



# City of Perth

## Ordinary Council Meeting

### Minutes

11 April 2017  
6.00pm

Council Chamber  
Level 9  
Council House

#### Present

Lord Mayor, Lisa-M. Scaffidi  
Deputy Lord Mayor, James Limnios  
Councillor Lily Chen  
Councillor Jemma Green  
Councillor Reece Harley  
Councillor Judy McEvoy  
Councillor Keith Yong

Minutes to be confirmed at the next Ordinary Council meeting.

<p><b>THESE MINUTES ARE HEREBY CERTIFIED AS CONFIRMED</b></p> <p><b>PRESIDING MEMBER'S SIGNATURE</b> ----- <i>[Handwritten Signature]</i></p> <p><b>DATE:</b> <i>9.5.2017</i> -----</p>
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City of Perth

**Ordinary Council Meeting**

**Minutes**

**11 April 2017  
6.00pm**

**Council Chamber  
Level 9  
Council House**

**APPROVED FOR RELEASE**

**MARTIN MILEHAM  
CHIEF EXECUTIVE OFFICER**



City of Perth

**Ordinary Council Meeting**

**Minutes**

**11 April 2017  
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**Present**

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**DATE:-----**



4. Question Time for the Public

The following questions were received in relation to **Item 13.2** - 98-100 (Lot 81) Brown Street, East Perth – Micro-Brewery ('Light-Industry') and Tavern ('Dining And Entertainment'), Shopfront Alterations and the Display of Signage for 'Bright Tank Brewing Co.':

Question from Ms Vicki Lee, 115 Brown Street, East Perth WA 6004 (TRIM 72567/17)

<p><b>Question :</b></p>	<p>Can you please advise residents the location of those 868 parking bays located 600 metres from the tavern that you have referred to in your planning report and does this include residential parking areas and confirm Area 3 permit only allows residents to park in the 73 car park bays in the vicinity of the tavern at the following locations:</p> <p>22 Bays @ Sunbeam Way          33 Bays @ Brown St          10 Bays @ Henry St          4 Bays @ Bakery Lane          4 Bays @ Saunders St</p> <p>What is the Council proposing to do to assist residents in having parking in the area?</p>
<p><b>Response:</b></p>	<p><i>The applicant referred to this number of car bays in their application, however, the number of car parking bays located 600 metres from the proposed tavern site that are available within the six public car parks alone exceeds this figure (1,119 car parking bays and 11 motorcycle bays in total).</i></p> <p><i>In addition to these car parks there is a Commercial operator's public car park located at 41 Royal Street, East Perth and on-street car parking bays in the general locality.</i></p> <p><i>While it is noted that Residential Parking Permits apply to specific areas, a parking permit issued by the City does not guarantee that an on-street parking space will be available to the holder of the parking permit. The general object of the City's Resident On-Street Parking Policy is to ensure on-street parking for people living in the city will be managed to balance residential, commercial and other parking demands. The site is within the Boans Warehouse Designated Locality which designates bays for resident permit parking in Sunbeam Way; Brown St; Henry St; Bakery Lane; Saunders St and Glyde Street. The Policy states that the north side of Brown Street is not included within the Designated Locality in order to allow turnover of vehicles visiting the commercial premises. It is noted that residents and their guests can park in any other on-street car bay but in those circumstances must observe any applicable time restrictions and fees.</i></p>

Question from Mr David Horner, 18 Glyde Street, East Perth WA 6004 (TRIM 72997/17)

<p><b>Question :</b></p>	<p>Do Council take into account the moral implications of a Planning application? For example the impact on residents if a tavern was to be inserted between their homes.</p>
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<b>Response:</b>	<p><i>When determining a development application the Council has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner and in particular, to take into account all relevant planning considerations as set out under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 - Deemed Provisions for Local Planning Schemes. This does not include moral considerations but in addition to public submissions, relevant considerations include the requirements prescribed in the applicable City and Local Planning Schemes, the City's Policies and Strategies, State legislation and other relevant matters including.</i></p> <p><i>67(n) the amenity of the locality including the following -</i></p> <ul style="list-style-type: none"> <li><i>(i) environmental impacts of the development;</i></li> <li><i>(ii) the character of the locality;</i></li> <li><i>(iii) social impacts of the development;</i></li> </ul>
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Question from Ms Leonie Walker, 117 Brown Street, East Perth WA 6004 (TRIM 73027/17)

