



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

22 June 2021

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**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AS E-MEETING AND AT THE
ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 22 JUNE 2021 AT 6.00PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Dan Loden Cr Ashley Wallace Cr Sally Smith</p>	<p>Presiding Member South Ward (electronically) North Ward North Ward (electronically) South Ward North Ward South Ward North Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy</p> <p>John Corbellini</p> <p>Virginia Miltrup</p> <p>Jordan Koroveshi</p> <p>Jay Naidoo Tara Gloster Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Strategy & Development Executive Director Community & Business Services A/Executive Manager Corporate Strategy & Governance Manager Development & Design Manager Policy & Place Council Liaison Officer</p>
Public:	Approximately 23 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.00pm 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 Joshua Topelberg is on approved leave of absence from 21 June 2021 to 26 July 2021.

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

The following questions and statements were received at the meeting. This is not a verbatim record of questions and statements made at the meeting.

3.1 Andrew Oud of North Perth – Item 5.1

- Submitted a petition on the traffic calming measures
- Mentioned that the residents on the affected streets oppose the measures
- Mentioned the loss of parking bays is a bigger opportunity cost than the calming measures
- Stated that chicanes are often treated as a race track
- Stated that the street has been without incident for 30 years
- Suggested that the money could be better used for updating the playground on Leake Street

The Presiding Member, Mayor Cole thanked Mr Oud for his comments advised that she is happy to meet with the residents before the matter goes back to Council next month and invited Mr Oud to contact her to make an appointment.

3.2 Ashley La Fontaine of North Perth – Item 5.2

- Stated that she lives on Forrest Street
- Submitted a petition as concerned about the traffic volume and speed on the street
- Stated that the traffic is putting residents' safety at risk
- Mentioned that data shows that 1486 vehicles exceeded the speed limit, with some travelling at 80kmh, in one week
- Stated that non local traffic is being diverted from North Perth Town Centre onto Forrest Street
- Stated that this results in increased traffic noise, road rage, vehicles mounting the verges and an average of 1 vehicle every 18 seconds on a Saturday morning
- Mentioned that with no restrictions to on street parking on weekends, access to her property is obstructed and unsafe
- Stated that 357 large trucks and 9 semi trailer trucks used our residential streets in one week

The Presiding Member, Mayor Cole thanked Ms La Fontaine for her comments and advised that she would be in touch to discuss these issues.

3.3 Sue Norvill from Mt Lawley – Item 5.2

- Stated she lives on Forrest Street
- Mentioned that trucks make a lot of noise as they use the street
- Stated that non-residents use Forrest Street for parking
- Mentioned that her driveway is often used for U Turns
- Stated that the speed down Forrest Street needs to be reduced and requested an additional speed bump or chicane

The Presiding Member, Mayor Cole thanked Ms Norvill for her comments.

3.4 Ross Ioppolo of Leederville – Item 5.4

I am here to advocate meaningful community engagement between the City of Vincent and its resident stakeholders. I believe in transparency and good governance, in abiding by the laws and codes set by local government, the enforcement of breaches, and pro-active and expeditious reform by Council, where current laws no longer serve the interests of residents and the wider community.

I am here to table a petition to ban verge parking on Vincent Street Leederville, between Oxford and Loftus on the grounds that it is unsafe. This is a major arterial and verge parking creates obstructions to a clear line-of-sight to oncoming traffic when residents egress from their driveways.

The safety of residents must be our first priority. Verge parking should not be used to alleviate parking shortages if it compromises the safety of residents and the safety of any motorist driving within the City of Vincent.

31 of the 33 signatories to the petition reside on Vincent Street, between Oxford and Loftus. We are saying that verge parking in front of our own dwellings is dangerous, and we know because this is a safety issue we try and mitigate daily, sometimes several times a day. Like Russian Roulette, it's an accident that will most certainly happen in time, if not rectified.

After 6 months of engagement with the Administration, we now present this to Council seeking an expeditious resolution, by whatever means necessary, whether that be through effective enforcement, exercising the City's right to signpost this street with no verge parking or Council changing the current law if needed, to ban the use of verges for parking on this stretch of road.

To the handful of neighbours that utilise this verge, I hope and trust you recognise that our communities first priority must be safety over a workaround solution to a lack of parking space at your residence. Let's remove

the danger and implore Council to create policy and law for a holistic and long-term solution to parking shortages within the City of Vincent, to be addressed on a street by street basis if needed.

I understand my questions supplementing the petition have been circulated to Council and will be answered in the minutes to this meeting or at the next Council Meeting. These questions are intended to, in the interests of transparency, understand Council and Administration's current and possible future intention re the use of verges for parking.

The Presiding Member, Mayor Cole thanked Mr Ioppolo for his comments. The CEO advised that they have been in contact with Mr Ioppolo and are aware of the issues. A response will be provided on the detailed questions. The CEO also advised that the Local Law could be used to restrict verge parking in certain streets if there is an assessed safety need.

3.5 Stephen Hindley Of North Perth - Item 5.2

- Stated he lives on Forrest Street
- Stated that between Norfolk and Fitzgerald Street there are 34 single houses, 10 aged persons units, only 3 of which are occupied, and 32 driveways
- Stated that there could be an additional 16 houses built in the street, more if the aged facility is replaced, which could result in over 50 driveways
- Mentioned that there are 12,000 vehicles a week using the street
- Suggested that the current situation is unsafe and an accident is going to happen on the street soon

The Presiding Member, Mayor Cole thanked Mr Hindley for his comments and advised that there are some initiatives underway which may help improve the situation, such as 40kmn across all residential roads in City of Vincent, as well as increased numbers of Rangers. Mayor Cole offered to come out to the street to discuss options for that street.

3.6 Phil Brown of North Perth – Item 11.2

- Thanked the City for giving the Tool Library a home
- Requested reconsideration of the amount the Tool Library has to pay from January 2022
- Mentioned that there is no alternative use for the building
- Mentioned that they are unsure of what the insurance premiums will be, but that is there major expenditure per annum

The Presiding Member, Mayor Cole thanked Mr Brown for his comments and asked how he felt about the 6 months term recommended. Mr Brown commented that he understands commitment is difficult until the Britannia Reserve Plan is completed.

3.7 Claudia Pal of North Perth – Item 5.2

- Stated she is a resident of Forrest Street and lives near the speed bump
- Spoke in support of the petition
- Mentioned that skip bins block the view of the street
- Stated that crossing the road is also difficult

The Presiding Member, Mayor Cole thanked Ms Pal for her comments.

3.8 Laurie Saunders of North Perth – Item 5.2

- Stated he is a resident of Forrest Street
- Spoke in support of the petition
- Mentioned that he rides a bike regularly and has had many near misses
- Stated that the behaviour of drivers includes blocking driveways, making 3 point turns, vehicles mounting verges as they fail to negotiate shared road space or parallel parking
- Mentioned that many drivers speed down the street
- Stated Forest Street is home to a number of young children and he fears for their safety
- Asked if a safety management plan could be implemented

The Presiding Member, Mayor Cole thanked Mr Saunders for his comments and advised that she is happy to meet with residents and talk about this in more detail on site.

3.9 Ray Lewis of North Perth – Item 5.2

- Stated he is a resident of Forrest Street
- Spoke in support of the petition
- Mentioned that Forrest Street has more traffic and parking issues than other streets in the neighbourhood
- Mentioned that Forrest Street has a loss of amenity

The Presiding Member, Mayor Cole thanked Mr Lewis for his comments.

3.10 Mirian Moretti of Highgate – Item 12.1

- Spoke against the proposal
- Stated that the sale would be ignoring the strategic location of the area
- Suggested that an innovative approach needs to be taken
- Suggested further community consultation

The Presiding Member, Mayor Cole thanked Ms Moretti for her comments and advised that the item will be discussed at the meeting.

3.11 Dudley Maier of Highgate

1. What Council Workshops have been held since 13 April 2021, and what items were presented at each workshop?
2. Can you confirm that the City indicated to the East Perth and Subiaco Football Clubs that the City would submit an Expression of Interest (EOI) to hold the WAFL Grand Final at Leederville Oval?
3. Can you confirm that the City did not submit an EOI as promised?
4. Can you confirm that both the local Leederville business community and the Football Club stood to significantly benefit financially if the Grand Final was held at Leederville? What is the City's estimate of these financial benefits?
5. Will the CEO take personal responsibility for not submitting the EOI? If not, who is personally responsible?
6. If the answer to the previous question does not specify the persons responsible, or is otherwise evasive, does the CEO agree that this will show that the claim that the Administration is accountable is questionable and that it sets a bad example for the rest of the Administration?
7. Will the City staff and Council make a submission on the proposed development on the corner of Alma and Fitzgerald Streets when submissions are sought by the State Development Assessment Unit, just as other Local Governments have done in the past? If not, why not?
8. Can you confirm that the answer to my previous question about the advertising of the annual budget was incorrect and misleading and that the only information provided when the differential rates were advertised for comment were the rates themselves and a document about the objects and reasons for differential rates? Why was an incorrect answer provided which made it sound as if the City complied with their policy, when in fact it hadn't?
9. The information about the Barlee Street carpark occupancy does not contain the numbers for Friday and Saturday nights. Why didn't the staff undertake further counts on these nights once the COVID lockdown ceased? There were about 5 or 6 Fridays and Saturdays since then.

Statement – Item 10.2

- I have already indicated to council that I think the engagement with business was totally **inadequate** and that very few businesses are aware of the micro-business service. The Director probably takes a different view.
- So my challenge to council is – don't believe either of us – go and find out for yourself - go and ask a few random businesses – not the ones I tell you, and not the ones the admin tells you. Find out for

yourself. Make sure you pick the small businesses that are currently using the system and not those larger ones that have already gone to commercial collectors a long time ago.

- I have challenged the \$699 fee for the micro-business service. The staff said it would just be based on a full cost recovery. I think \$699 is well above full cost. Bayswater will charge about \$370 for their commercial FOGO system this coming year – Stirling less. The Director justified \$699 by saying that they had benchmarked other local governments.

The idea about looking at other local governments **should not be** about finding the worst one and trying to be just a bit better, it's should be about finding the best and trying to match it or improve on it!

The Presiding Member, Mayor Cole thanked Mr Maier for his comments and for his letter.

The following questions and statements were submitted prior to the Meeting and were read out by the A/Executive Manager Corporate Strategy & Governance.

