



CITY OF VINCENT

**ORDINARY
COUNCIL MEETING**

Minutes

10 FEBRUARY 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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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 10 February 2015, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.02pm 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:

2.1 Cr James Peart was an apology due to being unwell.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward (from 6.13pm)
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	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
Gabriela Poezyn	Director Planning Services
John Paton	Director Corporate Services
Rob Boardman	Director Community Services
Jerilee Highfield	Executive Assistant, Minutes Secretary
<u>Media</u>	
Sophie Gabrielle	Journalist – <i>"The Guardian Express"</i>
David Bell	Journalist – <i>"The Perth Voice"</i>

Approximately 10 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. Warren Wilde of Angove Street, North Perth – Item 10.1 and 10.2

- Spoke on behalf of the Vine Street Community group which represents about 30 residents.
- With the current transition between the Town Planning Scheme No. 1 and Town Planning Scheme No. 2 it has created some uncertainty around the heights for buildings and see these two Motions as particularly important to clarify the position both for the community and the developers.

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

2. Rachael Robson of 37 Knebworth Avenue, Perth – Item 9.1.2

- Her main concerns related to the shading of her property and the height of the proposed building.
- Ms Robson objected to the third storey element, partly because it is a single/double storey in the area.

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

3. Scott Cameron – Item 9.1.4

- Spoke in support of the Officer Recommendation. There was one objection received and it was not a resident within the echo development, that they did make it clear to residents when purchasing that it was a mixed use development in the City.

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

4. Heidi Woschnak of 6 Church Street, Perth – Item 9.1.1

- This is the third time that we have come to Council and I would like to restate that this process started with us owning up to a very genuine mistake that was made and being issued by a letter from Council to cease trading or pay a retrospective fee which we did.
- We came to the Briefing last week where there was not even the acknowledgement of the correct issue of the report as it was stated by the Mayor that the 7pm closing time when we had 8pm written.

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

The Presiding Member Mayor Carey departed the Chamber at 6.12pm.

Cr Topelberg assumed the Chair at 6.12pm.

5. Dudley Maier of 51 Chatsworth Road, Highgate – Item 9.3.4

- I acknowledge that the \$113,000 mistake in the Plant Operating has been fixed, however there are still a couple of issues involving the figure.
- Rates have been adjusted by \$113,000 since last week, last week the staff estimated a permanent variance of \$280,000 which is simply their estimate of the Interim Rates between December and the end of the year.
- The variance should be closer to \$690,000 because general rates are not going to change much.

Cr Harley entered the Chamber at 6.13pm.

The Presiding Member Cr Topelberg thanked Mr Maier for his comments.

6. Debbie Saunders of 320 Oxford Street, Leederville – Item 9.1.5 and 9.3.4

- Firstly in the Budget, the disposal of 291 and 295 Vincent Street is mentioned in the first part, but then in the actual Budget only 291 Vincent Street has been shown as \$1.2 million dollars in the asset disposal and she was wondering whether 295 Vincent Street was and why was it not included?
- Secondly is the late Item on the Agenda which is for the laneway festival. I did send out an email to all the Councillors just wanting to reiterate that I don't think just because the Place Manager thinks that it is good for the City and it will enliven the City, that we should allow just everyone and anyone who applies for a festival or event to go through especially when the money we have just spent in a laneway was to liven up the laneway not prepare it for events.

The Presiding Member Cr Topelberg thanked Ms Saunders for her comments.

There being no further speakers, Public Question Time closed at approximately 6.15pm.

Cr Topelberg vacated the Chair at 6.17pm.

The Presiding Member Mayor Carey returned to the Chamber at 6.17pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Laura and Leigh Trevaskus of Chatsworth Road, Highgate, along with 34 signatures, on behalf of residents of Chatsworth Road and surrounding area, objecting to the temporary obstruction of the right of way bounded by Mary, William and Beaufort Streets and Chatsworth Road, Highgate, for the proposed St Michael's Outdoor Eating Area.
- 5.2 Petition received from Mr T Ronchi of Egina Street, Mount Hawthorn, along with 8 signatures, objecting to the proposed development at No. 54 Bondi Street, Mount Hawthorn being over the compliance limits.

Moved Cr Harley, Seconded Cr Pintabona

That the petitions be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 20 January 2015.

Moved Cr Pintabona, Seconded Cr Harley

That the Minutes of the Ordinary Meeting of Council held on 20 January 2015 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey made the following announcements;

7.1 Newly appointed Director Corporate Services

I would like to welcome our new Finance Director Mr John Paton for joining our team, he started last Thursday.

7.2 City of Perth Act

Since Saturday and I have to admit it has been an incredibly crazy day at the City of Vincent. There has been a considerable change in the context of Local Government Reform since Saturday.

That is for a couple of key reasons, firstly we saw referendums held at three potential mergers and I have to admit I am surprised but all reached beyond 50% which is quite incredible when you look at Local Government Election rates and all resoundingly rejected the Amalgamations.

Secondly, we had WALGA which is the body that represents all Local Government and has been supportive of Local Government Reform also announced that it would not be supporting the process anymore. That is quite significant given up to date that they have been strong supporters.

