



CITY OF VINCENT

**ORDINARY
COUNCIL MEETING**

Minutes

2 DECEMBER 2014

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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(2 DECEMBER 2014)**

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10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil. 50

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(Without Discussion)

Nil. 50

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil. 50

13. URGENT BUSINESS

Nil. 50

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (*“Behind Closed Doors”*)

Nil. 50

15. CLOSURE

50

ORDINARY COUNCIL MEETING MINUTES

Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 2 December 2014, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.04pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Laine McDonald would be running late and arriving at 6.30pm.

(b) Members on Approved Leave of Absence:

Nil.

(c) 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 (from 6.35pm)
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

Employee of the Month Recipient

Nil.

Media

Sophie Gabrielle Journalist – *"The Guardian Express"*

Media

David Bell Journalist – *"The Perth Voice"*

Approximately 15 Members of the Public.

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. Roy Burton of 333 West Coast Drive, Trigg – Item 9.1.2

- In support of the proposed change of use and commented that:
- An acoustic report, was not mentioned before as music is not proposed to be played and the proponent will not be applying for a liquor licence either.
- The covered area that has been proposed adjacent to the brick wall on the North side of the property would be sealed to the top of the wall to avoid any sound travelling to the property next door.
- A mural proposed for the wall was intended to face Coogee Street instead of a window, as shelving was to be installed along that wall on the inside of the building.

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

2. Anna Kelderman of 10A Britannia Road, Mount Hawthorn – Item 9.1.2

- Represented the Applicant for the Item and reiterated her comments in support of the proposal, as stated at the 18 November 2014 Council Meeting.

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

3. Griff Morris of 23 A Green Street, Mount Hawthorn – Item 9.1.4

- Mr Morris lives next door to the premises and objects to the proposal.
- The hours are already extended and staff stay longer than required.
- In the application there has been no approach by the owners or by the applicant to discuss any possible amelioration of the conditions and Mr Morris had spoken to the owner previously.

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

4. Paul Parin of 160 Scarborough Beach Road, Mount Hawthorn – Item 9.1.1

- Mr Parin commented that he has been a local resident for the past twelve years and spoke in support of the proposed change of use.

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

5. Chris Tsoulous of 74 Bassingham Road, Balcatta – Item 9.1.1

- Mr Tsoulous objected to the proposed change of use on the basis that it would seriously impeded and disrupt the residents of the apartment block.

The Presiding Member Mayor Carey thanked Ms Tsoulous for his comments.

6. Jared Lucer of U7/16 Scarborough Beach Road, Mount Hawthorn – Item 9.1.1

- Mr Lucer objected to the proposed change of use on the basis that he lives immediately above the premises, his bedroom is incorrectly shown on the plans as a study and the noise assessment fails to adequately address the transmission of noise from the proposed use – including operational noise resulting from pipes and ducting in cavity walls.

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

7. Laura Lund of 130 Dunedin Street, Mount Hawthorn – Item 9.1.4

- Ms Lund lives adjacent to the carpark behind the Pirate Bar and objected to the proposed extended hours due to significant and ongoing impacts associated with the bar, such as noise, traffic, parking, litter and drunken and anti-social behaviour.

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

8. Debbie Saunders of 320 Oxford Street, Leederville – Item 9.1.1

- Sympathised with the previous speaker as she is familiar with the impacts of bars in a commercial area and could not imagine what it would be like living next door to one.
- In relation to Item 9.1.1, I expressed concern at the prospect of Council ignoring the objections of residents.
- Sought further information from the CEO in relation to Council's recent decision to approve, an 'on-Road' Café for Foam Café in Leederville.
- Questioned whether any road closure notifications had been given to businesses and residents in Leederville for the upcoming Light up Leederville Carnival.

The Presiding Member Mayor Carey, thanked Ms Saunders for her comments and advised that the CEO will provide a written reply to her.

9. Dudley Maier of 51 Chatsworth Road, Highgate – Item 9.1.5

- Commented that staff had incorrectly calculated parking requirements for this development and that he did not consider the explanation from the Director Planning Services to be acceptable.
- Alleged that the parking assessment contained in the report is untrue and inaccurate.

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

10. Scott Taylor of 488 Beaufort Street, Highgate – Item 9.1.5

- As the applicant, spoke in support of the proposal and the Officer Recommendation.

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

11. Joseph of 5 McCarthy Way, Landsdale – Item 9.1.1

- Objected to the proposed change of use on the basis that two of his staff in his Balcatta tax practice live in the apartment above the proposed Eating House and Small Bar and their amenity and quality of life will be adversely impacted by the proposal.

The Presiding Member Mayor Carey thanked Joseph for his comments.

There being no further speakers, Public Question Time closed at approximately 6.30 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Letter to Ms D Saunders relating to questions taken on Notice at the Ordinary Meeting of Council held on 18 November 2014.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Mayor John Carey from Friday 12th December 2014 to Sunday 14th December 2014.

Moved Cr Topelberg, Seconded Cr Harley

That the Presiding Member Mayor John Carey's request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr McDonald had not yet arrived at the Meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Ms J Campbell of Alma Road, Mount Lawley along with 71 signatures, requesting that Council reject the development proposed by Alcock Brown-Neaves Group at No. 570-574 William Street, Mount Lawley; concerned that a development of the size proposed would add to the parking congestion and; requesting that a reduced number of dwellings be proposed (to reduce the number of cars), or increase the number of residential car spaces created with the development.

Moved Cr Harley, Seconded Cr Buckels

That the petition be received.

CARRIED UNANIMOUSLY (8-0)

(Cr McDonald had not yet arrived at the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Special Meeting of Council held on 18 November 2014 – regarding Town Planning Scheme No. 2

Moved Cr Topelberg, Seconded Cr Pintabona

That the Minutes of the Special Meeting of Council held on 18 November 2014 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr McDonald had not yet arrived at the Meeting.)

