



City of Perth

**Ordinary Council Meeting  
Minutes**

**18 December 2018  
6.00pm**

**Council Chamber  
Level 9  
Council House**

**APPROVED FOR RELEASE**

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**MURRAY JORGENSEN  
CHIEF EXECUTIVE OFFICER**



City of Perth

**Ordinary Council Meeting  
Minutes**

**18 December 2018  
6.00pm**

**Council Chamber  
Level 9  
Council House**

**Present**

Chair Commissioner Eric Lumsden  
Commissioner Gaye McMath  
Commissioner Andrew Hammond

Minutes to be confirmed at the next Ordinary Council meeting.

**THESE MINUTES ARE HEREBY CERTIFIED AS  
CONFIRMED**

**PRESIDING MEMBER'S SIGNATURE**

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**DATE:-----**

Minutes of the Ordinary Meeting of the Council of the City of Perth held in the Council Chamber, Ninth Floor, Council House, 27 St Georges Terrace, Perth, on Tuesday, 18 December 2018.

**Presiding:** **Chair Commissioner, Eric Lumsden**

**Commissioners in Attendance:**

Commissioner Gaye McMath  
Commissioner Andrew Hammond

**Officers in Attendance:**

|                |   |
|----------------|---|
| Mr Jorgensen   | Chief Executive Officer                             |
| Mr Mianich     | Director Corporate Services                         |
| Mr Crosetta    | Director Construction and Maintenance               |
| Ms Moore       | Director Community and Commercial Services          |
| Ms Barrenger   | Director Planning and Development                   |
| Mr Fitzpatrick | Acting Director Economic Development and Activation |
| Ms Smith       | Manager Development Approvals                       |
| Ms Rippington  | Governance Coordinator                              |
| Mr Anastas     | Personal Aide                                       |
| Ms Rutigliano  | Governance Officer                                  |

**Observers:**

Ten members of the public  
Eight members of staff  
One member of the media

**1. Prayer / Acknowledgment of Country**

The Chief Executive Officer read the prayer.

The Chair Commissioner read the Acknowledgement of Country.

**2. Declaration of Opening**

**6.01pm** The Chair Commissioner declared the meeting open.

**3. Apologies**

Mr Ridgwell, Manager Governance

**4. Question Time for the Public and Notification of Deputations**

**4.1 Question Time for the Public**

The Chief Executive Officer advised a number of questions were received from Ms Hui Zhang in relation to Item 13.9 - Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth (CM 335253/18)

and due to the comprehensive nature of the questions, the questions will be treated as Correspondence and answered accordingly (refer Item 10.3).

#### 4.2 Notification of Deputations

##### 4.2.1 Item 13.9 – Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth

The Presiding Member approved a deputation from Mr Charles Foti in relation to Item 13.9 - Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth (CM 335431/18).

##### 4.2.2 Item 13.15 – Point Fraser - Lease Issues – 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant)

The Presiding Member approved a deputation from Mr Brent Fleeton from OverArch and Mr Neil Irvine from City Foreshore Investments in relation to Item 13.15 – Point Fraser - Lease Issues – 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant) (CM 335428/18).

#### 5. Members on Leave of Absence and Applications for Leave of Absence

The Chair Commissioner advised he will be an apology for the Ordinary Council Meeting to be held on 26 February 2019.

#### 6. Confirmation of Minutes

***Moved Commissioner Hammond, seconded Commissioner McMath***

***That Council CONFIRM the minutes of the Ordinary Council Meeting held 27 November 2018 and Agenda Briefing Session held 11 December 2018 as a true and correct record.***

***The motion was put and carried***

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**7. Announcements by the Chair Commissioner**

Nil

**8. Disclosures of Members' Interests**

Nil

**9. Questions by Members of which due notice has been given**

Nil

**10. Correspondence**

**10.1** Correspondence was received from Mr Gus Kininmont (CM 335436/18), Mr Charles Foti (CM 335419/18) and Ms Lisa Reid (CM 335425/18) in relation to Item 13.9 - Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth.

**10.2** Confidential correspondence was received from Deputy Lord Mayor Jemma Green in relation to Item 13.16 - Request for Reimbursement of Legal Expenses – Deputy Lord Mayor Jemma Green (CM 335246/18).