3.12 Norelle O'Neille of Mt Hawthorn – Item 9.5

Unfortunately, I will not be able to attend tonight's Full Council Meeting but wish to submit the following questions regarding 'Item 9.5 Britannia Reserve Development Plan'

- What mechanisms does the City have in place to ensure that residents and ratepayers have equal representation and input to that of the Floreat Athena Football Club (FAFC), which can muster its members, most of whom are neither residents nor ratepayers of Vincent, to push-through their preferred options.
- Will all council members/staff of the City of Vincent register their membership of the FAFC as a conflict of interest?
- The 'key stakeholders' are not listed in the draft consultation proposal. Can all stakeholders be identified prior to commencement of the consultation process?
- Can additional change-room building design options also be provided, as the example given is absolutely without architectural merit and does not suit the surrounding area, at all.
- Can views from the front of the facility, namely from Britannia Road, also be included in the illustrations? Will the wire fence and hedge facing the street be removed? If so, what will be in its place?
- NO mature native tree at the site is to be removed (yet again!) for any reason. Have a look at the mature-tree graveyard along the bike track borders to get an understanding of what is really happening in our environment. The 'bund' can be lowered without killing off more native wildlife habitat.
- What is the perimeter, or distance from the Reserve and Stadium, of the those residents to be consulted as part of the 'consultation process'? By its own admission the City has previously failed to consult sufficient residents impacted by developments, can we be assured this will not happen again?
- Can there be a fresh start and the facility, which has deep Aboriginal historical significance, be returned to its original and real name 'Galup' in line with the City's Reconciliation Action Plan (RAP), which acknowledges that the 'former Lake Monger Velodrome (now Litis Stadium) ...is a significant Noongar site' ?

The City's RAP also states:

"The City of Vincent acknowledges the significance of the land and waters within our Council and the importance they have to Noongar people and their wellbeing. The Noongar people are the Traditional Owners of the land and water which sustains each of us and the City is committed to working with the Noongar community to ensure tradition, protocol and culture are upheld, respected and preserved. We endeavour to work, act, communicate and live respectfully by acknowledging and celebrating the significance Noongar people, land, water and culture play in our history, our lives today and into the future." (City of Vincent Reconciliation Action Plan 2019-2021).

Prior to the construction of the freeway and infill at Britannia Reserve the whole area, to Brentham Street and beyond, was part of the connected and significant waterway that provided not only food, shelter and social connection but was deep cultural significance to the Nation's First People.

The area is 'Galup', it is *not* FAFC, *not* Litis Stadium, *not* Britannia Reserve and most certainly does not belong to any of the people currently deciding its future. We should acknowledge the true owners by returning the name it was known by for centuries.

3.13 Ross Ioppolo of Leederville – Item 5.2

1. **DANGEROUS VERGE PARKING** - Does Council and/or any individual Councillor NOT recognise that verge parking in the example provided on Vincent Street between Oxford and Vincent (shown here https://1drv.ms/v/s!Amlpegs_3D697hkcVxUNSqZJQcdk?e=Kor2ti) is dangerous because it blocks the line-of-sight to oncoming traffic for residents egressing from the driveway as shown?
2. **UNATTACHED TRAILERS** - City of Vincent's Parking and Parking Facilities Local Law 2007 Clauses 4.11(1)(b) and (3) prohibits amongst other things, the parking of trailers on a verge, unattached to a motor vehicle at any time or unattached to commercial vehicles for unloading or loading purposes AND provided no obstruction is caused. On this basis:
 - a. Please confirm based on Council's understanding of its own laws and the Administration's current enforcement protocols, that unattached trailers parked on verges that blocks line-of-sight to oncoming traffic is illegal?
 - b. Why has an ongoing breach of these clauses on Vincent Street, Leederville between Oxford and Loftus not been proactively enforced?
 - c. Please provide a compliance report documenting the number of citations issued in the City of Vincent that contravenes City of Vincent's Parking and Parking Facilities Local Law 2007 Clauses 4.11(1)(b) and (3) over the last 12 months?
 - d. If relying on an alternative authority as to why Clauses 4.11(1)(b) and (3) is ineffective to enforce unattached trailers, please provide the relevant Act, Division, page and paragraph, and if multiple sections or Acts have been considered, please provide the references for each Act.
3. **VERGE PARKING CREATING AN OBSTACLE** - City of Vincent Parking and Parking Facilities Local Law 2007 Clause 4.5(2)(c) provides that unless a sign indicates otherwise, a person shall not park a vehicle so that any portion of the vehicle is obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway. Furthermore, Clause 4.5(2)(k) prohibits verge parking within 10 metres of a property line, irrespective of whether an obstruction is caused.

It would appear also that as an alternative argument, Clause 5.8, the definition of 'Carriageway' and Local Government Act 1995 Clauses 1.4 and 1.6 definitions of 'Thoroughfare' and 'Obstruct' combine to effectively ban vehicles parking back-to-back where it results in a vehicle parking next to an obstruction or if it further obstructs traffic.

With this context:

 - a. Please acknowledge this Council and the Administration's understanding as it is relevant to regulation and enforcement, that the above clauses, either individually or collectively, prevent parking on a verge where this creates an obstruction, in terms of an obscured line-of-sight to oncoming traffic for residents egressing from a driveway onto the street?
 - b. Why has an ongoing breach of these clauses on Vincent Street, Leederville between Oxford and Loftus not been proactively enforced?
 - c. Please provide a compliance report documenting the number of citations issued in the City of Vincent that contravenes City of Vincent's Parking and Parking Facilities Local Law 2007 Clause 4.5(2)(c), Clause 4.5(2)(k) and/or the interaction between Clauses 5.8, 1.4 and the Local Government Act 1995 Clauses 1.4 and 1.6 over the last 12 months?
4. **REGISTERS AS REGULATORS** - The City of Vincent website under accountability and governance states at <https://www.vincent.wa.gov.au/council/governance/accountability-governance.aspx> *"We're working towards building a better Vincent and improving transparency and accountability in how we operate is core to our goal. This page serves as a central repository of all the City's publicly available registers, disclosures of interests and fee/allowance/salary information" ... and "Council has chosen to publish a range of registers online that relate to its role as a regulator. The registers in this section are required to be kept by the City and made available for public inspection"*.

The Administration advises that the statutory register documents have been removed, as the documents are no longer required to be public. Please advise:

- a. What were the names of the registers or a generic description of the nature of the content that may have been disclosed under such registers, which were previously determined to be in the interests of the public re the City of Vincent's role as regulator? Were any of these registers related to the regulation of parking?
 - b. What are the reasons and/or events as to why the Administration or Council has since determined that such registers be retracted from public view?
5. **LEGAL LIABILITY** - It would seem reasonable that the City of Vincent would wish to expeditiously prevent verge parking where it is reported as dangerous. What are Council's understanding of the City of Vincent and Council's culpability for any accident causing property damage, injury or fatality from dangerous verge parking that could have been mitigated through enforcement of existing laws or the exercise of its powers to erect signs prohibiting verge parking where it is reasonable to consider it unsafe? I refer to the legal precedent set it in the 'Pyrenees Case' (Pyrenees Shire Council v Day; Eskimo Amber Pty Limited v Pyrenees Shire Council).
6. **ILLEGAL VERGE PARKING UNDER THE ROAD TRAFFIC ACT** - The Road Traffic Code (2000) requires that, inter alia:

165. Stopping on path, dividing strip, nature strip or painted island

The driver of a vehicle (other than a bicycle, an EPT or an animal) shall not stop so that any portion of the vehicle is on a path, dividing strip, painted island, or a nature strip adjacent to a length of carriageway in a built-up area, unless — (a) the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these regulations; or (b) the driver is permitted to do so under a local law. Modified penalty: 1 PU.

Section 3 defines 'nature strip' and "means an area between a carriageway and the front boundary of adjacent land, but does not include a path;"

166. Obstructing access to and from path, driveway etc.

(1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless — (a) the driver is dropping off, or picking up, passengers; or (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these regulations. Modified penalty: 1 PU.

If for whatever reason, Rangers feel that enforcement prohibiting verge parking under City of Vincent's own parking laws was not defensible in a Court of Law, does Council and Administration believe that its obligations extend to report breaches of the Road Traffic Code to the Western Australian Police Force so that it could be an effective deterrent to prohibit verge parking in such circumstances?

7. **NEW PARKING REGULATIONS** - In the City of Vincent's public notice disclosed in the Ordinary Council Meeting dated 23 March 2021 and included in Item 12.3 Attachment 1, the City of Vincent states that a new Parking Local Law is being drafted over the next 6 months which is intended to replace the Parking and Parking Facilities Local Law 2007.
- a. What is the inherent perceived shortcoming of the incumbent legislation precipitating such a review?
 - b. Please confirm whether Council is considering limiting or validating its ability to permit verge parking in the City of Vincent including vehicles such as unattached trailers, caravans and boats?
 - c. May we have an update to the estimated timeframe for the provision of this proposed new legislation?
8. **INTERNAL REVIEW** - What is the nature, scope and estimated timing to deliver a report of the Administration's current internal review of parking impacts (verge and on road) on the south side of Vincent Street between Loftus and Oxford? Does the scope include an independent third party, safety study about verge parking on this stretch of road and the risk to body and life?

3.14 Chris O'Connor of West Perth - Item 9.1

I cannot recommend Tom and Lara highly enough in their new and exciting business venture at 290 Beaufort St. Their business skills, knowledge and fabulous quality product will be such a bonus to the City of Vincent and their ever increasing band of loyal customers!

I so look forward to the new "Toms".

3.15 Lachlan Wells of Leederville

In recent times, Oxford St in Leederville has lost some popular independent restaurants, including Greens & Co, Theo and Co, Sweetlips and Little Caesars to name a few. Meanwhile, over the same period, the number of chain restaurants, such as Grill'd, Guzman y Gomez, Baskin-Robbins and San Churro, appears to have increased. While these are convenient options, I'm concerned that if the balance falls too far in favour of chain restaurants, Oxford St will struggle to attract visitors who come here as a dining destination.

In light of the large number of current vacancies on Oxford St, has the council considered any measures to restrict or reduce the likelihood of chain venues and retailers taking over these leases, and encourage independent businesses to return?

The Presiding Member, Mayor Cole stated that this is challenging due to the fact that change of use is being done away with as of 1 July 2021. There has been an amnesty on change of use to try and get businesses into those buildings. Although Baskin Robbins did take over an independent toy store, we are seeing a lot of independent businesses are opening up, for example Will Meyrick, a well known Bali chef, is opening a new business on Newcastle Street and with the new ABN building opening and the \$6m investment in the Leederville Hotel, my understanding is the businesses that will be going into the new tenancies on Electric Lane have been specifically procured to be independent, long term stable tenants. While there are some vacancies there are some positive signs of change.

Administrations' responses will be provided in the Agenda for the 27 July 2021 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.51pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

These questions were received at the 18 May 2021 Ordinary Council Meeting:

3.1 Milly Main of North Perth

Can you please consider implementing a cat curfew in city of Vincent?

Many councils have brought in cat curfews to prevent nuisance cats from wandering at night, disturbing people on their own property and stalking and killing native animals.

I live at 497 Fitzgerald Street and we often hear cat fights at night.

We have up to five cats that regularly wander onto our property. We own a small dog who becomes disturbed and barks all night, and wakes up our four month old baby.

We are not allowed to let our dog wander onto other people's property at night and it does not seem right that cats can be allowed to trespass on ours?

Can you please confirm the council's position on this?

The City is currently working on introducing an 'Animal Local Law' which will include introducing local laws relating to Cats. As part of this process consideration will be given to the implementation of a cat curfew or something similar, to assist with problematic cat issues. It is anticipated that this local law goes to Council for comment July/August.

