declared an impartiality interest in Item 10.1 Community Sporting and Recreation Facilities Fund Application - North Perth Bowling and Recreation Club Synthetic Bowling Green Conversion. The extent of her interest is that she is a social member of the Club.

Cr Alex Castle declared an impartiality interest in Item 10.3 Appointment of the Design Review Panel. The extent of her interest is that she is acquainted with a number of applicants for the panel.

**REPORTS**

The Presiding Member, Mayor Alison Xamon, 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, 9.2, 10.4.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 10.3.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items 10.1.

The Presiding Member, Mayor Alison Xamon, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Castle	12.3
Cr Woolf	12.1

The Presiding Member, Mayor Alison Xamon therefore requested the Executive Manager Corporate Strategy and Governance, Joslin Colli, to advise the meeting of:

- (e) **Unopposed items which will be moved “En Bloc”, being:**  
Items 9.3, 9.4, 9.5, 10.2, 11.1, 11.2, 11.3 and 12.2
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Nil

### **ITEMS APPROVED “EN BLOC”:**

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

#### **COUNCIL DECISION**

**Moved: Cr Castle, Seconded: Cr Woolf**

**That the following unopposed items be adopted “En Bloc”, as recommended:  
Items 9.3, 9.4, 9.5, 10.2, 11.1, 11.2, 11.3 and 12.2**


**CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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

**9.3 APPOINTMENT OF THE DESIGN REVIEW PANEL**

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

**RECOMMENDATION:**

**That Council:**

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

**COUNCIL DECISION ITEM 9.3**

**Moved: Cr Castle, Seconded: Cr Woolf**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Hallett was an apology for the Meeting.)

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

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

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** the City granting a licence to Exipnos Pty Ltd (trading as Brika Bar) (ACN 162 355 339) of a portion of Parry Street road reserve adjacent to Lots 3 and 4 on Strata Plan 59820, Certificate of Title Volume 2807, Folio 731 and 732 (known as Units 3 & 4 of 177 Stirling Street, Perth), as shown in Attachment 1, on the following key terms:

- |      |                                    |   |
|------|------------------------------------|---|
| 1.1  | <b>Term:</b>                       | <b>5 years</b>  |
| 1.2  | <b>Licence Area:</b>               | <b>95 m<sup>2</sup> of Parry Street road reserve (verge area);</b>  |
| 1.3  | <b>Licence fee:</b>                | <b>\$1,000 per annum plus GST, indexed by CPI annually on 1 July;</b>   |
| 1.4  | <b>Permitted use:</b>              | <b>non-exclusive right to use the Licence Area as an outdoor dining area and liquor consumption in connection with the operation of Brika Bar;</b>                                    |
| 1.5  | <b>Removal of furniture:</b>       | <b>All furniture used (unless affixed to the ground) within the Licence Area must be removed by the Applicant at the close of each business;</b>                                      |
| 1.6  | <b>Cleaning:</b>                   | <b>Applicant must, keep the Licence Area clean and tidy at all times, at its cost;</b>  |
| 1.7  | <b>Insurance:</b>                  | <b>Applicant must effect and maintain public liability insurance to a minimum value of \$20,000,000 (per claim);</b>  |
| 1.8  | <b>Indemnity:</b>                  | <b>Applicant will indemnify the City and the Minister for Lands against loss or damage to property or persons occurring as a result of the structure and use of the Licence Area;</b> |
| 1.9  | <b>Assignment</b>                  | <b>Applicant may not assign or transfer its right under this Licence;</b>   |
| 1.10 | <b>Maintenance:</b>                | <b>Applicant must, at its cost, keep the Licence Area in good repair including repairing damage to structures, fittings or fixtures and the road reserve on the Licence Area;</b>     |
| 1.11 | <b>Outdoor Eating Area Permit:</b> | <b>Applicant must (for the duration of the Licence) maintain a valid Outdoor Eating Permit for the Licence;</b>   |
| 1.12 | <b>Liquor Licence</b>              | <b>Applicant must (for the duration of the Licence) maintain a current liquor licence for the Licence Area in order to serve alcohol in this area;</b>                                |



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

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

**RECOMMENDATION:**

That Council

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

**COUNCIL DECISION ITEM 9.5**

**Moved:** Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Hallett was an apology for the Meeting.)

**10.2 RFT IE269/2023 PROVISION OF PLUMBING AND GAS MAINTENANCE SERVICES****Attachments: 1. Evaluation Worksheet RFT IE269-2023 - Confidential****RECOMMENDATION:****That Council:**

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

**COUNCIL DECISION ITEM 10.2****Moved: Cr Castle, Seconded: Cr Woolf****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (8-0)****(Cr Hallett was an apology for the Meeting.)**



11.1 FINANCIAL STATEMENTS AS AT 29 FEBRUARY 2024

Attachments: 1. Financial Statements as at 29 February 2024 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.1**





