



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

16 June 2020

Table of Contents

1	Declaration of Opening / Acknowledgement of Country.....	4
2	Apologies / Members on Leave of Absence	4
3	(A) Public Question Time and Receiving of Public Statements	4
	(B) Response to Previous Public Questions Taken On Notice.....	6
4	Applications for Leave of Absence	8
5	The Receiving of Petitions, Deputations and Presentations	9
6	Confirmation of Minutes	9
7	Announcements by the Presiding Member (Without Discussion)	9
8	Declarations of Interest	9
	REPORTS	10
	Items Approved "En Bloc":	11
10.1	Traffic Management at the Intersection of Walcott Street and Beaufort Street, Mount Lawley	12
11.2	Investment Report as at 30 April 2020	13
11.3	Authorisation of Expenditure for the Period 1 April 2020 to 30 April 2020	14
11.4	Financial Statements as at 30 April 2020	15
12.2	Corporate Business Plan 2018/19 - 2021/22 - Quarterly Update	16
12.4	Appointment of a CEO Performance Review Consultant	17
12.5	Reconciliation Action Plan Working Group - Administrative Amendment to Council Decision	18
12.6	Information Bulletin	19
	Items with Discussion	20
9.2	No. 17 (Lots: 1-8; D/P: 4465) Florence Street, West Perth - Proposed Two Grouped Dwellings and Alterations and Additions to Eight Existing Multiple Dwellings.....	20
9.4	Outcomes of Advertising Amendment No. 2 to Local Planning Policy No. 7.1.1 - Built Form; Appendix No. 16 Design Guidelines for Perth; and Appendix No. 18 - Design Guidelines for William Street.....	25
10.2	Department of Transport Long Term Cycle Network Endorsement	27
9.1	Nos. 539-545 (Lots: 9, 10 and 30; D/P: 1477 and 49374) Beaufort Street, Mount Lawley - Proposed Mixed Use Development (Amendment to Approved)	30
9.3	No. 50 (Lot: 412 D/P: 415381) Barlee Street, Mount Lawley - Proposed Single House	32
11.1	Petition - Friends of ANZAC Cottage	34
11.5	Differential Rating Strategy 2020/21	35
12.1	Annual Review of Council Delegations and proposed amendments to the Execution of Documents Policy [ABSOLUTE MAJORITY DECISION REQUIRED]	36
12.3	Outcomes of advertising and adoption of new policies - Elected Members Continuing Professional Development Policy, Council Proceedings - Recording and Web Streaming Policy and Risk Management Policy [ABSOLUTE MAJORITY DECISION REQUIRED]	37
13	Motions of Which Previous Notice Has Been Given.....	38
14	Questions by Members of Which Due Notice Has Been Given (Without Discussion).....	38
15	Representation on Committees and Public Bodies.....	38
16	Urgent Business	38

17 Confidential Items/Matters For Which the Meeting May be Closed38
18 Closure39

**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
E-MEETING, ACCESS AVAILABLE ON THE CITY'S WEBSITE
[HTTP://WEBCAST.VINCENT.WA.GOV.AU/](http://webcast.vincent.wa.gov.au/)
AND AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 16 JUNE 2020 AT 6PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Dan Loden</p> <p>Cr Joshua Topelberg Cr Sally Smith Cr Ashley Wallace</p>	<p>Presiding Member South Ward North Ward North Ward South Ward North Ward (arrived at 7.18pm, during Item 10.2) South Ward North Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy</p> <p>Virginia Miltrup</p> <p>Jay Naidoo Stephanie Smith Meluka Bancroft</p> <p>Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Community & Business Services Manager Development & Design Manager Policy & Place Executive Manager Corporate Strategy & Governance Council Liaison Officer</p>

Public: Approximately 8 members of the public, 4 via E-Meeting and 4 in person.

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.05pm and read the following Acknowledgement of Country statement:

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Cr Dan Loden North Ward (arrived at 7.18pm, during Item 10.2)

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

No questions or statements were submitted prior to the Meeting. 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.

3.1 Dudley Maier – Highgate

Item 9.4 - Outcomes of Advertising Amendment No. 2 to Local Planning Policy No. 7.1.1 - Built Form; Appendix No. 16 Design Guidelines for Perth; and Appendix No. 18 - Design Guidelines for William Street

Statement

This document is the worst I have seen in 20 years of looking at council policies. It is far too long, it is confusing, it unnecessarily repeats things that are in the R-Codes, it increases red tape, is complex and still contains mistakes.

I did put in a submission but I stopped developing the submission when frustration got the better of me, and I thought '*why should I bother trying to improve this if the council and administration thought it was good enough*'. I did keep a record of mistakes with the intention of seeing if they were picked up. I really think that the policy is worthy of independent, external review.

If I had to choose one word to describe this policy it would be 'embarrassing'.

Arts Grants and Leederville Gardens Trust Grants

The COVID Committee has approved disbursement of funds from the Leederville Gardens Trust Fund. They also had an item on tonight's agenda to disburse funds from the Percent for Arts Reserve for 'arts relief'.

I think it strange that the decision about how to spend the Percent for Art money went to the COVID Committee rather than waiting an extra hour to present it to a full Council meeting, where all council members could participate; and all council members could shoulder the responsibility!

The thing that is consistent between the relevant reports to the COVID Committee, and the attachments that provided details, is that they were made confidential.

The reason given is that the reports may contain information that can be of commercial value – what is commonly called commercial-in-confidence.

This reason seems to be used more and more in order to make things confidential.

I'd like to quote from a paper presented to a conference in 1999 by the Commonwealth Auditor General, Pat Barrett, which dealt with commercial-in-confidence:

The "defence (that papers were commercially sensitive and should not be released) is over-used by governments trying to avoid scrutiny and embarrassment, and often represents arrogance of the first order; ... The system requires the utmost transparency and direct accountability from its ... representatives. ... Lack of transparency and limiting the capacity ... to review ... decisions weakens our democracy".