3.2 Geraldine Box of North Perth - Item 10.1 Public Consultation Results: Mini Roundabout Survey Report

I read with interest the Report by Council Officers base on the results of the Survey conducted regarding the proposed Mini Roundabout Trial on Norfolk and other streets.

Reading through the 73 responses, I compared the figures of those who Support, Oppose and are Unsure provided in the Report with those I calculated from the actual written responses provided in the Item 6.1.

I can only comment on the total responses, as there is no way for me to separate out those who live in the areas proposed to have mini roundabouts directly near their houses from those who live in other areas of Vincent.

The Report states (p.2 Item 6.1):

Support the proposed mini roundabouts 30 of 73 (41.1%)

Oppose the proposed mini roundabouts 30 of 73 (41.1%)

Unsure of this proposal 13 of 73 (17%)

ON review, I found:

Support the proposed mini roundabouts 27 of 73 (37%)

Oppose the proposed mini roundabouts 40 of 73 (55%)

Unsure of the proposal 6 of 73 (8%)

My questions to Councillors are:

How arbitrary has been the process in assessing the support, opposition or uncertainty to the proposal of some respondents?

What attention have Council Officers given to the detailed responses, alternative suggestions, and other relevant queries raised by residents who opposed the proposal?

Rather than directing these questions back to Council Officers, I do hope that as our elected members you each would take a few minutes to look at this Report and assess whether the figures provided by Council Officers give an accurate overview of what residents who responded, actually want with regards to this proposal.

Thank you for taking time to read my correspondence and I do hope to hear from you with your assessment of the interpretation of this Survey.

As discussed in the report the City received 73 written submissions from residents, from both within and outside the project area, and other interested parties. While the interpretation of some of the comments could be viewed as subjective, in respect of support for the mini-roundabouts, or not, when only the responses received from the directly affected residents (within the project area) were considered, the results from the 50 responses were:

- *Support Implementation 25 of 50- 50.0%*
- *Oppose Implementation 17 of 50 - 34.0%*
- *Unsure or did not indicate 8 of 50 - 16.0%*

3.3 Dudley Maier of Highgate

1 Will the proposal to take out a \$7.5 million loan affect the ability of the City to borrow money for other potential future projects such as underground power – is there an externally applied cap on borrowings?

Based on the current WATC model, the City would have maximised its borrowing capabilities once the borrowing of \$7.5m is approved. However, this is still the recommended approach as there is a net positive business case achieved by doing so.

The modelling forecast and the City's current LTFP estimates that we will have capacity to borrow from 2023/24 for future projects.

2 Can you confirm that, contrary to the City's Consultation Policy, the City has not advertised the annual budget for community review, before adoption, for the last three years at least?

For the past 3 years the City has advertised the differential rates and annual budget for community review, prior to adoption, in accordance with the requirements of the Local Government Act.

In 2021/22 the City intends to provide additional opportunities for community members to review the annual budget, reflecting the City's new draft Community Engagement Policy. This includes

making executives available for Questions & Answers prior to June Briefing (and adoption of the annual budget), and community engagement on the Asset Management & Sustainability Strategy.

- 3 Given that the city proposes to stop collecting commercial waste from 1 July, and given that FOGO won't start until late October, what will happen, in the period between 1 July and the introduction of FOGO, to the city's staff and machinery that currently collect commercial waste?

Vacant positions have been temporarily backfilled with agency/fixed-term contracts, and this change will therefore not impact the City's permanent employees. The vehicle used will be auctioned upon service cessation.

- 4 In March the administration has stated that it was in the process of visiting all businesses to provide guidance and information about the collection of commercial waste. When you say 'visit' does this mean face-to-face contact or simply dropping off a flyer or anonymously placing a sticker on the bins? How many businesses have been visited as of today, 18 May, just six weeks before collection will stop?

All 1748 commercially rated premise (2456 businesses) have now been visited by City Staff (as of 18/5). This was wherever possible, "Face to Face" engagement, advising of the change, providing the aligning information leaflet and answering any questions. Around 100 properties have received return visits, where we were unable to consult on the first occasion.

- 5 In March the administration said it was investigating a micro-business three bin system to be introduced with FOGO. What is the estimate of the number of businesses that could take advantage of such a system? When will they be informed of this alternative? What are they supposed to do in the period between 1 July and the introduction of FOGO?

We estimate that 6.5% (160) of commercial businesses may be able to operate using the City's current 2 bin system. Whilst some of these businesses may be able to cope with the current collection system, this may not be the case when the FOGO 3 bin system is implemented and collection parameters change, i.e. to 1 x 140lt general waste bin serviced fortnightly, 1 x 240lt recycling bin serviced fortnightly, 1 x 240lt FOGO bin serviced weekly.

The City has developed a service option for the small number of commercially rateable micro-businesses which are able to manage within the capacity and collection frequency parameters of the City's standard residential collection system; which will change to a three bin FOGO system from October 2021.

This discretionary, on-request, charged service option would be provided principally on the basis that it can be accommodated within the City's existing residential collection schedules/routes, is fully aligned with the City's residential collection system, including: bin infrastructure, capacity allowances and collection frequencies (as outlined below), and the best environmental outcome is achieved (e.g. waste recovery is maximised).

The service charge for this new, discretionary service will be included in the City's standard Fees and Charges which are reviewed/approved by Council during the annual budget process.

Expressions of interest have been taken, and will be contacted again when charges are approved by Council.

A limited allocation will be available from 1 July for suitable premises.

3.4 Vern Gardam of Mt Lawley

- Spoke about the response to his question taken on notice at the 27 April 2021 Ordinary Council meeting, included in the agenda
- Mentioned that only one appendix is referred to in the consultant's report, on page 16, paragraph 3.
- Stated that his question "(v) what, if any, feedback did Administration provide to the panel. And if feedback was provided, when was it provided?" was not answered.
- Stated he believes that feedback was provided to 14 December 2020 meeting by Administration on 16 February 2021 and went out without its only attachment

- Referred to the consultant's report which said problem/definition – (a) there is a trust by Elected Members in the community engagement activities undertaken by Administration, which impacts on decision making by the Council. Under What's Working Well it says "Elected Members were most concerned with the following elements" and the third one was "the process being followed." This report listed as a challenge "in house skills and training around neutral survey design."
- Noted that the mini roundabout survey was the first that did not contain leading questions.

The Consultant's Report refers to the appendix on two occasions.

- *Page 11, paragraph 3 details that the appendix reflects administration's review and consideration of the IAP2 Spectrum against past and present projects.*
- *Page 15, bullet point 1 identifies that the Appendix highlights differing views on where projects may be allocated on the IAP2 Spectrum.*

Following the community workshop held on 14 December 2020, Administration emailed attendees on the following dates:

- *12 February 2021 – An update was provided to notify persons who participated in the workshop and those who had registered their interest in the project that the information obtained at the workshops with Elected Members, Administration and community members was being reviewed.*
- *16 February 2021 – An email was sent to all participants of the community workshop to provide a summary of the information obtained during the community workshop and to confirm if any key points or other information was missing or misinterpreted.*
- *13 April 2021 – An email was sent to all persons who had registered their interest in the project in the project to notify them of the upcoming Council Briefing and Meeting.*
- *27 April 2021 – An email was sent to all persons who had registered their interest in the project to remind them of the Council meeting and to notify them of the restrictions set in place for the meeting due to COVID-19.*

An administrative error occurred and the email sent on 16 February 2021 did not include the attachment. The attachment, including the community member's and administration's consideration of past and present projects against the IAP2 Spectrum, was included in the Briefing Report dated 20 April 2021, on pages 40 and 41, and in the Council Report dated 27 April 2021 on pages 47 and 48.

3.5 Robert Pintabona of Perth – Item 5

- Queried where did the figures to compensate small business for removal of commercial waste come from and what does small business pay towards the Council?

The rebate of circa \$520 per commercial ratepayer is borne from anticipated operational savings, and is offered to assist Commercial ratepayers during the transition to a new provider. It does not reflect the amount commercial ratepayers are actually paying, as waste and associated services charges are currently spread across all ratepayers. There is no separate waste charge.

The City's commercial rates are calculated from the Gross Rental Value (GRV) of a property (as determined by Landgate), multiplied by the City's Rate in the Dollar, plus the State Governments' Emergency Services Levy (ESL) and any customer requested additional services. The Rate in the Dollar is determined by dividing the City's total net expenditure by the total value of all rateable properties (by category). However, a key thing to keep in mind and that is often overlooked, is that the City's commercial rate comprises costs for a whole suite of associated service costs, including the maintenance of infrastructure, roads and parking; provision of health, building control, and compliance; community services (including Rangers); street cleaning and sanitation services; and waste collection services, etc. There is currently no separate waste charge.

- Also queried if small business is subsidising residential rates?

Actually the reverse is true. Commercial businesses have generally been receiving a much higher level of service than residential ratepayers. Residential ratepayers receive two bins, whereas commercial ratepayers receive bin numbers and collection frequency based on an allowance system. This results in commercial premises accounting for 12% of the premises but 21% of the total waste lifts. A typical commercial bin is also significantly heavier than a residential bin making it more expensive to process. If the City were to have had a waste charge then commercial ratepayers would have been required to pay for this enhanced level of service above and beyond the standard two bin residential system.

- Mentioned that there has been no communication from the City
This statement is inaccurate. The City has communicated with Commercial Ratepayers and Businesses via various mediums since the decision was made over 8 months ago. The first notification letter was sent to all commercial ratepayers in September 2020, immediately following the the Council Decision. There have also been various City wide advertising via 6PR, The Voice, and Social media posts. A dedicated Commercial website was set up in September 2020. Additionally, between December and May all businesses have been visited and given the opportunity to ask questions, left with an information leaflet and had their bins marked for removal. A final reminder with bin removal details will be delivered mid- June.

3.6 David Basell of Perth – Item 5

- States that there is a difference between domestic waste and industrial and commercial waste

Commercial and Industrial Waste is generally grouped for State Government Reporting purposes and can be defined as below:

Commercial and industrial (C&I) waste: Comprises solid waste generated by the business sector as well as solid waste created by state and federal government entities, schools and tertiary institutions. Unless otherwise noted, C&I waste does not include waste from the construction and demolition (C&D) sector.

- States that City should not deal with industrial waste, but commercial waste is normal rubbish from an office

There is no statutory obligation for the City to collect commercial or industrial waste.

- Most commercial waste is from retail food and beverage industries.

Accept that waste generation rates from such premises per m2 are generally higher than non-food/beverage businesses.

- Stated that the City has been collecting waste for some time and a precedent has been set.

There is no statutory obligation for the City to collect commercial waste.

- Queried how the service can be removed with no corresponding reduction in rates.

The City has committed to offering a rebate of circa \$520 per commercial ratepayer to assist Commercial ratepayers during the transition to a new provider. However, as detailed above, this does not reflect the amount commercial ratepayers are actually paying, as waste and associated services charges are currently spread across all ratepayers. There is no separate waste charge.

- Queried if businesses have been categorised as to what they produce and how much rubbish they produce?

To complete a formal waste audit for all business premises would be financially prohibitive (Previously quoted at circa \$60,000).

- How many of the 2,000 businesses are retail, food and beverage establishments that produce the most amount of commercial rates?