6.2 Ordinary Meeting of Council held on 18 November 2014.

Moved Cr Topelberg, Seconded Cr Harley

That the Minutes of the Ordinary Meeting of Council held on 18 November 2014 be confirmed as a true and correct record subject to the following corrections being made:

1. In relation to Item 9.1.3 on page 22 of the Minutes, changing Council's reason for refusing the Officer Recommendation to "Council considered it was an appropriate use for the area".
2. In relation to Item 9.3.1 on page 33, recognising that Cr Topelberg moved a Procedural Motion to defer the matter but it lapsed for want of a seconder.

CARRIED UNANIMOUSLY (8-0)

(Cr McDonald had not yet arrived at the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

Cr McDonald arrived at the Meeting at 6.35pm.)

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Emma Cole declared an Impartiality interest in Items 9.1.1, 9.1.4 and 9.1.5. The extent of her interest being that she is employed at the Drug and Alcohol Office (DAO). The DAO is not involved in decisions on liquor licensing matters, but provides advice to the Department of Racing Gaming and Liquor (DRGL) on matters relevant to liquor licensing. While Cr Cole does not work within the area of DAO responsible for the provision of advice to DRGL on liquor licensing matters, there may be a perception that her impartiality is affected. Cr Cole declared that she will consider the above items on their merits and vote accordingly.
- 8.2 Cr Julia Wilcox declared an Impartiality interest in Item 9.1.4. The extent of her interest being that the applicant previously made a complaint against her when this proposal was last considered by Council. Whilst the complaint was dismissed by the relevant authorities, there may be a perception that her impartiality on the matter may be affected. Cr Wilcox declared that she will consider this matter on its merit and vote accordingly.
- 8.3 Mayor John Carey declared an Impartiality interest in Item 9.1.1. The extent of his interest being that a friend of his owns one of the properties in this development complex and although he has not discussed this matter with them there may be a perception that his impartiality on the matter may be affected. Mayor Carey declared that he will consider this matter on its merit and vote accordingly.

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, 9.1.2, 9.1.4 and 9.1.5.

- (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 9.1.1 and 9.1.4

Note: the CEO advised that in the Agenda Index, Item 9.4.1 had been incorrectly listed as requiring an Absolute Majority Decision.

- (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)	9.3.2
Cr Buckels	Nil
Cr Cole	9.4.3
Cr McDonald	Nil
Cr Peart	9.1.6 and 9.2.2
Cr Pintabona	Nil
Cr Topelberg	9.2.1 and 9.4.2
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 9.1.3, 9.2.3, 9.3.1, 9.3.3, 9.5.1 and 9.5.2

- (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 Buckels, Seconded Cr Wilcox

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

Items 9.1.3, 9.2.3, 9.3.1, 9.3.3, 9.5.1 and 9.5.2

CARRIED UNANIMOUSLY (9-0)

9.1.3 No. 5/177 (Lot 5; STR: 59820) Stirling Street, Corner Parry Street, Perth – Renewal Application for Consulting Rooms (Non-Medical – Massage Therapy)

Ward:	South	Date:	21 November 2014
Precinct:	Beaufort; P13	File Ref:	5.2014.425.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification dated 18 July 2014		
Tabled Items:	Nil		
Reporting Officer:	A Terni, 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 Tara Massage Therapy on behalf of the owner, Mark Anthony Investments Pty Ltd for the Renewal Application for Consulting Rooms (Non-medical – Massage Therapy) at No. 5/177 (Lot 5; STR: 59820) Stirling Street, Corner Parry Street, Perth as shown on plans date-stamped 1 August 2014, subject to the following conditions:

1. **Interactive Front**

Windows, doors and adjacent areas at ground level fronting Parry Street shall maintain an active and interactive relationship with the street;

2. **Consulting Rooms (Non – Medical)**

2.1 The use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;

2.2 The hours of operation shall be limited to the following times:

- Monday to Friday - 8.00am to 6:00pm
- Saturday – 8:00am to 5:00pm
- Sunday – 11 am to 5pm
- Closed Christmas Day, Good Friday and Anzac Day; and

2.3 The use shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like; and

3. 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, are designed integrally with the building, and be located so as not to be visually obtrusive from Parry and Stirling Streets.

ADVICE NOTES:

1. 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
2. All signage shall be subject to a separate sign licence application, being submitted to and approved by the City prior to the erection of the signage.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.2.3 Vincent Bike Network Plan 2013 – Quarterly Progress Report No. 9

Ward:	Both	Date:	20 November 2014
Precinct:	All	File Ref:	SC423
Attachments:	001 - Council Decision History 002 - Bike Network Plan Works Update 003 – Proposed ‘Look Before Opening’ Sticker		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That Council:

1. **NOTES** the progress on the Vincent Bike Network Plan PHASE 1 and PHASE 2 works as outlined in the report; and
2. **AUTHORISES** the Chief Executive Officer to undertake a marketing and education campaign to cost a maximum of \$20,000 as discussed in the report, to be funded from the project budget, to promote the works and to advise of the changed traffic conditions.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.3.1 Investment Report as at 31 October 2014

Ward:	Both	Date:	21 November 2014
Precinct:	All	File Ref:	SC1530
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council NOTES the Investment Report for the month ended 31 October 2014 as detailed in Attachment 001.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.3.3 Financial Statements as at 31 October 2014

Ward:	Both	Date:	21 November 2014
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer; B Wong, A/Manager Financial Services;		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 October 2014 as shown in Attachment 001.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	26 November 2014
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **NOTES** the use of the Council's Common Seal on the documents listed in this report, for the month of November 2014.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

9.5.2 Information Bulletin

Ward:	-	Date:	21 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 21 November 2014, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.2.2 Perth Central Transport Plan 2016-2025

Ward:	Both	Date:	20 November 2014
Precinct:	All	File Ref:	SC1973
Attachments:	001 – Perth Central Area Trans. Priority Map 002 – Existing PPMA Plan from the WA Government Gazette 003 – Information Sheet		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVISES** the Department of Transport that it;
 - 1.1 **APPROVES IN PRINCIPLE** the objectives and aspirations of the Perth Central Transport Plan 2016-2025 subject to:
 - 1.1.1 the plan incorporating the framework of the City's Town Planning Scheme No. 2, as adopted by Council at its Special Meeting of 18 November 2014;
 - 1.1.2 the Department agreeing to consult and engage the wider Vincent Community when the 'draft' Perth Central Transport Plan 2016-2025 is released for public comment in 2015;
 - 1.1.3 The plan promoting east-west public transport connections across the City of Vincent; and
2. **RECEIVES** further reports as the Perth Central Transport Plan 2016-2025 develops.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Cole