<b>Question :</b>	<p>In the Planning Committee’s report regarding the proposed development at 98-100 Brown Street, it states that one of the main reasons for their supporting the proposal is that “increased activation from bars and restaurants in the area would improve safety” ...can it be explained how having increased activity in bars and restaurants will improve safety in the area particularly with regard to what we know to be the possible anti-social behaviours related to alcohol consumption; also with regard to the probability that residents are going to have to walk some distance at night from where they can find parking for their cars, to their homes?</p>
<b>Response:</b>	<p><i>A number of submissions raised the issue that there is currently anti-social behaviour occurring in this locality, particularly at night. One outcome of having a business operating in this area after 5pm with its customers coming and going from the site means that there is more activity and more 'eyes on the street' after hours, which can discourage antisocial behaviour and improve general safety. The business model being proposed for these premises is more akin to a restaurant or small bar than a traditional tavern, whereby customers are unlikely to be contributing to any antisocial activities in the locality.</i></p>

Question from Mrs Linda Horner, 18 Glyde Street, East Perth WA 6004 (TRIM 73049/17)

<b>Question :</b>	<p>If this application is approved, how will Council guarantee that Bright Tank Brewery is complying with the stipulated opening hours, refuse collection hours, noise levels, management of anti-social behaviour, smoking and other restrictions as stated as conditions of approval of the planning application? Given that it took 6 months for Council to take action to address non-compliance by nearby Whipper Snapper Distillery with their approved trading conditions, how does Council intend to guarantee that local residents will not have to endure similar issues again? And what are the rights of the local residents if Bright Tank Brewery breaches the conditions of the planning approval?</p>
<b>Response:</b>	<p><i>Under Part 13 of the Planning and Development Act, any person who carries out a development otherwise than in accordance with any condition imposed with</i></p>

	<p><i>respect to that development, commits an offence. The City must first obtain evidence that an offence has been committed. The City's practice is first to seek voluntary compliance with all conditions but should this fail then the City can give a written direction to the owner to stop and not recommence, the development or that part of the development that is undertaken in contravention of the approval. The City also has the option to prosecute the owner for any such offence. It must be acknowledged that adhering to legislation and court processes can mean that the enforcement of compliance matters can take extended periods to conclude.</i></p> <p><i>The WA liquor laws provide a right for residents to lodge a complaint with the Director of Liquor Licensing against a licensee about noise or behaviour related to particular licensed premises.</i></p>
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Question from Mr Paul Anderson, 6 Saunders Street, East Perth WA 6004 (TRIM 73660/17)

<b>Question :</b>	<p>After listening to the presentation on Tuesday the 4th of April from the Bright Tank Brewing Company I understood their main objective was to be able Produce Beer, be able to sell packaged beer to the public, and introduce the public to the variety of their products.</p> <p>Why has the application been for a Tavern Licence, and not a Producers Licence that would cover all aspects of their main objective?</p>
<b>Response:</b>	<p><i>The Department of Racing, Gaming and Liquor is responsible for administering the Liquor Control Act 1988. The Department's Licensing Division is responsible for determining applications and other matters relating to liquor licensing under the auspices of the Director of Liquor Licensing and this query would need to be directed to this Division.</i></p>

Question from Ms Domenica Giancola, 20 Little Brown Street, East Perth WA 6004 (TRIM 74046/17)

<b>Question:</b>	<p>Can you please advise the residents if consideration has been given to the suitability of the narrow Brown and Glyde Streets to sustain increased &amp; potentially more dangerous traffic (due to the alcohol factor)? As there will be additional traffic due to increased taxi's, uber's and drive past pickup &amp; drop off. This traffic will be compounded by the increased traffic which will also occur once further planned apartments are constructed along Brown Street. (The streets are too narrow &amp; too many people currently drive down the centre of these streets as well as 'hooning' in the late evenings/ weekends making Brown and Glyde Street and intersection particularly dangerous). (Also, in the immediate vicinity of the proposed venue there are many dwellings with NO setback from the footpath and some dwellings come right up to the road edge where there is no footpath – Leaving them extremely vulnerable to increased potential traffic accidents).</p>
<b>Response:</b>	<p><i>It has been assessed that the traffic likely to be generated by this business can be catered for within the existing local road network which has sufficient capacity at this stage.</i></p>

Motion to extend Public Question time to allow continuation for a period up to 30 minutes.

*Moved by Cr Harley, seconded by Cr Green*

*That the Council approve the extension of time for public questions for a period up to 30 minutes.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

The following questions were received in relation to **Item 13.10** - The Esplanade Intersection Upgrades:

Questions from Mr Sean Morrison – Urbis Pty Ltd - 1 William Street, Perth WA 6000 (TRIM 72567/17)