The City does not hold/maintain a local business directory and cannot provide this information.

- Proposed deferring the introduction of the changes until there is a microbusiness service plan when FOGO is implemented in October 2021

Not supported. The micro business service option is already developed (as detailed above), and will be available from 1 July. The charges are subject to Council approval.

4 APPLICATIONS FOR LEAVE OF ABSENCE

LEAVE OF ABSENCE

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Loden

That Mayor Emma Cole's request for leave of absence from 1 – 9 July 2021 be approved.

It is noted that as the Deputy Mayor, Susan Gontaszewski, will be on leave during this period, Mayor Cole will continue to be the spokesperson for the City, but will not be able to attend meetings or events in person.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Andrew Oud submitted a petition with 9 signatures requesting that Council does not install chicanes or any other road impediment to the length of Camelia Street stretching from Vincent Street through to Claverton Street, the reasons for this include:

- The loss of parking bays in Camelia Street is a far greater opportunity cost to the people in the street.
- Young people tend to view chicanes as a race track and use it as a challenge to see how fast they can get through them and as a consequence the situation would be much worse than the status quo.
- Camelia Street is a steep upward incline when approached from Vincent and it is a short street without the ability for cars to gain momentum and be of consequence and so does not warrant the need for the installation of chicanes generally.
- The use of the allocated money would be much more beneficial to the community by upgrading the playground along Leake Street that is very basic and tired looking. This can be utilised to promote a family friendly suburb and encourage kids to do outdoor activity and as a result have long term health benefits.

PETITION**COUNCIL DECISION**

Moved: Cr Castle, Seconded: Cr Smith

That the petition be received and the response form part of the report to Council on the North Perth Traffic Calming proposal.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

- 5.2** Ashlee La Fontaine submitted a petition with 120 signatures requesting that the City of Vincent Council provide urgently traffic management controls in our residential street to:- reduce the present danger of high speed and high number of vehicles using the street as a "rat run" between William St and Fitzgerald St and vice versa by the installation of traffic calming devices reduce the three hour parking limit on all days to one hour limit as is provided on the Wasley St car park which is partly empty on weekends, and provide regular ranger patrols for Forrest St as commuters park all day on the street undisturbed.

The residents and ratepayers amenities have been reduced as it is difficult to enter and leave their properties with their vehicles because of the 1891 average vehicles per day using the street. As well as, heavy commercial vehicles being directed to Forrest St, as other surrounding streets have traffic management devices which make it difficult for them to travel along.

Forrest St is the only street where vehicles can turn right from Fitzgerald St to reach William St, with no speed bumps or other traffic management devices that stop speed, excess vehicles and heavy commercial vehicles using it. Stop this discrimination and allow the residents and ratepayers to enjoy the amenities the street should provide as other residents enjoy in surrounding streets to meet equitable outcomes.

PETITION**COUNCIL DECISION**

Moved: Cr Hallett, Seconded: Cr Fotakis

That the petition be received and a report be prepared no later than the September 2021 Ordinary Council Meeting.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

- 5.3** Lynley Coen submitted a petition with 26 signatures requesting that Council assist with the odour of frying chicken from 7 Grams Chicken at 212-214 Lake Street, Perth that has impacted the neighbourhood since mid-November. The emission of odours from the premises to the external environment is offensive and permeates outdoor areas and dwellings and has a detrimental impact on residents' quality of life.

The signatories appreciate and support the mix of businesses in the area and the intention in raising this issue is not to cause harm to the business but rather to be able to live harmoniously alongside it.

The exhaust filtration being used by the business does not mitigate the emission of nuisance odours. An indication of the failure of filtration is the layer of grease on the footpath in Lake at the front of 7 Grams Chicken.

Residents have complied with Council requests to provide detailed log sheets of occurrences for over 6 months, but nothing has changed.

PETITION

COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Wallace

That the petition be received and report be prepared for the 27 July 2021 Ordinary Council Meeting.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

- 5.4** Ross Ioppolo submitted a petition with 33 signatures requesting that Council prohibit verge parking at all times on the south side of Vincent Street, Leederville, between Oxford and Loftus. Verge parking on major arterials with high volume traffic obstructs residents line-of-sight to oncoming traffic and represents a safety risk. This risk is heightened when vehicles park back-to-back and unattached trailers are habitually parked on the verge in lieu of residents own driveways. While we believe such verge obstructions are illegal under the City's own regulations, enforcement appears to be ineffective and the Administration has not exercised its discretion to erect no parking signs to put the issue beyond doubt. Please address safety now.

PETITION

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Loden

That the petition be received and a report be prepared for the 27 July 2021 Ordinary Council Meeting.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Fotakis, Seconded: Cr Hallett

That the minutes of the Ordinary Meeting held on 18 May 2021 be confirmed.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 NAIDOC WEEK CELEBRATIONS

The theme for 2021 is "Heal Country", which is about understanding that country is more than just a place for Aboriginal and Torres Strait Islander people, it is inherent to identity. NAIDOC week this year coincides with school holidays and daily free events will be held for our community during this time. There will be an inspirational Heal the Country talk at the Vincent Community Centre with Barry McGuire, Noongar language classes for adults and children and a series of events in the Pickle District. The Pickle District has become a hub for NAIDOC week celebrations and is an emerging arts hub in West Perth, full of art galleries, studios, event spaces and the Backlot Theatre and is an interesting area to look around. On 6 July 2021 it will be opened up for a celebration of Aboriginal art and culture and movie showings at the Backlot Theatre. The finale of NAIDOC week is on Saturday, 10 July, which is the NAIDOC round football match, which will be free for all community members at Leederville Oval. Community members are encouraged to get involved in the celebrations.

8 DECLARATIONS OF INTEREST

- 8.1 Cr Dan Loden has declared an impartiality interest in Item 11.2 Management Agreement – Vincent Tool Library – Portion of Britannia Reserve, 41 Britannia Road, Mount Hawthorn. The extent of his interest is that his mother is a member of the Tool Library and other members supported his election campaign.
- 8.2 Mayor Emma Cole declared an impartiality interest in Item 9.5 Britannia Reserve Development Plan. The extent of her interest is that her son is a Junior Member of the Floreat Athena Football Club that uses the Reserve for training and games.
- 8.3 Mayor Emma Cole declared an impartiality interest in Item 11.2 Management Agreement – Vincent Tool Library – Portion of Britannia Reserve, 41 Britannia Road, Mount Hawthorn. The extent of her interest is that she is a member of the Tool Library.
- 8.4 Cr Dan Loden declared an impartiality interest in Item 11.2 Management Agreement – Vincent Tool Library – Portion of Britannia Reserve, 41 Britannia Road, Mount Hawthorn. The extent of his interest is that she is a member of the Tool Library.
- 8.5 Cr Alex Castle declared an impartiality interest in Item 11.2 Management Agreement – Vincent Tool Library – Portion of Britannia Reserve, 41 Britannia Road, Mount Hawthorn. The extent of her interest is that she is a member of the Tool Library.

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 9.1, 10.2, 11.2 and 12.1.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 11.7, 12.2 and 12.5.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 9.5 and 11.2.

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	9.5
Cr Loden	10.2, 11.3

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 9.2, 9.3, 9.4, 10.1, 11.1, 11.4, 11.5, 11.6, 12.3, 12.4 and 12.6
- (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 Loden, Seconded: Cr Smith

**That the following unopposed items be adopted “En Bloc”, as recommended:
Items 9.2, 9.3, 9.4, 10.1, 11.1, 11.4, 11.5, 11.6, 12.3, 12.4 and 12.6**

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

9.2 CITY OF VINCENT REBOUND PLAN - QUARTERLY UPDATE

- Attachments:
1. Vincent Rebound Plan - Implementation Framework 
 2. Rebound Roundtable Forward Agenda 

RECOMMENDATION:

That Council NOTES the:

1. quarterly update on the City of Vincent Rebound Plan implementation included as Attachment 1, and the monthly reporting to the Rebound Roundtable; and
2. Rebound Roundtable Forward Agenda included as Attachment 2.

COUNCIL DECISION ITEM 9.2

Moved: Cr Loden, **Seconded:** Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

9.3 ARTS REBOUND: TOWN CENTRE ARTWORKS

Attachments: 1. Arts Rebound: Town Centre Artworks Expression of Interest 

RECOMMENDATION:

That Council ENDORSES the Arts Rebound: Town Centre Artworks Expression of Interest included as Attachment 1, for the purpose of advertising.

COUNCIL DECISION ITEM 9.3

Moved: Cr Loden, **Seconded:** Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

9.4 BUILT FORM POLICY AMENDMENT 3

- Attachments:
1. Schedule of Modifications to Policy No. 7.1.1 - Built Form 
 2. Built Form Policy Amendment 3 - Marked Up 
 3. Built Form Policy Amendment 3 - Updated 
 4. R Codes Volume 1 - Tracked changes of amendments 

RECOMMENDATION:

That Council:

1. DETERMINES that in accordance with Schedule 2, Part 3, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 3 to Policy No. 7.1.1 - Built Form is a minor amendment;
2. ADOPTS Amendment 3 to Policy No. 7.1.1 – Built Form at Attachment 3; and
3. RESOLVES to proceed with Amendment 3 to Policy No. 7.1.1 – Built Form without modification in accordance with Schedule 2, Part 2, Clause 4(3)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.4

Moved: Cr Loden, Seconded: Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

10.1 E-PERMITS IMPLEMENTATION PROGRESS REPORT

Attachments: Nil

RECOMMENDATION:

That Council NOTES the progress in the implementation of the E-Permit system.

COUNCIL DECISION ITEM 10.1

Moved: Cr Loden, Seconded: Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

11.1 LEEDERVILLE GARDENS TRUST FUND COVID-19 RELIEF GRANTS UPDATE**Attachments:** 1. **Leederville Gardens Trust Fund Grant Recipients Program Status Update****RECOMMENDATION:****That Council:**

1. **NOTES** the progress of the funding provided to benevolent not-for-profit organisations under the Leederville Gardens Trust COVID-19 Relief Grant Funding program;
2. **APPROVES** the request from Foodbank WA Inc for an extension to the terms of their Leederville Gardens Trust COVID-19 Relief Grant Agreement and for a variation to the agreed funding amount as detailed in this Report;
3. **APPROVES** the request from People Who Care Inc for an extension to the terms of their Leederville Gardens Trust COVID-19 Relief Grant Agreement as detailed in this Report; and
4. **NOTES** that the Executive Director, Community & Business Services will prepare and enter into a variation to the funding agreements for Foodbank WA Inc and People Who Care Inc.

COUNCIL DECISION ITEM 11.1**Moved: Cr Loden, Seconded: Cr Smith****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (8-0)****(Cr Topelberg was on approved leave of absence for the Meeting.)**

11.4 INVESTMENT REPORT AS AT 30 APRIL 2021

Attachments: 1. Investment Statistics as at 30 April 2021 

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 30 April 2021 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.4

Moved: Cr Loden, Seconded: Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

11.5 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

- Attachments:
1. Payments by EFT and Payroll April 21 
 2. Payments by Direct Debit April 21 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 April 2021 to 30 April 2021 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$4,244,354.40
Cheques	\$0.00
Direct debits, including credit cards	\$162,518.93
Total payments for April 2021	\$4,406,873.33

COUNCIL DECISION ITEM 11.5

Moved: Cr Loden, **Seconded:** Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

11.6 FINANCIAL STATEMENTS AS AT 30 APRIL 2021**Attachments:** 1. Financial Statements as at 30 April 2021 **RECOMMENDATION:**

That Council RECEIVES the Financial Statements for the month ended 30 April 2021 as shown in Attachment 1.