That the item be DEFERRED for further consideration and subsequently reported to the Ordinary Meeting of Council to be held on 16 December 2014.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.1.2 FURTHER REPORT: 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:	25 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 005 – Applicants additional information dated 20 November 2014 006 – Amended Application Plans dated 24 November 2014 007 – Car Parking Assessment Table		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

FURTHER 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 and 24 November 2014, included as Attachment 002 and 006, for the following reasons:

1. The proposed use is not compatible with the surrounding residential uses and does not meet 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 of the area as it does not recognise the individual character and needs of the locality due to the inadequacy of parking for the proposed use in an area which already has limited parking availability.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Cole, Seconded Cr Harley

That the recommendation be adopted.

MOTION PUT AND LOST (1-8)

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

ALTERNATIVE OFFICER RECOMMENDATION:

Moved Cr Cole, Seconded Cr Harley

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 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:

Local Shop – Monday to Sunday – 7:00am to 8:00pm;

Eating House/Alfresco Area – Monday to Friday – 7:00am to 5:00pm; and
Saturday and Sunday – 7:00am – 4:00pm;

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 Anzac Road Elevation

Revised plans showing the additional windows proposed along the Anzac Road elevation for the café and shop;

5.2 Street Fence

The proposed street fence along the Anzac Road boundary, shall be a minimum of 50 per cent visually permeable above a height of 1 metre;

5.3 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;

5.4 Disabled Access

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

5.5 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;

5.6 Landscape, Reticulation and Verge 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;

For the purposes of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.6.1 The location and type of existing and proposed trees and plants;
- 5.6.2 The location of the proposed synthetic grass;
- 5.6.3 All vegetation including lawns;
- 5.6.4 Areas to be irrigated or reticulated; and
- 5.6.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

5.7 Signage

Removal of all existing signage. The proposed two (2) signs shall comply with the City's Policy relating to Signs and Advertising;

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 ~~\$23,712~~ \$11,856, for the equivalent value of ~~4.56~~ 2.28 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 ~~\$23,712~~ \$11,856 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;**

8.1 **Acoustic Report**

With regard to condition 5.5, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City; and

8.2 **Landscaping**

In relation to condition 5.6, 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.

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 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
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.

Debate ensued.

AMENDMENT 1

Moved Cr Peart, Seconded Cr Harley

That a new Advice Note 6 be inserted as follows:

- 6. With regard to condition 6 the applicant may request the City to approve a five year payment plan.**

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (5-4)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Peart, Cr Topelberg and Cr Wilcox

Against: Cr Cole, Cr Harley, Cr McDonald and Cr Pintabona

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That Condition 5.5 be deleted as follows:

- 5.5 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;~~

AMENDMENT 2 PUT AND CARRIED (5-4)

For: Cr Buckels, Cr Harley, Cr Topelberg, Cr McDonald and Cr Wilcox

Against: Presiding Member Mayor Carey, Cr Cole, Cr Peart and Cr Pintabona

**ALTERNATIVE MOTION AS AMENDED
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 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:

Local Shop – Monday to Sunday – 7:00am to 8:00pm;
Eating House/Alfresco Area – Monday to Friday – 7:00am to 5:00pm; and
Saturday and Sunday – 7:00am – 4:00pm;

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 **Anzac Road Elevation**

Revised plans showing the additional windows proposed along the Anzac Road elevation for the café and shop;

5.2 **Street Fence**

The proposed street fence along the Anzac Road boundary, shall be a minimum of 50 per cent visually permeable above a height of 1 metre;

5.3 **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;

5.4 **Disabled Access**

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

5.5 **Landscape, Reticulation and Verge 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;

For the purposes of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.5.1 The location and type of existing and proposed trees and plants;
- 5.5.2 The location of the proposed synthetic grass;
- 5.5.3 All vegetation including lawns;
- 5.5.4 Areas to be irrigated or reticulated; and
- 5.5.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

5.6 Signage

Removal of all existing signage. The proposed two (2) signs shall comply with the City's Policy relating to Signs and Advertising;

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 \$11,856, for the equivalent value of 2.28 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 \$11,856 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;

8.1 Acoustic Report

With regard to condition 5.5, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City; and

8.2 Landscaping

In relation to condition 5.6, 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.

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 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
 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.
 6. With regard to condition 6 the applicant may request the City to approve a five year payment plan.
-

9.1.4 No. 25 (Lot 442; D/P: 2334) Green Street, Mount Hawthorn – Reconsideration of the hours of operation of an Existing Small Bar (Unlisted Use)

Ward:	North	Date:	21 November 2014
Precinct:	Mount Hawthorn; P1	File Ref:	PR13899; 5.2014.465.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification dated 27 August 2014 004 – Current Management Plan received on 27 August 2014 005 – Updated Management Plan dated 5 November 2014 006 – Herring Storer Acoustics’ ‘Small Bar Acoustic Assessment’ dated 1 May 2013 007 – Applicant Response to Advertising Submissions received on 3 November 2014 008 – State Administrative Tribunal Order dated 16 January 2014		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
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 Paul Mavor on behalf of the owners New Frontier Pty Ltd for the proposed reconsideration to the hours of operation of the Existing Small Bar, at No. 25 (Lot: 442 D/P: 2334) Green Street, Mount Hawthorn as shown on amended plans date-stamped 27 August 2014 and included as Attachment 002, as the proposal is contrary to the orderly and proper planning of the locality for the following reasons:

1. The proposal will result in an unreasonable intensification of the land use which will have a negative impact on the amenity of the residential area in the locality;
2. The proposal does not align with the objectives of the City’s Town Planning Scheme No. 1 and draft Town Planning Scheme No. 2 as it is inconsistent with the primary intention of the Local Centre Zone, which is to provide services for the immediate locality which do not adversely impact on adjoining residential areas; and
3. The proposal does not comply with the City’s Licensed Premises Policy No. 7.5.7 in relation to the:
 - (a) extended hours of operation in outdoor areas, which will have a detrimental effect on the surrounding residential area on weeknights, particularly in relation to amplified noise and car parking; and
 - (b) permitted hours of operation for Small Bars in Local Centre Zones, which are restricted in order to protect the existing residential amenity.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

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

9.1.1 FURTHER REPORT: Nos. 5/160 and 6/160 (Lot: 5 D/P: 43015) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use)

Ward:	North	Date:	21 November 2014
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO6219; 5.2013.491.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Summary of Comments from Previous Advertising 004 – Acoustic Report		
Tabled Items:	'Nil'		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by P and J Parin on behalf of the owner Yokine Nominees Pty Ltd, for the Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use), at Nos 5/160 and 6/160 Scarborough Beach Road, Mount Hawthorn, as shown on plans date-stamped 30 October 2013, subject to the following conditions:

1. Use of the Premises

- 1.1 The maximum patronage for the Small Bar shall be Seventy Two (72) persons;
- 1.2 Packaged liquor is not to be sold at the premises; and
- 1.3 Any proposed increase to the number of patrons of the proposed Small Bar will require a further development application;

2. Hours of Operation

The hours of operation relate to the indoor public area only and shall be as follows:

- 2.1 **Small Bar (Unlisted Use):**
 - Monday to Thursday – 8am – 10pm
 - Friday and Saturday – 8am – Midnight
 - Sunday – 8am – 10pm
- 2.2 Trading hours for New Year's Eve on a Sunday, New Year's Day, Good Friday, Christmas Day and ANZAC day are covered by Part 4 of the *Liquor Control Act 1988*.

3. **Noise**

- 3.1 Entry doors to the venue must be closed from 7pm til closing Monday – Saturday and at all times on Sunday;
- 3.2 All doors shall be fitted with an operating self-closing mechanism;
- 3.3 No subwoofers are to be installed with the sound system;
- 3.4 Speakers fitted external to the premises are not permitted; and
- 3.5 Patron and music noise shall be limited to an internal reverberant sound level of no more than 90 dB(A);

4. **Building**

- 4.1 The windows, doors and adjacent floor area facing Scarborough Beach Road and Flinders Street shall maintain an active and interactive frontage to this street with clear glazing provided; and
- 4.2 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 Scarborough Beach Road and Flinders Street;

5. **Signage**

A separate application is required to be submitted for any proposed signage that does not comply with the requirements of the City's Policy relating to Signs and Advertising;

- 6. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
- 7. **PRIOR TO THE ISSUE OF A BUILDING PERMIT**, the following shall be submitted to and approved by the City;

7.1 **Refuse and Recycling Management Plan**

Bin numbers, collection and stores shall meet with the City's minimum service provision; and

7.2 **Acoustic Report and Implementation**

7.2.1 All recommendations detailed in Section 5 of the 'Noise Impact Assessment' by Lloyd George Acoustics 28 October 2014 (their reference 14072860-01) must be implemented with plans detailing required modifications to the building; and

7.2.2 An additional Acoustic Report is required to detail compliance of any proposed mechanical plant and equipment with the City's Sound Attenuation Policy No. 7.5.21 (Section 4.4 of policy);

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**

8.1 **Venue Management Plan**

A Venue Management Plan is to be submitted for assessment and approval by the City in line with the recommendations/advice notes made in the 'Noise Impact Assessment' by Lloyd George Acoustics and must include the following:

- 8.1.1 Complaints register/management log;
- 8.1.2 Protocol for closing the doors at required times;
- 8.1.3 Style of music;
- 8.1.4 Patron noise (upon arrival and departure from the premises);
- 8.1.5 Waste collection;
- 8.1.6 Deliveries;
- 8.1.7 Antisocial behaviour; and
- 8.1.8 Community relations;

8.2 **Bicycle Parking Facilities**

Five (5) Class Three and Two (3) Class One or Two bicycle facilities shall be provided at a location convenient to the entrances of the proposed eating house/small bar. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility; and

8.3 **Acoustic Report**

Certification shall be provided that the measures recommended in the Acoustic Reports approved for this development have been implemented; and

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

9.1 **Cash-in-lieu**

9.1.1 pay a cash-in-lieu contribution of \$17,971.20 for the equivalent value of 3.456 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR

9.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$17,971.20 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) 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
- (b) to the owner/applicants following receipt by the City with a Statutory Declaration on the prescribed form endorsed with the owner (applicants) and stating that they will not proceed with the subject 'Approval to Commence Development' or
- (c) to the owner/applicants 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.

ADVICE NOTES:

1. The applicant/owners are reminded to seek the necessary authority for the approval of the use from the Strata Body;
 2. Any proposed alfresco dining area is not part of this application and is subject to a separate Outdoor Eating Area Permit from the City's Compliance Services;
 3. No building work shall commence without a Building Permit having been issued; and
 4. It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit. This will confirm that the building has been built in accordance with the approved plans and, the Certificate of Compliance, and it complies with the relevant building standards.
-

Moved Cr Buckels, Seconded Cr Cole

Debate ensued.

AMENDMENT 1

Moved Cr Cole, Seconded Cr Harley

That a new Condition 3.6 be inserted as follows:

3.6 Ingress and egress to the premises shall be restricted to the main entrance located on the corner of Flinders Street and Scarborough Beach Road only and any other doors to the premises shall only be capable of being opened in the event of an emergency.

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That Condition 3.6 be amended to read as follows:

3.6 Ingress and egress to the premises after 7pm shall be restricted to the main entrance located on the corner of Flinders Street and Scarborough Beach Road only and any other doors to the premises shall only be capable of being opened in the event of an emergency.