Questions

- With regards to the lease for 246 Vincent Street:
 - what would the total income from the rent component (i.e. excluding the payment for parking) be over the 10 year period if no incentive was involved, the initial payment was \$754,800, and the rent increased by 3% per annum?
 - What is 40% of this amount?
 - Who performed due diligence on the lease proposal?
- Now that the lease for 246 Vincent Street has been finalised, will the Administration make public the valuation that was Attachment 6 of the item that went to the 10 December 2019 Meeting? If not, why not?
- What council workshops have been held since 28 April and what topics were discussed at each workshop?

The Presiding Member Mayor Emma Cole thanked Mr Maier for his comments. Administrations' responses will be provided in the Agenda for the 28 July 2020 Ordinary Council Meeting.

3.2 Andrew Main of North Perth – Item 10.2 - Department of Transport Long Term Cycle Network Endorsement

- Supports public consultation and suggested it should be a forum setting, to enable an exchange of ideas.
- Acknowledged that Council is pushing back on the Hyde Park route.
- Suggested that Council should consider not supporting other suggested routes.

The Presiding Member Mayor Emma Cole thanked Mr Main for his comments.

3.3 Janine Lindsay of Ecologic Homes, Karrinyup – Item 9.2 No. 17 (Lots: 1-8; D/P: 4465) Florence Street, West Perth - Proposed Two Grouped Dwellings and Alterations and Additions to Eight Existing Multiple Dwellings

- Car parking has been raised as a concern, but they believe that parking in the set back is in line with the rest of the street, but is also a more protected and attractive option than those provided for most of the neighbourhood parking.
- Listed sections of the Residential Design Codes in support of her argument.
- Stated that they had been trying to get this development approved for 14 months.
- Advised that this development will improve a deteriorating, unappealing block of flats and create a diverse environment to live in.

The Presiding Member Mayor Emma Cole thanked Ms Lindsay for her comments.

There being no further speakers, Public Question Time closed at approximately 6.14pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

These questions were taken on notice at the Ordinary Council Meeting on 19 May 2020.

3.1 John Gartner, Forrest Park Croquet Club, of Mount Lawley

Question 1

Please advise the cost of Maintenance of Forrest Park Reserve, i.e. the reserve bounded by Walcott St, Curtis St and Harold St Highgate, and excluding Forrest Park Croquet Club by the City of Vincent for each of the financial years, 2016-17, 2017-18, 2018-19. In addition, the budget amount and year to date expenditure for the same reserve for 2019-20 financial year.

The Forrest Park Reserve grounds maintenance budget is as follows:

2019/2020 YTD	\$112,300
2018/2019	\$116,750
2017/2018	\$129,850
2016/2017	\$ 95,090

Question 2

Please advise the income from the hiring of Forrest Park Reserve, i.e. the reserve bounded by Walcott St, Curtis St and Harold St Highgate, and excluding Forrest Park Croquet Club by the City of Vincent for each of the financial years, 2016-17, 2017-18, 2018-19.

In addition, the income to date for the same reserve for 2019-20 financial year.

The income the City has received through hiring the Forrest Park Reserve grounds is as follows:

2019/2020 YTD	\$6,959
2018/2019	\$2,982
2017/2018	\$2,403
2016/2017	\$4,920

3.2 Dudley Maier of Highgate

1. In Item 11.6 (Budget Review) why is the administration proposing that Interest Earnings be reduced to \$748,100 "due to low interest rates offered" when the Financial Statement for the end of March (Item 11.4), with a quarter of the year still to go, already shows interest earnings of \$729,175?

The Executive Director Community and Business Services provided the following response at the 19 May Council Meeting:

The City has revised down its expected earnings from interest for the 2019/2020 year. Interest earnings arising from investments is currently 50% of expected earnings due to lower than expected interest rates (refer to agenda item 11.3). This is not projected to improve in the last quarter of this financial year. Additionally, interest earnings from debtors and outstanding rates has been waived for the last quarter as part of the City's Covid-19 Response and Recovery. The combined effect means that the City has dramatically downgraded earning projections for the final quarter.

2. At the meeting of 7 April, I asked if the City considered asking the Department of Local Government, Sport and Cultural Industries to defer the payment of the \$558,000 rental incentive for 246 Vincent Street. I also asked if not, why not? The response given does not answer my question and simply states the incentive was mutually agreed.

In fact, the response indicates that the lease has not been finalised and this is backed up by the inclusion of a report on tonight's agenda (Item 12.4) which seeks to correct the mistake/oversight in the previously approved conditions of the lease.

Given that there is no indication that the initial incentives will actually be spent on the fitout of the building and will simply go to consolidated revenue, and given that all local governments may potentially have significantly reduced incomes from non-rate sources next year, it would seem that the City may have grounds to request a deferral of all or part of the incentive.

Given that the lease has not been finalised will the city approach the Department about deferring some or all of the initial incentive?

The lease for this building has been agreed and finalised.

3. At the meeting of 7 April I asked who prepared the report for Item 12.3 (Sale of Land). The answer provided did not say who wrote the report - simply saying that all reports are authorised by the CEO.

Nearby local authorities such as Perth, Subiaco, Cambridge, Stirling and Victoria Park identify the report authors, with most giving the author's name as well as position.

I am of the opinion that the former practice of identifying a report's author was an important part of encouraging accountability and pride in one's work by removing the cloak of anonymity. The former inclusion of a specific 'authoriser' also gave an indication that reports had been checked by a manager with technical knowledge and responsibility.

So I ask: who wrote the report for Item 12.3 (Sale of Land) of the meeting of 7 April; and who wrote the report concerning the lease of 246 Vincent Street for the meeting of 11 February 2020 (Item 12.4).

The position outlined in a Council report is the collective position of the Administration – not the single view of any individual officer.

Most Council agenda reports are prepared by multiple officers. Administration's position is that what is written is more important than who writes it.

All officers represent the Administration's collective position when preparing reports and not their own personal views. This approach also ensures that individual staff members are not targeted unfairly by readers of Administration reports as personally or individually responsible for a whole of Administration position.

In some instances this helps protect the privacy of staff members who could otherwise become a personal target by someone who does not agree with a whole of Administration position.