<b>Question 1:</b>	Are the councillors aware that the surrounding landowners/tenants on Sherwood Court, including Allendale Square, The Weld Club, Exchange Tower and All Saints Catholic Chapel have been advocating for this signalisation for several years, including liaison and meetings with Main Roads, the City, and MRA?
<b>Response:</b>	<i>The City of Perth has been in regular contact with Main Roads regarding the signalisation of intersections on Sherwood Court and Howard Street. The primary objective of the works proposed is to improve the safe passage of pedestrians from Sherwood Court and Howard Street into Elizabeth Quay. A variety of options were considered including a right hand turn from Sherwood Court into The Esplanade but was dismissed to ensure a protected pedestrian crossing was provided. The City of Perth Transport Strategy prioritises pedestrians over other road users. All other options significantly compromised the traffic flow on The Esplanade and were not supported by Main Roads. Most councillors would not know but some would be aware.</i>
<b>Question 2:</b>	Are the councillors aware that, despite this ongoing process of advocacy, that the proposed design for the intersection was not provided to surrounding landowners for comment despite repeated assurances from Main Roads that this would occur?
<b>Response:</b>	<i>No, Councillors would not be aware.</i>
<b>Question 3:</b>	Are the councillors aware that Sherwood Court is a key service road, catering to taxis, delivery vehicles, pick-up and drop-off, as well as tenant car parking bays?
<b>Response:</b>	<i>Yes, the Councillors are aware.</i>
<b>Question 4:</b>	Are the councillors aware that the proposed design does not enable vehicles exiting Sherwood Court to turn-right on to The Esplanade?



<b>Response:</b>	<i>Yes, the Councillors are aware.</i>
<b>Question 5:</b>	Are the councillors aware that the proposed design will funnel most traffic from Sherwood Court directly into Elizabeth Quay?
<b>Response:</b>	<i>Yes, the Councillors are aware.</i>
<b>Question 6:</b>	Are the councillors aware that when Elizabeth Quay roads are closed for events, as is often the case, that the proposed design will only allow vehicles to turn left, and then travel circuitous, extended routes through the CBD to access the freeway entrances?
<b>Response:</b>	<i>Yes, however as Elizabeth Quay develops, the number of events will reduce to reflect the new urban realm.</i>
<b>Question 7:</b>	Are the councillors aware that the Elizabeth Quay Master Plan, and all other planning documents, outlined that a right-turn movement would be provided for vehicles exiting Sherwood Court?
<b>Response:</b>	<i>Yes, however the City of Perth were asked to address the safety concerns associated with pedestrians crossing at Sherwood Court and Howard Street. Vehicles leaving Sherwood Court have the ability to travel in all directions under the scheme, only with a marginally longer travel time.</i>
<b>Question 8:</b>	Are the councillors aware that the surrounding landowners/tenants strong preference is for the signalisation to proceed, including a pedestrian connection on the western side, however with the enabling of a right-turn movement from Sherwood Court on to The Esplanade – and that this preference be noted for further investigation at the approving of funds at this meeting?
<b>Response:</b>	<i>Council understood that there were safety concerns with the intersection. These new designs will resolve this issue for both pedestrians and vehicles.</i>

The following further questions were received:

Question from Mr Terry Maller, 1/70 Goderich Street, East Perth WA 6004 (TRIM 74328/17)

<b>Question:</b>	<p>To Councillor Harley:</p> <p>After you and Councillor Green had complained in the media of a ‘gag’ operating in Council, I saw you (Cr Harley) at Parliament House (12 October 2016) prior to question time. The then Shadow Local Government Minister, on that same day, asked questions of the Government regarding the so-called ‘gag’ operating in Council.</p> <p>How many times did Councillor Harley meet or speak with the then Shadow Local Government Minister before the March election?</p>
<b>Response:</b>	<i>Cr Harley advised that he was at Parliament house to meet with Eleni Evangel who was then the State Member for Perth to lobby her to establish an inner city public high school. He also advised that he was not there to meet members of the Labor Party, indeed that he was there to meet members of the Liberal party. Now Minister, then Shadow Minister David Templeman was in the foyer of Parliament house which he believes is where Mr Maller saw him meet with Mr Templeman. Cr Harley met face to face with David Templeman on one occasion and that was in</i>

	<i>the foyer of Parliament house at that moment. He believes that it is very important that Councillors and the Lord Mayor have open relationships with the Minister and with the Premier.</i>
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Further questions in relation to **Item 13.2** - 98-100 (Lot 81) Brown Street, East Perth – Micro-Brewery (‘Light-Industry’) and Tavern (‘Dining And Entertainment’), Shopfront Alterations and the Display of Signage for ‘Bright Tank Brewing Co.’:

Question from Ms Vanessa Mounsey, 14 Glyde Street, East Perth WA 6004 (TRIM 74331/17)

<b>Question:</b>	The original submission for this proposed development stated patrons would be young people with disposable incomes and at the Planning Committee meeting it was stated to be ‘family friendly’ to which I have to then ask Council why such late operating hours are allowed e.g. midnight finishing times?
<b>Response:</b>	<i>The Manager Development Approvals advised that the original application simply indicated the premises would be open until ‘late’. The City required additional information on that and following all the submissions it was further negotiated with the applicants. The applicants agreed to a 10.00pm close other than Fridays and Saturdays. They are not operating on Mondays or Tuesdays. Friday and Saturday nights it is quite typical for licensed premises to operate until those hours, apparently it is fairly critical to the viability of the business, not that that in itself is a planning consideration, but certainly families are open to attend and leave before closing should they wish to visit the premises.</i>

