



CITY OF VINCENT

**ORDINARY
COUNCIL MEETING**

Minutes

18 NOVEMBER 2014

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

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

1. Trent Will of Planning Solutions – Item 9.2.1

- Planning Solutions supported the Officer's Recommendation and attended the Meeting on behalf of the Applicant.

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

2. Oscar Booth of 23 Hamilton Street, Subiaco – Item 9.1.1

- Represented MacDonald James Architect and thanked the Council for the Recommendation of the project.

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

3. Debbie Saunders of 320 Oxford Street, Leederville – Item 9.4.3

- Ms Saunders asked the Presiding Member four questions as follows:
 1. "if a list can be provided of the Business that were stated to have received follow up letters? (in relation to On Road Cafes)
 2. "The Community Consultation which consisted of one ad on the 1 April in the Guardian, which does not legally comply with the Community Consultation Policy"?
 3. "If the Policy was approved by the CEO under Delegated Authority, because there were no submissions received, can you advise of which Delegated Authority list it is on"?
 4. "There was nothing stated in the financial implications for the City in that report, but if two car bays are being taken away that means the loss of parking revenue from two car bays for those two years is technically a financial implication"?
- Ms Saunders also noted the proposed Marriage Equality Proclamation, but I did not consider this to be the role of Local Government.

The Presiding Member Mayor Carey thanked Ms Saunders for her comments and advised that her questions would be taken on Notice.

4. Anna Kelderman of 10A Britannia Road, Mount Hawthorn – Item 9.1.3

- Represented the Applicant for the Item.
- The development will bring the building into Code. It would not be preferable to encourage driving as we see an opportunity to create a place where people are encouraged to walk.

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

There being no further speakers, Public Question Time closed at approximately 8.15 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Special Meeting of Council held on 28 October 2014 – regarding Town Planning Scheme No. 2.

Moved Cr Topelberg, Seconded Cr Cole

That the Minutes of the Special Meeting of Council held 28 October 2014 – regarding Town Planning Scheme No. 2 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

6.2 Minutes of the Ordinary Meeting of Council held on 4 November 2014

Moved Cr Topelberg, Seconded Cr Cole

That the Minutes of the Ordinary Meeting of Council held on 4 November 2014 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey made the following announcements;

7.1 Planning Institute of WA Award

I am happy to declare that on Friday night the City of Vincent and Beaufort Street Network received the 'Great Place' award for Beaufort Street from the Planning Institute of Australia (WA).

It is an incredible testament to both the City of Vincent Council and the Beaufort Street Network, to have over the last five years achieved a remarkable renewal and transformation of Beaufort Street.

A credit to the Network that on the weekend one hundred and fifty thousand people turned out for a festival, which is run by a non profit group the Beaufort Street Network whereas five years ago there was no festival at all.

We look at the street now with the additional trees, the additional seating, the art murals; all that incredible work that is being undertaken and that there is a lot more to come.

I want to congratulate them and the City of Vincent and our Place Manager David Doy for all those efforts.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Carey declared an Impartiality Interest in Item 9.1.2 - Nos. 193-195 (Lot: 35 D/P: 861) Brisbane Street, Perth – Existing Eating House and Associated Showroom (Retrospective). The Mayor advised that in the past three months he had purchased a piece of art from Harvison gallery and the café is also one of his local cafes.

9. REPORTS

As listed in Index

The Presiding Member, Mayor John Carey, requested that the Chief Executive Officer advise the meeting of:

- (a) **Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Items 9.1.1, 9.1.3, 9.2.1 and 9.4.3

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

Items 9.3.1, 9.5.2 and 9.5.4

- (c) **Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Nil.

Presiding Member, Mayor John Carey, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	Nil
Cr Harley (Deputy Mayor)	9.1.4
Cr Buckels	Nil
Cr Cole	Nil
Cr McDonald	Nil
Cr Peart	9.1.2
Cr Pintabona	Nil
Cr Topelberg	Nil
Cr Wilcox	Nil

The Presiding Member, Mayor John Carey, requested that the Chief Executive Officer advise the meeting of:

- (e) **Unopposed items which will be moved “En Bloc” and the following was advised:**

Items 9.2.2, 9.2.3, 9.4.1, 9.4.2, 9.5.1, 9.5.5 and 9.5.6

- (f) **Confidential Reports which will be considered behind closed doors and the following was advised:**

Nil

The Presiding Member, Mayor Carey ruled that the Items identified for discussion and those identified by Council Members are to be considered in the following order – Item