Questions or comments about Administration's position outlined in any Council report should be directed in the first instance to the CEO or the responsible Executive Director.

4. The answer to question 4 that I asked at the 5 May COVID Committee meeting, relating to details of how the Leederville Gardens Trust Fund will be spent, states:
"The Trust includes a requirement that: [the PBIs in question] exist for the acquisition, provision, maintenance, management or extension of any existing housing, villages, flats apartments or similar accommodation operated by the Association, or the purchase or construction of a similar type of facility for senior citizens within the Town's boundaries."

Does the administration stand by that statement, or was I given the wrong answer?

Administration's response provided in the 12 May 2020 COVID-19 Relief and Recovery Committee Agenda referred to the provision of the Leederville Gardens Inc. constitution. The relevant clause of the constitution for the purposes of the allocation of the \$1 million of the Leederville Gardens Trust funds is as follows:

"disbursements therefrom shall only be made to public benevolent institutions which are located within the municipality of the City of Perth and which are covered by the provisions of subparagraph 78(1)(a)(ii) of the Income Tax Assessment Act".

Further to the response provided to the 12 May 2020 Meeting, it is also noted that the recommendation to the 28 April 2020 COVID-19 Relief and Recovery Committee Meeting was confidential as it contained details of the applicants business proposals and potential contracts that the City may enter into, which is commercially sensitive to the applicants.

5. What items were discussed or presented at the council workshop of 28 April?
- Scarborough Beach Road/Main/Green/Brady Street Intersections
 - Asset Management Strategy
 - Youth Action Plan – Summary of Consultation Outcomes and Proposed Focus Areas
 - Updated Guidelines for Electronic Council Proceedings
 - Proposed amendments to the Local Government Property Local Law
 - Vincent Ideas Program
 - Status of City's Advisory Groups

4 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved: Cr Castle, **Seconded:** Cr Hallett

- 4.1 Cr Ashley Wallace - 21 July 2020 to 28 July 2020 inclusive

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

- 4.2 At the Ordinary Council Meeting held on 11 February 2020 Council approved Cr Gontaszewski's request for leave of absence from 29 June 2020 to 4 September 2020 inclusive. Cr Gontaszewski has requested that this leave of absence be cancelled.

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Fotakis, **Seconded:** Cr Gontaszewski

That the minutes of the Ordinary Meeting held on 19 May 2020 be confirmed.

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcements:

7.1 HAYNES STREET RESERVE DEVELOPMENT PLAN

The development plan for Haynes Street Reserve has now been released for community comment, having been delayed by COVID-19. The City is trying to return recreational land back to park land, while still meeting the needs of the current tenants, including a very popular child care centre. The City has the support of the Attorney General in remaining in breach of the Deed of Trust for a five year period, to allow for transitional arrangements to be put in place to ensure no disruption to the child care centre operations. There will be a phased return to parkland as tenants are moved. This land was identified in our Public Open Space strategy, as it is a unique block in that it is a sizable, north-facing block in a pocket where extra green space is needed.

7.2 COVID-19 RESPONSE

The City's teams have visited 233 businesses, Beatty Park Leisure Centre has now opened seven days a week with no booking required for the swimming pool. Today there were 800 visitors to the Leisure Centre and we have re-engaged 40 casual staff members. Leederville Village Square is closed this weekend, after which the City will review if businesses are getting value from that, as due to the weather patrons may be happier indoors. The COVID-19 Relief and Recovery Committee has disbursed funds from the Leederville Gardens Trust Funds to six public benevolent institutions; People who Care, St Vincent de Paul, Ruah, Uniting WA, YMCA and Foodbank. At tonight's COVID-19 Relief and Recovery Committee meeting the first tranche of arts relief was awarded.

8 DECLARATIONS OF INTEREST

8.1 Cr Castle declared a financial interest in Item 11.1 - Petition – Friends of ANZAC Cottage. The extent of her interest is that Friends of ANZAC Cottage are an ongoing client of her business. She is not seeking approval to participate in the debate or to remain in Chambers and vote on the matter.

- 8.2** Cr Topelberg disclosed a proximity interest in Item 9.4 – Outcomes Of Advertising Amendment No. 2 To Local Planning Policy No. 7.1.1 - Built Form; Appendix No. 16 Design Guidelines For Perth; And Appendix No. 18 - Design Guidelines For William Street. The extent of his interest in this matter is that his family own a property at 346-352 William Street within the area subject to the William Street guidelines. Cr Topelberg sought approval to remain in the Council Chamber and participate in the debate only but not to vote on the matter.

In accordance with clause 2.17 of the Meeting Procedures Local Law and section 5.68(1) of the *Local Government Act 1995* Council may consider and determine Cr Topelberg's request to participate in the debate on this particular item notwithstanding his proximity interest disclosure, providing it does so while Cr Topelberg is not in the Council Chamber.

The Chief Executive Officer advised Council that when determining Cr Topelberg's request it must have regard to the criteria outlined in s5.68(1)(a) and (b)(i) and (ii) of the Act and in doing so, Council must be satisfied that Cr Topelberg's interest is either:

- so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
- common to a significant number of electors or ratepayers.

The Chief Executive Officer advised Council that the nature and extent of Cr Topelberg's interest would not be common to a significant number of electors or ratepayers, thus ruling out the application of item (II) above.

At 6.20 pm, Cr Joshua Topelberg left the meeting.

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That in accordance with section 5.68(1)(a) and (b)(i) and (ii)(I) of the Local Government Act 1995 Council **ALLOWS** Cr Topelberg to remain in the Council Chamber and participate in the debate only but not to vote on Item 9.4.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item)

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

At 6.21 pm, Cr Joshua Topelberg returned to the meeting.