**10.3** Correspondence including a number of questions detailed below were received from Ms Hui Zhang, 1 Haig Park Circle, East Perth (CM 335253/18) in relation to Item 13.9 - Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth.

|                    |   |
|--------------------|---|
| <b>Question 1:</b> | Can the City please elaborate further on how the proposed development of the design guidelines represents the interests of electors, ratepayers and residents especially in relation to two following factors:<br><br>a. impact of existing ratepayers property values; and<br><br>b. the current soft property market. |
|--------------------|---|

|                           |  |
|---------------------------|--|
| <p><b>Response:</b></p>   | <p>The preparation and adoption of the scheme amendment and design guidelines are considered to be in the interest of electors, ratepayers and residents as they will ensure that any future development on the site is of an acceptable scale and form.</p> <p>They will ensure:</p> <ul style="list-style-type: none"> <li>• an appropriate intensity of development of the site;</li> <li>• an appropriate scale of development and landscaping along Haig Park Circle;</li> <li>• public access through the site from Haig Park Circle to Royal Street; and</li> <li>• that only residential uses are permitted along Haig Park Circle to protect residential character and amenity</li> </ul> <p>The City is unable to provide comment as to how the scheme amendment and design guidelines will impact on property values and whether this will be positive or negative, nor the impact on the current soft property market, as these are not matters that the Council is able to consider in making planning decisions.</p> |
| <p><b>Question 2:</b></p> | <p>Can the City please advise what consultation (if any) has been undertaken since the 27 November 2018 Council meeting.</p> <p>Furthermore, if a consultation was undertaken:</p> <ul style="list-style-type: none"> <li>• what were the issues raised by those that have been consulted</li> <li>• what were the City of Perth response to address those issues; and</li> <li>• why no residents that lived directly adjacent to the lot in question have been consulted?</li> </ul>   |
| <p><b>Response:</b></p>   | <p>The resolution of Council at its meeting on the 27 November 2018 did not direct further community consultation but the provision of further advice on how to address the issues raised by residents regarding the car park’s use.</p> <p>The Administration has provided further advice on this matter in the Additional Information section of the report to Council including public car parking availability and the retention of public parking on the site.</p>  |
| <p><b>Question 3:</b></p> | <p>a. Why the insistence on pushing forward with the introduction of the design guidelines for the lot in question and continuing with the consultation rather than closing the matter and honouring the existing rate payers views on this? What is the purpose of consulting process if the council are not willing to listen to any of it and keep pushing residents until you have the answer that are more in line with your proposal; and</p> <p>b. Is the insistence due to a pending development approval? Has there been any development approval interest been either formally or informally submitted?</p>  |

|                           |   |
|---------------------------|---|
| <p><b>Response:</b></p>   | <p>a. The City has a responsibility to ensure that it provides appropriate planning guidance over every site which is capable of development under its jurisdiction.</p> <p>The City has undertaken comprehensive community engagement to inform the preparation of the scheme amendment and design guidelines and has sought to address as many of the community concerns as possible.</p> <p>b. No development application is currently lodged with the City for the development of the site.</p> <p>The Administration is not aware of any intention by the landowner to lodge a development application in the near future.</p>   |
| <p><b>Question 4:</b></p> | <p>Why does this proposal only benefit one lot owner (owner of Lot 70 Haig Park Circle, East Perth) who has paid significantly lower in the purchase price than any of the existing residents and especially after knowing there was a restrictive covenant for it to remain as a carpark?</p> <p>Should the proposal to be approved despite the strong opposition from the majority of residents, would City of Perth consider implementing the same high density living design guideline to apply to all Haig Park Circle and nearby properties to ensure consistent potential benefits (as implied by the City of Perth) can be applied to all properties in the vicinity?</p> |
| <p><b>Response:</b></p>   | <p>The Administration considers that the development of the site will also benefit the surrounding community by providing additional people in the area to support local businesses as well by providing enhanced local amenity.</p> <p>The City is currently preparing a City Planning Strategy to guide the long term use and development of the city. This is intended to be advertised for public comment early in the New Year and the City would welcome any submissions from the community at this time in regards to changes to the planning framework.</p>   |

**11. Petitions**

Nil

**12. Matters for which the Meeting may be Closed**

The Chief Executive Officer advised in accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential attachments in relation to Items **13.4, 13.5, 13.6, 13.15** and **13.16**, it is recommended that Council resolve to close the meeting to the public prior to discussion of the Item.