COUNCIL DECISION ITEM 11.6**Moved: Cr Loden, Seconded: Cr Smith**

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.3 OUTCOME OF ADVERTISING AND ADOPTION OF NEW FRAUD CORRUPTION AND PREVENTION POLICY

- Attachments:
1. Fraud and Corruption Prevention Policy 
 2. Policy 4.1.17 - Fraud and Corruption Prevention 

RECOMMENDATION:

That Council:

1. **ADOPTS** the Fraud and Corruption Prevention Policy at Attachment 1; and
2. **REPEALS** Policy 4.1.17 - Fraud and Corruption Prevention at Attachment 2.

COUNCIL DECISION ITEM 12.3

Moved: Cr Loden, **Seconded:** Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.4 GOVERNANCE FRAMEWORK - PROPOSED UPDATES AND PROPOSED REPEAL OF COUNCIL MEMBER AND EMPLOYEE BUSINESS DEALINGS POLICY

- Attachments:
1. Governance Framework 2020 - Tracked Changes 
 2. Policy 4.2.10 - Council Members and Employee Business Dealings with the City 

RECOMMENDATION:

That Council:

1. APPROVES the amendments to the Governance Framework 2020, as at Attachment 1; and
2. REPEALS Policy 4.2.10 - Council Members and Employee Business Dealings with the City, as at Attachment 2.

COUNCIL DECISION ITEM 12.4












Moved: Cr Loden, Seconded: Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.6 INFORMATION BULLETIN

- Attachments:**
1. **Unconfirmed Minutes of the Tamala Park Regional Council - Special Meeting of Council held on 26 May 2021** 
 2. **Minutes Arts Advisory Group (AAG) 19 May 2021** 
 3. **Minutes Reconciliation Action Plan Working Group (RAPWG) 10 May 2021** 
 4. **Statistics for Development Services Applications as at May 2021** 
 5. **Quarterly Street Tree Removal Information** 
 6. **Register of Legal Action and Prosecutions Monthly - Confidential**
 7. **Register of Legal Action - Orders and Notices Quarterly - Confidential**
 8. **Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 4 June 2021** 
 9. **Register of Applications Referred to the MetroWest Development Assessment Panel - Current** 
 10. **Register of Applications Referred to the Design Review Panel - Current** 
 11. **Register of Petitions - Progress Report - May 2021** 
 12. **Register of Notices of Motion - Progress Report - May 2021** 
 13. **Register of Reports to be Actioned - Progress Report - May 2021** 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated June 2021.

COUNCIL DECISION ITEM 12.6

Moved: Cr Loden, Seconded: Cr Smith

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was on approved leave of absence for the Meeting.)

REPORTS WITH DISCUSSION

11.2 MANAGEMENT AGREEMENT - VINCENT TOOL LIBRARY - PORTION OF BRITANNIA RESERVE, 41 BRITANNIA ROAD, MOUNT HAWTHORN

- Attachments:
1. Proposed Management Agreement Area for Tools N Things Library Inc 
 2. Storage Cage requested for inclusion under Management Agreement area Tools n Things Library Inc 

RECOMMENDATION:

That Council:

1. APPROVES a Management Agreement for a portion of Britannia Reserve, 41 Britannia Road, Mt Hawthorn (as shown in Attachment 1) to Tools n Things Library Inc (TNTL) on the following key terms:
 - 1.1 Term: 6 (six) months
 - 1.2 Option term: 1 x 6 (six) months at City's sole discretion;
 - 1.3 Tenancy Fee: \$246 (excluding GST) per term, which includes a 50% community benefit rebate, indexed at CPI;
 - 1.4 Outgoings: Emergency Services Levy (ESL) to be paid by TNTL, all other outgoings payable by the City;
 - 1.5 Public liability: TNTL to effect and maintain current public liability insurance of not less than \$20,000,000 (per claim);
 - 1.6 Condition: provided in 'as is, where is' condition. The City will not undertake any capital or renewal works during the term of the Management Agreement, which includes repairing or replacing any fixtures or fittings at the end of their life;
 - 1.7 Building insurance: payable by the City with excess on any claim payable by TNTL;
 - 1.8 Maintenance/repairs: responsibility of TNTL, this includes keeping the Premises interior and exterior clean and tidy and repairing or replacing any fittings or fixtures if required;
 - 1.9 Capital upgrades: City will not undertake capital or renewal works; and
 - 1.10 Damage to Premises: in the event the Premises is damaged so it becomes unfit for use the City may at its discretion terminate the Management Agreement, and no compensation will be payable to the tenant.
2. Subject to final satisfactory negotiations being carried out between TNTL and the Chief Executive Officer, AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the Management Agreement in recommendation 1 above; and
3. APPROVES a waiver of fees in the amount of \$246 for the first term of the Management Agreement in order to provide further assistance with the establishment of the Tool Library in the City of Vincent.

Moved: Cr Loden, Seconded: Cr Wallace

That the recommendation be adopted.

AMENDMENT 1**Moved:** Cr Hallett, **Seconded:** Cr Castle

That the recommendation be amended as follows:

- 1.1 **Term:** ~~6 (six)~~ **12 (twelve) months**
- 1.2 **Option term:** ~~1 x 6 (six)~~ **12 (twelve) months at City's sole discretion;**

REASON:

To provide additional certainty to the tenant.

AMENDMENT CARRIED (8-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Wallace and Cr Smith**Against:** Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 2**Moved:** Cr Castle, **Seconded:** Cr Smith

That the recommendation be amended as follows:

- 1.3 **Tenancy Fee:** ~~\$246~~ **\$492** (excluding GST) per term, which includes a 50% community benefit rebate, indexed at CPI;
3. **APPROVES** a waiver of fees in the amount of ~~\$246~~ **\$492** for the first term of the Management Agreement in order to provide further assistance with the establishment of the Tool Library in the City of Vincent.

REASON:

To update the fee to reflect the extension of term as per the amendment above.

AMENDMENT CARRIED (8-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Wallace and Cr Smith**Against:** Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 11.2

That Council:

1. **APPROVES** a Management Agreement for a portion of Britannia Reserve, 41 Britannia Road, Mt Hawthorn (as shown in Attachment 1) to Tools n Things Library Inc (TNTL) on the following key terms:
- 1.1 **Term:** 12 (twelve) months
- 1.2 **Option term:** 1 x 12 (twelve) months at City's sole discretion;
- 1.3 **Tenancy Fee:** \$492 (excluding GST) per term, which includes a 50% community

- benefit rebate, indexed at CPI;
- 1.4 **Outgoings:** Emergency Services Levy (ESL) to be paid by TNTL, all other outgoings payable by the City;
- 1.5 **Public liability:** TNTL to effect and maintain current public liability insurance of not less than \$20,000,000 (per claim);
- 1.6 **Condition:** provided in 'as is, where is' condition. The City will not undertake any capital or renewal works during the term of the Management Agreement, which includes repairing or replacing any fixtures or fittings at the end of their life;
- 1.7 **Building insurance:** payable by the City with excess on any claim payable by TNTL;
- 1.8 **Maintenance/repairs:** responsibility of TNTL, this includes keeping the Premises interior and exterior clean and tidy and repairing or replacing any fittings or fixtures if required;
- 1.9 **Capital upgrades:** City will not undertake capital or renewal works; and
- 1.10 **Damage to Premises:** in the event the Premises is damaged so it becomes unfit for use the City may at its discretion terminate the Management Agreement, and no compensation will be payable to the tenant.
2. Subject to final satisfactory negotiations being carried out between TNTL and the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Management Agreement in recommendation 1 above; and
3. **APPROVES** a waiver of fees in the amount of \$492 for the first term of the Management Agreement in order to provide further assistance with the establishment of the Tool Library in the City of Vincent.







CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.1 RESULTS OF CONSULTATION - BARLEE STREET CAR PARK OPTIONS FOR FUTURE USE

- Attachments:
1. Summary of Community Consultation - Graphs 
 2. Summary of Community Consultation - Detail 
 3. Submission - survey of local business owners - Confidential
 4. Transition Plan for conversion to park/town square 
 5. Submission - Additional #1 
 6. Submission - Additional #2 
 7. Map of Car Parks along Beaufort Street 

RECOMMENDATION:

That Council:

1. **NOTES** the results of community consultation and Administration's responses as at Attachment 2;
2. **NOTES** the potential park/town square proposal received strong support through the community consultation, reflected in the Transition Plan at Attachment 4;
3. **NOTES** the agent for the private landowners have advised that they intend to pursue a mixed use development outcome on their lots irrespective of the land swap proposal;
4. **NOTES** that Administration considers a market sale for the City-owned lot is the most viable option given the number of uncertainties involved in executing the Transition Plan and following a detailed financial analysis;
5. **AUTHORISES** the Chief Executive Officer to commence the advertising for sale of the City's lot 48 (No. 590) Beaufort Street, Mount Lawley, pursuant to section 3.58 of the *Local Government Act 1995*;
6. **NOTES** any proceeds of a sale as per Recommendation 5 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent;
7. **AUTHORISES** the Chief Executive Officer to negotiate a financially sustainable management agreement or lease extension with the owners of the car park for the interim period before any sale is finalised;
8. **AUTHORISES** the Chief Executive Officer to continue discussions with the current or future landowners on the Transition Plan at Attachment 4 if a sale process of lot 48 (No. 590) as per Recommendation 5 does not elicit offers which exceed the market valuation;
9. **REQUESTS** the Chief Executive Officer to provide a further report to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street.

COUNCIL DECISION ITEM 12.1

Moved: Cr Loden, **Seconded:** Cr Wallace

That the recommendation be adopted.

AMENDMENT

Moved: Cr Loden, **Seconded:** Cr Hallett

That the recommendation be amended as follows:

- ~~8. **AUTHORISES** the Chief Executive Officer to continue discussions with the current or future landowners on the Transition Plan at Attachment 4 if a sale process of lot 48 (No. 590) as per Recommendation 5 does not elicit offers which exceed the market valuation;~~

REASON:

In the event that the land sale is not successful a further report to Council should determine the course of action.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 12.1**RECOMMENDATION:**

That Council:

1. **NOTES** the results of community consultation and Administration's responses as at Attachment 2;
2. **NOTES** the potential park/town square proposal received strong support through the community consultation, reflected in the Transition Plan at Attachment 4;
3. **NOTES** the agent for the private landowners have advised that they intend to pursue a mixed use development outcome on their lots irrespective of the land swap proposal;
4. **NOTES** that Administration considers a market sale for the City-owned lot is the most viable option given the number of uncertainties involved in executing the Transition Plan and following a detailed financial analysis;
5. **AUTHORISES** the Chief Executive Officer to commence the advertising for sale of the City's lot 48 (No. 590) Beaufort Street, Mount Lawley, pursuant to section 3.58 of the *Local Government Act 1995*;
6. **NOTES** any proceeds of a sale as per Recommendation 5 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent;
7. **AUTHORISES** the Chief Executive Officer to negotiate a financially sustainable management agreement or lease extension with the owners of the car park for the interim period before any sale is finalised;
8. **REQUESTS** the Chief Executive Officer to provide a further report to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street.