REPORTS

The Presiding Member, Mayor Emma Cole, advised the meeting of:

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**
Items 9.2, 9.4, 10.2
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 12.1, 12.3.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 9.4, 11.1

The Presiding Member, Mayor Emma Cole, 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 Cole	9.1
Cr Hallett	11.5
Cr Topelberg	9.3

The Presiding Member, Mayor Emma Cole therefore requested the Chief Executive Officer, David MacLennan, to advise the meeting of:

- (e) **Unopposed items which will be moved “En Bloc”, being:**
Items 10.1, 11.2, 11.3, 11.4, 12.2, 12.4, 12.5, 12.6 and 15.1
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Nil

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Hallett

**That the following unopposed items be adopted “En Bloc”, as recommended:
Items 10.1, 11.2, 11.3, 11.4, 12.2, 12.4, 12.5, 12.6 and 15.1**

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

10.1 TRAFFIC MANAGEMENT AT THE INTERSECTION OF WALCOTT STREET AND BEAUFORT STREET, MOUNT LAWLEY**Attachments: Nil****RECOMMENDATION:****That Council:**

- 1. NOTES the significant reduction in traffic accidents at the intersection since the introduction of the 'right turn bans' in 2017;**
- 2. SUPPORTS making the 'right turn bans' permanent; and**
- 3. ADVISES Main Roads WA and the City of Stirling of its decision.**

COUNCIL DECISION ITEM 10.1**Moved: Cr Castle, Seconded: Cr Hallett****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil**(Cr Loden was an apology for this item.)**

11.2 INVESTMENT REPORT AS AT 30 APRIL 2020**Attachments:** 1. Investment report as at 30 April 2020 **RECOMMENDATION:**

That Council NOTES the Investment Report for the month ended 30 April 2020 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.2**Moved:** Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil**(Cr Loden was an apology for this item.)**

11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 APRIL 2020 TO 30 APRIL 2020

- Attachments:
1. Payments by Direct Debit April 20 
 2. Payments by EFT, BPAY and Payroll April 20 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 April 2020 to 30 April 2020 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$4,649,898.84
Cheques	\$0.00
Direct debits, including credit cards	\$165,701.99
Total payments for April 2020	\$4,815,600.83

COUNCIL DECISION ITEM 11.3

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

11.4 FINANCIAL STATEMENTS AS AT 30 APRIL 2020**Attachments:** 1. Financial Statements as at 30 April 2020 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 30 April 2020 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.4**Moved:** Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil**(Cr Loden was an apology for this item.)**

12.2 CORPORATE BUSINESS PLAN 2018/19 - 2021/22 - QUARTERLY UPDATE

- Attachments:
1. Corporate Business Plan 2018/19 2021/22 Quarterly Update as at 12 June 2020 
 2. Change Request Summary Listing for CBP 2018/19 - 2021/22 - June 2020 
 3. Closure Report Summary Listing for CBP 2018/19 - 2021/22 - June 2020 

RECOMMENDATION:

That Council:

1. **RECEIVES** the update on the City's Corporate Business Plan 2018/19 – 2021/22 2019/20 at Attachment 1.
2. **APPROVES** the project change requests for Item 1.5 - Three Bin Food Organics Garden Organics Collection System as detailed at Attachment 2.
3. **NOTES** the project closures as detailed at Attachment 3.
4. **NOTES** that the annual review and update of the Corporate Business Plan is being prepared for Council consideration and that project tracking and reporting requirements will be reviewed for the next financial year as part of the ongoing development of the Project Management Framework.

COUNCIL DECISION ITEM 12.2

Moved: Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

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12.4 APPOINTMENT OF A CEO PERFORMANCE REVIEW CONSULTANT

Attachments:

1. Summary of Consultant Fees - Confidential
2. Consultant submissions - Confidential

RECOMMENDATION:

That Council **APPOINTS** Ms Natalie Lincoln of Price Consulting Pty Ltd to assist Council with the Chief Executive Officer's Performance Reviews for 2019/20 and 2020/21 in accordance with Policy 4.2.16 – CEO Annual Performance Review.

COUNCIL DECISION ITEM 12.4

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

12.5 RECONCILIATION ACTION PLAN WORKING GROUP - ADMINISTRATIVE AMENDMENT TO COUNCIL DECISION

Attachments: 1.  Item 11.4 Reconciliation Action Plan Working Group - amended resolution

RECOMMENDATION:

That Council APPROVES the following amendment to Resolution 2 of Item 11.4 of its 7 April 2020 decision – Reconciliation Action Plan Working Group:

“2. APPOINTS the following six community members as the City’s representatives on the RAPWG for the term 1 April 2020 to the date of the next ordinary local government election, 16 October 2020~~1~~.”

COUNCIL DECISION ITEM 12.5

Moved: Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

12.6 INFORMATION BULLETIN

- Attachments:**
1. Corporate Business Plan 2018/19 to 2021/22 - Monthly update of Top 10 Key Projects as at 15 May 2020 
 2. Minutes of Tamala Park Regional Council - Special Meeting held on 11 May 2020 
 3. Confirmed Minutes of the COVID-19 Relief and Recovery Committee 12 May 2020 
 4. Confirmed Minutes of the COVID-19 Relief and Recovery Committee 19 May 2020 
 5. Unconfirmed Minutes of the COVID-19 Relief and Recovery Committee 26 May 2020 
 6. Statistics for Development Services Applications as at end of May 2020 
 7. Register of Legal Action and Prosecutions Monthly - Confidential
 8. Register of Legal Action - Orders and Notices Quarterly - Confidential
 9. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 28 May 2020 
 10. Register of Applications Referred to the MetroWest Development Assessment Panel - Current 
 11. Register of Applications Referred to the Design Review Panel - Current 
 12. Register of Petitions - Progress Report - June 2020 
 13. Register of Notices of Motion - Progress Report - June 2020 
 14. Register of Reports to be Actioned - Progress Report - June 2020 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated June 2020.