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Cole, Seconded Cr McDonald

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

Items 9.2.2, 9.2.3, 9.4.1, 9.4.2, 9.5.1, 9.5.5 and 9.5.6

CARRIED UNANIMOUSLY (9-0)

9.2.2 Newcastle Street, Fitzgerald Street to Lord Street, Proposal to Increase from Two (2) Traffic Lanes to Four Traffic Lanes (4) – Progress Report No 1

Ward:	South	Date:	7 November 2014
Precinct:	Oxford Centre (4)	File Ref:	SC896
Attachments:	Nil		
Tabled Items:	Newcastle Street Feasibility Study		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the City of Perth Council does not support its Administration's proposal to change the section of Newcastle Street, between Fitzgerald Street and Lord Street, from two (2) traffic lanes to four (4) traffic lanes for the reasons as outlined in the report;
2. **AGREES IN PRINCIPLE** with the City of Perth proposed Option 2 (as outlined in detail in the attached Feasibility Study and outlined in the report) in lieu of changing the section of Newcastle Street, between Fitzgerald Street and Lord Street, from two (2) traffic lanes to four (4) traffic lanes, as follows;
 - 2.1 altering the traffic signals at the Newcastle/Beaufort Street intersection to allow concurrent north/southbound traffic movements to improve intersection function;
 - 2.2 altering the traffic signals at Newcastle/William Street to allow concurrent north/southbound traffic movements to improve intersection function; and
 - 2.3 introducing traffic signals at the Newcastle/Palmerston Street intersection to formalise the on road cycle route that crosses Newcastle Street;
3. **AUTHORISES** the Director Technical Services to liaise with the City of Perth to ensure that the proposals as outlined in Option 2 and described in 2 above do not result in any adverse impacts on traffic movements within the City of Vincent and in particular along Palmerston Street; and
4. **RECEIVES** further progress reports as these proposals are progressed.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

9.2.3 Proposed Traffic Calming – View Street North Perth

Ward:	North	Date:	7 November 2014
Precinct:	Smith's Lake (6)	File Ref:	SC976
Attachments:	001 – Proposed Traffic Calming - Plan No. 3170-CP-01 002 – Existing Traffic Calming - Plan No. 2360-DP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES IN PRINCIPLE** the implementation of the proposed traffic calming for View Street, North Perth, between Charles Street and Leake Street, estimated to cost \$25,000, as shown in Attachment 001 (Plan No. 3170-CP-01);
2. **CONSULTS** with affected residents and businesses regarding the proposed traffic calming measures referred to in 1 above; and
3. **RECEIVES** a further report at the conclusion of the consultation period.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.4.1 HOCKEYFEST Event

Ward:	South	Date:	7 November 2014
Precinct:	Beaufort (13)	File Ref:	SC1897
Attachments:	001 - Proposal from Street Roller Hockey League 002 - Letter of Support from property owner, Vander Properties Pty Ltd		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** the proposal from Street Roller Hockey League to host its HOCKEYFEST event on Saturday 13 December 2014 at 394-398 Newcastle Street, West Perth; and
2. **APPROVES** a temporary permit being allocated to Street Roller Hockey League to host its end of season HOCKEYFEST event on 13 December 2014 subject to the following conditions:
 - 2.1 A suitable traffic, risk management and event site plan shall be submitted to the City for approval at least three (3) weeks prior to the event at the expense of the organisers;
 - 2.2 The event organisers shall comply with the conditions of use and relevant fees imposed, including Environmental Health and other conditions;
 - 2.3 The event organisers shall notify businesses and residents within a one hundred (100) metre radius outside of the event boundaries; and
 - 2.4 The event organisers complying with the City's Policy No. 3.8.3 'Concerts and Events';

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

9.4.2 City of Vincent Draft Public Health Plan 2014 – 2017 – Outcomes of Consultation and Final Adoption

Ward:	Both Wards	Date:	10 November 2014
Precinct:	All Precincts	File Ref:	SC51
Attachments:	001 – City of Vincent Draft Public Health Plan 2014-2017		
Tabled Items:	Nil		
Reporting Officer:	W Pearce, Manager Health and Compliance Services		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADOPTS** the City of Vincent Draft *Public Health Plan 2014 – 2017* (included as Attachment 001);
2. **ADVISES** all of the residents and the key stakeholders and staff who participated in the consultation process of the adoption of the City of Vincent Draft *Public Health Plan 2014 – 2017*; and
3. **AUTHORISES** the Chief Executive Officer to launch the City of Vincent *Public Health Plan 2014 – 2017*.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.5.1 Audit Committee Meeting – Receiving of Audit Committee Recommendations - 30 September 2014