| Attachment No.                                       | Item No. and Title   | Reason           |
|--|--|------------------|
| Confidential<br>Attachment 13.4A                     | Item 13.4 - Strategic Event Sponsorship - Eat Drink Perth and Good Food Month  | s5.23(2)(e)(ii)  |
| Confidential<br>Attachment 13.5B                     | Item 13.5 - Precinct Development Grants - Activate Perth Fill This Space Initiative  | s5.23(2)(e)(ii)  |
| Confidential<br>Attachment 13.6A,<br>13.6B and 13.6C | Item 13.6 - Extension of Principal Partnership between Heritage Perth and City of Perth  | s5.23(2)(e)(ii)  |
| Confidential<br>Attachment 13.15A                    | Item 13.15 - Point Fraser - Lease Issues - 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant) | s5.23(2)(e)(ii)  |
| Confidential<br>Attachment 13.16B<br>and 13.16C      | Item 13.16 - Request for Reimbursement of Legal Expenses - Deputy Lord Mayor Jemma Green   | s5.23(2)(e)(iii) |

### 13. Reports

#### En Bloc Motion

***Moved Commissioner Hammond, seconded Commissioner McMath***

***That Council:***

1. ***ADOPTS the Officer Recommendations for items 13.2, 13.4, 13.5, 13.7, 13.8, 13.10, 13.11, 13.12 and 13.17; and***
2. ***CONSIDERS items 13.1, 13.3, 13.6, 13.9, 13.13, 13.14, 13.15, 13.16 and 13.18 separately.***

***The motion was put and carried***

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.1 89 (Lots 327 and 328) Fairway, Crawley – Proposed Demolition of Existing Dwelling and Construction of Six, Three Storey Residential Grouped Dwellings**Officer Recommendation

*That, in accordance with the provisions of the City of Subiaco Town Planning Scheme No. 4 and the Metropolitan Region Scheme, Council APPROVES the application for the demolition of the existing dwelling and the construction of six, three storey residential grouped dwellings as shown on the plans received on 8 November 2018 subject to:*

- 1. the development being constructed with high quality and durable materials and finishes consistent with the approved elevations and perspectives with the final details of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
- 2. sun protection being provided to all openings on the northern elevation of the dwellings;*
- 3. Lots 327 and 328 being amalgamated into one lot prior to the occupancy of the development;*
- 4. a minimum of one visitor car parking bay being provided on site, with all on-site parking being for the exclusive use of the residents of the development and their visitors and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites;*
- 5. all redundant crossovers on Fairway being removed and the footpaths reinstated with the new crossover being constructed in accordance with the City's specifications and to the City's satisfaction and at the expense of the owner;*
- 6. air conditioner condensers not being permitted on the balconies or courtyards, or where they can be viewed from the street or adjacent properties and any proposed external building plant, piping and ducting being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*
- 7. all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;*
- 8. in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and maintained in a clean and tidy state to the satisfaction of the City;*
- 9. prior to the demolition of the existing buildings the works referred to in Condition 8, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;*

(Cont'd)

10. *the existing mature street trees located in the road verge abutting or adjacent to the subject site not being damaged or removed as a result of demolition or development works. If, during the course of the development, any existing street tree is damaged or destroyed, the owner/applicant shall repair or replace the street tree at their cost to the satisfaction of the City with reference to the City's 'Policy No. 20.8 – Street Trees – Planting, Pruning and Removal'.*
11. *the design of the central driveway being amended to incorporate landscape zones where the full width of the driveway is not required for vehicle manoeuvring to further soften the development and improve privacy between opposing living room windows, with a detailed landscaping and reticulation plan being submitted by the applicant to the City for approval prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the development and thereafter maintained to a high standard;*
12. *the approved side parapet walls and footings abutting the adjacent boundaries being constructed wholly within the subject site, with the external surface of the parapet walls being finished to a high quality standard with details being submitted for approval by the City prior to applying for a building permit; and*
13. *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
  - a) *the delivery of materials and equipment to the site;*
  - b) *the storage of materials and equipment on the site;*
  - c) *the parking arrangements for the contractors and subcontractors;*
  - d) *the protection of street trees and other City assets;*
  - e) *any dewatering of the site; and*
  - f) *other matters likely to impact on the surrounding properties.*

#### **MOVED WITH AMENDMENT**

***Moved Commissioner Hammond, seconded Commissioner McMath***

***That, in accordance with the provisions of the City of Subiaco Town Planning Scheme No. 4 and the Metropolitan Region Scheme, Council APPROVES the application for ~~the demolition of the existing dwelling and~~ the construction of six, three storey residential grouped dwellings as shown on the plans received on 8 November 2018 subject to:***