**Moved:** Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Hallett was an apology for the Meeting.)

**11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 FEBRUARY 2024 TO 29 FEBRUARY 2024**

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

**RECOMMENDATION:**

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

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

**COUNCIL DECISION ITEM 11.2**

**Moved:** Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Hallett was an apology for the Meeting.)

11.3 INVESTMENT REPORT AS AT 29 FEBRUARY 2024

Attachments: 1. Investment Statistics as at 29 February 2024 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.3**

**Moved:** Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Hallett was an apology for the Meeting.)

**12.2 INFORMATION BULLETIN**

- Attachments:
1. Unconfirmed Minutes of the Catalina Regional Council Meeting held on 15 February 2024 
  2. Unconfirmed Minutes of the Mindarie Regional Council Meeting 28 March 2024 
  3. Statistics for Development Services Applications as at the end of March 2024 
  4. Register of Legal Action and Prosecutions Monthly - Confidential
  5. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 19 April 2024 
  6. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
  7. Register of Applications Referred to the Design Review Panel - Current 
  8. Register of Petitions - Progress Report - April 2024 
  9. Register of Notices of Motion - Progress Report - April 2024 
  10. Register of Reports to be Actioned - Progress Report - April 2024 
  11. Council Meeting Statistics - March 2024 
  12. Council Workshop Items since 5 March 2024 
  13. Council Briefing Notes - 12 March 2024 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated April 2024.

**COUNCIL DECISION ITEM 12.2**

**Moved: Cr Castle, Seconded: Cr Woolf**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Hallett was an apology for the Meeting.)

**REPORTS WITH DISCUSSION****9.2 AMENDMENT TO THE MUNICIPAL HERITAGE INVENTORY - NO. 40 GUILDFORD ROAD, MOUNT LAWLEY**

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

**RECOMMENDATION:**

That Council:

1. **RESOLVES** that No. 40 (Lots: 254 and 403) Guildford Road, Mount Lawley be removed from the City's Municipal Heritage Inventory pursuant to Schedule 2, Part 3, Clause 8(3)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **NOTES** that Administration will notify the Heritage Council of Western Australia and the owner of the place of this decision pursuant to Schedule 2, Part 3, Clause 8(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At 6.55pm Chief Financial Officer left the meeting and did not return.

**COUNCIL DECISION ITEM 9.2**

**Moved:** Cr Wallace, **Seconded:** Cr Greer

That the recommendation be adopted.

**LOST (0-8)**

**For:** Nil

**Against:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

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

**ALTERNATIVE RECOMMENDATION****Moved: Cr Wallace, Seconded: Cr Greer****That Council:**

1. **RESOLVES** that that the dwelling at No. 40 (Lots 254 and 403) Guildford Road, Mount Lawley is retained on the City's Municipal Heritage Inventory (MHI).

The removal of the property from the MHI would be inconsistent with the City's Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory.

This is because it has not been adequately demonstrated that the dwelling could not be practically retained as part of providing for upgrades to Guildford Road to improve traffic flow and safety; and

2. **REQUESTS** that the Chief Executive Officer issues a Heritage Conservation Notice to the landowner of No. 40 (Lots 254 and 403) Guildford Road, Mount Lawley, in accordance with Schedule 2 Part 3 Clause 13(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**REASON:**

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

One of these criteria is where the heritage value *"cannot practically be retained in its entirety or in part because: a) The location of the building on the site."*

Through its Traffic Assessment Report, MRWA has not demonstrated that the retention of the heritage building and the subsequent shortening the length of the proposed dual turning lane from approximately 180 metres to approximately 160 metres will result in a significantly different or detrimental traffic outcome.

Further, DPLH has not demonstrated that the retention of this structure is a significant impediment to the yield or layout of its proposed future development across the larger 8,000+ m<sup>2</sup> site.

Therefore, there is insufficient information to support the request to remove the building from the MHI on the basis that it is unable to be practically retained.

**ADMINISTRATION'S COMMENT:**

Administration does not support the alternative recommendation.

This is because the property's removal from the MHI would be consistent with the City's MHI Policy.

This along with Administration's comments in relation to the issuing of a heritage conservation notice as contemplated in the alternative recommendation is set out below.

1. Consistency with MHI Policy

The removal of the property from the MHI would be consistent with the City's MHI Policy because:

- The submitted Traffic Report has demonstrated that the current road network would operate beyond its capacity in 2026 and have a negative impact on traffic movement and safety. The proposed road widening would facilitate upgrades to the Guildford Road and East Parade intersection.

Guildford Road currently experiences approximately 30,000 vehicles per day. This is projected to increase over the coming years.

- The widening of Guildford Road would necessitate either complete demolition, or partial demolition and substantial modification of the existing dwelling.

The extent of demolition and/or modification would have a material impact on the fabric of the existing dwelling such that the original character, authenticity and significance of the dwelling would be irreversibly impacted and could not practically be retained.