Question from Mr Shane Foley, 14 Glyde Street, East Perth WA 6004 (TRIM 74396/17)

<b>Question:</b>	How many Councillors, if any, have taken the time to visit the proposed site and see just how many residents will be adversely impacted by noise, traffic and potential anti-social behaviour?
<b>Response:</b>	<i>The Lord Mayor advised that she lives in the area, Cr Harley advised that he had visited the area a couple of days ago and spoke to a few local residents as well as reading all of the responses from residents. A number of other Councillors indicated by nodding that they had taken time to visit the proposed site.</i>

Question from Ms Maree Hemming, 7 Little Saunders Street, East Perth WA 6004 (TRIM 74398/17)

<b>Question:</b>	What security will be available in the streets around and adjacent to the venue for residents returning home late at night because parking will not be available near their home and many are single women?
<b>Response:</b>	<i>The CEO advised the usual lawfully provided security in a residential area would be provided. In addition, it was advised that there is no conditioning on the development application to provide additional security of any sort. However, there is significant conditioning across the development application to manage patronage, that said, the public realm is under the jurisdiction in terms of law enforcement with the Western Australian Police.</i>

The following question was also received:

Question from Mr Tony Ransom, East Perth WA 6004

<b>Question 1:</b>	For the last ten or fifteen years we have been asking for the street lights to be improved in that general area. Any chance that the street lights can be done first to improve security, so you can at least see what you are being attacked by?
<b>Response:</b>	<i>The CEO responded that there is a Capital Works program throughout the city and although he did not have the information at hand in terms of what may or may not happen with street lighting in that situation. Furthermore, it is a separate matter to the development application itself. To provide further detail to the question it was taken on notice and a written response would be provided as to what the program for street lighting was in that area.</i>
<b>Question 2:</b>	Could we possibly lift the canopy of the trees so that the lights which are there can be seen?
<b>Response:</b>	<i>We are fully aware that the growth of trees does interfere with lighting; the attention to pruning etc. of trees to make sure that lighting is appropriate is ongoing throughout the city.</i>

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

Cr Chen requested leave of absence for the period 14 to 28 April 2017, inclusive.

***Moved by Cr Green, seconded by Cr Yong***

***That the request for leave of absence from Cr Chen for the period 14 to 28 April 2017 inclusive, be approved.***

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

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

#### **6. Confirmation of Minutes – 14 March 2017 and 21 March 2017**

***Moved by Cr Chen, seconded by Cr Yong***

***That the minutes of the Ordinary meeting of the Council held on 14 March 2017 and the Special Meeting of the Council held on 21 March 2017 be confirmed as a true and correct record.***

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

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

**7. Announcements by the Lord Mayor**

Nil

**8. Disclosures of Members' Interests**

The following Members disclosed an interest:

Member / Officer	Minute No.	Item Title.	Nature / Extent of Interest
Deputy Lord Mayor, Limnios (TRIM – 74364/17)	13.2	98-100 (Lot 81) Brown Street, East Perth – Micro-Brewery ('Light-Industry') and Tavern ('Dining And Entertainment'), Shopfront Alterations and the Display of Signage for 'Bright Tank Brewing Co.'	Nature – Impartiality Interest Extent – Deputy Lord Mayor Limnios parents' business manages apartments in the precinct.
Lord Mayor, Scaffidi	13.4	Barrack Street Improvement Model – Integrated Private Realm Investment with Streetscape Works – Annual Update	Nature – Proximity Interest Extent – Property ownership in Barrack Street.
Cr Yong (TRIM – 74339/17)	13.8	Tender No. 022-16/17 – Provision of Banking Services	Nature – Impartiality Interest Extent – Cr Yong attended a Chinese New Year dinner hosted by the Commonwealth Bank of Australia, estimated value \$70.
Cr Harley (TRIM – 74347/17)	13.10	The Esplanade Intersection Upgrades	Nature – Impartiality Interest Extent – Cr Harley Chairs a not-for-profit organisation which leases premises adjacent to the intersection

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

Nil

**10. Correspondence**

Nil

**11. Petitions**

Nil

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

The Chief Executive Officer advised should an Elected Member wish to discuss the content of the confidential attachment/s listed below; it is recommended that Council resolve to close the meeting prior to their discussion.