1. ***the development being constructed with high quality and durable materials and finishes consistent with the approved elevations and perspectives with the final details of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;***
2. ***sun protection being provided to all openings on the northern elevation of the dwellings;***

***(Cont'd)***

3. *Lots 327 and 328 being amalgamated into one lot prior to the occupancy of the development;*
4. *a minimum of one visitor car parking bay being provided on site, with all on-site parking being for the exclusive use of the residents of the development and their visitors and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites;*
5. *all redundant crossovers on Fairway being removed and the footpaths reinstated with the new crossover being constructed in accordance with the City's specifications and to the City's satisfaction and at the expense of the owner;*
6. *air conditioner condensers not being permitted on the balconies or courtyards, or where they can be viewed from the street or adjacent properties and any proposed external building plant, piping and ducting being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*
7. *all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;*
8. *in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and maintained in a clean and tidy state to the satisfaction of the City;*
9. *prior to the demolition of the existing buildings the works referred to in Condition 8, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;*
10. *the existing mature street trees located in the road verge abutting or adjacent to the subject site not being damaged or removed as a result of demolition or development works. If, during the course of the development, any existing street tree is damaged or destroyed, the owner/applicant shall repair or replace the street tree at their cost to the satisfaction of the City with reference to the City's 'Policy No. 20.8 – Street Trees – Planting, Pruning and Removal'.*

*(Cont'd)*

11. *the design of the central driveway being amended to incorporate landscape zones where the full width of the driveway is not required for vehicle manoeuvring to further soften the development and improve privacy between opposing living room windows, with a detailed landscaping and reticulation plan being submitted by the applicant to the City for approval prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the development and thereafter maintained to a high standard;*
12. *the approved side parapet walls and footings abutting the adjacent boundaries being constructed wholly within the subject site, with the external surface of the parapet walls being finished to a high quality standard with details being submitted for approval by the City prior to applying for a building permit; and*
13. *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
  - a) *the delivery of materials and equipment to the site;*
  - b) *the storage of materials and equipment on the site;*
  - c) *the parking arrangements for the contractors and subcontractors;*
  - d) *the protection of street trees and other City assets;*
  - e) *any dewatering of the site; and*
  - f) *other matters likely to impact on the surrounding properties.*

#### **PRIMARY MOTION AS AMENDED**

*That, in accordance with the provisions of the City of Subiaco Town Planning Scheme No. 4 and the Metropolitan Region Scheme, Council APPROVES the application for the construction of six, three storey residential grouped dwellings as shown on the plans received on 8 November 2018 subject to:*

1. *the development being constructed with high quality and durable materials and finishes consistent with the approved elevations and perspectives with the final details of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
2. *sun protection being provided to all openings on the northern elevation of the dwellings;*
3. *Lots 327 and 328 being amalgamated into one lot prior to the occupancy of the development;*

*(Cont'd)*

4. *a minimum of one visitor car parking bay being provided on site, with all on-site parking being for the exclusive use of the residents of the development and their visitors and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites;*
5. *all redundant crossovers on Fairway being removed and the footpaths reinstated with the new crossover being constructed in accordance with the City's specifications and to the City's satisfaction and at the expense of the owner;*
6. *air conditioner condensers not being permitted on the balconies or courtyards, or where they can be viewed from the street or adjacent properties and any proposed external building plant, piping and ducting being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*
7. *all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;*
8. *in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and maintained in a clean and tidy state to the satisfaction of the City;*
9. *prior to the demolition of the existing buildings the works referred to in Condition 8, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;*
10. *the existing mature street trees located in the road verge abutting or adjacent to the subject site not being damaged or removed as a result of demolition or development works. If, during the course of the development, any existing street tree is damaged or destroyed, the owner/applicant shall repair or replace the street tree at their cost to the satisfaction of the City with reference to the City's 'Policy No. 20.8 – Street Trees – Planting, Pruning and Removal'.*

*(Cont'd)*

11. *the design of the central driveway being amended to incorporate landscape zones where the full width of the driveway is not required for vehicle manoeuvring to further soften the development and improve privacy between opposing living room windows, with a detailed landscaping and reticulation plan being submitted by the applicant to the City for approval prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the development and thereafter maintained to a high standard;*
12. *the approved side parapet walls and footings abutting the adjacent boundaries being constructed wholly within the subject site, with the external surface of the parapet walls being finished to a high quality standard with details being submitted for approval by the City prior to applying for a building permit; and*
13. *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
  - a) *the delivery of materials and equipment to the site;*
  - b) *the storage of materials and equipment on the site;*
  - c) *the parking arrangements for the contractors and subcontractors;*
  - d) *the protection of street trees and other City assets;*
  - e) *any dewatering of the site; and*
  - f) *other matters likely to impact on the surrounding properties.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