If the upgrades to Guildford Road were to be modified to allow for the retention of the existing dwelling façade, Council would need to be satisfied that the dwelling would have an appropriate interface to the street.

This future interface would include the front entry and verandah of the house being orientated to face the street with minimal setback to the street boundary and road carriageway, and increased exposure to traffic noise.

## 2. Heritage Conservation Notice

The City can issue a Heritage Conservation Notice (HCN) to property owners of a heritage place. The notice is issued under the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).

The notice can be issued to the owner or occupier where the City is of the view that a heritage place is not being 'properly maintained'.

'Properly maintained' is defined as relating to ensuring that there is no actual or imminent loss or deterioration of the structural integrity of the heritage place or to the integral elements in the statement of significance for the heritage place.

The notice is to require the person carry out specified repairs to the heritage place in a timeframe that is not less than 60 days after the notice is given.

The City has the ability to carry out the repairs itself if the person fails to comply with the notice and the costs of carrying out those works recovered by the City in court.

The following is relevant to Council should it pursue an HCN:

- Extent of Repair Works Required – Aside from the state of the property that is outlined in the applicant's Heritage Impact Statement, Administration is not aware of the extent of works that would be required to be undertaken by the Department of Planning, Lands and Heritage (DPLH, as the landowner).

This would require a heritage consultant and/or structural engineer to be engaged to assess the building and outline the recommended repair works to be undertaken. These recommendations would then form the extent of repair works that would be the subject of an HCN.

The recommendation sets out that the HCN would be issued by the CEO which would be in accordance with the City's Register of Delegations, Authorisations and Appointments.

Should a HCN be pursued Administration would engage consultants to determine the notice details, including the extent and timing of repair works and Council would not be involved on this process.

- SAT Review – Should a HCN be issued, the DPLH would have the right to seek a review of this through the State Administrative Tribunal (SAT).

This could include the review of the decision to give the HCN itself, or of the extent of repairs or timeframe specified in the notice.

- Prosecution of HCN – At its meeting on 18 October 2022 Council resolved to recommend that the Western Australian Planning Commission (WAPC) support Amendment No. 10 to the City's Local Planning Scheme No. 2 (LPS2).

The amendment proposed to enshrine HCN's within LPS2 and for it to be an offence under the *Planning and Development Act 2005* if the notice was not complied with.

The City has pursued this amendment because the Regulations do not expressly state that a person must comply with an HCN. As a result, there is ambiguity about whether a person commits an offence if they fail to comply with an HCN.

Amendment No. 10 to LPS2 is currently under assessment from the DPLH.

- Resource Implications – Should a HCN be issued there would be resourcing and financial implications on the City that would need to be funded from the current Operating Budget. This would include:
  - Engaging suitably qualified heritage consultants and structural engineers to inform the HCN;
  - Engaging a contractor to undertake the works should the landowner not comply with the HCN; and/or
  - Engaging representation to review the HCN and/or represent the City in any SAT proceedings.

**CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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



**10.4 BRISBANE STREET - RESPONSE TO PETITION**

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

**RECOMMENDATION:**

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

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

**Moved:** Cr La Fontaine, **Seconded:** Cr Castle

That the recommendation be adopted.

**AMENDMENT**

**Moved:** Cr La Fontaine, **Seconded:** Cr Wallace

That the recommendation be amended as follows:

That Council:

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

1. **NOTES** the April 2024 Traffic Warrant scoring is 30 for Brisbane Street, between Lake and Palmerston Streets which suggests to consider low-cost non-capital works solutions;
2. **REQUESTS** Administration to design a low-cost treatment to be delivered which addresses road safety issues (speeding, driver behaviour etc) on Brisbane Street, between Lake and Palmerston Streets,
3. **CONSULT** with residents on the low-cost treatment design for Brisbane Street, between Lake and Palmerston Streets; and
4. **REQUESTS** Administration develop a longer-term traffic management treatment plan which addresses resident concerns regarding rat-running on the local access portion of Brisbane Street between Lake Street and Palmerston Street, with the plan to be returned to a Council Meeting within 18 months; and
5. **CONSULT** with residents on the proposed introduction of a **1P parking limit** or paid parking

on both sides of Brisbane Street between Lake Street and Palmerston Street.

**REASON:**

To facilitate a longer-term plan to implement traffic management treatment/s to address the road safety concerns expressed by residents of the street, and to support its function as categorised under our Accessible City Strategy.

At 7.21pm CEO left the meeting

At 7.21pm CEO returned to the meeting

**ADMINISTRATION'S COMMENT:**

Amendment supported.