Attachment No.	Item No. and Title	Reason
Confidential Attachment 13.2B	Item 13.2 – 98-100 (Lot 81) Brown Street, East Perth – Micro-Brewery ('Light-Industry') and Tavern ('Dining And Entertainment'), Shopfront Alterations and the Display of Signage for 'Bright Tank Brewing Co.'	s5.23(2)(e)(ii)
Confidential Attachments 13.4B & 13.4C	Item 13.4 – Barrack Street Improvement Model – Integrated Private Realm Investment with Streetscape Works – Annual Update	s5.23(2)(e)(ii)
Confidential Attachment 13.5B	Item 13.5 – Barrack Street Improvement Model – Connor Quinlan Estate Update	s5.23(2)(e)(ii)
Confidential Attachment 13.8A	Item 13.8 - Tender 022-16/17 – Provision of Banking Services	s5.23(2)(e)(ii)

**13. Reports****Planning Committee Reports****13.1 Councillor Motion – Publishing of Development Applications Online**

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 4 April 2017.

**The Committee recommendation to the Council is the same as that recommended by the Officers.**

***Moved by Cr Green, seconded by Cr Harley***

***That the City of Perth publishes on its website all development applications that are requiring community consultation, including details and plans of the application and consultation and including capability to submit responses online, by no later than 1 May 2017.***

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

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

**13.2 98-100 (Lot 81) Brown Street, East Perth – Micro-Brewery ('Light-Industry') and Tavern ('Dining And Entertainment'), Shopfront Alterations and the Display of Signage for 'Bright Tank Brewing Co.'**

At the Planning Committee meeting held on 4 April 2017 the Committee amended the recommendation as follows:

*"That, in accordance with the provisions of the Local Planning Scheme No. 26, the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY, the application for the proposed microbrewery ('Light-Industry') and tavern ('Dining and Entertainment'), shopfront alterations and the display of signage for 'Bright Tank Brewing Co.' at 98-100 Brown Street, East Perth as detailed on the Metropolitan Region Scheme Form One dated 1 December 2016 and as shown on the plans received on 15 December 2016, 13 January 2017 and 15 March 2017 subject to:"*

**Reason:** The Planning Committee agreed to amend the Officer recommendation for administrative purposes and to provide further clarity to Council.

**Moved by Cr McEvoy, seconded by Cr Yong**

***That, in accordance with the provisions of the Local Planning Scheme No. 26, the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY, the application for the proposed microbrewery ('Light-Industry') and tavern ('Dining and Entertainment'), shopfront alterations and the display of signage for 'Bright Tank Brewing Co.' at 98-100 Brown Street, East Perth as detailed on the Metropolitan Region Scheme Form One dated 1 December 2016 and as shown on the plans received on 15 December 2016, 13 January 2017 and 15 March 2017 subject to:***

- 1. the opening hours of the tavern use being limited to Wednesday 4.00pm to 10.00pm, Thursday 12.00pm (midday) to 10.00pm, Friday and Saturday 12.00pm (midday) to 12am (midnight) and Sunday 10.00am to 10.00pm with any variation to these hours being submitted for approval by the City;***

*(Cont'd)*

2. *any proposed external building plant or services including air condensers, piping, ducting, flues/vents being located to minimise any visual, noise and odour impacts on the adjacent developments and being screened from view of the street, with details of the location and screening of such plant and services being submitted for approval by the City prior to the submission of an application for a building permit;*
3. *the Waste Management Strategy dated 3 March 2017 prepared by Encycle Consulting being implemented by the proprietor/manager and being expanded to include restrictions on the disposal of bottles and glass, external to the premises, between the hours of 9.00am and 10.00pm Monday to Sunday, with a final waste management plan being submitted for approval by the City prior to applying for a building permit;*
4. *a management plan for the tavern, detailing the control of noise, patron behaviour, hours of operation, queuing, smoking arrangements, and the procedure for addressing complaints, being submitted to the City for approval prior to the tavern use coming into operation, with the management plan being implemented by the proprietor / manager of the premises on an on-going basis;*
5. *the recommendations contained in the Acoustic Assessment Report Reference 21298-2-16281 dated 19 January 2017 by Herring Storer Acoustics, including noise control measures to the four rotary ventilators, being implemented in full prior to the commencement of the approved use and on an ongoing basis, with Noise Management Plans being submitted for approval by the City prior to applying for a building permit; and*
6. *the music levels being limited to ambient or background music levels where normal conversations can occur.*

*The motion was put and carried by an absolute majority*

The votes were recorded as follows:

For:               The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against:         Nil

### **13.3 Proposed Amendments to the City Planning Scheme No. 2 – Local Planning Policies, Registers and Precinct Plans to Accord with the Planning and Development (Local Planning Scheme) Regulations**

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 4 April 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Yong, seconded by Cr McEvoy*

*That Council pursuant to clause 5(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the proposed minor modifications to the City Planning Scheme No. 2 – Local Planning Policies, Registers and Precinct Plans as detailed in Attachments 13.3A and 13.3B.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

**6.52pm** The Lord Mayor disclosed a Proximity Interest in Item 13.4 (as detailed at Item 8) and departed the meeting. The Deputy Lord Mayor, Cr Limnios assumed the Chair.