Ward:		Date:	7 November 2014
Precinct:		File Ref:	SC243
Attachments:	001 – Audit Committee Recommendations		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the recommendations of the Audit Committee dated 30 September 2014, as shown in Attachment 001.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.5.5 Strategic Plan 2013-2023 – Progress Report for the Period 1 July 2014 – 30 September 2014

Ward:	-	Date:	7 November 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	Jerilee Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2013-2023 for the period 1 July 2014 – 30 September 2014, as shown in Attachment 001

COUNCIL DECISION ITEM 9.5.5

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.5.6 Information Bulletin

Ward:	-	Date:	7 November 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 7 November 2014, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.6

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

**9.5.3 LATE ITEM: Proposed Christmas Closure between Thursday 25
December 2014 and Monday 5 January 2015**

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER.

9.2.1 Proposed Closure and Disposal of Portion of the Walcott Street Road Reserve

Ward:	South	Date:	7 November 2014
Precinct:	Norfolk (10)	File Ref:	SC986
Attachments:	001 – Proposed Amalgamation Area		
Tabled Items:	Nil		
Reporting Officer:	A Munyard, Senior Technical Officer, Land & Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** the closure of portion of the Walcott Street Road Reserve adjacent to Lot 500 (151) Walcott Street as shown in Attachment 001, in accordance with Section 58 of the Land Administration Act 1997 (LAA);
2. **SUPPORTS** the disposal of the closed portion of Road Reserve by the Department of Lands to the adjacent property owner;
3. **INITIATES** consultation and advertising as required in accordance with the Land Administration Act 1997 (LAA);
4. **REQUESTS** the Minister of Lands to close the portion of Road Reserve, if no valid objections are received, subject to;
 - 4.1 the property owner agreeing to enter into a legal agreement with the City, at the owners cost, to ensure all existing development remaining within the road reserve is maintained to the satisfaction of the City; and
 - 4.2 a clause being included in the agreement that the City reserves the right to, at any time, request the owner to remove any/all development including, but not limited to any kerbing, pavement signage, from the road reserve and 'make good' the land at the owners expense.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.1.1 No. 233 (Lot: 1 D/P: 29637) Charles Street, North Perth – Proposed Demolition of an Existing Single House and Construction of Nine (9) Multiple Dwellings and associated Car Parking

Ward:	South	Date:	7 November 2014
Precinct:	Smith's Lake; P6	File Ref:	5.2014.446.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant's Report 004 – Department of Planning Comments dated 3 September 2014 005 – Main Roads WA Comments dated 24 September 2014 006 – Car Parking and Bicycle Tables 007 – Design Advisory Committee Comments dated 3 September 2014		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by McDonald Jones Architects Pty Ltd on behalf of the owners, Charles Street Venture Pty Ltd, for the Proposed Demolition of an Existing Single House and Construction of a Three Storey Development Comprising of Nine (9) Two-bedroom Multiple Dwellings and Associated Car Parking at No. 233 (Lot: 1 D/P: 29637) Charles Street, North Perth as shown on amended plans dated 11 September 2014, included as Attachment 002, subject to the following conditions:

1. **Demolition**

A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
2. **Car Parking and Accessways**
 - 2.1 A minimum of nine (9) residential car bays and two (2) visitor bays, are to be provided on site for the development;
 - 2.2 The car park shall be used only by residents and visitors directly associated with the development;
 - 2.3 The visitor bays are to be marked accordingly;
 - 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
 - 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
 - 2.6 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

3. **Building Appearance**

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

4. **Existing Verge Trees**

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

5. **PRIOR TO THE ISSUE OF A BUILDING PERMIT, the following shall be submitted to and approved by the City:**

5.1 **Section 70A Notification under the Transfer of Land Act**

The owner shall agree in writing to:

5.1.1 A notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property; and

5.1.2 A notice being placed on the Sales Contract to alert prospective purchasers of the following:

(a) The use or enjoyment of the property may be affected by noise and traffic; and

(b) The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling;

5.2 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the report shall be implemented;

5.3 **Site Works**

Detailed plans of site works, including identification of pavement type, drainage, parking layout and proposed finished levels, shall be included in the building licence application working drawings;

5.4 **Car Parking Bays**

All car parking bays shall be dimensioned on the Building Permit application working drawings and all car parking facilities shall meet or exceed the minimum specifications of AS2890;