### **Item 13.2 Key Sector Development Sponsorship – Destination Perth**

*Moved Commissioner Hammond, seconded Commissioner McMath*

**That Council:**

1. ***APPROVES*** cash sponsorship of \$25,000 (excluding GST) to Perth Region Tourism Organisation Inc (Destination Perth) for a Destination Marketing Campaign targeted at the Melbourne market;

*(Cont'd)*

2. ***NOTES the provisional list of sponsorship benefits contained within the Detailed Officer Assessment in Attachment 13.2A;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

***The motion was put and carried en bloc***

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

### **Item 13.3 Major Events and Festivals Sponsorship – Perth Fashion Festival**

#### **Officer Recommendation**

*That Council:*

1. ***APPROVES sponsorship of \$225,000 (excluding GST) to the Fashion Council of WA for the 2019 Perth Fashion Festival consisting of \$200,000 cash component and \$25,000 in-kind to support the venue hire of Forrest Place and banner hire fees for the 2019 Perth Fashion Festival;***
2. ***APPROVES a cash contribution of up to \$10,000 (excluding GST) toward a stakeholder consultation report, to support the strategic development and future direction of the Perth Fashion Festival, to ensure ongoing alignment with the needs of the local fashion industry;***
3. ***NOTES the provisional list of sponsorship benefits contained in the Detailed Officer Assessment in Attachment 13.3A;***
4. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant, the final list of sponsorship benefits and key performance indicators for inclusion in the agreement, according to the Council approved funding amount; and***
5. ***NOTES that a detailed acquittal report, including any supporting material, will be submitted to the City of Perth within three months of the conclusion of the event.***

**MOTION TO DEFER**

Council agreed to defer the item as follows:

*Moved Commissioner McMath, seconded Commissioner Hammond*

*That Council DEFER consideration of the report titled Major Events and Festivals Sponsorship – Perth Fashion Festival to a meeting to be held as soon as possible to allow further time for consideration of the item by Commissioners.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Reason:** Due to the substantial investment proposed on behalf of the City, the Commissioners would like further time to consider the sponsorship to gain a greater understanding of the details and benefits of this event.

**Item 13.4 Strategic Event Sponsorship - Eat Drink Perth and Good Food Month**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council:*

1. ***APPROVES the integration of City of Perth's Eat Drink Perth campaign into Fairfax Events and Entertainment's Good Food Month in Perth for 2019 through 2021.***
2. ***APPROVES, subject to the receipt of an official application, sponsorship of the Good Food Month event totalling \$60,000 in 2019 and \$80,000 in the following two years, including Night Noodle Markets, for a total period of three years ending 2021.***
3. ***NOTES that a sponsorship amount to the value of \$20,000 has already been approved for Good Food Month as part of Events Grant Round 2 2018/19, on Tuesday, 27 November 2018.***
4. ***APPROVES the reallocation to the Good Food Month event of a portion of approved Eat Drink Perth budget to the value of \$151,000 in financial year 2018/19 consisting of:***

*(Cont'd)*

- 4.1 *\$80,000 towards various activations around Good Food Month event;*
- 4.2 *\$46,000 towards city dressing, including street banners and mall pillar wraps; and*
- 4.3 *\$25,000 for associated marketing support.*
5. *NOTES that the remaining Eat Drink Perth budget will be reallocated in the January midyear budget review process;*
6. *AUTHORISES the Chief Executive Officer (or delegate) to negotiate with the applicant, the final list of sponsorship benefits and key performance indicators for inclusion in the agreement, according to the Council approved funding amount; and*
7. *NOTES that a detailed acquittal report, including any supporting material, will be submitted to the City of Perth within three months of the conclusion of the event each year of the agreement.*

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

### **Item 13.5 Precinct Development Grants – Activate Perth Fill This Space Initiative**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council:*

1. *APPROVES a Precinct Development Matched Funding Grant of \$100,000 (excluding GST) to Activate Perth for the Fill This Space project for a 12-month period;*
2. *NOTES the provisional list of sponsorship benefits contained within the Detailed Officer Assessment in Attachment 13.5A;*
3. *AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and*
4. *NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.*