### **13.4 Barrack Street Improvement Model – Integrated Private Realm Investment with Streetscape Works – Annual Update**

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 4 April 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Harley, seconded by Cr Green*

*That Council:*

- 1. notes that over 55% of the dilapidation issues identified in the 2014 dilapidation audit of Barrack Street have been addressed in the first two years of the three year Improvement Program by a combination of implemented works, planning approvals to undertake works, and City Heritage or Business Grants;*

*(Cont'd)*



2. *notes that the targeted sites and measures identified in the Improvement Snapshot included in Confidential Attachment 13.4C have been actioned and / or achieved, with grants totaling \$334,498 generating \$4,161,824 of private investment across 19 sites; and*
3. *notes that the Implementation Staging Strategy is moving from Stage 2 to Stage 3 with remaining dilapidation works in Barrack Street to be addressed by compliance.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

**6.58pm** The Lord Mayor returned to the meeting and resumed the Chair.

### **13.5 Barrack Street Improvement Model – Connor Quinlan Estate Update**

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 4 April 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Yong, seconded by Cr Harley*

*That Council:*

1. *amends the 21 July 2015 resolution, awarding a heritage grant of \$61,250 for painting the six buildings facades forming the ‘Connor Quinlan Estate’, at 618 Hay Street, 612-616 Hay Street and 69-99 Barrack Street, by removing the grant funding pre-requisite requiring the owner to fund the removal of visible air conditioners and electricals;*
2. *pursuant to Council’s endorsed Improvement Model Implementation Staging Strategy, notes that if works on the Connor Quinlan Estate do not proceed in the 17/18 financial year, a report will be prepared for Council to address any non-compliant elements of the Connor Quinlan Estate buildings under Building Act 2011, Local Government Act 1995, Planning and Development Act 2005 or Health Act 1911 (as appropriate); and*

*(Cont’d)*

3. *encourages the owner of the Connor Quinlan Estate to undertake a canopy upgrade to all buildings concurrently with painting the facades, to minimise scaffolding and construction disruption to the Barrack Street businesses and maximise the aesthetic benefits to the Barrack Street Conservation Area.*

*The motion was put and carried*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

### Finance and Administration Committee Reports

#### **13.6 Payments from Municipal and Trust Funds – February 2017**

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 4 April 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Chen, seconded by Cr Yong*

*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 28 February 2017, 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>\$ 13,106,666.11</i>
<i>Trust Fund</i>	<i>\$ 116,703.04</i>
<i>TOTAL:</i>	<i>\$ 13,223,369.15</i>

*The motion was put and carried*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

**13.7 Financial Statements and Financial Activity Statement for the Period Ended 28 February 2017**

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 4 April 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Chen, seconded by Cr Yong*

*That Council approves the Financial Statements and the Financial Activity Statement for the period ended 28 February 2017 as detailed in Attachment 13.7A of this Report.*

*The motion was put and carried*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

**13.8 Tender No. 022-16/17 – Provision of Banking Services**

The Committee recommendation to the Council for this report was resolved by the Finance and Administration Committee at its meeting held on 4 April 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Chen, seconded by Cr Green*

*That Council accepts the tender from the Commonwealth Bank Australia (CBA) for the Provision of Banking Services (Tender No. 022-16/17) for a period of five years with an option to extend for an additional five years.*

*The motion was put and carried*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

**Works and Urban Development Committee Reports****13.9 City of Perth Urban Forest Plan Addendum 2017**

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 28 March 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Limnios, seconded by Cr McEvoy*

*That Council:*

- 1. notes the findings of the City of Perth Urban Forest Plan – Stage One Addendum Report 2017, as detailed in this report and Attachment 13.9A; and*
- 2. acknowledges that the outcomes of the Addendum Report will be addressed in the Urban Forest Implementation Plan, currently in development.*

*The motion was put and carried*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

**13.10 The Esplanade Intersection Upgrades**

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 28 March 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr Green, seconded by Cr Chen*

*That Council:*

- 1. notes the concept designs as detailed in this report as Attachment 13.10B;*

*(Cont'd)*

2. *approves the intersection improvements at:*
  - a. *The Esplanade/Sherwood Court;*
  - b. *The Esplanade/Howard Street;*
3. *APPROVES BY AN ABSOLUTE MAJORITY the unbudgeted expenditure of \$50,000 in part 2 above;*
4. *notes that funding of \$350,000 and \$100,000 will be sought from the Metropolitan Redevelopment Authority and Department of Transport respectively, as full payment of proposed works;*
5. *notes that the projects will not proceed should funding in part 4 above not be made available by the State.*

*The motion was put and carried by an absolute majority*

The votes were recorded as follows:

For:           The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against:       Nil

### **13.11 Wellington Street Upgrade - Median Island – Commencement of Tendering Process**

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 28 March 2017.