Thirdly, the Premier himself did make I believe quite a strong interview this morning on 720, in which it has been described as raising the white flag, but he did make some key comments and one of them was *"I failed, I put up the white flag, I gave it my best shot, if ratepayers want to stay the way they are, so be it"*. It now puts us in a very interesting position at the City of Vincent, there is no doubt that we have been a constructive and pragmatic player who has always sought to do the best for the City of Vincent community and even advocated positions which ultimately included this Council being abolished for the appointment of Commissioners to create a new independent authority.

So there is no doubt that the City of Vincent has been reasoned and constructive player as part of this process, however, it is clear now that we are at a pivotal point in time where I think if you read the tea leaves and you were a betting person, you would suggest that the City of Perth Act is unlikely to get through Parliament.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Harley declared an Impartiality Interest in Item 9.1.1 – Further Report No. 6 (Lot 123) Church Street, Perth – Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) – Retrospective Approval. The extent of her interest being that one of the submitters opposed to the retrospective application is known to her personally.
- 8.2 Mayor Carey declared a Financial Interest in Item 9.1.1 – Further Report No. 6 (Lot 123) Church Street, Perth – Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) – Retrospective Approval. The extent of his interest being that he has an association with two of the objectors relating to this matter, both of whom are known to him personally and one of which is his housemate with whom he has a financial tenant/landlord relationship.
- 8.3 Cr Topelberg declared a Financial Interest in Item 9.1.3 - No. 448 (Lot 352 D/P 32224) Beaufort Street, Highgate – Proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use). The extent of his interest being that his company supplied product for the fit-out of the approved use currently in operation and he was directly involved in the specification for the fit-out.
- 8.4 Cr Cole declared an Impartiality Interest in Item 9.1.3 - No. 448 (Lot 352 D/P 32224) Beaufort Street, Highgate – Proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use). The extent of her interest being that she is employed at the Drug and Alcohol Office and has advised that she will consider the matter on its merits and vote accordingly and has further advised that she does not work within the area of the Drug and Alcohol Office that is responsible for the provision of the advice on liquor licensing matters.

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, 9.1.5, 9.3.4, 10.1 and 10.2 (9.3.4 absolute majority decision).

- (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 9.1.3, 9.3.4 and 9.4.1.

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

9.1.1 and 9.1.3.

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)	Nil
Cr Buckels	Nil
Cr Cole	Nil
Cr McDonald	Nil
Cr Peart	An apology for the Meeting
Cr Pintabona	Nil
Cr Topelberg	9.2.1
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 9.3.1, 9.3.2, 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.

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Cole, Seconded Cr McDonald

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

Items 9.3.1, 9.3.2, 9.3.3, 9.5.1, and 9.5.2.

CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

9.3.1 Investment Report as at 31 December 2014

Ward:	Both	Date:	23 January 2015
Precinct:	All	File Ref:	SC1530
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

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

Ward:	Both	Date:	23 January 2015
Precinct:	All	File Ref:	SC347
Attachments:	001 – Creditors Report 002 – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council CONFIRMS the:

1. Schedule of Accounts for the period of 1 December to 31 December 2014 and the list of payments including credit cards included as Attachments 001 and 002;
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 Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

9.3.3 Financial Statements as at 31 December 2014

Ward:	Both	Date:	23 January 2015
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.3

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	23 January 2015
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 months of November and December 2014 and January 2015.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Peart was an apology for the Meeting.)

9.5.2 Information Bulletin

Ward:	-	Date:	23 January 2015
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 23 January 2015, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Peart was an apology for the Meeting.)

9.1.1 FURTHER REPORT: No. 6 (Lot 123) Church Street, Perth – Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) – Retrospective Approval

Ward:	South	Date:	23 January 2015
Precinct:	Beaufort (P13)	File Ref:	5.2014.606.1; PR20004
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Car Parking Table 004 – Technical Services Comments 005 – Additional information provided by the Applicant following deferral of Item from the 20 January 2015 Ordinary Council Meeting 006 – Additional information provided by applicant on 30 January 2015 007 – Information provided as part of the initial advertising process		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior 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 the Metropolitan Region Scheme, **APPROVES** the application submitted by H Woschnak on behalf of the owner M Allmark, for the proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) at No. 6 (Lot 123) Church Street, Perth as shown on plans stamp dated 18 November 2014, included as Attachment 002, subject to the following conditions:

1. Use of the Premises

1.1 A maximum of twenty (20) persons shall be on the site for the use at any one time; and

1.2 The hours of operation shall be limited to:

- Monday – 6am – 7am and 6pm – 7pm;
- Tuesday – 6am – 7am, 9.30am – 10.30 am and 6pm – 7pm;
- Wednesday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;
- Thursday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;
- Friday – 6am – 7am and 9.30am – 10.30am; and
- Saturday/Sunday – 8am – 9am;

2. Building

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

2.2 The windows, doors and adjacent floor area facing Church Street shall maintain an active and interactive frontage to this street with clear glazing provided;

3. **Signage**

Any new signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage;

4. The existing kerbing shall be modified to the City's requirements at the applicant/owner cost to allow vehicles to enter the property and park the vehicles at 90 degrees to the street alignment;

5. **Waste**

A bin store shall be provided to the satisfaction of the City to accommodate the City's specified bin requirement; and

6. **PRIOR TO THE ISSUE OF AN OCCUPANCY PERMIT** the following shall be provided:

6.1 **Bicycle Facility**

One (1) Class 1 or 2 bicycle facility shall be installed within the building in accordance with the City's Policy No. 7.7.1 relating to Parking and Access.