5.5 Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval. The plan shall be drawn to a scale of 1:100 and show the following:

- 5.5.1 A minimum of ten (10) percent of the total site area (common) is to be provided as landscaping;
- 5.5.2 A minimum of five (5) percent of the total site area (private courtyards shall be provided as soft landscaping within the development;
- 5.5.3 The location and type of existing and proposed trees and plants;
- 5.5.4 All vegetation including lawns;
- 5.5.5 Areas to be irrigated or reticulated;
- 5.5.6 The details of plant species and materials to be used;
- 5.5.7 The redundant crossover being landscaped in accordance with the landscaping proposed for the remainder of the verge; and
- 5.5.8 The two existing trees on the southern lot boundary to be retained and protected;

5.6 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) is to be provided to and approved by the City;

5.7 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

5.8 Waste Management

- 5.8.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;
- 5.8.2 A bin store of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and
- 5.8.3 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

5.9 Vehicular Entry Gates

Any proposed vehicular entry gates to the car parking shall have a minimum 50% permeability; and

6. **PRIOR TO OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**

6.1 **Clothes Drying Facility**

Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes of WA 2013;

6.2 **Car Parking**

The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

6.3 **Stormwater**

6.3.1 All storm water produced on the subject land shall be retained on site, by suitable means to the satisfaction of the City; and

6.3.2 No stormwater shall be discharged onto the existing Charles Street road reserve;

6.4 **Acoustic Report Certification**

In relation to condition 6.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

6.5 **Section 70A Notification under the Transfer of Land Act lodgement and registration**

In relation to condition 6.1, the notification shall be lodged and registered in accordance with the Transfer of Land Act;

6.6 **Landscape Plan and Verge Upgrade Plan**

In relation to condition 6.5, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

6.7 **Bicycle Bays**

A minimum of three (3) residential bicycle bays and one (1) visitor bay to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3.

ADVICE NOTES:

1. With regard to condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
2. With reference to condition 2.6 all new crossovers to the development site are subject to a separate application to be approved by the City;
3. A Road and Verge security bond for the sum of \$2500 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
4. With regard to condition 5.5, Council encourages landscaping methods and species selection which do not rely on reticulation;
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc. or if building materials is required to be stored within the road reserve once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate; and
6. With reference to condition 6.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Buckels, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Peart

9.4.3 LATE ITEM: Adoption of Marriage Equality Proclamation

Ward:	Both	Date:	13 November 2014
Precinct:	All	File Ref:	SC1255
Attachments:	001 – Byron Shire Council Letter 002 – Byron Shire Council - Marriage Equality Proclamation 003 – City of Vincent Council – Draft Marriage Equality Proclamation		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Acting Director Community Services		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council **APPROVES:**

1. To adopt the Marriage Equality Proclamation; and
2. To join the Mayors for Marriage Equality Group.

COUNCIL DECISION ITEM 9.4.3

Moved Cr McDonald, Seconded Cr Peart

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Peart, Cr Topelberg and Cr Wilcox
Against: Cr Pintabona

9.1.3 No. 2 (Lot 1; D/P: 3785) Coogee Street, Corner of Anzac Road, Mount Hawthorn – Proposed Change of Use from Local Shop/Residential to Local Shop/Eating House including Alterations and Additions

Ward:	North	Date:	7 November 2014
Precinct:	Mount Hawthorn; P1	File Ref:	PR11888; 5.2014.429.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Submission Report 004 – Applicants Justification to Submissions dated 25 August 2014		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, REFUSES the application submitted by GHD on behalf of the owners R V & A Burton and Coogee Street Pty Ltd, for the Change of Use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot: 1 D/P: 3785) Coogee Street, corner of Anzac Road, Mount Hawthorn as shown on amended plans date-stamped 5 August 2014, included as Attachment 002, for the following reasons:

1. The proposed use is not compatible with the surrounding residential uses and does not meet to the objective (b) of the City’s Town Planning Scheme No. 1 to protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment due to exacerbating parking pressures;
2. The lack of provision of car parking bays is excessive and contrary to the City’s Parking and Access Policy No. 7.7.1 and does not align with objective (c) of the City’s Town Planning Scheme No. 1 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework as the site cannot effectively accommodate all the requirements of the proposed use; and
3. The proposal is contrary to the orderly and proper planning as it does not recognise the individual character and needs of localities within the Scheme zone area due to the parking requirements of the proposed use in an area which already has restricted parking availability.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Topelberg, Seconded Cr Buckels

Debate ensued.