COUNCIL DECISION ITEM 12.6

Moved: Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

)

ITEMS WITH DISCUSSION

9.2 NO. 17 (LOTS: 1-8; D/P: 4465) FLORENCE STREET, WEST PERTH - PROPOSED TWO GROUPED DWELLINGS AND ALTERATIONS AND ADDITIONS TO EIGHT EXISTING MULTIPLE DWELLINGS

Ward: South

- Attachments:
1. Consultation and Location Map 
 2. Proposed Development Plans 
 3. Applicant's Supporting Information 
 4. Deferred Development Plans 
 5. Summary of Submissions - Administration's Response 
 6. Summary of Submissions - Applicant's Response 
 7. Design Review Panel Minutes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for proposed Two Grouped Dwellings and Alterations and Additions to Eight Existing Multiple Dwellings at No. 17 (Lots: 1-8; D/P: 4465) Florence Street, West Perth, in accordance with the plans provided in Attachment 2, for the following reasons:

1. The proposed development is contrary to the Local Planning Scheme No. 2 Residential zone objectives as the alterations and additions to the existing Multiple Dwellings would not facilitate high quality design, built form and streetscape within the locality. The design and siting of the car parking results in a visual dominance to the streetscape that negatively impacts the prevailing amenity and character of the neighbourhood;
2. As a consequence of the scale and intensity of the proposal, the development does not meet the Element Objectives of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments as:
 - 2.1 The design and location of car parking does not minimise negative visual impacts on the amenity and the adjoining public domain and is inconsistent with the existing neighbourhood streetscape character and dominates the interface of the development (Element 3.6, Element 3.9 and Element 4.6);
 - 2.2 The location of Car bay 2 is directly adjacent to the internal living area of Unit 1, resulting in negative visual and amenity impacts to the future occupants (Element 3.9);
 - 2.3 The provision of screening devices to the private open spaces of Unit 6 and Unit 7 reduce the external outlook from the balcony and adjoining living spaces, resulting in decreased residential amenity for occupants (Element 3.5 and Element 4.4); and
 - 2.4 Units 5 – 8 are not provided with well-designed, functional and conveniently located storage areas, resulting in a decreased amenity on-site (Element 4.6);
3. The proposal as a whole results in a bulk, scale and appearance that is not compatible with its setting in the Residential zone (Clause 67(m) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
4. As a consequence of the car parking located within the front setback area, the proposal would detract from the amenity and character of the residential locality (Clause 67(n) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

COUNCIL DECISION ITEM 9.2

Moved: Cr Topelberg, **Seconded:** Cr Hallett

That the recommendation be adopted.

LOST (0-8)

For: Nil

Against: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

(Cr Loden was an apology for this item.)

ALTERNATIVE RECOMMENDATION

Moved: Cr Topelberg, **Seconded:** Cr Wallace

That Council:

In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Two Grouped Dwellings and Alterations and Additions to Eight Existing Multiple Dwellings at No. 17 (Lots: 1-8; D/P: 4465) Florence Street, West Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions and determination advice note:

1. **Boundary Walls**

The owners of the subject land shall finish and maintain the surface of all boundary walls facing adjoining properties in a good and clean condition prior to practical completion of the development to the satisfaction of the City. The finish of the boundary walls is to be fully rendered or face brickwork; or material as otherwise approved; to the satisfaction of the City;

2. **Landscaping**

2.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of development. The plan shall be drawn to a scale of 1:100, prepared generally in accordance with the landscaping plan dated 8 April 2020 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The proposed tree immediately to the west of the 'Visitor Bays' being a minimum of 200 litres or the inclusion of an additional landscaping treatment to screen the 'Visitor Bays' when viewed from the street, to the City's satisfaction; and
- The provision of trees within deep soil areas on site to maximise the amount of canopy coverage. The tree species are to be in accordance with the City's recommended tree species list;

2.2 All works shown in the plans as identified in Condition 2.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

3. **Fencing**

The gate and/or fencing infill panels above the approved solid portions of wall shall be visually permeable in accordance with the State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City;

4. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve;

5. Sightlines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:

5.1 Walls, letterboxes or fences adjoin vehicular access points to the site; or

5.2 A driveway meets a public street; or

5.3 Two streets intersect;

Unless otherwise approved by the City of Vincent;

6. Car Parking and Access

6.1 'Carbay 2' shall be designated for the exclusive use of Unit 1;

6.2 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

6.3 The bicycle facilities shall be design in accordance with AS2890.3;

6.4 All driveways, car parking and manoeuvring area(s) which form part of this approval 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/occupier to the satisfaction of the City;

6.5 Vehicle access points are required to match into existing right of way levels;

6.6 Prior to the first occupation of the development, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner's full expense;

6.7 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and

6.8 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or stores, where provided;

7. Schedule of External Finishes

Prior to the commencement of development, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the City. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development;

8. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, 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;

9. Clothes Drying Facilities

Each multiple dwelling shall be provided with a mechanical dryer or a clothes drying area screened from the public realm in accordance with State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City, prior to the occupation or use of the development; and

10. Visual Privacy

Prior to occupancy of the development, all privacy screening to the Grouped and Multiple Dwellings shall be at least 1.6 metres in height, at least 75 percent obscure, made of durable material, and permanently fixed to the locations shown on the approved plans, to the satisfaction of the City.

DETERMINATION ADVICE NOTES

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 and the Western Australian Planning Commission's Metropolitan Region Scheme only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
3. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
4. Noisy Construction Work outside the period 7:00 am to 7:00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.
5. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.
6. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process.
7. The City encourages landscaping methods and species selection which do not rely on reticulation.
8. Visually permeable is defined as "*in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street*".
9. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
10. The applicant and owner are advised that sufficient parking has been provided on the subject

site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.

11. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
12. If the development the subject of this approval is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
13. A further two years has been added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning. For further information regarding the Ministerial direction, please contact the Assessing Officer on 9273 6000.
14. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first be sought and obtained.
15. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14. An application must be made within 28 days of the determination.

REASON:

The application warrants development approval as the proposal is consistent with the City's Built Form Policy and State Planning Policy 7.3 Residential Design Codes of WA Volume 2 – Apartments resulting in a positive built form outcome.