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.6 Extension of Principal Partnership between Heritage Perth and City of Perth**

*Moved Commissioner McMath, seconded Commissioner Hammond*

**That Council:**

1. ***APPROVES*** an extension of the Funding Agreement between the City of Perth and Heritage Perth Incorporated for a period of six months, at a value of \$90,500 cash and \$12,760 in-kind, noting that the existing Funding Agreement expires on 28 December 2018, with the following conditions:
  - 1.1 *Heritage Perth Inc. will continue to collaborate with City of Perth officers to complete the detailed evaluation of Heritage Perth's activities currently underway as per Council's resolution of 26 June 2018;*
  - 1.2 *Heritage Perth Inc. will continue to collaborate with City of Perth officers to complete the Heritage Strategy that is currently underway as per Council's resolution of 26 June 2018; and*
  - 1.3 *Salary and benefits for the Executive Director will be extended in their current form for a further six months until 30 June 2019.*
  
2. ***AUTHORISES*** the Chief Executive Officer to:
  - 2.1 *finalise the details of the Funding Agreement as at recommendation point 1 above;*
  - 2.2 *include the Funding Agreement extension in the mid-year 2018/19 budget review; and*
  - 2.3 *in accordance with Section 9.49A of the Local Government Act 1995, sign the revised Funding Agreement with Heritage Perth Incorporated on behalf of the City of Perth for a period of six months until 30 June 2019.*

***The motion was put and carried***

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.7 Hill Street Two-Way Project – Final Concept Plans, Detailed Cost Estimate and Results of Stakeholder Engagement**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council:*

1. ***NOTES the results of the Hill Street Two-way stakeholder engagement process, the final concept plans and detailed cost estimate; and***
2. ***APPROVES the Hill Street Two-way project to proceed to detailed design with the aim to construct in the 2019/20 financial year.***

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.8 Boundary Roads Memorandum of Understanding Between City of Nedlands and City of Perth**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council:*

1. ***ENDORSES the draft Boundary Roads Memorandum of Understanding between City of Nedlands and City of Perth;***
2. ***AUTHORISES the Chief Executive Officer to sign the Draft Boundary Roads Memorandum of Understanding between City of Nedlands and City of Perth; and***
3. ***NOTES the allocation of the responsibility for the care and control of boundary assets is governed by section 3.53 of Local Government Act (1995) which states the control and management of a reserve partially within two or more local governments shall be agreed by the local governments.***

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.9 Final Adoption of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas) and the City of Perth East Perth – South Cove Area 20 Design Guidelines to Introduce Development Standards for 75 (Lot 70) Haig Park Circle, East Perth**

*Moved Commissioner Hammond, seconded Commissioner McMath*

**That Council:**

1. ***NOTES*** the submissions received relating to proposed Amendments to City of Perth Local Planning Scheme No. 26 and the City of Perth East Perth Area 20 – South Cove Area Design Guidelines - Attachment 13.9A;
2. ***pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, ADOPTS Amendment No. 3 to City of Perth Local Planning Scheme No. 26, without modification as detailed in the Scheme Amendment Report – Attachments 13.9B and 13.9C;***
3. ***pursuant to Clause 5 of the Planning and Development (Local Planning Scheme) Regulations – Schedule 2 (Deemed Provisions) ADOPTS the City of Perth local planning policy East Perth Area 20 – South Cove Area Design Guidelines and for it to come into effect upon gazettal of Amendment No. 3 to City of Perth Local Planning Scheme No. 26 – Attachments 13.9B and 13.9D; and***
4. ***pursuant to Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015, FORWARDS Amendment No. 3 to City of Perth Local Planning Scheme No. 26 and associated documents to the Western Australian Planning Commission for consideration and recommendation to the Minister for Planning.***

***The motion was put and carried***

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.10 Financial Statements and Financial Activity Statement for the Period Ended 31 October 2018**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 31 October 2018, as detailed in Attachment 13.10A of this report.*

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.11 Payments from Municipal and Trust Funds – November 2018**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 November 2018 be RECEIVED and recorded in the Minutes of the Council, the summary of which is as follows:*

| <i>FUND</i>           | <i>PAID</i>                           |
|-----------------------|---------------------------------------|
| <i>Municipal Fund</i> | <i>\$ 16,856,912.87</i>               |
| <i>Trust Fund</i>     | <i>\$ 15,252.54</i>                   |
| <br>                  | <hr/>                                 |
| <i>TOTAL:</i>         | <i><u><u>\$ 16,872,165.41</u></u></i> |