PROCEDURAL MOTION:

Moved Cr Cole, Seconded Cr Wilcox

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND LOST (2-6)

For: Cr Cole and Cr Wilcox

Against: Presiding Member Mayor Carey, Cr Buckels, Cr Harley, Cr McDonald, Cr Peart, Cr Pintabona and Cr Topelberg

Debate ensued.

MOTION PUT AND LOST (0-9)

REASON FOR REFUSAL OF OFFICER RECOMMENDATION:

~~That Council did believe it was a suitable use of the area.~~

Council considered it was an appropriate use for the area.

Note: Council Decision amended as per Confirmation of Minutes at Ordinary Meeting of Council held on 2 December 2014.

ALTERNATIVE OFFICER RECOMMENDATION:

Moved Cr Topelberg, Seconded Cr Harley

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by GHD on behalf of the owner R V & A Burton N for Proposed Change of Use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot: 1 D/P: 3785) Coogee Street, corner of Anzac Road, Mount Hawthorn, and as shown on plans date-stamped 5 August 2014, subject to the following conditions:

1. Building Appearance

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Coogee Street and Anzac Road;

2. Hours of Operation

The Hours of Operation for the Eating House shall be restricted to:

Internally – Monday to Sunday – 8:00am to 8:00pm;

Outside (Alfresco Area) – Monday to Sunday – 8:00am to 6:00pm;

3. Public Floor Area and Maximum Occupancy

3.1 Local Shop

The floor areas available to the public shall be limited to 68 square metres for the Local Shop component; and

3.2 Eating House

The maximum number of patrons allowed for the Eating House component at any one time shall not exceed fifteen (15) patrons;

4. **Verge Trees**

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

5. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

5.1 **Coogee Street Elevation**

Revised plans and details shall be submitted including a window on the Coogee Street elevation;

5.2 **Refuse Management**

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, collection frequency, vehicle access and collection methodology. A bin store is to be provided, of a sufficient size to accommodate the City's specified requirement, to the satisfaction of the City;

5.3 **Disabled Access**

Disabled Access is required to be provided in accordance with the Building Codes of Australia; and

5.4 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted and the recommended measures of the acoustic report shall be implemented;

6. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements;**

6.1 pay a cash-in-lieu contribution of \$26,624, for the equivalent value of 5.12 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR

6.2 lodge an appropriate assurance bond/bank guarantee of a value of \$26,624 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

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

6.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

6.2.3 to the owner(s)/applicant, where the subject 'Approval to Commence Development', did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

7. **Storm Water**

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

8. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT**, the following shall be completed to the satisfaction of the City;

With regard to condition 4.3, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City.

ADVICE NOTES:

1. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;
2. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
3. An Occupancy Permit is required for the change of use from Single House to Eating House;
4. With regard to condition 6, no further consideration shall be given to the disposal of storm water 'off-site' without the submissions of a geotechnical report from a qualified consultant. Should approval to dispose storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings; and
5. The garage located at the rear of the property is provided for use of the occupants of the ancillary accommodation located directly above. Furthermore, the garage has a solid roller door, thereby restricting access to potential customers of the Local Shop/Eating House. As such, these car bays are not included in the car parking calculation.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 8 and Advice Note 4 be amended as follows:

8. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT**, the following shall be completed to the satisfaction of the City;

With regard to condition ~~4.3~~ 5.4, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City.

4. With regard to condition ~~6~~ 7, no further consideration shall be given to the disposal of storm water 'off-site' without the submissions of a geotechnical report from a qualified consultant. Should approval to dispose storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings; and

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Buckels

That the item be DEFERRED for further consideration and subsequently reported to the Ordinary Meeting of Council to be held on 2 December 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.1.4 Car Parking Strategy Implementation – Progress Report No. 1