The Committee recommendation to the Council is the same as that recommended by the Officers.

*Moved by Cr McEvoy, seconded by Cr Yong*

*That Council:*

1. *approves the aggregation of the remaining Wellington Street Budgets in order to improve the ongoing coordination of the remaining works.*
2. *notes the proposal to coordinate the remaining Wellington Street works such that they run consecutively, including the acceleration of the Wellington Median Island Works, allowing completion of the outstanding Wellington Street works prior to Christmas 2017.*

*The motion was put and carried*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

### Other Reports – Report Direct to Council

#### 13.12 Implementation of Public Health Act 2016 – Delegation of Powers and Duties

This report was submitted direct to Council due to limited time being available to consider the matter.

*Moved by Cr Green, seconded by Cr Yong*

*That Council, BY AN ABSOLUTE MAJORITY, in accordance with section 21(1)(b)(i) of the Public Health Act 2016, delegate to the Chief Executive Officer, the following powers and duties of the local government under the Public Health Act 2016:*

- 1. appoint environmental health officers under section 17; and*
- 2. designate authorised officers under section 24(1), (3) & (4).*

*The motion was put and carried by an absolute majority*

The votes were recorded as follows:

For: The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

Against: Nil

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

The Chief Executive Officer advised that in accordance with Clause 4.12 of the *City of Perth Standing Orders Local Law 2009* the following notices of motion were received for consideration by Council:

The following notice of motion was received from Cr Green. (TRIM 65408/17)

*Moved by Cr Green, seconded by Cr Limnios*

*That Council requests the administration of the City of Perth to upload audio recordings of Standing Committee Meetings to the City of Perth website within 48 hours of the meeting.*

*The motion was put and lost*

**The votes were recorded as follows:**

**For:** Crs, Green, Harley and Limnios

**Against:** The Lord Mayor, Crs Chen, McEvoy and Yong

Note Standing Committee Meetings include:

- Finance and Administration Committee;
- Planning Committee;
- Works and Urban Development Committee;
- Marketing, Sponsorship and International Engagement Committee;
- Audit and Risk Committee.

But do not include:

- CEO Performance Review Committee;
- Design Advisory Committee;
- Local Development Assessment Panel

**The following notice of motion was received from Cr Green. (TRIM 67567/17)**

#### Background

On the 12th August 1829, 100 metres from where we meet right now, next to where is the Perth Town Hall, a tree was felled. And the history of Perth began.

The city first grew out of this area - between Barrack Street in the west and the Perth Mint. The city's administrative centre grew east of there with the State Buildings and the government printing offices.

In 2017, this part of our city has become extremely run down, tired and in urgent need of our help.

In this area there are numerous hotels, with thousands of people visiting our city and walking through the East End, getting a very poor impression of the City of Perth. With the new Perth stadium, on event days, 14,000 people will use the Swan River Pedestrian Bridge. Many will walk through the East End with all its tiredness and rundown-ness on full display.

A group led by West Australian of the Year, Adrian Fini, have launched an ambitious refurbishment plan for Perth's East End.

It's called Historic Heart.

The Historic Heart project is not an infrastructure project. It is not even an expensive project. It is a low-cost tactical intervention to beautify the streets of the eastern part of Perth, the historic heart of our city - the East End.

This project is not about replacing the important infrastructure works that the City of Perth does – like the Barrack Street upgrades. In fact, the Historic Heart concept is about a tactical initial intervention – to bring life back to these streets quickly – as a bridge – while longer gestation projects are developed.

The project is about public art, planter boxes, laneway beautification and cleaning up the streets in the East End which have sadly become dilapidated.

This kind of interventionist approach, to rundown parts of cities, has worked with amazing success in many cities around the world. It's acted as a catalyst to attract private investment into tired and lifeless areas. Interventions exactly like this happened in east London where I lived for 11 years. It was a dangerous and unpleasant area, and by the end, it was vibrant. It has happened in parts of New York, Barcelona and many other cities that have undertaken such interventions.

Historic Heart have established a not-for-profit association and a management committee to oversee initiatives.

The total project costs sits around \$1.6m, and the state government have committed \$250,000. The Government's contribution will pay for improved signs, laneway lighting and CCTV cameras, planter boxes, alfresco areas and bike racks.

This will attract more people to the City. And give a great and memorable experience of their visit - for the right reasons. It will create a positive feedback loop where pride is restored to the area and urban regeneration happens.

In essence, we are trying to attract people to the City, to spend time in our bars, restaurants and shops. This is a competitive advantage we have over shopping centres. It creates the opportunity to leverage as much as we can from our Historic Heart, from the Stadium and bridge developments.

Historic Heart are asking for the City to consider a grant. They are raising the remainder of funds from private landlords.