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

9.4 OUTCOMES OF ADVERTISING AMENDMENT NO. 2 TO LOCAL PLANNING POLICY NO. 7.1.1 - BUILT FORM; APPENDIX NO. 16 DESIGN GUIDELINES FOR PERTH; AND APPENDIX NO. 18 - DESIGN GUIDELINES FOR WILLIAM STREET

- Attachments:**
1. **Advertised Amendment No. 2 to Local Planning Policy No. 7.1.1 - Built Form** 
 2. **Advertised Amended Appendix 16 - Design Guidelines for Perth** 
 3. **Advertised Amended Appendix 18 - Design Guidelines for William Street** 
 4. **Summary of Submissions** 
 5. **Design Review Panel Comments** 
 6. **Proposed Amendment No. 2 to LPP 7.1.1 - Built Form with Modifications (Tracked Change)** 
 7. **Proposed Amendment No. 2 to LPP 7.1.1 - Built Form with Modifications (Clean)** 

RECOMMENDATION:

That Council:

1. **ENDORSES** Administration's responses to submissions, included in Attachment 4 and Attachment 5, received during advertising of Amendment No. 2 to:
 - 1.1 **Local Planning Policy No. 7.1.1 – Built Form;**
 - 1.2 **Appendix No. 16 – Design Guidelines for Perth; and**
 - 1.3 **Appendix No. 18 – Design Guidelines for William Street;**
2. **PROCEEDS** with:
 - 2.1 **Amendment No. 2 to Local Planning Policy No. 7.1.1 – Built Form with modifications included as Attachment 7, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - 2.2 **the proposed modifications to Policy Manual Appendix 16 – Design Guidelines for Perth included as Attachment 2, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
 - 2.3 **the proposed modifications to Policy Manual Appendix 18 – Design Guidelines for William Street included as Attachment 3, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
3. **FORWARDS** Amendment No. 2 to Local Planning Policy No. 7.1.1 – Built Form included as Attachment 7 and any required documentation to the Western Australian Planning Commission pursuant to Part 7, Clause 7.3.2 of Volume 1 and Part 1, Clause 1.2.3 of Volume 2 of State Planning Policy 7.3 Residential Design Codes; and
4. **NOTES** that Administration will publish in a local newspaper pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* a notice of:
 - 4.1 **Amendment No. 2 to Local Planning Policy No. 7.1.1 – Built Form;**
 - 4.2 **Appendix No. 16 – Design Guidelines for Perth; and**
 - 4.3 **Appendix No. 18 – Design Guidelines for William Street**

At 6:48 pm, Cr Joshua Topelberg left the meeting.

COUNCIL DECISION ITEM 9.4

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

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

At 6.54 pm, Cr Joshua Topelberg returned to the meeting.

10.2 DEPARTMENT OF TRANSPORT LONG TERM CYCLE NETWORK ENDORSEMENT

Attachments: 1. Final Draft Long Term Cycle Network May 2020 

Moved: Cr Topelberg, Seconded: Cr Wallace

RECOMMENDATION:

That Council:

1. **NOTES** that Department of Transport have advised the City that it is seeking endorsement of the Long Term Cycle Network by 16 July 2020 for local governments to be eligible to apply for funding for future bicycle network projects;
2. **SUPPORTS** in-principle the Long Term Cycle Network (LTCN) as proposed by the Department of Transport subject to;
 - 2.1 Consultation with the community on the LTCN taking place and that the results of the consultation will be provided to Council and to the Department of Transport; and
 - 2.2 The proposed route through Hyde Park is removed and the City works with the Department of Transport to reach agreement on an alternative route;
3. **NOTES** that the LTCN is aspirational in nature, subject to change and there is no obligation on the City to construct all the routes contained in the plan;
4. **CONFIRMS** support for Local and State Government agencies to work together in delivering a LTCN;
5. **NOTES** that;
 - 5.1 there will be further consultation on the LTCN as part of the City's Bike Network Plan review that is scheduled to take place in 2021/22; and
 - 5.2 Administration will present a report on the community consultation results to Council in August for consideration and final endorsement of the LTCN.
6. **INFORMS** the Department of Transport of the City's decision.

PROPOSED AMENDMENT

Moved: Cr Topelberg, Seconded: Cr Wallace

That Council:

- 1. NOTES that Department of Transport have advised the City that it is seeking endorsement of the Long Term Cycle Network by 16 July 2020 for local governments to be eligible to apply for funding for future bicycle network projects;**
- 2. SUPPORTS in-principle the Long Term Cycle Network (LTCN) as proposed by the Department of Transport subject to;**
 - 2.1 Consultation with the community on the LTCN taking place and that the results of the consultation will be provided to Council and to the Department of Transport; and**
 - 2.2 The proposed route through Hyde Park is removed and the City works with the Department of Transport to reach agreement on an alternative route;**
- 3. NOTES that the LTCN is aspirational in nature, subject to change and there is no obligation on the City to construct all the routes contained in the plan;**
- 4. CONFIRMS support for Local and State Government agencies to work together in delivering a LTCN;**
- 5. NOTES that;**
 - 5.1 there will be further consultation on the LTCN as part of the City's Bike Network Plan review that is scheduled to take place in 2021/22; and**
 - 5.2 Administration will present a report on the community consultation results to Council in August for consideration and final endorsement of the LTCN.**
- ~~**6. INFORMS the Department of Transport of the City's decision.**~~
- 6. REQUESTS the Mayor to write to the Minister for Transport to inform her of the Council's decision and the reasons for supporting the plan in principle, pending the outcomes of community consultation and will provide a further Council decision no later than September 2020.**

AMENDMENT CARRIED (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

COUNCIL DECISION 10.2

Moved: Cr Topelberg, **Seconded:** Cr Wallace

That Council:

1. **NOTES** that Department of Transport have advised the City that it is seeking endorsement of the Long Term Cycle Network by 16 July 2020 for local governments to be eligible to apply for funding for future bicycle network projects;
2. **SUPPORTS** in-principle the Long Term Cycle Network (LTCN) as proposed by the Department of Transport subject to;
 - 2.1 **Consultation** with the community on the LTCN taking place and that the results of the consultation will be provided to Council and to the Department of Transport; and
 - 2.2 **The proposed route** through Hyde Park is removed and the City works with the Department of Transport to reach agreement on an alternative route;
3. **NOTES** that the LTCN is aspirational in nature, subject to change and there is no obligation on the City to construct all the routes contained in the plan;
4. **CONFIRMS** support for Local and State Government agencies to work together in delivering a LTCN;
5. **NOTES** that;
 - 5.1 **there will be further consultation** on the LTCN as part of the City's Bike Network Plan review that is scheduled to take place in 2021/22; and
 - 5.2 **Administration will present a report** on the community consultation results to Council in August for consideration and final endorsement of the LTCN.
6. **REQUESTS** the Mayor to write to the Minister for Transport to inform her of the Council's decision and the reasons for supporting the plan in principle, pending the outcomes of community consultation and will provide a further Council decision no later than September 2020.