**AMENDMENT CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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

**COUNCIL DECISION ITEM 10.4**

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

1. **NOTES** the April 2024 Traffic Warrant scoring is 30 for Brisbane Street, between Lake and Palmerston Streets which suggests to consider low-cost non-capital works solutions;
2. **REQUESTS** Administration to design a low-cost treatment to be delivered which addresses road safety issues (speeding, driver behaviour etc) on Brisbane Street, between Lake and Palmerston Streets,
3. **CONSULT** with residents on the low-cost treatment design for Brisbane Street, between Lake and Palmerston Streets; and
4. **REQUESTS** Administration develop a longer-term traffic management treatment plan which addresses resident concerns regarding rat-running on the local access portion of Brisbane Street between Lake Street and Palmerston Street, with the plan to be returned to a Council Meeting within 18 months; and
5. **CONSULT** with residents on the proposed introduction of a 1P parking limit or paid parking on both sides of Brisbane Street between Lake Street and Palmerston Street.











**CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

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

**RECOMMENDATION:**

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

**1. Development Approval**

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

**2. Use of Premises**

- 2.1 The development shall be used in accordance with the definition of 'Single House' and 'Restaurant/Cafe' as set out in the City's Local Planning Scheme No. 2;
- 2.2 The Restaurant/Cafe use shall be contained to the 34 square metre room, annotated on the approved plans as 'Proposed Cafe', and Car Bays 2 and 4 shown on the approved plans, to the satisfaction of the City. Remaining areas of the building and outdoor areas shall be used as a Single House, unless further development approval is received by the City;
- 2.3 The total number of staff members attending the Restaurant/Cafe at any one time, who do not also reside at the Single House, shall be limited to two (2) persons, to the satisfaction of the City;
- 2.4 The total number of customers/patrons attending the Restaurant/Cafe at any one time shall be limited to 14 persons, inclusive of dine-in and take-away customers, to the satisfaction of the City; and
- 2.5 The Restaurant/Cafe shall be limited to the following operating hours, to the satisfaction of the City:
  - Monday to Saturday: 7:00am to 4:00pm; and
  - Sunday and Public Holidays: 9:00am to 4:00pm: unless demonstrated through an Acoustic Report that the premises could operate from 7:00am to 4:00pm on Sundays or Public Holidays, in strict accordance with the *Environmental Protection (Noise) Regulations 1997*, and subject to the implementation of any recommended noise mitigation measures detailed in an Acoustic Report, to the satisfaction of the City;

**3. Operation Management**

- 3.1 The Restaurant/Cafe shall at all times operate in compliance with the Operation Management Plan stamp dated 12 February 2024, to the satisfaction of the City;

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

#### 4. Acoustic Report

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

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

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

#### 5. Building Design

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

- 5.1 Doors and windows fronting Berryman Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;
- 5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City; and
- 5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;

#### 6. Parking and Access

- 6.1 One (1) off-street parking bay shall be provided for use of the Single House, in the location shown on the approved plans, to the satisfaction of the City;
- 6.2 The design of the Restaurant/Café carpark shall be modified and thereafter constructed in accordance with the following specifications, prior to first use of the approved development and to the satisfaction of the City:
  - 6.2.1 The removal of Carbays 1 and 3;

- 6.2.2 The retention of Carbays 2 and 4, to be allocated for staff of the Restaurant/Cafe, to the satisfaction of the City. The parking bays shall not be used for storage purposes or the like;
- 6.2.3 A 1.5 metre setback provided between the Restaurant/Cafe carpark and the southern lot boundary;
- 6.2.4 A 1.5 metre setback between the long term bicycle bay and the southern lot boundary;
- 6.2.5 A 0.5 metre setback between the proposed crossover and the existing western power pole located in the verge; and
- 6.2.6 A 0.5 metre minimum setback between the proposed driveway and the existing on-site tree located adjacent to the Restaurant/Café car bays;

- 6.3 Car parking and access areas associated with Single House and Restaurant/Cafe shall be sealed, drained, paved and respectively marked as 'residential only' and 'staff only' and in accordance with the approved plans and are to comply with the requirements of Australian Standard 2890.1, to the satisfaction of the City;
- 6.4 A minimum of one onsite bicycle facility shall be provided and designed in accordance with the approved plans and shall comply with AS2890.3, to the satisfaction of the City; and
- 6.5 A minimum of one bicycle bay shall be provided within the Berryman Street verge, adjacent to the Restaurant/Cafe premises and in a location approved by the City. The bicycle bays shall be designed in accordance with Australian Standard 2890.3 prior to the use of the approved development, to the satisfaction of the City (see Advice Notes);

## 7. Landscaping

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

## 8. Sight Lines

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

## 9. Waste Management

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

- The location of bin storage areas shall be in accordance with location detailed within the approved Operation Management Plan;
- Screening of the Restaurant/Cafe bin store area from the street; from the outdoor living area of the Single House; and from adjoining properties, to the satisfaction of the City;
- The provision of a private collection service for the Restaurant/Cafe;
- The location of bin collection areas, being provided to the verge area of Berryman Street adjacent to the Restaurant/Cafe premises;
- The number, volume and type of bins, and the type of waste to be placed in the bins;
- Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- Frequency of bin collections to the satisfaction and specification of the City.