Ward:	Both Wards	Date:	7 November 2014
Precinct:	All	File Ref:	PRO0084/SC1345
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	J OKeefe, A/Manager Strategic Planning, Sustainability and Heritage Services S Butler, Manager Ranger and Community Safety Services		
Responsible Officer(s):	R Lotznicker, Director Technical Services J Anthony, A/Director Community Services G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the information contained in the Car Parking Strategy Implementation Progress Report;
2. **REQUESTS** that Administration investigates the implementation of the 'Parking Benefit District' approach recommended by the Car Parking Strategy;
3. **ADOPTS** a case by case approach to issuing permits to businesses where they are not inconsistent with the Car Parking Strategy;
4. **CONTINUES** with the Current Practice for the Introduction of 'new' or 'varied' Parking Restrictions as discussed in the report;
5. **APPROVES IN PRINCIPLE** the progressive replacement of the City's old CALE ticket machines with the EMV compliant machines subject to a further report to Council;
6. **CONSULTS** with the community regarding the following parking changes:
 - 6.1 amending the paid parking and parking restrictions in William Street between Brisbane Street and Newcastle Street, including Lindsay, Money, Monger Streets and Forbes Road to be ticketed every day, with a fee of \$3.70 per hour from 8am to midnight, with a 2P restriction between 8am and 7pm;
 - 6.2 introducing paid parking in the Fitzgerald Street carpark and in the existing 90 degree angled parking area on the south side of Lawley Street, North Perth to be ticketed with a fee of \$2.30 per hour, between 8am and 6 pm, Monday to Friday; and
 - 6.3 increasing the fee from \$1.10 per hour to \$2.30 per hour in the existing paid parking in the 90 degree angled parking area on the South side of Richmond Street, Leederville;
7. **APPROVES** the implementation of free ACROD parking in the City's car parks where an appropriate level of service or standards cannot be met until such time as the car park is upgraded to the required Disability Access standards;

8. **CONSIDERS** listing appropriate funding in the 2015/2016 draft budget to engage an Accredited Access Auditor to assess and provide recommendations to bring all ACROD bays in City owned car parks into compliance with relevant standards.; and
9. **RECEIVES** a further report at the conclusion of the community consultation referred in 6 above.

The Presiding Member Mayor Carey ruled that the Officer Recommendation will be split and voted on individually.

COUNCIL DECISION ITEM 9.1.4

RECOMMENDATIONS 1, 2, 3, 4 & 5

Moved Cr Topelberg, Seconded Cr Buckels

1. **NOTES** the information contained in the Car Parking Strategy Implementation Progress Report;
2. **REQUESTS** that Administration investigates the implementation of the 'Parking Benefit District' approach recommended by the Car Parking Strategy;
3. **ADOPTS** a case by case approach to issuing permits to businesses where they are not inconsistent with the Car Parking Strategy;
4. **CONTINUES** with the Current Practice for the Introduction of 'new' or 'varied' Parking Restrictions as discussed in the report;
5. **APPROVES IN PRINCIPLE** the progressive replacement of the City's old CALE ticket machines with the EMV compliant machines subject to a further report to Council;

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 5 be amended as follows:

5. **APPROVES IN PRINCIPLE** the progressive replacement of the City's old CALE ticket machines with the EMV compliant machines subject to a further report to Council, **including all funding options;**

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

RECOMMENDATIONS 1, 2, 3, 4 & 5 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (9-0)

RECOMMENDATION 6.1

Moved Cr Cole, Seconded Cr Harley

6. **CONSULTS** with the community regarding the following parking changes:

- 6.1 amending the paid parking and parking restrictions in William Street between Brisbane Street and Newcastle Street, including Lindsay, Money, Monger Streets and Forbes Road to be ticketed every day, with a fee of \$3.70 per hour from 8am to midnight, with a 2P restriction between 8am and 7pm;

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Cole

That Recommendation 6.1 be amended as follows:

- 6.1 amending the paid parking and parking restrictions in William Street between Brisbane Street and Newcastle Street, including Lindsay, Money, Monger Streets and Forbes Road to be ticketed every day, with a fee of \$3.70 per hour from 8am to ~~midnight~~ 10pm, with a 2P restriction between 8am and 7pm;

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

**RECOMMENDATION 6.1 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (9-0)**

RECOMMENDATION 6.2

Moved Cr Harley, Seconded Cr Topelberg

- 6.2 introducing paid parking in the Fitzgerald Street carpark and in the existing 90 degree angled parking area on the south side of Lawley Street, North Perth to be ticketed with a fee of \$2.30 per hour, between 8am and 6 pm, Monday to Friday; and

Debate ensued.

AMENDMENT 1

Moved Cr Harley, Seconded Cr Peart

That Recommendation 6.2 be amended as follows:

- 6.2 introducing paid parking in the Fitzgerald Street carpark and in the existing 90 degree angled parking area on the south side of Lawley Street, North Perth to be ticketed with a fee of \$2.30 per hour, between ~~8~~7am and ~~midnight~~ 6 pm, Monday to ~~Friday~~ Sunday with the first hour free; and

Debate ensued.