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 3

Moved Cr Peart, Seconded Cr Buckels

That a new Advice Note 5 be inserted as follows:

- 5. With regard to condition 9.1 the applicant may request the City to consider a five year payment plan.**

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (6-3)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr Peart and Cr Wilcox

Against: Cr McDonald, Cr Pintabona and Cr Topelberg

MOTION AS AMENDED PUT AND CARRIED (5-4)

For: Cr Buckels, Cr Cole, Cr Peart, Cr Topelberg and Cr Wilcox

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

COUNCIL DECISION ITEM 9.1.1

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by P and J Parin on behalf of the owner Yokine Nominees Pty Ltd, for the Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use), at Nos 5/160 and 6/160 Scarborough Beach Road, Mount Hawthorn, as shown on plans date-stamped 30 October 2013, subject to the following conditions:

1. Use of the Premises

- 1.1 The maximum patronage for the Small Bar shall be Seventy Two (72) persons;
- 1.2 Packaged liquor is not to be sold at the premises; and
- 1.3 Any proposed increase to the number of patrons of the proposed Small Bar will require a further development application;

2. Hours of Operation

The hours of operation relate to the indoor public area only and shall be as follows:

- 2.1 **Small Bar (Unlisted Use):**
- Monday to Thursday – 8am – 10pm
 - Friday and Saturday – 8am – Midnight
 - Sunday – 8am – 10pm
- 2.2 Trading hours for New Year's Eve on a Sunday, New Year's Day, Good Friday, Christmas Day and ANZAC day are covered by Part 4 of the *Liquor Control Act 1988*.

3. Noise

- 3.1 Entry doors to the venue must be closed from 7pm til closing Monday – Saturday and at all times on Sunday;**
- 3.2 All doors shall be fitted with an operating self-closing mechanism;**
- 3.3 No subwoofers are to be installed with the sound system;**
- 3.4 Speakers fitted external to the premises are not permitted; and**
- 3.5 Patron and music noise shall be limited to an internal reverberant sound level of no more than 90 dB(A);**
- 3.6 Ingress and egress to the premises after 7pm shall be restricted to the main entrance located on the corner of Flinders Street and Scarborough Beach Road only and any other doors to the premises shall only be capable of being opened in the event of an emergency.**

4. Building

- 4.1 The windows, doors and adjacent floor area facing Scarborough Beach Road and Flinders Street shall maintain an active and interactive frontage to this street with clear glazing provided; and**
- 4.2 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 Scarborough Beach Road and Flinders Street;**

5. Signage

A separate application is required to be submitted for any proposed signage that does not comply with the requirements of the City's Policy relating to Signs and Advertising;

- 6. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;**
- 7. PRIOR TO THE ISSUE OF A BUILDING PERMIT, the following shall be submitted to and approved by the City;**

7.1 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision; and

7.2 Acoustic Report and Implementation

7.2.1 All recommendations detailed in Section 5 of the 'Noise Impact Assessment' by Lloyd George Acoustics 28 October 2014 (their reference 14072860-01) must be implemented with plans detailing required modifications to the building; and

7.2.2 An additional Acoustic Report is required to detail compliance of any proposed mechanical plant and equipment with the City's Sound Attenuation Policy No. 7.5.21 (Section 4.4 of policy);

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**

8.1 **Venue Management Plan**

A Venue Management Plan is to be submitted for assessment and approval by the City in line with the recommendations/advice notes made in the 'Noise Impact Assessment' by Lloyd George Acoustics and must include the following:

- 8.1.1 Complaints register/management log;
- 8.1.2 Protocol for closing the doors at required times;
- 8.1.3 Style of music;
- 8.1.4 Patron noise (upon arrival and departure from the premises);
- 8.1.5 Waste collection;
- 8.1.6 Deliveries;
- 8.1.7 Antisocial behaviour; and
- 8.1.8 Community relations;

8.2 **Bicycle Parking Facilities**

Five (5) Class Three and Two (3) Class One or Two bicycle facilities shall be provided at a location convenient to the entrances of the proposed eating house/small bar. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility; and

8.3 **Acoustic Report**

Certification shall be provided that the measures recommended in the Acoustic Reports approved for this development have been implemented; and

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

9.1 **Cash-in-lieu**

9.1.1 pay a cash-in-lieu contribution of \$17,971.20 for the equivalent value of 3.456 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR

9.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$17,971.20 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) 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
- (b) to the owner/applicants following receipt by the City with a Statutory Declaration on the prescribed form endorsed with the owner (applicants) and stating that they will not proceed with the subject 'Approval to Commence Development' or
- (c) to the owner/applicants 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.

ADVICE NOTES:

1. **The applicant/owners are reminded to seek the necessary authority for the approval of the use from the Strata Body;**
 2. **Any proposed alfresco dining area is not part of this application and is subject to a separate Outdoor Eating Area Permit from the City's Compliance Services;**
 3. **No building work shall commence without a Building Permit having been issued; and**
 4. **It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit. This will confirm that the building has been built in accordance with the approved plans and, the Certificate of Compliance, and it complies with the relevant building standards.**
 5. **With regard to condition 9.1 the applicant may request the City to consider a five year payment plan.**
-

9.1.5 Nos. 484 & 488/492 (Lots 51 & 52) Beaufort Street, Highgate – Proposed Amendment to Existing Tavern

Ward:	South	Date:	21 November 2014
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO1151, 5.2014.491.1, PR18322
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applications Submission dated 8 September 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, APPROVES the application submitted by S Taylor on behalf of the owner Benjamin and Co Pty Ltd, for an amendment to the Existing Tavern at Nos. 484 & 488-492 (Lots 51 and 52) Beaufort Street, Highgate, as shown on amended plans date-stamped 9 September 2014, included as Attachment 002, subject to the following conditions:

1. **Maximum Occupancy**
The maximum patronage for the combined premises is 225 patrons;
2. **Building Appearance**
 - 2.1 The windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to this street; and
 - 2.2 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 Beaufort Street;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
 - 3.1 **Schedule of External Finishes**
A detailed schedule of external finishes (including materials and colour schemes and details);
 - 3.2 **Refuse and Recycling Management Plan**
Bin numbers, collection and stores shall meet with the City's minimum service provision;
 - 3.3 **Acoustic Report**
An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation; and

3.4 Amalgamation

The subject land shall be amalgamated into one lot of Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

4. **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:**

4.1 Cash-in-lieu

4.1.1 **Pay a cash-in-lieu contribution of \$16,016 for the equivalent value of 3.08 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;**

4.1.2 **lodge an appropriate assurance bond/bank guarantee of a value of \$16,016 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**

- (a) **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**
- (b) **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**
- (c) **to the owner(s)/applicant, where the subject 'Approval to Commence Development', did not commence and subsequently expired; and**

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

5.1 Car Parking

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

5.2 Management Plan

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City to the satisfaction of the City; and

5.3 Acoustic Report

Certification shall be provided that the measures recommended in the Acoustic Reports approved for this development have been implemented.