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

## 10. Stormwater

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

**Moved:** Cr Woolf, **Seconded:** Cr Castle

That the recommendation be adopted.

### AMENDMENT 1

**Moved:** Cr Castle, **Seconded:** Cr Woolf

That the following Conditions of approval be amended as follows:

1. Condition 2.4 is amended to read as follows:
  - 2.4 The total number of customers/patrons attending the Restaurant/Cafe at any one time shall be limited to 14 persons, inclusive of dine-in and take-away customers, **with a maximum of 6 persons permitted to dine within the adjacent verge area**, to the satisfaction of the City; and
2. **Condition 3 be deleted and replaced with the following:**
  3. **Operation Management**
    - 3.1 **Prior to commencement of the use, an amended Operation Management Plan shall be submitted to and approved by the City, which adds management measures regarding:**
      - **Management of patron noise associated with outdoor dining, queuing and waiting for take-away orders (including specific and reportable management strategies);**
      - **Complaint management measures;**

- **Set-up and set-down of alfresco dining area; and**
  - **Incorporation of recommendations and operational requirements of the Acoustic Report;**
- 3.2 To the satisfaction of the City, all deliveries, servicing, food/drink preparation, set-up, pack-down, cleaning, and any other activities associated with the Restaurant/Cafe shall occur within the approved hours of operation, as detailed within Condition 2.5 of this approval. This is unless demonstrated through an Acoustic Report that these activities could be undertaken at alternate hours, in strict accordance with the *Environmental Protection (Noise) Regulations 1997*, and subject to the implementation of any recommended noise mitigation measures detailed in an Acoustic Report, to the satisfaction of the City; and**
- 3.3 The Restaurant/Cafe shall at all times operate in compliance with the amended Operation Management Plan as approved in accordance with Condition 3.1, to the satisfaction of the City;**

**REASON:**

The amenity impact of this development will not be significantly greater than the impact of the existing uses of Menzies Park, which is regularly used by local residents for sporting and recreation activities. The conditions in relation to the use of the footpath and verge and accommodating take away patrons is too onerous for a development of such a small scale, which is likely to be used primarily by people already at Menzies Park or living locally.

Flexibility should be provided to allow cleaning and food/preparation to occur outside of operating hours, where it is in strict accordance with the *Environmental Protection (Noise) Regulations 1997*.

**ADMINISTRATION'S COMMENT:**

Administration does not support the amendments to Condition 2.4 and Condition 3, which includes the removal of the Condition 3.2.

By permitting alfresco dining as well as queuing and waiting in the public realm, there would be an increased risk of off-site amenity impacts to surrounding residential properties from patron noise and behaviour.

This risk analysis is based on previous experiences of similar land uses within residential contexts. Administration has pre-empted some of the issues that may occur from patron noise within residential contexts, dependent on the popularity of the premises.

It is however noted that the requirement for an amended Operational Management Plan would assist in managing patron behaviour within the public realm.

The amended conditions are reasonable, valid, and enforceable.

Administration is supportive of the amendment to Condition 3.4

Condition 3.4 (referenced as Condition 3.2 in the proposed amendment), sought to ensure that cleaning, set-up/set-down, servicing and deliveries occurred within the approved operating hours. This was to ensure these activities did not occur prior to 7:00am, which are "night time" hours under the Noise Regulations. Operation before 7:00am may provide adverse noise and amenity impacts to surrounding properties.

The amendment to allow recommendations of an Acoustic Report to guide the hours that these activities can take place is reasonable and would ensure that noise associated with these activities would comply with the Assigned Levels or be appropriately managed.

The amended conditions are reasonable, and enforceable.

LOST WITH MAYOR'S CASTING VOTE (4-5)

The vote was tied, the Mayor used her casting vote to vote against.

**For:** Cr Castle, Cr Worner, Cr Woolf and Cr Greer

**Against:** Mayor Xamon, Cr Alexander, Cr Wallace and Cr La Fontaine

(Cr Hallett was an apology for the Meeting.)

AMENDMENT 2

Moved: Cr Castle, Seconded: Cr Woolf

That recommendation 3.4 be replaced as below:

~~3.4— All deliveries, servicing, food/drink preparation, set-up, pack-down, cleaning, and any other activities associated with the Restaurant/Cafe shall occur within the approved hours of operation, as detailed within Condition 2.5 of this approval, to the satisfaction of the City;~~

To the satisfaction of the City, all deliveries, servicing, food/drink preparation, set-up, pack-down, cleaning, and any other activities associated with the Restaurant/Cafe shall occur within the approved hours of operation, as detailed within Condition 2.5 of this approval. This is unless demonstrated through an Acoustic Report that these activities could be undertaken at alternate hours, in strict accordance with the *Environmental Protection (Noise) Regulations 1997*, and subject to the implementation of any recommended noise mitigation measures detailed in an Acoustic Report, to the satisfaction of the City;

Amendment 1 was lost, those amendments were proposed separately. The same reason and Administration response applies as the original amendment.