LOST (0-8)

For: Nil

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

(Cr Topelberg was on approved leave of absence for the Meeting.)

ALTERNATIVE RECOMMENDATION

Moved: Cr Gontaszewski, **Seconded:** Cr Loden

That the Recommendation be replaced with the following:

That Council:

1. NOTES the results of community consultation and Administration's responses as at Attachment 2;
2. DOES NOT PROCEED with a land sale of Lot 48 at this time and NOTES that Council will reconsider the sale prior to the expiry of the current lease or if the lease is terminated by the lessors of Lot 49 and 50;
3. AMENDS BY ABSOLUTE MAJORITY the City of Vincent Schedule of Fees and Charges 2021/22 to remove 'First Hour Free' from the Barlee Street Car Park;
4. REQUESTS the CEO to prepare for discussion with Council, prior to first quarter budget review:
 - 4.1 costings for the removal and a feasibility analysis for the relocation of the Beaufort Street sign;
 - 4.2 removal of other improvements on the property; and
5. REQUESTS the CEO to modify the draft Corporate Business Plan and Beaufort Street Place Plan to include the development of a plan, in the 2021/22 financial year, to improve pedestrian and cyclist experience on Beaufort Street (St Albans Ave to Walcott St) including improvements to road crossings, pedestrian and cycle path infrastructure, seating, greening and shade.

REASON:

Community consultation indicates a perceived need for the car park. Recent development approvals may increase car park usage and removal of first hour free parking will balance out lease and management costs. Sale is not precluded in future. Beaufort Street sign will require removal when lease ends and is unlikely be compatible with a quality development of the site. Beaufort Street is a challenging environment for pedestrians and cyclists and would benefit from a holistic plan of improvements that could be implemented over time.

AMENDMENT 2

Moved: Cr Hallett, Seconded: Cr Loden

That the recommendation be amended as follows:

6. REQUESTS the Chief Executive Officer to provide a further report to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION 12.1

That Council:

1. NOTES the results of community consultation and Administration's responses as at Attachment 2;
2. DOES NOT PROCEED with a land sale of Lot 48 at this time and NOTES that Council will reconsider the sale prior to the expiry of the current lease or if the lease is terminated by the lessors of Lot 49 and 50;
3. AMENDS BY ABSOLUTE MAJORITY the City of Vincent Schedule of Fees and Charges 2021/22 to remove 'First Hour Free' from the Barlee Street Car Park;

4. **REQUESTS the CEO to prepare for discussion with Council, prior to first quarter budget review:**
 - a. **costings for the removal and a feasibility analysis for the relocation of the Beaufort Street sign;**
 - b. **removal of other improvements on the property; and**
5. **REQUESTS the CEO to modify the draft Corporate Business Plan and Beaufort Street Place Plan to include the development of a plan, in the 2021/22 financial year, to improve pedestrian and cyclist experience on Beaufort Street (St Albans Ave to Walcott St) including improvements to road crossings, pedestrian and cycle path infrastructure, seating, greening and shade.**
6. **REQUESTS the Chief Executive Officer to provide a further report to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street.**

REASON:

Community consultation indicates a perceived need for the car park. Recent development approvals may increase car park usage and removal of first hour free parking will balance out lease and management costs. Sale is not precluded in future. Beaufort Street sign will require removal when lease ends and is unlikely be compatible with a quality development of the site. Beaufort Street is a challenging environment for pedestrians and cyclists and would benefit from a holistic plan of improvements that could be implemented over time.

CARRIED UNANIMOUSLY (8-0)








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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

9.1 NO. 290 (LOT: 10; D/P: D059211) BEAUFORT STREET, PERTH - CHANGE OF USE TO RESTAURANT/CAFÉ, SHOP AND SMALL BAR, INCLUDING ALTERATIONS/ADDITIONS AND SIGNAGE (AMENDMENT TO APPROVED)

Ward: South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Applicant Cover Letter 
 4. Acoustic Report 
 5. Venue Management Plan 
 6. Previous Determination Notice and Plans (31 May 2021) 
 7. Summary of Submissions - Administration Response 

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 a Change of Use to Restaurant/Café, Shop and Small Bar, including Alterations/Additions and Signage (Amendment to Approved) at No. 290 (Lot: 10; D/P: D059211) Beaufort Street, Perth, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on development approval 5.2021.73.1 dated 31 May 2021 continue to apply to this approval, except as follows:
 - 1.1 Condition 1 is amended to read as follows:
 1. This approval is for Change of Use to Restaurant/Café, Shop and Small Bar, including Alterations/Additions and Signage as shown on the approved plans dated 2 March 2021, 12 April 2021 and 11 May 2021. No other development forms part of this approval; and
 - 1.2 Conditions 2.1 and 2.2 are amended, and a new Condition 2.3 is added to read as follows:
 2. Use of Premises
 - 2.1 This approval is for Restaurant/Café, Shop and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2.

Use of the subject land for a different use may require further development approval in accordance with the provisions of the City's Local Planning Scheme No. 2 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - 2.2 The Restaurant/Café and Small Bar shall be limited to a maximum of 75 patrons.
 - 2.3 The hours of operation of the Small Bar shall be limited to:
 - 7:00am to 10:00pm Monday to Thursday and Sunday; and
 - 7:00am to midnight Friday, Saturday, and any day preceding a public holiday.
 - 1.3 Condition 8.2 is amended to read as follows:
 - 8.2 Prior to the occupancy or use of the development, an amended Venue Management Plan shall be submitted to and approved by the City. The amended Venue Management Plan is to reflect the approved maximum number of patrons and operating hours. Thereafter the premises shall operate in accordance with the approved Venue Management Plan to the satisfaction of the City.

COUNCIL DECISION ITEM 9.1

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

10.2 WASTE STRATEGY PROJECT 8: COMMERCIAL WASTE COLLECTION: PROGRESS UPDATE AND RESPONSE TO PETITIONS

- Attachments:
1. Petition Received - Nicholas Catania - Confidential
 2. Petition Received - Cam Sinclair - Confidential
 3. Commercial Waste Service Changes - Information Pamphlet 

RECOMMENDATION:

That Council NOTES the progress update on implementation of Council's decision to cease the City's commercial waste service as part of Project 8 of the Waste Strategy and the response to the petitions received.

Moved: Cr Gontaszewski, Seconded: Cr Loden

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Loden, Seconded: Cr Castle

That a recommendation be added as follows:

That Council:

REQUESTS a further report on the ceasing of the commercial waste service at the August 2021 Council meeting.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 2

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That a recommendation be added as follows:

That Council:

REQUESTS Administration seek to verify that an alternative waste service has been sought, including the proposed microbusiness service where applicable, at the time of removal of commercial bins between 1 July and 31 August 2021.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 10.2

That Council:

1. NOTES the progress update on implementation of Council's decision to cease the City's commercial waste service as part of Project 8 of the Waste Strategy and the response to the petitions received.

2. **REQUESTS** a further report on the ceasing of the commercial waste service at the August 2021 Council meeting.
3. **REQUESTS** Administration to seek to verify that an alternative waste service has been sought, including the proposed micro-service where applicable, at the time of removal of commercial bins between 1 July and 31 August 2021.








CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

11.7 ADOPTION OF THE ANNUAL BUDGET 2021/22

- Attachments:
1. Statutory Budget Statements 
 2. 2021/2022 Capital Budget 
 3. Summary of Income and Expenditure by Service Area 
 4. Fees and Charges Schedule 
 5. Service Delivery Review Program 2021/2022 
 6. Submission - Differential Rates 
 7. Budget Presentation from Briefing Meeting 15 June 2021 

RECOMMENDATION:

That Council BY ABSOLUTE MAJORITY:

1. BUDGET:

Pursuant to the provisions of Section 6.2(1) of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the City of Vincent Annual Budget as detailed in Attachments 1 and 2 for the year ended 30 June 2022, which includes:

- 1.1 Statement of Comprehensive Income by Nature or Type, and Statement of Comprehensive Income by Program, showing a net result for that year of (\$6,698,067);
- 1.2 Statement of Cash Flows showing a net cash provided by operations of \$2,872,391 and net decrease in cash held of \$3,533,088;
- 1.3 Rate Setting Statement by Program showing an amount required to be raised from rates of \$36,683,624;
- 1.4 Transfers to/from Reserves as detailed on the Cash Backed Reserves Statement showing a 30 June 2022 closing balance of \$8,954,580 which is a net decrease in cash reserves of \$2,887,737;
- 1.6 Notes to and forming part of the Budget as included in Attachment 1; and
- 1.7 Capital Works Program showing a total of \$22,158,710 (including 2020/2021 carry forward projects).

2. RATES:

NOTES one (1) submission was received in response to the Notice published in accordance with section 6.36(1) of the *Local Government Act 1995* and for the purpose of yielding up the deficiency disclosed by the Budget adopted in 1 above, Council pursuant to Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, IMPOSES the following differential general rates and minimum payments on Gross Rental Values (GRV):

2.1 General Rates:

Differential General Rate	Cents in the dollar
Residential	7.9730
Residential Vacant	7.6125
Commercial Vacant	12.817
Other (Commercial and Industrial)	6.7180

2.2 Minimum Payments:

Differential General Rate	Minimum Payment on GRV

Residential	\$1,241.00
Residential Vacant	\$1,170.00
Commercial Vacant	\$1,516.40
Other (Commercial and Industrial)	\$1,197.70

2.3 RATE PAYMENT OPTIONS:

Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the following due dates for payment in full by one payment on the due date or in 4 instalments:

Option	Instalment	Date
(a)	Due Date/First instalment	27 August 2021
(b)	Second instalment	29 October 2021
(c)	Third instalment	7 January 2022
(d)	Fourth instalment	11 March 2022

2.4 INSTALMENT, RATES SMOOTHING AND ARRANGEMENTS, ADMINISTRATION FEES AND INTEREST CHARGES:

2.4.1 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS an instalment administration charge of \$8.00 per instalment for payment of rates by 4 instalments, to apply to the second, third and fourth instalment;

2.4.2 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS an interest rate of 5.5% where the owner has elected to pay rates through an instalment option, rates smoothing or alternative payment arrangement.

2.5 LATE PAYMENT INTEREST ON OVERDUE RATES AND AMOUNTS:

ADOPTS an interest rate of 7% per annum, calculated daily from the due date and continuing until the date of payment:

2.5.1 On overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, subject to Section 6.51(4) of the *Local Government Act 1995* and clause 14 of the *Local Government (COVID-19 Response) Amendment Order 2021*; and

2.5.3 Amounts due to the City in accordance with Section 6.13 of the *Local Government Act 1995*; and

2.5.4 In accordance with clause 8 of the *Local Government (COVID-19 Response) Amendment Order 2021*, interest on outstanding rates will not be applied to a person who has been considered by the City of Vincent as suffering financial hardship as a result of the COVID-19 pandemic.