ADVICE NOTES:

1. The proposed alfresco area outside the premises, is not part of this application and is subject to an Alfresco Dining Permit.
2. **Signage**
 - 2.1 All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application; and
 - 2.2 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.

Moved Cr Topelberg, Seconded Cr Buckels

Debate ensued.

The Presiding Member, Mayor Carey advised Cr Topelberg that he had spoken for his allocated five minutes.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Cole

That Cr Topelberg be permitted to speak for a further five minutes.

PROCEDURAL MOTION PUT AND CARRIED (8-1)

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

Against: Cr Harley

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr

That the item be DEFERRED for further consideration.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Peart, Seconded Cr Harley

That a new Advice Note 3 be inserted as follows:

3. **With regard to condition 4.1 the applicant may request the City to consider a five year payment plan.**

Debate ensued.

AMENDMENT PUT AND CARRIED (6-3)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr Peart and Cr Wilcox

Against: Cr McDonald, Cr Pintabona and Cr Topelberg

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

COUNCIL DECISION ITEM 9.1.5

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 S Taylor on behalf of the owner Benjamin and Co Pty Ltd, for an amendment to the Existing Tavern at Nos. 484 & 488-492 (Lots 51 and 52) Beaufort Street, Highgate, as shown on amended plans date-stamped 9 September 2014, included as Attachment 002, subject to the following conditions:

1. **Maximum Occupancy**

The maximum patronage for the combined premises is 225 patrons;

2. **Building Appearance**

- 2.1 The windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to this street; and

- 2.2 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 Beaufort Street;

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

- 3.1 **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details);

3.2 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision;

3.3 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation; and

3.4 Amalgamation

The subject land shall be amalgamated into one lot of Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

4. 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:

4.1 Cash-in-lieu

4.1.1 Pay a cash-in-lieu contribution of \$16,016 for the equivalent value of 3.08 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;

4.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$16,016 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) 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**
- (b) 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**
- (c) to the owner(s)/applicant, where the subject 'Approval to Commence Development', did not commence and subsequently expired; and**

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

5.1 **Car Parking**

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

5.2 **Management Plan**

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City to the satisfaction of the City; and

5.3 **Acoustic Report**

Certification shall be provided that the measures recommended in the Acoustic Reports approved for this development have been implemented.

ADVICE NOTES:

1. The proposed alfresco area outside the premises, is not part of this application and is subject to an Alfresco Dining Permit.
 2. **Signage**
 - 2.1 All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application; and
 - 2.2 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; and
 3. With regard to condition 4.1 the applicant may request the City to consider a five year payment plan.
-

9.1.6 No. 16/193-195 (Lot: 16 STR: 44402) Oxford Street, Leederville – Proposed Change of Use from Office to Consulting Room (Non-Medical)

Ward:	South	Date:	21 November 2014
Precinct:	Oxford Centre; P4	File Ref:	PR28125, 5.2014.477.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicants Submission dated 24 September 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 the Metropolitan Region Scheme, **APPROVES** the application submitted by XEMO Design Pty Ltd on behalf of the owner N E Kamil, for the proposed Change of Use from Mixed Use Residential Office to Mixed Used Residential Office and Consulting Room (Non-Medical) at No. 16/193-195 (Lot: 16 STR: 44402) Oxford Street, Leederville, as shown on amended plans date-stamped 24 September 2014, as included as Attachment 002, subject to the following conditions:

1. Use

- 1.1 This approval for consulting rooms (Non-Medical – Massage Therapy) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;
- 1.2 The hours of operation shall be limited to the following times:
Monday to Friday: 8:00am to 9:00pm;
Saturday: 8:00am to 5:00pm;
Sunday: 11:00am to 5:00pm; and
CLOSED Christmas Day, Good Friday and Anzac Day;
- 1.3 The use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;
- 1.4 Any change of use from Non-Medical Consulting Rooms (Massage Therapy) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use; and
- 1.5 The proposed use shall not include massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;

2. Building Appearance

- 2.1 Doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with the street; and

- 2.2 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 Oxford Street;
3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner or the applicant on behalf of the owner shall comply with the following requirements:**
- 3.1 pay a cash-in-lieu contribution of \$2,912, for the equivalent value of 0.56 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR
- 3.2 lodge an appropriate assurance bond/bank guarantee of a value of \$2,912 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 3.2.1 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
- 3.2.2 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
- 3.2.3 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; and
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

ADVICE NOTES:

1. **Signage**
- 1.1 All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application; and
- 1.2 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;
2. In regards to condition 1.1, if the applicant wishes to continue the use after that twelve (12) month period, planning approval is required to be sought prior to the planning approval lapsing; and
3. In regards to condition 1.3, the floor area of the massage treatment room shall not exceed 17.58 square metres. The proposed storage and waiting room shall not be used for massage therapy at any time.

Moved Cr Peart, Seconded Cr Buckels

Debate ensued.

AMENDMENT

Moved Cr Peart, Seconded Cr Harley

That a new Advice Note 4 be inserted as follows:

4. **With regard to condition 3.1 the applicant may request the City to consider a five year payment plan.**

Debate ensued.