AMENDMENT 1 PUT AND LOST (3-6)

For: Cr Buckels, Cr Harley and Cr Peart

Against: Presiding Member Mayor Carey, Cr Cole, Cr McDonald, Cr Pintabona
Cr Topelberg and Cr Wilcox

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr McDonald

That Recommendation 6.2 be amended as follows:

- 6.2 introducing paid parking in the Fitzgerald Street carpark and in the existing 90 degree angled parking area on the south side of Lawley Street, North Perth to be ticketed with a fee of \$2.30 per hour, between 8am and 6 pm, Monday to Friday Sunday with the first two hours free; and

Debate ensued.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Cole

That Recommendation 6.2 be deferred to a Forum being held on 9 December 2014

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Peart

That Recommendation 6.3 be deferred to a Forum being held on 9 December 2014

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Pintabona

That Recommendations 7, 8 & 9 be deferred to a Forum being held on 9 December 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.1.2 Nos. 193-195 (Lot: 35 D/P: 861) Brisbane Street, Perth – Existing Eating House and Associated Showroom (Retrospective)

Ward:	South	Date:	7 November 2014
Precinct:	Hyde Park; P12	File Ref:	PR18778, PRO0462, 5.2014.538.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification Submission		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES** the application submitted by M Walker on behalf of the owners Fondstream Pty Ltd and S Sparta, for the Existing Eating House and Associated Showroom (Retrospective) at Nos. 193-195 (Lot: 35 D/P: 861) Brisbane Street, Perth as shown on plans date-stamped 30 September 2014, included as Attachment 002, subject to the following conditions:

1. **Interactive Front**

Windows, doors and adjacent areas fronting Brisbane Street shall maintain an active and interactive relationship with the street;

2. **Public Floor Area and Maximum Occupancy**

2.1 **Showroom (Art Gallery)**

The floor areas available to the public shall be limited to 28.64 square metres for the Gallery component; and

2.2 **Café**

The floor areas available to the public shall be limited to 30 square metres for the café component. The maximum number of patrons allowed internally within the cafe at any one time shall not exceed twenty (20) patrons;

3. **Hours of Operation**

The hours of operation of the Cafe shall be restricted to the following:

Monday to Thursday – 6:30am to 5:00pm;
 Friday and Saturday – 6:30am to 8:00pm; and
 Sunday – 6:30am to 3:00pm;

4. **Change of Use**

Any change of use from Eating House and associated Showroom shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;

5. **Building Appearance**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;

6. **On-Site Parking Provision**

6.1 A minimum of three (3) car bays, are to be provided on site for the change of use component of the development; and

6.2 Where the bays cannot be provided, the owner(s) or the applicant on behalf of the owner(s) shall pay a cash-in-lieu contribution of \$11,440 for the equivalent value of 2.2 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;

7. **Right-of-Way**

The Right-of-Way shall remain open at all times and must not be used to store any building or other material or be obstructed in anyway;

8. **Bin Store**

A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City; and

9. Signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

ADVICE NOTES:

1. In relation to Condition 7, alternatively the applicant may lodge an appropriate assurance bond/bank guarantee of a value of \$11,440 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

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

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

1.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and

2. Any proposed alfresco seating area outside the subject property is subject to an Outdoor Eating Area Permit (OEAP) from the City's Health and Compliance Services.

Moved Cr Peart, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Peart, Seconded Cr Topelberg

That Recommendation 6.2 be deleted as follows:

~~6.2 — Where the bays cannot be provided, the owner(s) or the applicant on behalf of the owner(s) shall pay a cash-in-lieu contribution of \$11,440 for the equivalent value of 2.2 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;~~

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

For: Presiding Member Mayor Carey, Cr Harley, Cr Peart and Cr Wilcox
Against: Cr Buckels, Cr Cole, Cr McDonald, Cr Pintabona and Cr Topelberg

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.2

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, APPROVES the application submitted by M Walker on behalf of the owners Fondstream Pty Ltd and S Sparta, for the Existing Eating House and Associated Showroom (Retrospective) at Nos. 193-195 (Lot: 35 D/P: 861) Brisbane Street, Perth as shown on plans date-stamped 30 September 2014, included as Attachment 002, subject to the following conditions:

1. **Interactive Front**

Windows, doors and adjacent areas fronting Brisbane Street shall maintain an active and interactive relationship with the street;

2. **Public Floor Area and Maximum Occupancy**

2.1 **Showroom (Art Gallery)**

The floor areas available to the public shall be limited to 28.64 square metres for the Gallery component; and