ADVICE NOTES:

1. In regard to condition 5 adequate space shall be provided to accommodate a 240 litre general waste bin and 360 litre recycling bin, and adequate space to allow for movement of the bins.

Moved Cr Cole, Seconded Cr Topelberg

That the recommendation be adopted.

The Presiding Member Mayor Carey vacated the Chair and the Chamber at 6.28pm.

Deputy Mayor Cr Harley assumed the Chair at 6.28pm.

Debate ensued.

AMENDMENT 1

Moved Cr Cole, Seconded Cr McDonald

That Condition 1.2 of the Officer Recommendation be amended to read as follows:

"1.2 The hours of operation shall be limited to:

- **Monday to Friday: 6am – 11am; 5pm – 7pm;**
- **Saturday to Sunday: 8am – 12noon; and**
- **Times when the venue will only be used for administrative purposes: Monday to Friday: 11am – 5pm;**
- ~~Monday – 6am – 7am and 6pm – 7pm;~~
- ~~Tuesday – 6am – 7am, 9.30am – 10.30 am and 6pm – 7pm;~~
- ~~Wednesday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;~~
- ~~Thursday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;~~
- ~~Friday – 6am – 7am and 9.30am – 10.30am; and~~
- ~~Saturday/Sunday – 8am – 9am;~~"

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (7-0)

(Mayor Carey was absent from the Chamber and did not vote.)
(Cr Peart was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That Condition 1.2 of the Officer Recommendation be amended to read as follows:

“1.2 The hours of operation shall be limited to:

- Monday to Friday: 6am – 11am; 5pm – 7pm;
- Saturday to Sunday: 8am – 12noon; and
- ~~Times when the venue will only be used for administrative purposes: Monday to Friday: 11am – 5pm;~~

AMENDMENT 2 PUT AND CARRIED (4-3)

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

(Mayor Carey was absent from the Chamber and did not vote.)
(Cr Peart was an apology for the Meeting.)

AMENDMENT 3

Moved Cr Cole, Seconded Cr Wilcox

That a new Condition 7 be inserted to read as follows:

“7. The approval of the use be limited to a period of 12 months.”

AMENDMENT 3 PUT AND CARRIED (5-4)

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

(Mayor Carey was absent from the Chamber and did not vote.)
(Cr Peart was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Mayor Carey was absent from the Chamber and did not vote.)
(Cr Peart was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.1

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 H Woschnak on behalf of the owner M Allmark, for the proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) at No. 6 (Lot 123) Church Street, Perth as shown on plans stamp dated 18 November 2014, included as Attachment 002, subject to the following conditions:

1. Use of the Premises

1.1 A maximum of twenty (20) persons shall be on the site for the use at any one time; and

1.2 The hours of operation shall be limited to:

- Monday to Friday: 6am – 7pm;
- Saturday to Sunday: 8am – 12noon; and

2. **Building**

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

2.2 The windows, doors and adjacent floor area facing Church Street shall maintain an active and interactive frontage to this street with clear glazing provided;

3. **Signage**

Any new signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage;

4. The existing kerbing shall be modified to the City's requirements at the applicant/owner cost to allow vehicles to enter the property and park the vehicles at 90 degrees to the street alignment;

5. **Waste**

A bin store shall be provided to the satisfaction of the City to accommodate the City's specified bin requirement; and

6. **PRIOR TO THE ISSUE OF AN OCCUPANCY PERMIT** the following shall be provided:

6.1 **Bicycle Facility**

One (1) Class 1 or 2 bicycle facility shall be installed within the building in accordance with the City's Policy No. 7.7.1 relating to Parking and Access; and

7. The approval of the use be limited to a period of 12 months.

ADVICE NOTES:

1. In regard to condition 5 adequate space shall be provided to accommodate a 240 litre general waste bin and 360 litre recycling bin, and adequate space to allow for movement of the bins.

9.1.2 No. 39 (Lot: 27 D/P: 1177) Knebworth Avenue, Perth – Proposed Construction of a Three-Storey Grouped Dwelling

Ward:	South	Date:	23 January 2015
Precinct:	Hyde Park; P12	File Ref:	5.2014.354.1; PRO2007
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant’s Submission dated 15 July 2014 004 – Applicant’s Response to Submissions dated 12 January 2015 005 – Heritage Impact Statement 006 – 3D Render and Overshadowing diagram 007 – Previous Council Report dated 28 May 2002		
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 WABCA Pty Ltd on behalf of the owners, G and I Johnson, for the proposed construction of a Three-Storey Grouped Dwelling at No. 39 (Lot: 27 D/P: 1177) Knebworth Avenue, Perth as shown on amended plans stamp dated 4 November 2014, as included as Attachment 002, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 37 Knebworth Avenue, Perth, in a good and clean condition. The finish of the walls is to be to the satisfaction of the City and can either be fully rendered or face brickwork;

2. **Verge Trees**

No street verge tree on Knebworth Avenue shall be removed. The street verge tree is to be retained and protected from any damage including unauthorised pruning;

3. **Building Appearance**

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

4. **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

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

5.1 **Privacy Screening**

Revised Plans showing that the major openings to the Kitchen and Lounge (upper floor) and Deck (Upper floor) at any point within the cone of vision less than 4.5 metres and 7.5 metres respectively from a neighbouring boundary, shall be screened in accordance with the requirements of the Residential Design Codes November 2013 to the satisfaction of the City; and

- 5.2 The first floor boundary wall of the bathroom being reduced to a maximum length of 4.32 metres.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Road and Verge security bond for the sum of \$2000, shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
3. Any new street/front wall, fence and gate within the Right of Way setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
4. With regard to condition 4, 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.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Pintabona

(Cr Peart was an apology for the Meeting.)