AMENDMENT PUT AND CARRIED (6-3)

For: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr Peart and Cr Wilcox

Against: Cr McDonald, Cr Pintabona and Cr Topelberg

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.6

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 XEMO Design Pty Ltd on behalf of the owner N E Kamil, for the proposed Change of Use from Mixed Use Residential Office to Mixed Used Residential Office and Consulting Room (Non-Medical) at No. 16/193-195 (Lot: 16 STR: 44402) Oxford Street, Leederville, as shown on amended plans date-stamped 24 September 2014, as included as Attachment 002, subject to the following conditions:

1. **Use**
 - 1.1 This approval for consulting rooms (Non-Medical – Massage Therapy) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;
 - 1.2 The hours of operation shall be limited to the following times:
Monday to Friday: 8:00am to 9:00pm;
Saturday: 8:00am to 5:00pm;
Sunday: 11:00am to 5:00pm; and
CLOSED Christmas Day, Good Friday and Anzac Day;
 - 1.3 The use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;
 - 1.4 Any change of use from Non-Medical Consulting Rooms (Massage Therapy) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use; and
 - 1.5 The proposed use shall not include massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;
2. **Building Appearance**
 - 2.1 Doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with the street; and

- 2.2 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 Oxford Street;
3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner or the applicant on behalf of the owner shall comply with the following requirements:**
 - 3.1 pay a cash-in-lieu contribution of \$2,912, for the equivalent value of 0.56 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR
 - 3.2 lodge an appropriate assurance bond/bank guarantee of a value of \$2,912 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 3.2.1 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
 - 3.2.2 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
 - 3.2.3 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; and
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

ADVICE NOTES:

1. **Signage**
 - 1.1 All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application; and
 - 1.2 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;
2. In regard to condition 1.1, if the applicant wishes to continue the use after that twelve (12) month period, planning approval is required to be sought prior to the planning approval lapsing; and
3. In regard to condition 1.3, the floor area of the massage treatment room shall not exceed 17.58 square metres. The proposed storage and waiting room shall not be used for massage therapy at any time; and
4. With regard to condition 3.1 the applicant may request the City to consider a five year payment plan.

9.2.1 Review of the Posted Speed Limit on Fitzgerald Street between Angove Street and Raglan Road - Progress Report No 3

Ward:	South	Date:	20 November 2014
Precinct:	North Perth Centre (9)	File Ref:	SC979, SC228
Attachments:	001 - Letter from MRWA 29 August 2013 002 - Letter from MRWA 13 November 2014		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVISES Main Roads WA that it APPROVES permanently lowering the posted speed limit in the section of Fitzgerald Street, North Perth between Angove Street and Raglan Road to 40kph; and**
2. **ADVISES local businesses and residents between Angove Street and Raglan Road of its decision.**

Moved Cr Topelberg, Seconded Cr Peart

AMENDMENT

Moved Cr Topelberg, Seconded Cr Peart

That a new Recommendation 3 be inserted as follows:

3. **INITIATES the process to reduce the speed limit to 40kph on View Street and Angove Street and receives a further report no later than March 2015.**

Debate ensued.

Cr McDonald departed the Chamber at 8.10pm.

Cr McDonald returned to the Chamber at 8.14pm.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.1

That Council:

1. **ADVISES Main Roads WA that it APPROVES permanently lowering the posted speed limit in the section of Fitzgerald Street, North Perth between Angove Street and Raglan Road to 40kph; and**
2. **ADVISES local businesses and residents between Angove Street and Raglan Road of its decision.**
3. **INITIATES the process to reduce the speed limit to 40kph on View Street and Angove Street and receives a further report no later than March 2015.**

9.3.2 Authorisation of Expenditure for the Period 1 – 31 October 2014

Ward:	Both	Date:	21 November 2014
Precinct:	All	File Ref:	SC347
Attachments:	001 – Creditors Report 002 – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Wong, A/Manager Financial Services		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **CONFIRMS** the:

1. **Schedule of Accounts for the period 1 October – 31 October 2014 and the list of payments including credit cards;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Attachment 001.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.4.1 Draft Policy No. 3.8.12 – ‘Mobile Food Vendor’ and Policy No. 3.8.10 ‘Food Act 2008’

Ward:	Both	Date:	24 November 2014
Precinct:	All	File Ref:	ENS0133
Attachments:	001 – Draft Policy No. 3.8.12 – ‘Mobile Food Vendor’ 002 – Mobile Food Vendor Proposed Location of Operations		
Tabled Items:	Nil		
Reporting Officers:	W Pearce, Manager Health and Compliance A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **ENDORSES** Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ as shown in Attachment 001 and proposed locations of operation as shown in Attachment 002 for the purpose of advertising for public comment;
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 Undertake a Mobile Food Vendor Trial, in line with the Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ from January 2015 through to April 2015; and
 - 2.2 Advertise the Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ for public comment for a period of twenty-one (21) days;
3. **RECEIVES** a further report on the matter at the conclusion of the public comment period; and
4. **NOTES** that Policy No. 3.8.10 ‘Food Act 2008’, would need to be amended if Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ is ultimately, in order to delete the following content from clause 1.5:

“Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as ‘Itinerant Vendors’ i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City’s Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:

The City is well serviced by permanent food premises:

- *Mobile vendors do not necessarily contribute to the sustainment or development of the City’s District, Commercial and Local Centres;*
- *Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors”.*

COUNCIL DECISION ITEM 9.4.1

Moved Cr Harley, Seconded Cr Cole

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Peart

That the following words be added to the end of recommendation 1 – “subject to deletion of the proposed food vendor locations on William Street.”

Debate ensued.