AMENDMENT CARRIED (6-2)

**For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf, Cr Wallace and Cr Greer

**Against:** Cr Alexander and Cr La Fontaine

(Cr Hallett was an apology for the Meeting.)



**AMENDMENT 3**

**Moved:** Cr Castle, **Seconded:** Cr Woolf

That the following Conditions of approval be amended as follows:

3. Conditions 2.4 and 3.2 are amended to read as follows:

- 2.4. The total number of customers/patrons attending the Restaurant/Cafe at any one time shall be limited to 14 persons, inclusive of dine-in and take-away customers, **with a maximum of 6 persons permitted to dine within the adjacent verge area**, to the satisfaction of the City; and
- 3.2 At all times, customers shall not queue **or** wait for take-away orders, **or dine**, on the adjacent footpaths and/or verge areas, to the satisfaction of the City;

Amendment 1 was lost, so those amendments were proposed separately. The same reason and Administration response applies as the original amendment.

**AMENDMENT CARRIED (5-3)**

**For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf and Cr Greer

**Against:** Cr Alexander, Cr Wallace and Cr La Fontaine

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

**AMENDMENT 3**

**Moved:** Cr Worner, **Seconded:** Cr Greer

That the recommendation be amended as follows:

1. That Sub-Condition 2.3 be deleted, and the remaining condition renumbered;
2. That Sub-Condition 6.2 be deleted, and the remaining conditions renumbered;
3. The Sub-Condition 6.3 be amended as follows:
  - 6.3 Car parking and access areas associated with Single House **and Restaurant/Cafe shall be sealed, drained, paved and respectively be** marked as 'residential only' **and 'staff only'** and in accordance with **the location shown on the approved plans and are to comply with the requirements of Australian Standard 2890.1**, to the satisfaction of the City;
4. That Sub-Condition 6.4 be amended as follows:
  - 6.4 A minimum of **one three** onsite bicycle facilities shall be provided and designed in accordance with the approved plans and shall comply with AS2890.3, to the satisfaction of the City; and

**REASON:**

The staffing limit has been decided upon on the basis of available parking for staff with no consideration if staff live onsite or use alternate transport means. Staffing should not be dependent on a parking condition that is irrelevant to business practices.

Further investigation of the site has revealed that an existing established tree will impede the strict car parking requirements imposed on the applicant. Whilst Admin have suggested reducing the number of required on-site car parking bays, no car parking requirements should be imposed on the applicant.

Minimum three bicycle/escooter parking facilities to be provided to compensate for this reduction in on-site car parking.

**ADMINISTRATION'S COMMENT:**

Administration is not supportive of the removal of Condition 2.3 nor the removal of Condition 6.3

The removal of these Conditions would result in additional staff parking demand while also requiring all staff and customer parking to occur within the street.

This would also increase the on-site car parking shortfall by at least a further two bays (minimum four bays total), in accordance with the City's Non-Residential Parking Policy.

The removal of these conditions would not meet Objective 2 of the City's Non-Residential Parking Policy. This is because the outcome result in a commercial development that completely relies on on-street parking within residential streets to satisfy parking demand.

It is recommended Condition 2.3 and 6.2 to retained as recommended as:

- Two staff parking bays are able be provided on-site in a manner that is safe, legible, secure, and that would not provide adverse impacts to adjoining properties; and
- Staff parking demand is appropriately moderated by limiting the permitted number of on-site staff.

Administration is supportive of the amendment to Condition 6.4

The provision of additional bicycle/scooter parking would be consistent with the objectives of the City's Local Planning Policy: Non-Residential Parking as it would further support a shift towards active and sustainable transport modes.

**AMENDMENT LOST (1-7)**

**For:** Cr Worner

**Against:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

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

**AMENDMENT 4**

**Moved: Cr Worner, Seconded: Cr La Fontaine**

**That the recommendation be amended as follows:**

**That Sub-Condition 6.4 be amended as follows:**

**6.4 A minimum of ~~one~~ **three** onsite bicycle facilities shall be provided and designed in accordance with the approved plans and shall comply with AS2890.3, to the satisfaction of the City; and**