9.1.4 Nos. 95/262 (Lot 95; STR: 62127) Lord Street, Perth – Proposed Non-Permanent Alfresco Decked Area to an Existing Restaurant Within an existing Road Widening Area

Ward:	South	Date:	23 January 2015
Precinct:	EPRA, P15	File Ref:	PRO6387; 5.2014.277.1
Attachments:	001 – Property Information Report 002 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	G Poczyn, 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 S Cameron on behalf of the owner Cygnet Properties Pty Ltd for a Proposed Non-Permanent Alfresco Decked Area to an existing restaurant use within an existing road widening area, at Nos. 95/262 (Lot 95; STR: 62127) Lord Street, Perth as shown on plans stamp dated 21 May 2014, as included as Attachment 002, subject to the following conditions:

1. The proposed deck structure is approved as a temporary structure. Relative to this condition:
 - 1.1 The City shall retain the right to require removal of the structures within the leased or licenced area if deemed necessary for infrastructure maintenance or upgrade, at the full cost of the lessee or licensee and no compensation shall be payable for loss of trading time should access be required by the City;
 - 1.2 By acting on this approval, the landowner agrees to remove the development at a time when the reserved land is required for the upgrading of Lord Street at the applicant's expense; and
 - 1.3 By acting on this approval, the land owner agrees that any improvements made to or loss of amenity will not be taken into consideration in determining any land acquisition cost or compensation which may be payable by Council or the Western Australian Planning Commission at such time as the land is required; and
2. Unless otherwise required in accordance with Condition 1, the proposed deck structure is to be removed by the Owner/Applicant and the area reinstated to the satisfaction of the City when the restaurant use ceases;
3. The Proprietor/Manager of the Restaurant provides the City with a Venue Management Plan to ensure that the alfresco area does not have a detrimental impact on the adjoining residential and business properties and shall include as a minimum:
 - 3.1 An Alcohol and Noise management plan;
 - 3.2 Implementation of recommendations contained in an approved acoustic report; and
 - 3.3 Procedures to consult directly with any affected persons, residents and/or businesses to resolve any noise or other issues that may arise;
 - 3.4 Procedures to address any anti-social behaviour, traffic, car parking, disposal and collection of rubbish;

4. **PRIOR TO THE SUBMISSION FOR A BUILDING PERMIT, the following shall be submitted to and approved by the City:**
- 4.1 **A licence/lease granted by the Department of Lands to the applicant permitting the placement of the structure in this location;**
 - 4.2 **An acoustic report or equivalent to manage noise generation from the alfresco use to the satisfaction of the City;**
 - 4.3 **A coloured schedule and perspectives of the external finishes of the structure associated with the alfresco area for approval by the City;**
 - 4.4 **A Storm Water Management Plan that addresses the management of stormwater from the proposed alfresco structure to the satisfaction of the City; and**
 - 4.5 **A Construction Management Plan detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan.**

ADVICE NOTES:

- 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 all signage shall be subject to a separate Building Permit application, being submitted and approved prior to the erection of the signage.**
-

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

9.3.4 Review of the Annual Budget 2014/2015

Ward:	Both	Date:	30 January 2015
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Budget Review Amendment Listing 002 – Statement of Budget Amendments for the period ending 31 December 2014		
Tabled Items:	Nil		
Reporting Officers:	B Tan, Manager Financial Services J Anthony, A/Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adjustments to the 2014/2015 Annual Budget as reported in Attachment 001;
2. **ENDORSES** the Revised Budget 2014/2015 as reported in Attachment 002; and
3. **SUBMITS** a copy of the 2014/2015 mid-year Budget Review and Council decision to the Department of Local Government and Communities, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

AMENDMENT

Moved Cr Harley, Seconded Cr Cole

That Recommendation 1 and 2 be amended to read as follows:

- “1. **APPROVES BY AN ABSOLUTE MAJORITY** the adjustments to the 2014/15 Annual Budget as reported in Attachment 001, subject to removal of the following item(s) from the list of agreed adjustments and corresponding amendment to the total values specified in that attachment:
- (a) Capital Expenditure Item 4 “Water Corporation Laneway upgrade \$7,750”; and
2. **ENDORSES** the Revised Budget 2014/2015 as reported in Attachment 002, subject to the removal of the item(s) listed in 1 above; and”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Peart was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.3.4

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adjustments to the 2014/15 Annual Budget as reported in Attachment 001, subject to removal of the following item(s) from the list of agreed adjustments and corresponding amendment to the total values specified in that attachment:
 - (a) **Capital Expenditure Item 4 “Water Corporation Laneway upgrade \$7,750”; and**
 2. **ENDORSES** the Revised Budget 2014/2015 as reported in Attachment 002, subject to the removal of the item(s) listed in 1 above; and
 3. **SUBMITS** a copy of the 2014/2015 mid-year Budget Review and Council decision to the Department of Local Government and Communities, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.
-

9.1.3 No. 448 (Lot 352 D/P 32224) Beaufort Street, Highgate – Proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use)