AMENDMENT PUT AND LOST (3-6)

For: Cr Harley, Cr Topelberg and Cr Wilcox

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

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.4.2 Manna Inc. – Continued Use of Weld Square

Ward:	South	Date:	21 November 2014
Precinct:	Beaufort (13)	File Ref:	SC1789
Attachments:	001 – Letter from Manna Inc. regarding food service at Weld Square		
Tabled Items:	Nil		
Reporting Officer:	A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months, concluding 4 December 2015, subject to the following conditions:**
 - 1.1. **The hours of operation shall be between 5.00pm and 6.00pm, six (6) days per week excluding Saturdays;**
 - 1.2. **An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;**
 - 1.3. **All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;**
 - 1.4. **No more than two (2) vehicles shall be allowed access on the Reserve at any given time;**
 - 1.5. **Manna Inc. will enter the reserve on the Newcastle Street side of the park, and carry out their meal service in the centre of the park, once the installation of a crossover at the Newcastle Street entrance is completed;**
 - 1.6. **Manna Inc. staff shall pick up all rubbish and litter pertaining to their client group; and**
 - 1.7. **Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved; and**
2. **LISTS for consideration an amount of \$10,000 on the Draft 2015/2016 Annual Budget, for the installation of a crossover at the Newcastle Street entrance to Weld Square for the purpose of vehicle entry and exit.**

Moved Cr Topelberg, Seconded Cr Harley

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Peart

That a new Recommendation 3 be inserted as follows:

3. **REQUESTS Manna Inc. to begin the process of finding an alternative venue in 2015.**

Debate ensued.

Cr Cole departed the Chamber at 8.27 pm.

Cr Cole returned to the Chamber at 8.30 pm.

Cr Pintabona departed the Chamber at 8.38pm.

Cr Pintabona returned to the Chamber at 8.41pm.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.2

That Council:

1. **APPROVES** Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months, concluding 4 December 2015, subject to the following conditions:
 - 1.1. The hours of operation shall be between 5.00pm and 6.00pm, six (6) days per week excluding Saturdays;
 - 1.2. An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;
 - 1.3. All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;
 - 1.4. No more than two (2) vehicles shall be allowed access on the Reserve at any given time;
 - 1.5. Manna Inc. will enter the reserve on the Newcastle Street side of the park, and carry out their meal service in the centre of the park, once the installation of a crossover at the Newcastle Street entrance is completed;
 - 1.6. Manna Inc. staff shall pick up all rubbish and litter pertaining to their client group; and
 - 1.7. Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved; and
 2. **LISTS** for consideration an amount of \$10,000 on the Draft 2015/2016 Annual Budget, for the installation of a crossover at the Newcastle Street entrance to Weld Square for the purpose of vehicle entry and exit; and
 3. **REQUESTS** Manna Inc. to begin the process of finding an alternative venue in 2015.
-

9.4.3 Mount Hawthorn Hawker Markets – Ongoing Approval

Ward:	North Ward	Date:	25 November 2014
Precinct:	Mount Hawthorn Centre (2)	File Ref:	SC1243
Attachments:	001 – Consultation Submissions		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the one hundred and five (105) submissions received in relation to the Mount Hawthorn Hawker Markets proposal as summarised in Attachment 001;
2. **APPROVES:**
 - 2.1 A permit to be issued to Local Arts and Community Events Inc. to hold the Mount Hawthorn Hawker Markets on Friday evenings in Axford Park, Mount Hawthorn from 5pm to 9pm from 5 December 2014 through to 27 March 2015; and
 - 2.2 The waiving of park hire and waste management fees and charges; and
3. The Mount Hawthorn Hawker Markets shall be subject to the following conditions:
 - 3.1 All temporary food stalls and vans shall obtain a Special Events Permit from the City’s Health and Compliance Services. Application forms together with the relevant fees shall be submitted at least fourteen (14) days prior to the commencement of trade;
 - 3.2 All temporary food stalls and vans shall ensure full compliance with the provisions of the *Food Act 2008* and Australia New Zealand Food Standards Code. No food shall be sold to the public unless approved by the City’s Health and Compliance Services Section;
 - 3.3 Sound levels created shall not exceed the provisions of the Environmental Protection Act 1986 and the *Environmental Protection (Noise) Regulations 1997*; and
 - 3.4 The Applicant shall ensure ongoing compliance with the provisions of the *Health (Public Buildings) Regulations 1992*.

Moved Cr Harley, Seconded Cr Cole

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Harley

That a new Condition 3.5 and an Advice Note be inserted as follows:

3.5 The Mount Hawthorn Hawkers Markets must commence at 5pm.

ADVICE NOTE:

1. **With regard to condition 3.5, the starting time of 5pm ensures that it is a family orientated event.**

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.3

That Council:

1. **NOTES** the one hundred and five (105) submissions received in relation to the Mount Hawthorn Hawker Markets proposal as summarised in Attachment 001;
2. **APPROVES:**
 - 2.1 **A permit to be issued to Local Arts and Community Events Inc. to hold the Mount Hawthorn Hawker Markets on Friday evenings in Axford Park, Mount Hawthorn from 5pm to 9pm from 5 December 2014 through to 27 March 2015; and**
 - 2.2 **The waiving of park hire and waste management fees and charges; and**
3. **The Mount Hawthorn Hawker Markets shall be subject to the following conditions:**
 - 3.1 **All temporary food stalls and vans shall obtain a Special Events Permit from the City's Health and Compliance Services. Application forms together with the relevant fees shall be submitted at least fourteen (14) days prior to the commencement of trade;**
 - 3.2 **All temporary food stalls and vans shall ensure full compliance with the provisions of the *Food Act 2008* and Australia New Zealand Food Standards Code. No food shall be sold to the public unless approved by the City's Health and Compliance Services Section;**
 - 3.3 **Sound levels created shall not exceed the provisions of the Environmental Protection Act 1986 and the *Environmental Protection (Noise) Regulations 1997*;**
 - 3.4 **The Applicant shall ensure ongoing compliance with the provisions of the *Health (Public Buildings) Regulations 1992*; and**
 - 3.5 **The Mount Hawthorn Hawkers Markets must commence at 5pm.**

ADVICE NOTE:

1. **With regard to condition 3.5, the starting time of 5pm ensures that it is a family orientated event.**

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (without discussion)

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”)

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.05 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
<u>Media</u>	
Sophie Gabrielle	Journalist – “ <i>The Guardian Express</i> ”
<u>Media</u>	
David Bell	Journalist – “ <i>The Perth Voice</i> ”

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 4 December 2014.

Signed: Mayor John Carey.

Dated this day of 2014.