**CARRIED (7-1)**

**For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Cr Alexander

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

**COUNCIL DECISION ITEM 9.1**

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

**1. Development Approval**

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

**2. Use of Premises**

- 2.1 The development shall be used in accordance with the definition of 'Single House' and 'Restaurant/Cafe' as set out in the City's Local Planning Scheme No. 2;
- 2.2 The Restaurant/Cafe use shall be contained to the 34 square metre room, annotated on the approved plans as 'Proposed Cafe', and Car Bays 2 and 4 shown on the approved plans, to the satisfaction of the City. Remaining areas of the building and outdoor areas shall be used as a Single House, unless further development approval is received by the City;
- 2.3 The total number of staff members attending the Restaurant/Cafe at any one time, who do not also reside at the Single House, shall be limited to two (2) persons, to the satisfaction of the City;
- 2.4 The total number of customers/patrons attending the Restaurant/Cafe at any one time shall be limited to 14 persons, inclusive of dine-in and take-away customers, with a maximum of 6 persons permitted to dine within the adjacent verge area, to the satisfaction of the City; and
- 2.5 The Restaurant/Cafe shall be limited to the following operating hours, to the satisfaction of the City:
  - Monday to Saturday: 7:00am to 4:00pm; and
  - Sunday and Public Holidays: 9:00am to 4:00pm: unless demonstrated through an Acoustic Report that the premises could operate from 7:00am to 4:00pm on Sundays or Public Holidays, in strict accordance with the *Environmental Protection (Noise) Regulations 1997*, and subject to the implementation of any recommended noise mitigation measures detailed in an Acoustic Report, to the satisfaction of the City;

**3. Operation Management**

- 3.1 The Restaurant/Cafe shall at all times operate in compliance with the Operation Management Plan stamp dated 12 February 2024, to the satisfaction of the City;
- 3.2 At all times, customers shall not queue or wait for take-away orders, on the adjacent footpaths and/or verge areas, to the satisfaction of the City;
- 3.3 Prior to commencement of the use, an amended Operation Management Plan shall be submitted to and approved by the City, which provides measures regarding how take-away waiting areas would be accommodated within internal areas of the building, to the satisfaction of the City. This should include designated waiting areas as well as signage advising customers that queuing, waiting and dining must occur internal to the building only, in accordance with Condition 3.2, to the satisfaction of the City; and

- 3.4 To the satisfaction of the City, all deliveries, servicing, food/drink preparation, set-up, pack-down, cleaning, and any other activities associated with the Restaurant/Cafe shall occur within the approved hours of operation, as detailed within Condition 2.5 of this approval. This is unless demonstrated through an Acoustic Report that these activities could be undertaken at alternate hours, in strict accordance with the *Environmental Protection (Noise) Regulations 1997*, and subject to the implementation of any recommended noise mitigation measures detailed in an Acoustic Report, to the satisfaction of the City;

#### 4. Acoustic Report

- 4.1 An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and to the satisfaction of the City, shall be lodged with and approved by the City prior to the operation of the Restaurant/Cafe. The Acoustic Report must address all activities, equipment, and operations at the premises, including but not limited to:

- Vehicle noise (in accordance with the carpark design required by Condition 6);
- Customer noise;
- Noise from mechanical plants;
- Proposed operating hours, inclusive of public holiday trading; and
- Noise from glass waste disposal or compacting.

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

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

#### 5. Building Design

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

- 5.1 Doors and windows fronting Berryman Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;
- 5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City; and
- 5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;

#### 6. Parking and Access

- 6.1 One (1) off-street parking bay shall be provided for use of the Single House, in the location shown on the approved plans, to the satisfaction of the City;

- 6.2 The design of the Restaurant/Café carpark shall be modified and thereafter constructed in accordance with the following specifications, prior to first use of the approved development and to the satisfaction of the City:

6.2.1 The removal of Carbays 1 and 3;

6.2.2 The retention of Carbays 2 and 4, to be allocated for staff of the Restaurant/Cafe, to the satisfaction of the City. The parking bays shall not be used for storage purposes or the like;

- 6.2.3 A 1.5 metre setback provided between the Restaurant/Cafe carpark and the southern lot boundary;
- 6.2.4 A 1.5 metre setback between the long term bicycle bay and the southern lot boundary;
- 6.2.5 A 0.5 metre setback between the proposed crossover and the existing western power pole located in the verge; and
- 6.2.6 A 0.5 metre minimum setback between the proposed driveway and the existing on-site tree located adjacent to the Restaurant/Café car bays;
- 6.3 Car parking and access areas associated with Single House and Restaurant/Cafe shall be sealed, drained, paved and respectively marked as 'residential only' and 'staff only' and in accordance with the approved plans and are to comply with the requirements of Australian Standard 2890.1, to the satisfaction of the City;
- 6.4 A minimum of three onsite bicycle facilities shall be provided and designed in accordance with the approved plans and shall comply with AS2890.3, to the satisfaction of the City; and
- 6.5 A minimum of one bicycle bay shall be provided within the Berryman Street verge, adjacent to the Restaurant/Cafe premises and in a location approved by the City. The bicycle bays shall be designed in accordance with Australian Standard 2890.3 prior to the use of the approved development, to the satisfaction of the City (see Advice Notes);

## 7. Landscaping

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

## 8. Sight Lines

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

**9. Waste Management**

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

- The location of bin storage areas shall be in accordance with location detailed within the approved Operation Management Plan;
- Screening of the Restaurant/Cafe bin store area from the street; from the outdoor living area of the Single House; and from adjoining properties, to the satisfaction of the City;
- The provision of a private collection service for the Restaurant/Cafe;
- The location of bin collection areas, being provided to the verge area of Berryman Street adjacent to the Restaurant/Cafe premises;
- The number, volume and type of bins, and the type of waste to be placed in the bins;
- Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- Frequency of bin collections to the satisfaction and specification of the City.