Ward:	South	Date:	23 January 2014
Precinct:	Mount Lawley Centre: P11	File Ref:	PR18301; 5.2014.555.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant’s Letter 004 – Car Parking Table – 448 Beaufort Street (2008) 005 – Car Parking Table – 442-446 Beaufort Street (2013) 006 – Applicant’s request for earlier starting time		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator 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, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Bruce Arnold Architects on behalf of the owner Miraldo Nominees Pty Ltd for the proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use) at No. 448 Beaufort Street, Highgate, as shown on plans stamp dated 3 October 2014 and amended plans received on 23 January 2015, included as Attachment 002, subject to the following conditions:

1. Number of Persons

- 1.1 The maximum patronage for the Small Bar including the courtyard area shall be One Hundred Twenty (120) persons;
- 1.2 The maximum patronage for the Eating House shall be One Hundred Eight (108) persons; and
- 1.3 Any proposed increase to the number of patrons of the proposed Small Bar and Eating House will require a further development application;

2. Hours of Operation

Small Bar (Unlisted Use):

- Monday to Friday – 4pm – Midnight;
- Saturday – 12 noon – Midnight; and
- Sunday – 12 noon – 10pm;

3. External Fixtures

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;

4. 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;

5. **Verge Tree**

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

6. **Sale of Liquor**

Packaged liquor is not to be sold at the Small Bar premises;

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

7.1 **Acoustic Report**

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

7.2 **Revised Plan**

Revised plans showing the provision of a minimum of two separate unisex shower and change rooms;

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

8.1 **Bicycle Parking Facilities**

Seven (7) Class Three and Four (4) 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;

8.2 **Acoustic Report**

In relation to condition 7.1, certification shall be provided that the measures recommended in the Acoustic Report approved for this development have been implemented; and

8.3 **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 Acoustic Report and must include the following:

- 8.3.1 Complaints register/management log;
- 8.3.2 Protocol for closing the doors at required times;
- 8.3.3 Style of music;
- 8.3.4 Patron noise (upon arrival and departure from the premises);
- 8.3.5 Waste collection;
- 8.3.6 Deliveries;
- 8.3.7 Antisocial behaviour; and
- 8.3.8 Community relations; 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 for Car Parking**

Provide plans showing that the required car parking shortfall of 9.73 commercial car bays can be provided onsite OR pay a cash-in-lieu contribution for the shortfall that cannot be provided on-site, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget being a contribution of \$50,596.

ADVICE NOTES:

1. In relation to Condition 2, the 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;
2. No building work shall commence without a Building Permit having been issued;
3. It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit;
4. In relation to condition 9.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City.

Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:

- 4.1 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
- 4.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 4.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
5. In relation to condition 7.2, a minimum of two separate unisex shower and change rooms is to be provided as end-of-trip facilities to allow this adjustment factor to be included in the car parking calculations.

Moved Cr Buckels, Seconded Cr McDonald

That the recommendation be adopted.

Cr Topelberg departed the Chamber at 7.23pm.

Debate ensued.

AMENDMENT 1

Moved Cr Harley, Seconded Cr McDonald

That Condition 9.1 of the Officer Recommendation be amended to read as follows:

“9.1 Cash in Lieu of Car Parking

Provide plans showing that the required car parking shortfall of ~~9.73~~ 2.73 commercial car bays can be provided onsite OR pay a cash-in-lieu contribution for the shortfall that cannot be provided on-site, based on the cost of \$5,200 per bay as set out in the City’s 2014/2015 Budget being a contribution of ~~\$50,596~~ \$14,196;

The Cash in Lieu payment of \$14,196 can be paid on a five year plan.”

ADMINISTRATION COMMENT:

It is also recommended that Advice Note 6 is added as follows:

“6. In relation to condition 9.1, seven (7) carbays are available at Nos. 442-446 Beaufort Street for reciprocal carparking.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (6-1)

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

Against: Cr Buckels

(Cr Topelberg was absent from the Chamber and did not vote.)

(Cr Peart was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Buckels, Seconded Cr Harley

That Condition 9 and Advice Note 4 of the Officer Recommendation be deleted as follows:

~~“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 for Car Parking~~

~~Provide plans showing that the required car parking shortfall of 9.73 commercial car bays can be provided onsite OR pay a cash-in-lieu contribution for the shortfall that cannot be provided on-site, based on the cost of \$5,200 per bay as set out in the City’s 2014/2015 Budget being a contribution of \$50,596;~~

ADVICE NOTE:

~~...4. In relation to condition 9.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City.~~

~~Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:~~

~~4.1 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~~

~~4.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or~~

~~4.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and"~~

AMENDMENT 1 PUT AND LOST (3-4)

For: Cr Buckels, Cr Harley and Cr Wilcox

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

(Cr Topelberg was absent from the Chamber and did not vote.)

(Cr Peart was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Topelberg was absent from the Chamber and did not vote.)