2.2 **Café**

The floor areas available to the public shall be limited to 30 square metres for the café component. The maximum number of patrons allowed internally within the cafe at any one time shall not exceed twenty (20) patrons;

3. **Hours of Operation**

The hours of operation of the Cafe shall be restricted to the following:

Monday to Thursday – 6:30am to 5:00pm;
Friday and Saturday – 6:30am to 8:00pm; and
Sunday – 6:30am to 3:00pm;

4. **Change of Use**

Any change of use from Eating House and associated Showroom shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;

5. **Building Appearance**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;

6. **On-Site Parking Provision**

6.1 A minimum of three (3) car bays, are to be provided on site for the change of use component of the development; and

6.2 Where the bays cannot be provided, the owner(s) or the applicant on behalf of the owner(s) shall pay a cash-in-lieu contribution of \$11,440 for the equivalent value of 2.2 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;

7. **Right-of-Way**

The Right-of-Way shall remain open at all times and must not be used to store any building or other material or be obstructed in anyway;

8. **Bin Store**

A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City; and

9. Signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

ADVICE NOTES:

1. In relation to Condition 7, alternatively the applicant may lodge an appropriate assurance bond/bank guarantee of a value of \$11,440 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

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

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

1.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and

2. Any proposed alfresco seating area outside the subject property is subject to an Outdoor Eating Area Permit (OEAP) from the City's Health and Compliance Services.

9.3.1 Transfer of Aged Persons and Senior Citizens Reserve Funds

Ward:	Both	Date:	7 November 2014
Precinct:	All	File Ref:	SC245
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	B Tan, A/Director Corporate Services		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council APPROVES BY ABSOLUTE MAJORITY the transfer of the amount of \$745,352 being the past five (5) years of accumulated interest earned from the Aged Persons and Senior Citizens Reserve Fund, from that Reserve fund into the City's Municipal Fund.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr

That the item be DEFERRED

PROPOSED DEFERRAL LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)

Note: Council Decision amended as per Confirmation of Minutes at Ordinary Meeting of Council held on 2 December 2014.

9.5.2 Council Recess Period 2014-2015 Allowing Delegated Authority to the Chief Executive Officer

Ward:	-	Date:	7 November 2014
Precinct:	-	File Ref:	ADM0018
Attachments:	Nil		
Tabled Items:	-		
Reporting Officer:	Jerilee Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.42 of the Local Government Act 1995 to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 17 December 2014 to 13 January 2015, subject to:

1. Reports being issued to all available Elected Members for a period of three (3) days prior to the delegated decision being made and subject to no requests for 'call-in' of the matter being received from Elected Members;
2. Reports being displayed on the City's website for a period of three (3) days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in January 2015; and
4. A Register of Items Approved under Delegated Authority being kept and made available for public inspection during the period that the delegation applies.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Cole, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)

9.5.4 Delegations for the Period 1 July 2014 – 30 September 2014

Ward:	Both	Date:	6 November 2014
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Tabled Items:	Nil		
Reporting Officers:	S Butler, Manager Ranger and Community Safety Services P Morrice, Team Leader Ranger Administration		
Responsible Officer:	J Anthony, A/Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- ENDORSES** the delegations for the period 1 July 2014 to 30 September 2014 as shown in Attachment 001; and
- APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$47,292 for the reasons as detailed below:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$1,430
Details Unknown/Vehicle Mismatched	\$1,870
Equipment Faulty (Confirmed by Technicians)	\$630
Failure to Display Resident or Visitor Permit	\$12,340
Interstate or Overseas Driver	\$8,000
Ranger/Administrative Adjustment	\$12,710
Signage Incorrect or Insufficient	\$1,185
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$2,885
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,070
Unenforceable through Fines Enforcement Registry	\$120
Litter Act	\$0
Dog Act	\$0
Planning Act	\$0
Health Act	\$0
Pound Fees Modified	\$52
TOTAL	\$47,292

COUNCIL DECISION ITEM 9.5.4

Moved Cr Cole, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.45 pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Len Kosova	Chief Executive Officer
Rick Lotznicker	Director Technical Services
Jacinta Anthony	Acting Director Community Services
Bee Choo Tan	Acting Director Corporate Services
Gabriela Poezyn	Director Planning Services
Jerilee Highfield	Executive Assistant, Minutes Secretary

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 18 November 2014.

Signed: Mayor John Carey.

Dated this day of 2014.