Subject to the following exclusions - deferred rates, current instalment amounts not yet due under instalment payment options, registered pensioner portions and current government pensioner rebate amounts;

3. REPORTING OF BUDGET VARIANCES:

Pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the monthly reporting variance for the 2021/2022 financial year of 10% or more, where that variance is also more than \$20,000;

4. FEES AND CHARGES:

Pursuant to Section 6.16 of the *Local Government Act 1995*, ADOPTS the Schedule of Fees and Charges;

5. RATES WAIVER:

Pursuant to Section 6.47 of the *Local Government Act 1995*, WAIVES the 2021/2022 local government rates for the following groups:

Fleat Athena Soccer Club	Litis Stadium	\$9,925.85
Leederville Cricket Club Inc.	Britannia Reserve	\$2,267.33
Earlybirds Playgroup Inc.	87 The Boulevarde	\$1,197.70
Pride Western Australia	4 View Street	\$1,758.17
Town Team Movement	245 Vincent Street	\$1,197.70
Highgate Forrest Park Playgroup	Forrest Park	\$1,974.42
Volleyball WA	Royal Park	\$3,560.54
North Perth Community Garden	Woodville Reserve	\$1,197.70
Vincent Men's Shed	Woodville Reserve	\$1,343.60
North Perth Bowling Club	Woodville Reserve	\$3,392.59
North Perth Tennis Club	Woodville Reserve	\$2,452.07
Tennis West	Robertson Park	\$5,911.84
Forrest Park Croquet Club	Forrest Park	\$4,836.96
Perth Junior Soccer Club	Forrest Park	\$1,545.14
Perth Soccer Club	Dorrien Gardens	\$17,740.22
Azzurri Bocce Club	Dorrien Gardens	\$4,568.24
Gymnastics WA Inc.	Loftus centre	\$13,083.64
Loton Park Tennis Club	Loton Park	\$2,720.79
Leederville Tennis Club	Richmond St Leederville	\$3,191.05
East Perth Football Club Inc	Leederville Oval	\$12,274.08
Subiaco Football Club Inc.	Leederville Oval	\$10,408.90
North Perth Playgroup Inc.	15 Haynes Street, North Perth	\$1,197.70
Mount Hawthorn Toy Library Inc.	Mt Hawthorn Community Centre	\$1,197.70
Mount Hawthorn Playgroup Inc.	Mt Hawthorn Community Centre	\$1,197.70
Fleat Athena Soccer Club Inc.	Britannia Reserve	\$2,267.33
Swimming WA Inc.	Beatty Park	\$3,397.96
^{1.} TOTAL		\$115,806.92

6. APPROVES a reserve to be created for *Public Open Space Reserve - General* to be utilised for the future development of public open space in the City.

7. NOTES a provision of \$100,000 within the budget that will be used to assist ratepayers in financial hardship, as determined by the Chief Executive Officer.

Moved: Cr Loden, Seconded: Cr Castle

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Loden, Seconded: Cr Castle

That Recommendation 1 be amended as follows:

1.8 INCLUDES \$541,114 for Federal Government's LRCI Program Phase 3 grant funding in capital grant income, to be allocated to the Menzies Pavilion refurbishment and the North Perth Town Hall bathroom and kitchen capital works, as itemised in Attachment 2 - 2021/2022 Capital Budget; and

1.9 TRANSFERS the associated municipal funds that were previously allocated to these projects, totalling \$541,114, to the Asset Sustainability Reserve.

REASON:

The City of Vincent has a capital works program of \$22,128,710, and expects to receive Federal Grant funding in January 2022 of \$541,114.

The grant funding must be used for projects of community benefit.

I cannot foresee us allocating additional community infrastructure works this financial year, as Vincent will already be facing potential capacity issues in delivery. I would prefer to see the grant funding be allocated to capital works identified as a priority in 2021/2022.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 2

Moved: Cr Loden, Seconded: Cr Castle

That the recommendation be amended as follows:

- 1.10 Employee costs are REDUCED by \$45,000, being a reduction of 0.5 full time equivalent (FTE), and any remaining staff resources are managed within the Annual Budget;**
- 1.11 NOTES the additional 1 FTE and \$104,371 is allocated in 2021/22 only to support design of landscape and concept plans and a corresponding reduction in consultancy by \$204,000; and**
- 1.12 NOTES the additional 3 FTE and \$254,849 for the trial of additional Parking Rangers to demonstrate a reduction in parking complaints is allocated for the 2021/22 financial year only and on the basis of a net positive outcome with a report to Council by May 2022 to demonstrate the realisation of forecast revenue and decrease in complaints.**

REASON:

The Long Term Financial Plan (LTFP) makes a provision for 1.0 Full Time Equivalent (FTE) increase, whereas Administration proposes the following new FTE:

Resourcing proposal	FTE	Budget allocation	Employee Cost	Operational Saving	Revenue Generation
Graffiti removal support	0.5	Ongoing	\$37,950	N/A	N/A
Accessible City implementation (traffic engineering)	1.0	Ongoing	\$90,347	N/A	N/A
Landscape and Concept Design	1.0	2021/22	\$104,371	\$204,000 Consultancy saving	N/A
Parking Ranger Support trial to reduce community parking complaints	3.0	2012/22	\$254,849	N/A	\$461,000

Administration's proposed employee cost increase is 5.67% since 2019/2020, and the *ongoing* FTE increase includes:

0.5 FTE Graffiti Removal Officer	\$37,950
1.0 FTE Traffic Engineer	\$90,347
1.5 FTE	

The Report to Council states: “*Whilst employee costs have increased by 5.67% over two years, the full time equivalent total for the City of has only increased by 1.0 FTE, in accordance with projections in the LTFP.*”

This is incorrect, confusing and it has been difficult to ascertain the complete picture of additional FTE in this context, regardless of whether FTE are net positive or not.

This amendment seeks to maintain the *ongoing* increase to 1 FTE, whilst addressing the additional 4 FTE and requiring that the 4 FTE must be net positive, limited to 12 months and subject to a report to Council to demonstrate that the projected benefits are realised.

It is important to maintain the staffing levels set out in the LTFP, maintaining a focus on driving operating efficiency and reallocation of resourcing to achieve results.

I support a 0.5 FTE allocation towards graffiti removal and 0.5 FTE allocation towards traffic engineering, as these have been identified by Vincent community, Council and Administration as priority needs. A reduction of 0.5 FTE in the traffic engineer role will require an employee cost reduction of \$45,000. Any remaining employee costs should be resourced within existing budget allocations.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 3

Moved: Cr Loden, **Seconded:** Cr Wallace

That Recommendation 4 be amended as follows:

4. FEES AND CHARGES:

Pursuant to Section 6.16 of the *Local Government Act 1995*, **ADOPTS** the Schedule of Fees and Charges **subject to the following changes to Waste Service charges for microbusinesses;**

4.1 (July to September)

Microbusiness Waste and Recycling Service Two Bin System \$656 \$520

4.2 (From October 2021 FOGO)

Microbusiness Waste and Recycling Service Three-Bin System \$699 \$520

REASON:

To align the rebate for commercial waste rebate value to the proposed cost of the micro business waste fee.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 4

Moved: Cr Loden, **Seconded:** Cr Hallett

That the recommendation be amended as follows:

That Council BY ABSOLUTE MAJORITY:

BUDGET:

Pursuant to the provisions of Section 6.2(1) of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the City of Vincent Annual Budget as detailed in Attachments 1 and 2 for the year ended 30 June 2022, which includes:

- 1.13 An additional \$336,000 is added to the Capital Works Program for the purpose of installing an additional 65KW solar PV system, including a 50kVA inverter, at Beatty Park Leisure Centre; and is funded through increased borrowing.**

REASON:

Of our larger facilities, Beatty Park is the only one that has not fully maxed out the capacity for direct use of solar due to a lack of sufficient roof space.

Conveniently an additional 65 kW system is the maximum amount that Western Power will allow us to install without a more detailed assessment on the impact to the energy system, and this is also how much we need to meet demand in the middle of the day (i.e. more than 65 kW and we will start to not utilise fully in the middle of the day and the business case justification starts to erode).

The system would save \$19,867 per year and would have a payback period of 14 to 19 years.

As there is insufficient space on our rooftop one proposal is to install these panels in the carpark in front of the Beatty Park entrance where we currently don't have trees. This also conveniently will fit a 65 kW system.

However, I'm personally not wedded to this location and happy to have the system installed anywhere else around the facility that will work. I like this location because of its high visibility, it will build community awareness, and it will also provide the dual benefit of shade for vehicles.

An example of solar PV installation on carpark roofs is shown here to illustrate the concept:

**AMENDMENT LOST (3-5)**

For: Cr Hallett, Cr Loden and Cr Wallace

Against: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis and Cr Smith

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 5

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

That Recommendation 4 be amended as follows:

ADJUST the non-rateable residential fees in line with the microbusiness fees, minus the administration fee, for a total of \$520 from 1 July 2021.

REASON:

Adjust the inequity in the current fee schedule.

AMENDMENT CARRIED (6-2)

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

Against: Cr Castle and Cr Wallace

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 6

Moved: Cr Gontaszewski, **Seconded:** Cr Smith

That the recommendation be amended as follows:

4.4 Pursuant to Section 6.16 of the Local Government Act 1995, ADOPTS the Schedule of Fees and Charges, subject to removing “1st hr free” from Barlee Street Car Park, in the schedule of Car Parking fees on page 8 of Attachment 5 – Fees and Charges Schedule;

REASON:

Recent development approvals may increase car park usage and removal of first hour free parking will balance out lease and management costs.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 7

Moved: Cr Gontaszewski, **Seconded:** Cr Hallett

That a recommendation be added as follows:

REQUIRES community engagement in line with IAP2 Principles for elements of the capital works program that impact user amenity or residential amenity in relation to public open space.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 11.7

RECOMMENDATION:

That Council BY ABSOLUTE MAJORITY:

1. BUDGET:

Pursuant to the provisions of Section 6.2(1) of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the City of Vincent Annual Budget as detailed in Attachments 1 and 2 for the year ended 30 June 2022, which includes:

- 1.1 Statement of Comprehensive Income by Nature or Type, and Statement of Comprehensive Income by Program, showing a net result for that year of (\$6,698,067);
- 1.2 Statement of Cash Flows showing a net cash provided by operations of \$2,872,391 and net decrease in cash held of \$3,533,088;
- 1.3 Rate Setting Statement by Program showing an amount required to be raised from rates of \$36,683,624;
- 1.4 Transfers to/from Reserves as detailed on the Cash Backed Reserves Statement showing a 30 June 2022 closing balance of \$8,954,580 which is a net decrease in cash reserves of \$2,887,737;
- 1.6 Notes to and forming part of the Budget as included in Attachment 1;
- 1.7 Capital Works Program showing a total of \$22,158,710 (including 2020/2021 carry forward projects)
- 1.8 INCLUDES \$541,114 for Federal Government's LRCI Program Phase 3 grant funding in capital grant income, to be allocated to the Menzies Pavilion refurbishment and the North Perth Town Hall bathroom and kitchen capital works, as itemised in Attachment 2 - 2021/2022 Capital Budget; and
- 1.9 TRANSFERS the associated municipal funds that were previously allocated to these projects, totalling \$541,114, to the Asset Sustainability Reserve.
- 1.10 Employee costs are REDUCED by \$45,000, being a reduction of 0.5 full time equivalent (FTE), and any remaining staff resources are managed within the Annual Budget;
- 1.11 NOTES the additional 1 FTE and \$104,371 is allocated in 2021/22 only to support design of landscape and concept plans and a corresponding reduction in consultancy by \$204,000; and
- 1.12 NOTES the additional 3 FTE and \$254,849 for the trial of additional Parking Rangers to demonstrate a reduction in parking complaints is allocated for the 2021/22 financial year only and on the basis of a net positive outcome with a report to Council by May 2022 to demonstrate the realisation of forecast revenue and decrease in complaints.