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.12 Policy Review – Safer Design**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council ADOPTS the revised ‘Safer Design Policy’ listed in Attachment 13.12A.*

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.13 Review Complete – City of Perth Alfresco Dining Local Law 2009 (Repeal and Replace) City of Perth Outdoor Dining Local Law 2019**Officer Recommendation

*That Council:*

1. *in accordance with Section 3.16(3) of the Local Government Act 1995,*
  - 1.1 *NOTES that four submissions were received during the public submission period in response to the review of the City of Perth Alfresco Dining Local Law 2009; and*
  - 1.2 *CONSIDERS those submissions as detailed in Attachment 13.13A and 13.14B;*
2. *in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Alfresco Dining Local Law 2009 and DETERMINES BY AN ABSOLUTE MAJORITY, to repeal this local law, as detailed in Attachment 13.13B;*
3. *APPROVES in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of a state-wide public notice of the intention to make the City of Perth Outdoor Dining Local Law 2019, as detailed in Attachment 13.13E, with the purpose and effect being:*
  - 3.1 *Purpose: The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district;*
  - 3.2 *Effect: The effect of this local law is to:*
    - a) *enable the management of outdoor dining areas so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and*
    - b) *encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.*

**MOTION TO DEFER*****Moved Commissioner McMath, seconded Commissioner Hammond***

*That Council DEFER consideration of the report titled Review Complete – City of Perth Alfresco Dining Local Law 2009 (Repeal and Replace) City of Perth Outdoor Dining Local Law 2019 to a meeting to be held as soon as possible to allow further time for Commissioners to consider the Independent Review of City of Perth Outdoor Dining Fees and Processes undertaken by Planning Solutions.*

In accordance with Section 9.1(1) of the City of Perth Standing Orders Local Law, Commissioner McMath withdrew the motion with the consent of Commissioner Hammond.

**PRIMARY MOTION*****Moved Commissioner Hammond, seconded Commissioner McMath******That Council:***

- 1. in accordance with Section 3.16(3) of the Local Government Act 1995,***
  - 1.1 NOTES that four submissions were received during the public submission period in response to the review of the City of Perth Alfresco Dining Local Law 2009; and***
  - 1.2 CONSIDERS those submissions as detailed in Attachment 13.13A and 13.14B;***
- 2. in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Alfresco Dining Local Law 2009 and DETERMINES BY AN ABSOLUTE MAJORITY, to repeal this local law, as detailed in Attachment 13.13B;***
- 3. APPROVES in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of a state-wide public notice of the intention to make the City of Perth Outdoor Dining Local Law 2019, as detailed in Attachment 13.13E, with the purpose and effect being:***
  - 3.1 Purpose: The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district;***
  - 3.2 Effect: The effect of this local law is to:***
    - a) enable the management of outdoor dining areas so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and***
    - b) encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.***

***The motion was put and carried***

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.14 Outdoor Dining – Policy and Guidelines**

Officer Recommendation

*That Council:*

1. *RECEIVES the consultation on the Draft Outdoor Dining Policy and Guidelines as detailed in Attachment 13.14A;*
2. *RESCINDS Council Policy 14.1 – Alfresco Dining 2000 as detailed in Attachment 13.14C;*
3. *RESCINDS Council Policy 14.2 – Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal as detailed in Attachment 13.14D;*
4. *ADOPTS the Council Policy 14.1 – Outdoor Dining Policy detailed in Attachment 13.14B;*
5. *ENDORSES the Outdoor Dining Guidelines as detailed in Attachment 13.14E;*
6. *RECEIVES information as detailed in Attachment 13.14F in relation to other Perth local government fee structures as a comparison to the City of Perth’s proposed annual outdoor dining fee;*
7. *RECEIVES information in relation to an online service to process and manage applications;*
8. *RECEIVES the Independent Review of City of Perth Outdoor Dining Fees and Processes undertaken by Planning Solutions as detailed in Attachment 13.14G; and*
9. *NOTES the Administration’s responses to the Independent Review as contained in this report and as detailed in Attachment 13.14H.*

**MOTION TO DEFER**

Council agreed to defer the item as follows:

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council DEFER consideration of the report titled **Outdoor Dining – Policy and Guidelines to a meeting to be held as soon as possible to allow further time for Commissioners to consider the Independent Review of City of Perth Outdoor Dining Fees and Processes undertaken by Planning Solutions.***

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Reason:** To allow the Commissioners further time to consider the Independent Review of City of Perth Outdoor Dining Fees and Processes undertaken by Planning Solutions.