The way the City of Perth has presently structured our grant program, means this grant application does not fit into one part of the program – or even carved up into multiple parts of it.

So although the project fits clearly within our strategic plans, and the administration have been working diligently on this project for several months, owing to how we administer our grants, it's been almost impossible for the administration to come up with a way to bring this proposal to council in a way that fits into our grant structure, without also undermining the intent of the Historic Heart Project.

The administration can only work within the existing parameters we have set for them. This project doesn't fit within them, so if we want it to happen, we need to give the administration a new mandate to make it so.



Owing to this, I am advocating this motion direct to council. We as a council can and do approve submissions that are different. And I think this is a project that merits our endorsement. It will catalyse the revitalisation of this part of our city and support our longer-term and capital works East End Precinct plans

***Moved by Cr Green, seconded by Cr Limnios***

***That a report be presented to the Planning Committee to consider a possible grant to the Historic Heart of Perth Inc, to implement its strategies within the Historic Heart of Perth including branding, activating laneways, street furniture, innovative lighting, street art and native planter boxes***

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

The votes were recorded as follows:

**For:** Crs Chen, Green, Harley and Limnios

**Against:** The Lord Mayor, Crs McEvoy and Yong

**7.30pm** The Acting Director Planning and Development departed the meeting.

**7.32pm** The Acting Director Planning and Development returned to the meeting.

**The following notice of motion was received from Deputy Lord Mayor, Limnios. (TRIM 67566/17)**

Preamble

The City of Perth is committed to being a leader in the areas of transparency, disclosure and public accountability as such the following motion is proposed;

***Moved by Cr Limnios, seconded by Cr Chen***

***That Council initiate on the Accountability & Governance section of the City of Perth Website a;***

- 1. City of Perth Register of all commercial, community and sporting club leases/licences summary details; and***
- 2. register of City of Perth land and building assets valued at more than \$1 million, including their current use.***

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

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Green, Harley, Limnios, McEvoy and Yong

**Against:** Nil

The purpose of the register is to allow for transparency in the provision of summary information on the lease/licence terms, as well as the current uses of our valuable land and building assets.

**The following notice of motion was received from Cr Harley. (TRIM 73152/17)**

Journalists from both the Perth Voice and Post Newspapers have written to me recently complaining that they have been blacklisted by the City and are not receiving any responses to their media enquiries. These queries have been forwarded to the CEO and relevant Director, but the practice of refusing to respond to media enquiries from these two newspapers seems to be continuing.

Lloyd Gorman of Post Newspapers has submitted questions to the city on at least ten issues over the last twelve months without any response while David Bell of the Perth Voice has submitted questions on at least sixteen issues over the last few years without any response.

The City of Perth should be committed to leading the local government sector in WA in the areas of transparency, disclosure and public accountability. Members of the press must be able to receive timely responses to reasonable questions from the City's administration in order to carry out their important role of keeping the Council and its staff accountable to the people whom we serve."

***Moved by Cr Harley, seconded by Cr Green***

- 1. That the Council requests the Chief Executive Officer to investigate why journalists from the Perth Voice and Post Newspapers have not been receiving responses to media enquiries from the city for more than 12 months;***
- 2. The Council requests that all media enquiries submitted to the City be responded to in a timely and professional manner, and that no particular organisations or publications be refused access to answers from the City's media liaison staff.***

***The motion was put and lost***

The votes were recorded as follows:

**For:** Crs, Green, Harley and Limnios

**Against:** The Lord Mayor, Crs Chen, McEvoy and Yong

**15. Urgent Business**

In accordance with Clause 4.14 of the *City of Perth Standing Orders Local Law 2009* an Urgent Motion was submitted by the Lord Mayor for Council's consideration.

Preamble

"The motion relates to the Perth Parking Levy which is managed by the State Government. I have determined the urgency on this matter as any adverse decision by the State Government could have a significant financial impact on the City of Perth, its residents and stakeholders.

In the 2016/17 financial year the State Government's Perth Parking Levy collected \$58 million in revenue, yet the Department of Transport only projects an estimated expenditure of \$39 million for the year, leaving a \$19 million surplus, combined with the previous year's surplus of \$9 million totals a closing estimated surplus of \$28 million.

Given the City of Perth's current economic conditions and the current large surplus it is prudent for the State Government to introduce a zero percent increase in the parking levy for 2017/18."

***Moved by the Lord Mayor, seconded by Cr McEvoy***

***That the City of Perth Requests the State Government of Western Australia to implement a zero percent increase in the Perth Parking Levy for the 2017/2018 financial period.***

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

The votes were recorded as follows:

**For:** The Lord Mayor, Crs Chen, Harley, McEvoy and Yong

**Against:** Crs Green and Limnios

**16. Closure**

**8.20pm** The Lord Mayor declared the meeting closed.