(Cr Peart was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.3

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Bruce Arnold Architects on behalf of the owner Miraldo Nominees Pty Ltd for the proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use) at No. 448 Beaufort Street, Highgate, as shown on plans stamp dated 3 October 2014 and amended plans received on 23 January 2015, included as Attachment 002, subject to the following conditions:

1. Number of Persons

1.1 The maximum patronage for the Small Bar including the courtyard area shall be One Hundred Twenty (120) persons;

1.2 The maximum patronage for the Eating House shall be One Hundred Eight (108) persons; and

1.3 Any proposed increase to the number of patrons of the proposed Small Bar and Eating House will require a further development application;

2. Hours of Operation

Small Bar (Unlisted Use):

- Monday to Friday – 4pm – Midnight;
- Saturday – 12 noon – Midnight; and
- Sunday – 12 noon – 10pm;

3. **External Fixtures**

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;

4. **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;

5. **Verge Tree**

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

6. **Sale of Liquor**

Packaged liquor is not to be sold at the Small Bar premises;

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

7.1 **Acoustic Report**

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

7.2 **Revised Plan**

Revised plans showing the provision of a minimum of two separate unisex shower and change rooms;

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

8.1 **Bicycle Parking Facilities**

Seven (7) Class Three and Four (4) 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;

8.2 **Acoustic Report**

In relation to condition 7.1, certification shall be provided that the measures recommended in the Acoustic Report approved for this development have been implemented; and

8.3 **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 Acoustic Report and must include the following:

- 8.3.1 Complaints register/management log;
- 8.3.2 Protocol for closing the doors at required times;
- 8.3.3 Style of music;
- 8.3.4 Patron noise (upon arrival and departure from the premises);
- 8.3.5 Waste collection;
- 8.3.6 Deliveries;
- 8.3.7 Antisocial behaviour; and
- 8.3.8 Community relations; 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 for Car Parking**

Provide plans showing that the required car parking shortfall of 2.73 commercial car bays can be provided onsite OR pay a cash-in-lieu contribution for the shortfall that cannot be provided on-site, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget being a contribution of \$14,196;

The Cash in Lieu payment of \$14,196 can be paid on a five year plan.

ADVICE NOTES:

1. In relation to Condition 2, the 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;
2. No building work shall commence without a Building Permit having been issued;
3. It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit;
4. In relation to condition 9.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City.

Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:

- 4.1 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
- 4.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 4.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
5. In relation to condition 7.2, a minimum of two separate unisex shower and change rooms is to be provided as end-of-trip facilities to allow this adjustment factor to be included in the car parking calculations; and
6. In relation to condition 9.1, seven (7) car bays are available at Nos. 442-446 Beaufort Street for reciprocal carparking.

9.1.5 LATE ITEM: Part of Lot 3 (D/P 63619) Oxford Street, Leederville – Water Corporation Reserve between Nos. 103-105 (Lot 100) and Nos. 109-117 (Lot 101) Oxford Street, Leederville – Proposed Rough Love Laneway Party – One-Off Music Event (Unlisted Use)

Ward:	South	Date:	9 February 2015
Precinct:	Oxford Centre (P04)	File Ref:	5.2015.36.1
Attachments:	001 – Property Information Report 002 – Application Details which includes the Consent to the proposed event from the Water Corporation 003 – Event Site Plan, Noise Management Plan and Risk Management Plan 004 – Place Manager’s Report		
Tabled Items:	Nil		
Reporting Officer:	D Doy, Place Manager 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 the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by Rough Love Event & Artist Touring Agency on behalf of the owner, Water Corporation, for the proposed Rough Love Laneway Party, a One-off Music Event (Unlisted Use) at Lot 3 (D/P 63619) Oxford Street, Leederville – Water Corporation Reserve located between Nos. 103-105 (Lot 100) and Nos. 109-117 (Lot 101) Oxford Street, Leederville as shown on plans and information stamp dated 30 January 2015, included as Attachment 003, subject to the following conditions:

1. Day and Hours of Operation

The proposed event is only permitted to operate in accordance with the following terms:

- 1.1 Event setup shall occur no earlier than 4:00pm on Saturday 21 February 2015;
- 1.2 Public access and sales shall only be conducted between 5:00pm and 12 midnight; and
- 1.3 The pack down of the event shall cease no later than 1:00am on Sunday 22 February 2015;

2. Notification of Residents/Businesses

The applicant shall notify all residents and operating businesses within a 100 metres radius of the event via letter drop no later than (7) calendar days prior to the event. The letter shall provide details of the event and a contact telephone number to notify the event organisers of any problems arising;

3. City’s Infrastructure

Any damage to the City’s infrastructure located in the Laneway shall be rectified at the cost of the event organisers;

4. **PRIOR TO THE COMMENCEMENT OF THE EVENT, the Applicant shall:**
- 4.1 **Waste Management Plan**
Submit and obtain approval for a Waste Management Plan from the City;
and
- 4.2 **Pedestrian Signage**
Submit and obtain approval from the City for a plan that demonstrates alternative pedestrian routes to and from “The Avenue” car park and Oxford Street for the duration of the event and the signage that will be used to notify pedestrians; and
5. **ON THE DAY OF THE EVENT, the applicant shall comply with the following:**
- 5.1 **Responsible Representative**
A responsible representative of Rough Love Event & Artist Touring Agency shall be present on-site for the full duration of the event to respond to any complaints or concerns;
- 5.2 **Complaints**
A complaints “Hot-line” phone number shall be made available to the public from 12 noon 21 February 2015 until 1:00am on 22 February 2015 to enable members of the public to seek information or lodge any complaints;
- 5.3 **Noise**
- 5.3.1 If the sound levels measured at the noise sensitive premises are non-compliant with the assigned levels, in accordance with Regulation 7 of the Environmental Protection (Noise) Regulations 1997, the organisers/approved manager must reduce sound levels to achieve compliance. The applicant shall ensure that sound levels are monitored by competent persons throughout the course of the event; and
- 5.3.2 Amplified music is only permitted between the hours of 5:00pm to 12 midnight on Saturday 21 February 2015;
- 5.4 **Cleaning of Event Area**
The event area shall be in a clean and tidy condition during the event hours and also cleaned and tidied after the event to a standard that is to the satisfaction of the City by 1am on 22 February 2015 at the applicant’s cost;
- 5.5 **Signage**
The applicant shall install the approved signs relating to alternative pedestrian routes in accordance with the approved plan required as part of Condition 4.2; and
- 5.6 **Capacity**
The event is not to exceed a capacity of 200 attendees at any one time.