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

**10. Stormwater**

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

**CARRIED (7-1)**

**For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Cr Alexander

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

At 8:21 pm, Cr Suzanne Worner left the meeting due to a previously declared financial interest.

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

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

**RECOMMENDATION:**

**That Council:**

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

At 8.24pm A/Manager Development & Design left the meeting and did not return.

At 8.24pm A/Manager Strategic Planning & Specialist Planner left the meeting and did not return.

**COUNCIL DECISION ITEM 10.1**

**Moved: Cr Woolf, Seconded: Cr Wallace**

**That the recommendation be adopted.**

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

**(Cr Worner was absent from the Council Chamber and did not vote.)**

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

At 8:27 pm, Cr Suzanne Worner returned to the meeting.

**10.3 ADOPTION OF THE PARKING AMENDMENT LOCAL LAW 2024**

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

**RECOMMENDATION:****That Council:**

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

**COUNCIL DECISION ITEM 10.3**

**Moved:** Cr Wallace, **Seconded:** Cr Castle

That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

(Cr Hallett was an apology for the Meeting.)



**12.3 NOMINATION TO URBAN95 ACADEMY 2024 PROGRAM**

Attachments: 1. Program Brochure 

**RECOMMENDATION:**

1. That Council APPROVES the following members for nomination to the URBAN95 Academy 2024 Program:
  1. Cr
  2. Cr
2. NOTES that that the Chief Executive Officer will nominate one suitably qualified member of staff to form part of the application.

Moved: Cr Castle, Seconded: Cr Worner

That the recommendation be adopted.

**AMENDMENT**

Moved: Cr Castle, Seconded: Cr Woolf

That the recommendation be amended to add a third nomination and add the names of the Councillors who have expressed interest in being members:

1. That Council APPROVES the following members for nomination to the URBAN95 Academy 2024 Program:
  1. Mayor Xamon
  2. Cr Woolf
  3. **Cr Castle**

**AMENDMENT CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

(Cr Hallett was an apology for the Meeting.)

**COUNCIL DECISION ITEM 12.3**

That the recommendation be amended to add a third nomination as follows:

1. That Council APPROVES the following members for nomination to the URBAN95 Academy 2024 Program:
  1. Mayor Xamon
  2. Cr Woolf
  3. Cr Castle
2. NOTES that that the Chief Executive Officer will nominate one suitably qualified member of staff to form part of the application.

**CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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

At 8.35 Manager Engineering left and did not return.

**12.1 GOVERNANCE FRAMEWORK REVIEW 2024**

- Attachments:**
- 1. Governance Framework Review 2024 - Final Draft** 
  - 2. Governance Framework 2024 - Final Draft** 

**RECOMMENDATION:**

**That Council:**

- 1. NOTES the review of the Governance Framework, as outlined in this report; and**
- 2. ADOPTS the updated Governance Framework, in its draft form at Attachment 2 and NOTES that final editorial, design and formatting of the documents will be determined by the Chief Executive Officer prior to publication.**

**COUNCIL DECISION ITEM 12.1**

**Moved: Cr Woolf, Seconded: Cr Wallace**

**That the recommendation be adopted.**

**CARRIED (8-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Wallace, Cr Greer and Cr La Fontaine

**Against:** Nil

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

**13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**

Nil

**15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**16 URGENT BUSINESS**

Nil

**17 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Alison Xamon, declared the meeting closed at 8.36pm with the following persons present:

<b>PRESENT:</b>	Mayor Alison Xamon	Presiding Member
	Cr Alex Castle	North Ward
	Cr Ron Alexander	North Ward
	Cr Suzanne Worner	North Ward
	Cr Nicole Woolf	North Ward
	Cr Ashley Wallace	South Ward
	Cr Sophie Greer	South Ward
	Cr Ashlee La Fontaine	South Ward
<b>IN ATTENDANCE:</b>	David MacLennan	Chief Executive Officer
	Peter Varris	Executive Director Infrastructure & Environment
	Jay Naidoo	A/Executive Director Strategy & Development
	Joslin Colli	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer

**Public:** Approximately one member of the public.

These Minutes were confirmed at the 21 May 2024 meeting of Council as a true and accurate record of the Council Meeting held on 23 April 2024.

Signed: Mayor Alison Xamon

A handwritten signature in blue ink, appearing to read 'Alison Xamon', is written below the text 'Signed: Mayor Alison Xamon'. The signature is fluid and cursive.

Dated: 21 May 2024