**Item 13.15 Point Fraser - Lease Issues – 25 (Lot 306) Riverside Drive Point Fraser, East Perth - City of Perth (Sub-Landlord) to City Foreshore Investments Pty Ltd as Trustee for the City Foreshore Development Trust (Sub-Tenant)**

Revised Officer Recommendation

*That Council:*

1. AUTHORISES the Chief Executive Officer to determine whether to appoint an independent arbitrator to resolve the dispute between the City of Perth and City Foreshore Investments Pty Ltd in accordance with Lease Clause 14.20 (Lot 306) Riverside Drive, Point Fraser, East Perth;
2. APPROVES BY AN ABSOLUTE MAJORITY a three month trial with revised parking fees at Point Fraser Car Park:
 

|               |  |
|---------------|--|
| 2.1 6am - 6pm | 1 hour free with ticket, then \$2.50 per hour; |
| 2.2 6pm - 6am | \$5 flat rate after 6pm;                       |
3. APPROVES a new Car Park Management Plan for Point Fraser be developed taking into consideration the results of the external parking review and results of the trial; and
4. APPROVES that the area known as the “overflow car park” be decommissioned as a car park.

(Cont'd)

**MOVED WITH AMENDMENT**

*Moved Commissioner Hammond, seconded Commissioner McMath*

**That Council:**

1. **AUTHORISES** the Chief Executive Officer to determine whether to appoint an independent arbitrator to resolve the dispute between the City of Perth and City Foreshore Investments Pty Ltd in accordance with Lease Clause 14.20 (Lot 306) Riverside Drive, Point Fraser, East Perth;
2. **APPROVES BY AN ABSOLUTE MAJORITY** a three month trial with revised parking fees at Point Fraser Car Park:
  - 2.1 6am - 6pm 1 hour free with ticket, then \$2.50 per hour;
  - 2.2 6pm - 6am \$5 flat rate after 6pm;
3. **APPROVES** a new Car Park Management Plan for Point Fraser be developed taking into consideration the results of the external parking review and results of the trial; and
4. ~~**APPROVES** that the area known as the "overflow car park" be decommissioned as a car park.~~ **SEEKS** immediate advice from relevant government agencies as to the environmental integrity of the area currently designated as Zone 3.

**PRIMARY MOTION AS AMENDED**

**That Council:**

1. **AUTHORISES** the Chief Executive Officer to determine whether to appoint an independent arbitrator to resolve the dispute between the City of Perth and City Foreshore Investments Pty Ltd in accordance with Lease Clause 14.20 (Lot 306) Riverside Drive, Point Fraser, East Perth;
2. **APPROVES BY AN ABSOLUTE MAJORITY** a three month trial with revised parking fees at Point Fraser Car Park:
  - 2.1 6am - 6pm 1 hour free with ticket, then \$2.50 per hour;
  - 2.2 6pm - 6am \$5 flat rate after 6pm;
3. **APPROVES** a new Car Park Management Plan for Point Fraser be developed taking into consideration the results of the external parking review and results of the trial; and
4. **SEEKS** immediate advice from relevant government agencies as to the environmental integrity of the area currently designated as Zone 3.

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Reason:** To enable immediate advice from relevant government agencies to be obtained with regards to Zone 3.

**Item 13.16 Request for Reimbursement of Legal Expenses – Deputy Lord Mayor Jemma Green**

*Moved Commissioner McMath, seconded Commissioner Hammond*

*That Council **REFUSES** the applications dated 15 November 2018 by Deputy Lord Mayor Jemma Green for reimbursement of legal expenses.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.17 Financial Statements and Financial Activity Statement for the Period Ended 30 November 2018**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council **RECEIVES** the Financial Statements and the Financial Activity Statement for the period ended 30 November 2018, as detailed in Attachment 13.17A of this report.*

*The motion was put and carried en bloc*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**Item 13.18 Annual Report and Audited Financial Statements for the Year Ended 30 June 2018**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council in accordance with Section 5.54(1) of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY the Annual Report, attached as Attachment 13.18A, which is inclusive of the Audited Financial Statements for the year ended 30 June 2018.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, Hammond and McMath

**Against:** Nil

**14. Motions of which Previous Notice has been given**

Nil

**15. Urgent Business**

Nil

**16. Closure**

**7.04pm** The Chair Commissioner declared the meeting closed.