ADVICE NOTES:

1. In relation to Condition 3 above, the applicant is required to liaise with the City’s Technical Services to conduct before and after the event inspections report of the City’s infrastructure within the Water Corporation Laneway;
2. The Applicant shall ensure that temporary food stall application forms are submitted to the City at least seven (7) days prior to the event;

3. The Applicant shall ensure compliance with the City's conditional Form 1 and Form 2 approval that will be issued, in accordance with the *Health (Public Buildings) Regulations 1992*, following Council approval of the Event;
4. All Noise Management requirements are undertaken in line with the Noise Management Plan, and Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
5. Any direction (written or oral), by an Inspector appointed under Section 88 of the *Environmental Protection Act 1986*, and employed by the City of Vincent or the Department of Environment Regulation to reduce sound levels shall be complied with forthwith. Failure to comply may result in further action being instigated under Section 79 and/or Section 81 of the *Environmental Protection Act 1986*, as determined appropriate;
6. Compliance with the recommendation of the Risk Management Plan; and
7. The Water Corporation requires the applicant to have a current public liability certificate.

Cr Topelberg returned to the Chamber at 7.43pm.

Moved Cr Harley, Seconded Cr McDonald

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McDonald, Seconded Cr Wilcox

That a new Condition 6 be added as follows:

"6. The applicant paying a bond or lodging a bank guarantee with the City for the amount of \$10,000 to secure compliance with conditions 3 and 5-4 of this approval. Relative to this condition, the applicant shall provide an unconditional authorisation for the City to draw on the bond or bank guarantee to clean and make good the laneway if the applicant defaults on compliance with conditions 3 or 5-4."

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Peart was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4) TO ACHIEVE SIMPLE MAJORITY (ABSOLUTE MAJORITY REQUIRED s1.9 (a))

For: Presiding Member, Mayor John Carey (two votes – deliberative and casting vote), Cr Cole, Cr McDonald and Cr Topelberg

Against: Cr Buckels, Cr Harley, Cr Pintabona and Cr Wilcox

(Cr Peart was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.5 (SIMPLE MAJORITY DECISION)

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application submitted by Rough Love Event & Artist Touring Agency on behalf of the owner, Water Corporation, for the proposed Rough Love Laneway Party, a One-off Music Event (Unlisted Use) at Lot 3 (D/P 63619) Oxford Street, Leederville – Water Corporation Reserve located between Nos. 103-105 (Lot 100) and Nos. 109-117 (Lot 101) Oxford Street, Leederville as shown on plans and information stamp dated 30 January 2015, included as Attachment 003, subject to the following conditions:

1. **Day and Hours of Operation**

The proposed event is only permitted to operate in accordance with the following terms:

- 1.1 Event setup shall occur no earlier than 4:00pm on Saturday 21 February 2015;
- 1.2 Public access and sales shall only be conducted between 5:00pm and 12 midnight; and
- 1.3 The pack down of the event shall cease no later than 1:00am on Sunday 22 February 2015;

2. **Notification of Residents/Businesses**

The applicant shall notify all residents and operating businesses within a 100 metres radius of the event via letter drop no later than (7) calendar days prior to the event. The letter shall provide details of the event and a contact telephone number to notify the event organisers of any problems arising;

3. **City's Infrastructure**

Any damage to the City's infrastructure located in the Laneway shall be rectified at the cost of the event organisers;

4. **PRIOR TO THE COMMENCEMENT OF THE EVENT, the Applicant shall:**

4.1 **Waste Management Plan**

Submit and obtain approval for a Waste Management Plan from the City; and

4.2 **Pedestrian Signage**

Submit and obtain approval from the City for a plan that demonstrates alternative pedestrian routes to and from "The Avenue" car park and Oxford Street for the duration of the event and the signage that will be used to notify pedestrians; and

5. **ON THE DAY OF THE EVENT, the applicant shall comply with the following:**

5.1 **Responsible Representative**

A responsible representative of Rough Love Event & Artist Touring Agency shall be present on-site for the full duration of the event to respond to any complaints or concerns;

5.2 **Complaints**

A complaints "Hot-line" phone number shall be made available to the public from 12 noon 21 February 2015 until 1:00am on 22 February 2015 to enable members of the public to seek information or lodge any complaints;

5.3 Noise

5.3.1 If the sound levels measured at the noise sensitive premises are non-compliant with the assigned levels, in accordance with Regulation 7 of the Environmental Protection (Noise) Regulations 1997, the organisers/approved manager must reduce sound levels to achieve compliance. The applicant shall ensure that sound levels are monitored by competent persons throughout the course of the event; and

5.3.2 Amplified music is only permitted between the hours of 5:00pm to 12 midnight on Saturday 21 February 2015;

5.4 Cleaning of Event Area

The event area shall be in a clean and tidy condition during the event hours and also cleaned and tidied after the event to a standard that is to the satisfaction of the City by 1am on 22 February 2015 at the applicant's cost;

5.5 Signage

The applicant shall install the approved signs relating to alternative pedestrian routes in accordance with the approved plan required as part of Condition 4.2; and

5.6 Capacity

The event is not to exceed a capacity of 200 attendees at any one time.