At 7.18pm, Cr Dan Loden joined the meeting.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

9.1 NOS. 539-545 (LOTS: 9, 10 AND 30; D/P: 1477 AND 49374) BEAUFORT STREET, MOUNT LAWLEY - PROPOSED MIXED USE DEVELOPMENT (AMENDMENT TO APPROVED)**Ward: South**

- Attachments:**
1. Location and Consultation Plan 
 2. Council Minutes and Approved Plans 
 3. Development Plans 
 4. Landscaping Plan 
 5. Development Perspectives 
 6. Summary of Submissions

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval for a proposed Mixed Use Development (Amendment to Approved) at Nos. 539-545 (Lots: 9, 10 and 30 D/P: 1477 and 49374) Beaufort Street, Mount Lawley, in accordance with the plans shown in Attachment 3 subject to the following conditions:

1. All conditions and advice notes detailed on the development approval 5.2018.473.1 granted on 25 June 2019 continue to apply to this approval, except as follows:

- 1.1 Condition 3.10 is amended to read as follows:

- 3.10 A minimum of 24 bicycle racks shall be provided for within the development. Bicycle racks shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City. Eight of these bicycle racks shall be located to be accessible for visitors of the Multiple Dwellings and customers of the Shop and Office uses;

- 1.2 Condition 9.1 is amended to read as follows:

- 9.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100, prepared in accordance with the landscaping plan dated 28 May 2020 as annotated by the City and show the following:

- The location and type of proposed trees and plants;
- Areas to be irrigated or reticulated;
- The installation of mature planting along the western balconies with a minimum height of 1.6 metres and be of a sufficient amenity to provide screening to the adjacent properties. Planters shall have a minimum width of 0.7 metres and shall be provided around the perimeter of Apartments 4 to 6 and 10 to 12;
- The appropriate selection of tree species (consistent with the City's Tree Selection Tool) to be located within the on-structure planting areas to maximise the provision of canopy coverage; and
- Maximising on-structure planting opportunities through:
 - Increasing minimum planter widths to 0.7 metres;
 - The use of consolidated planters in the corners of balconies as opposed to individual planters; and
 - Additional tree planting in the locations identified along balconies on Levels 2-6 and 7. A minimum of 59 trees shall be provided for across the on-structure planting areas of the development.

A new Condition 7.5 is added to read as follows:

- 7.5 Prior to the issue of the building permit, amended plans shall be submitted which demonstrate that the fire hydrant booster doors are fully contained within the subject site and not within the road reserve, to the satisfaction of the City; and

1.3 A new Advice Note 9 is added to read as follows:

9. Pursuant to Schedule 4, Clause 4.2 of the Clause 78H *Notice of Exemption from Planning Requirements During State of Emergency*, a further two years is added to the date by which the development shall be substantially commenced. This additional two years is added on to the date of the original approval that was issued on 25 June 2019. The substantial commencement period for the development, inclusive of this amendment, is 25 June 2023.

COUNCIL DECISION ITEM 9.1

Moved: Cr Gontaszewski, **Seconded:** Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

9.3 NO. 50 (LOT: 412 D/P: 415381) BARLEE STREET, MOUNT LAWLEY - PROPOSED SINGLE HOUSE**Ward: South**

- Attachments:**
1. Consultation and Location Map 
 2. Development Plans 
 3. 3D Perspectives 
 4. Applicant's Written Justification 
 5. Superseded Advertised Plans 
 6. Detailed Streetscape Analysis 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for the proposed Single House at No. 50 (Lot: 412; D/P: 415381) Barlee Street, Mount Lawley, in accordance with the plans in Attachment 2, for the following reasons:

1. The proposed primary street setback does not satisfy the Local Housing Objective of Clause 5.2 of the City's Policy No. 7.1.1 - Built Form and the Design Principles of Clause 5.1.2 of State Planning Policy 7.3: Residential Design Codes – Volume 1. The setback of the building from Barlee Street would result in building mass that has not been mitigated due to the massing, materials and detailing of the building design. This appearance of building bulk and scale associated with the development would not contribute to, preserve or enhance the existing streetscape;
2. The proposed building height does not satisfy the Local Housing Objectives of Clause 5.6 of the City's Policy No. 7.1.1 – Built Form (P5.6.1, P5.6.2 and P5.6.5) and the Design Principle of Clause 5.1.6 of State Planning Policy 7.3: Residential Design Codes – Volume 1. The building height and overall building design would result in building bulk and scale that would have an adverse impact on, and is inconsistent with the existing streetscape;
3. As a consequence of the street setback, building height and building design (relating to massing, materials, detailing and roof form), the proposal:
 - 3.1 Would result in a bulk, scale and appearance that is not compatible with its setting in the Residential zone (Clause 67(m) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);
 - 3.2 Would detract from the amenity and character of the residential locality (Clause 67(n) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
 - 3.3 Would result in a scale and mass that is not respectful of the heritage listed place at No. 69 Barlee Street, Mount Lawley (Clause 5 of the City's Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties); and
4. The proposed development would not provide for adequate landscaping on site and would not result in a high quality landscaping outcome (Clause 67(p) of the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

COUNCIL DECISION ITEM 9.3

Moved: Cr Topelberg, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

At 7.53pm, Cr Alex Castle left the meeting.