- 6.** The applicant paying a bond or lodging a bank guarantee with the City for the amount of \$10,000 to secure compliance with conditions 3 and 5-4 of this approval. Relative to this condition, the applicant shall provide an unconditional authorisation for the City to draw on the bond or bank guarantee to clean and make good the laneway if the applicant defaults on compliance with conditions 3 or 5-4.

ADVICE NOTES:

- 1.** In relation to Condition 3 above, the applicant is required to liaise with the City's Technical Services to conduct before and after the event inspections report of the City's infrastructure within the Water Corporation Laneway;
- 2.** The Applicant shall ensure that temporary food stall application forms are submitted to the City at least seven (7) days prior to the event;
- 3.** The Applicant shall ensure compliance with the City's conditional Form 1 and Form 2 approval that will be issued, in accordance with the *Health (Public Buildings) Regulations 1992*, following Council approval of the Event;
- 4.** All Noise Management requirements are undertaken in line with the Noise Management Plan, and Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
- 5.** Any direction (written or oral), by an Inspector appointed under Section 88 of the *Environmental Protection Act 1986*, and employed by the City of Vincent or the Department of Environment Regulation to reduce sound levels shall be complied with forthwith. Failure to comply may result in further action being instigated under Section 79 and/or Section 81 of the *Environmental Protection Act 1986*, as determined appropriate;
- 6.** Compliance with the recommendation of the Risk Management Plan; and
- 7.** The Water Corporation requires the applicant to have a current public liability certificate.

9.4.1 Sponsorship of FORM PUBLIC Festival 2015

Ward:	South	Date:	23 January 2015
Precinct:	Oxford Centre (4)	File Ref:	SC2072
Attachments:	001 – FORM Letter 002 – Amended FORM Public 2015 proposal 003 – FORM Public 2014 acquittal		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity A Birch, Acting Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. NOTES the proposal from FORM seeking the City of Vincent's support to sponsor the festival 'PUBLIC 2015' as detailed in Attachment 001, Attachment 002 and in the body of this report; and
2. APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$20,000 from the 'Concerts in the Park' budget to the 'Form Art Festival' budget, as currently listed in the City's 2014/15 Budget for a total contribution of \$35,000, to deliver the PUBLIC Festival 2015 as follows:
 - 2.1 A minimum of six (6) highly visible murals in the Leederville Town Centre;
 - 2.2 A closing party at Oxford Street Reserve on Friday 17 April that is free and open to the general public;
 - 2.3 Three (3) symposium tickets;
 - 2.4 An urban art walk for up to fifteen (15) Town Team members; and
 - 2.5 Supporting Partner sponsorship benefits.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Cole, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Peart was an apology for the Meeting.)

9.2.1 Proposed Traffic Calming – View Street, North Perth

Ward:	North	Date:	22 January 2015
Precinct:	Smith's Lake (6)	File Ref:	SC976 / SC228
Attachments:	001 – Proposed Plan No. 3170-CP-01 002 – Public Consultation Summary		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** the implementation of the proposed traffic calming for View Street, North Perth between Charles and Woodville Streets, estimated to cost \$20,000 as shown on attached Plan No. 3170-CP-01; and
2. **ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, **Seconded** Cr Cole

That the recommendation be adopted.

Cr Harley departed the Chamber at 8.30pm.

Cr Harley returned to the Chamber at 8.33pm.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

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

Against: Cr Harley and Cr Topelberg

(Cr Peart was an apology for the Meeting.)

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg - Endorsing a Position on Desired Future Building Height Limits along Major Roads

That Council REQUESTS the Chief Executive Officer to provide a report for Council to endorse a position on desired future building height limits of proposed developments on lots located along major roads outside nominated District Centres with proposed codings of R100 or greater under draft TPS2.

Deputy Mayor Cr Harley vacated the Chair at 6.52pm.

The Presiding Member Mayor Carey returned to the Chamber and assumed the Chair at 6.52pm.

COUNCIL DECISION ITEM 10.1

Moved Cr Topelberg Seconded Cr Harley

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

10.2 NOTICE OF MOTION: Cr Joshua Topelberg – Amendment to Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations

That Council AMENDS Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations to insert a new Clause 3.1 as follows and the remaining Clauses be renumbered:

“3.1 The provisions of this Policy must not be used in conjunction with the requirements of Town Planning Scheme No. 2 as adopted by Council at its Special Meeting held on 18 November 2014.”

COUNCIL DECISION ITEM 10.2

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Peart was an apology for the Meeting.)

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 8.35pm 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 John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Len Kosova	Chief Executive Officer
Rick Lotznicker	Director Technical Services
Gabriela Poezyn	Director Planning Services
John Paton	Director Corporate Services
Rob Boardman	Director Community Services
Jerilee Highfield	Executive Assistant, Minutes Secretary

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 March 2015.

Signed: Mayor John Carey.

Dated this day of 2015.