11.1 PETITION - FRIENDS OF ANZAC COTTAGE

Attachments: 1. Petition - Confidential

RECOMMENDATION:

That Council:

1. NOTES the petition received at the Ordinary Meeting of Council on 7 April 2020 (Attachment 1) in regard to the property located at 38 Kalgoorlie Street, Mount Hawthorn, more commonly known as ANZAC Cottage;
2. ADVISES the lead petitioner and the Friends of ANZAC Cottage Inc. that the City has no legal basis to intervene as requested in the petition as:
 - 2.1 the Vietnam Veterans Association of Australia WA (VVAAWA) has exclusive possession and occupation rights to ANZAC Cottage pursuant to a lease, which is secured by a caveat registered in favour of VVAAWA on the Certificate of Title to ANZAC Cottage;
 - 2.2 the VVAAWA is currently occupying ANZAC Cottage in accordance with the terms of the lease and there is no subsisting breach of the lease terms by VVAAWA; and
 - 2.3 the lease has a further six years of its initial term to run, until 30 September 2026, followed by three further option terms of five years each, the last of which will expire on 30 September 2041;
3. NOTES:
 - 3.1 the Friends of ANZAC Cottage Inc. advised that they had made a decision to withdraw from direct activities at ANZAC Cottage amid ongoing tensions with the VVAA WA;
 - 3.2 the Mayor and Chief Executive Officer have offered support to both parties to resolve the dispute in the best interest of ANZAC Cottage and the community; and
 - 3.3 that, given recommendations 3.1 and 3.2, the status of the Memorandum of Understanding between the VVAAWA, Friends of Anzac Cottage and the City, dated May 2018, is uncertain; and
4. ADVISES the Friends of ANZAC Cottage Inc. and the VVAAWA that the City is willing to assist in the review of the Memorandum of Understanding to allow the Friends of ANZAC Cottage Inc. to resume community engagement at the Cottage, if the parties advise that they have reached an agreement as to its operation and terms.

COUNCIL DECISION ITEM 11.1

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

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

At 7.56pm, Cr Alex Castle returned to the meeting.

11.5 DIFFERENTIAL RATING STRATEGY 2020/21**Attachments:** Nil**RECOMMENDATION:****That Council:**

1. **ADVERTISES** by local public notice for a period of 21 days, in accordance with Section 6.36(1) of the *Local Government Act 1995*, its intention to levy the following differential rates and minimum rates in 2020/2021 as set out in the Statement of Objects and Reasons for Differential Rates 2020/2021;
2. **AUTHORISES** the Chief Executive Officer to invite submissions from electors and ratepayers on the below proposed differential rates and minimum payments for 2020/2021:

Rating Category	2020/2021	
	Rate in the Dollar	Minimum Rate
Residential	0.07907540	\$1,211.90
Vacant-Residential	0.07250000	\$1,211.90
Vacant-Commercial	0.12817000	\$1,516.40
Other	0.06718000	\$1,197.70

3. **NOTES** any public submissions received in response to 1 and 2 above will be presented to Council for consideration;
4. **NOTES** that the City is finalising a range of financial hardship measures to assist ratepayers; and
5. **NOTES** that Administration will provide further advice to Council on potential funding of up to \$250,000, when finalising the 2020/2021 budget, to support the City in responding to ratepayers in financial crisis.

COUNCIL DECISION ITEM 11.5**Moved:** Cr Castle, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil

12.1 ANNUAL REVIEW OF COUNCIL DELEGATIONS AND PROPOSED AMENDMENTS TO THE EXECUTION OF DOCUMENTS POLICY

- Attachments:
1. Register of Council Delegations - proposed amendments (marked up) 
 2. Execution of Documents Policy - (marked up) 
 3. Execution of Documents Policy - (clean version) 

RECOMMENDATION:**That Council:**

1. **NOTES** the annual review of its delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report;
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in the City's Council Delegated Authority Register 2020/21 included as Attachment 1;
3. **APPROVES** the proposed amendments to policy '*Execution of Documents Policy*', at Attachment 2;
4. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed amendments to the '*Execution of Documents Policy*' in recommendation 3. above, and invite public comments for a period of at least 21 days; and
5. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

COUNCIL DECISION ITEM 12.1

Moved: Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

12.3 OUTCOMES OF ADVERTISING AND ADOPTION OF NEW POLICIES - ELECTED MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT POLICY, COUNCIL PROCEEDINGS - RECORDING AND WEB STREAMING POLICY AND RISK MANAGEMENT POLICY

- Attachments:
1. Policy submissions - summary 
 2. Elected Members Continuing Professional Development Policy 
 3. Council Proceedings - Recording and Web Streaming Policy 
 4. Risk Management Policy 
 5. Summary of submissions and responses 

RECOMMENDATION:

That Council:

1. NOTES the submissions received in relation to the *Elected Members Continuing Professional Development Policy, Council Proceedings - Recording and Web Streaming Policy and Risk Managements Policy*, at Attachment 1;
2. **ADOPTS BY ABSOLUTE MAJORITY** the *Elected Members Continuing Professional Development Policy* at Attachment 2; and
3. **ADOPTS** the Council Proceedings - Recording and Web Streaming Policy at Attachment 3 and the Risk Management Policy at Attachment 4.

COUNCIL DECISION ITEM 12.3

Moved: Cr Fotakis, **Seconded:** Cr Wallace

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**15.1 REPRESENTATION TO THE CLIMATE EMERGENCY AUSTRALIA STRATEGIC ADVISORY
GROUP****COUNCIL DECISION ITEM 15.1****Moved: Cr Castle, Seconded: Cr Hallett**

That Council NOTES Cr Hallett's nomination to the Climate Emergency Australia Strategic Advisory Group.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

(Cr Loden was an apology for this item.)

16 URGENT BUSINESS

Nil

**17 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE
CLOSED**

Nil

18 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 8.08pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Joshua Topelberg	South Ward
	Cr Sally Smith	North Ward
	Cr Ashley Wallace	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Virginia Miltrup	Executive Director Community & Business Services
	Stephanie Smith	Manager Policy & Place
	Meluka Bancroft	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer
Public:	No members of the public.	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council Meeting held on 16 June 2020.

Signed: Mayor Emma Cole



Dated 28 July 2020