2. RATES:

NOTES one (1) submission was received in response to the Notice published in accordance with section 6.36(1) of the *Local Government Act 1995* and for the purpose of yielding up the deficiency disclosed by the Budget adopted in 1 above, Council pursuant to Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, IMPOSES the following differential general rates and minimum payments on Gross Rental Values (GRV):

2.1 General Rates:

Differential General Rate	Cents in the dollar
Residential	7.9730
Residential Vacant	7.6125
Commercial Vacant	12.817
Other (Commercial and Industrial)	6.7180

2.2 Minimum Payments:

Differential General Rate	Minimum Payment on GRV
Residential	\$1,241.00
Residential Vacant	\$1,170.00
Commercial Vacant	\$1,516.40
Other (Commercial and Industrial)	\$1,197.70

2.3 RATE PAYMENT OPTIONS:

Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the following due dates for payment in full by one payment on the due date or in 4 instalments:

Option	Instalment	Date
(a)	Due Date/First instalment	27 August 2021
(b)	Second instalment	29 October 2021
(c)	Third instalment	7 January 2022
(d)	Fourth instalment	11 March 2022

2.4 INSTALMENT, RATES SMOOTHING AND ARRANGEMENTS, ADMINISTRATION FEES AND INTEREST CHARGES:

2.4.1 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS an instalment administration charge of \$8.00 per instalment for payment of rates by 4 instalments, to apply to the second, third and fourth instalment;

2.4.2 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS an interest rate of 5.5% where the owner has elected to pay rates through an instalment option, rates smoothing or alternative payment arrangement.

2.5 LATE PAYMENT INTEREST ON OVERDUE RATES AND AMOUNTS:

ADOPTS an interest rate of 7% per annum, calculated daily from the due date and continuing until the date of payment:

2.5.1 On overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, subject to Section 6.51(4) of the *Local Government Act 1995* and clause 14 of the *Local Government (COVID-19 Response) Amendment Order 2021*; and

2.5.3 Amounts due to the City in accordance with Section 6.13 of the *Local*

Government Act 1995; and

- 2.5.4 In accordance with clause 8 of the Local Government (COVID-19 Response) Amendment Order 2021, interest on outstanding rates will not be applied to a person who has been considered by the City of Vincent as suffering financial hardship as a result of the COVID-19 pandemic.

Subject to the following exclusions - deferred rates, current instalment amounts not yet due under instalment payment options, registered pensioner portions and current government pensioner rebate amounts;

3. REPORTING OF BUDGET VARIANCES:

Pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the monthly reporting variance for the 2021/2022 financial year of 10% or more, where that variance is also more than \$20,000;

4. FEES AND CHARGES:

Pursuant to Section 6.16 of the *Local Government Act 1995*, ADOPTS the Schedule of Fees and Charges subject to the following changes:

4.1 (July to September)

Microbusiness Waste and Recycling Service Two Bin System ~~\$656~~ \$520

4.2 (From October 2021 FOGO)

Microbusiness Waste and Recycling Service Three-Bin System ~~\$699~~ \$520

- 4.3 ADJUST the non-rateable residential fees in line with the microbusiness fees, minus the Administration fee, for a total of \$520 from 1 July 2021.

- 4.4 Remove "1st hr free" from Barlee Street Car Park, in the schedule of Car Parking fees on page 8 of Attachment 5 – Fees and Charges Schedule;

5. RATES WAIVER:

Pursuant to Section 6.47 of the *Local Government Act 1995*, WAIVES the 2021/2022 local government rates for the following groups:

Floreat Athena Soccer Club	Litis Stadium	\$9,925.85
Leederville Cricket Club Inc.	Britannia Reserve	\$2,267.33
Earlybirds Playgroup Inc.	87 The Boulevard	\$1,197.70
Pride Western Australia	4 View Street	\$1,758.17
Town Team Movement	245 Vincent Street	\$1,197.70
Highgate Forrest Park Playgroup	Forrest Park	\$1,974.42
Volleyball WA	Royal Park	\$3,560.54
North Perth Community Garden	Woodville Reserve	\$1,197.70
Vincent Men's Shed	Woodville Reserve	\$1,343.60
North Perth Bowling Club	Woodville Reserve	\$3,392.59
North Perth Tennis Club	Woodville Reserve	\$2,452.07
Tennis West	Robertson Park	\$5,911.84
Forrest Park Croquet Club	Forrest Park	\$4,836.96
Perth Junior Soccer Club	Forrest Park	\$1,545.14
Perth Soccer Club	Dorrien Gardens	\$17,740.22
Azzurri Bocce Club	Dorrien Gardens	\$4,568.24
Gymnastics WA Inc.	Loftus centre	\$13,083.64
Loton Park Tennis Club	Loton Park	\$2,720.79
Leederville Tennis Club	Richmond St Leederville	\$3,191.05
East Perth Football Club Inc	Leederville Oval	\$12,274.08
Subiaco Football Club Inc.	Leederville Oval	\$10,408.90
North Perth Playgroup Inc.	15 Haynes Street, North Perth	\$1,197.70
Mount Hawthorn Toy Library Inc.	Mt Hawthorn Community Centre	\$1,197.70
Mount Hawthorn Playgroup Inc.	Mt Hawthorn Community Centre	\$1,197.70

Floreat Athena Soccer Club Inc.	Britannia Reserve	\$2,267.33
Swimming WA Inc.	Beatty Park	\$3,397.96
TOTAL		\$115,806.92

6. **APPROVES** a reserve to be created for *Public Open Space Reserve - General* to be utilised for the future development of public open space in the City.
7. **NOTES** a provision of \$100,000 within the budget that will be used to assist ratepayers in financial hardship, as determined by the Chief Executive Officer.
8. **REQUIRES** community engagement in line with IAP2 Principles for elements of the capital works program that impact user amenity or residential amenity in relation to public open space.

CARRIED BY ABSOLUTE MAJORITY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

9.5 BRITANNIA RESERVE DEVELOPMENT PLAN

- Attachments:
1. Britannia Reserve Draft Development Plan 
 2. Britannia Reserve Draft Changeroom Concept 
 3. Britannia Reserve Engagement Plan 

RECOMMENDATION:

That Council:

1. **APPROVES** the Draft Britannia Reserve Development Plan to be advertised for community consultation in accordance with the City's Policy No. 4.1.5 – Community Consultation; and
2. **NOTES** that the Draft Britannia Reserve Development Plan will be presented back to Council In August 2021 for endorsement following the Community Consultation.

COUNCIL DECISION ITEM 9.5

Moved: Cr Loden, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 1

Moved: Cr Loden, **Seconded:** Cr Castle

That the recommendation be amended as follows:

1. **APPROVES** the Draft Britannia Reserve Development Plan to be advertised for community consultation in accordance with the City's Policy No. 4.1.5 – Community Consultation; **with the addition of a second potential location for the telecommunications tower being added to the proposed lighting structure in the north-west corner of Britannia Reserve;** and

REASON:

To provide the community with options for the location of the telecommunications tower.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

AMENDMENT 2

Moved: Cr Fotakis, **Seconded:** Cr Smith

That the recommendation be amended as follows:

1. **APPROVES** the Draft Britannia Reserve Development Plan to be advertised for community

consultation in accordance with the City's Policy No. 4.1.5 – Community Consultation; with the addition of a second potential location for the telecommunications tower being added to the proposed lighting structure in the north west corner of Britannia Reserve **with all community consultation undertaken by Optus being in accordance with the City's Policy No 4.1.5 – Community Consultation; and**

REASON:

To ensure that community consultation is in line with City policy.

AMENDMENT CARRIED (7-1)

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

Against: Cr Loden

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 9.5

That Council:

- 1. APPROVES the Draft Britannia Reserve Development Plan to be advertised for community consultation in accordance with the City's Policy No. 4.1.5 – Community Consultation; with the addition of a second potential location for the telecommunications tower being added to the proposed lighting structure in the north west corner of Britannia Reserve with all community consultation undertaken by Optus being in accordance with the City's Policy No 4.1.5 – Community Consultation; and**
- 2. NOTES that the Draft Britannia Reserve Development Plan will be presented back to Council In August 2021 for endorsement following the Community Consultation.**

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

11.3 SUPPORT FOR ULURU STATEMENT FROM THE HEART - RESPONSES

- Attachments:**
1. Letter from Hon Ken Wyatt - Uluru Statement from the Heart 
 2. Letter from Hon Linda Burney - Uluru Statement from the Heart 

RECOMMENDATION:

That Council

1. **NOTES** the receipt of letters from Hon Ken Wyatt AM MP and Hon Linda Burney MP in response to letters sent by the City of Vincent supporting the Uluru Statement from the Heart.

COUNCIL DECISION ITEM 11.3

Moved: Cr Loden, **Seconded:** Cr Castle

That the recommendation be adopted.



CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.2 REPEAL OF LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008 AND APPROVAL TO ADVERTISE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2021

- Attachments:
1. Submission on draft Local Law 
 2. Local Government Property Local Law 2021 - Tracked Changes 
 3. Local Government Property Local Law 2021 

RECOMMENDATION:**That Council:**

1. **RECOMMENCE** the process of repealing the Local Government Property Local Law 2008 and adopting the Local Government Property Local Law 2021, pursuant to section 3.13 of the Local Government Act 1995;
2. **AUTHORISES** the Chief Executive Officer to provide Statewide and local public notice in accordance with section 3.12(3) of the Local Government Act 1995, for a period of at least 6 weeks, that:
 - 2.1 it is proposed to repeal the City of Vincent Local Government Property Local Law 2008 and replace it with the City of Vincent Local Government Property Local Law 2021 at Attachment 3;
 - 2.2 the purpose of repealing the City of Vincent Local Government Property Local Law 2008 and replacing it with the City of Vincent Local Government Property Local Law 2021 is to:
 - 2.2.1 increase the efficiency in the management of signs located on local government property;
 - 2.2.2 provide the City with a discretion to require a permit for the erection or display of an election sign on local government property;
 - 2.2.3 remove provisions regarding animals;
 - 2.2.4 assist with the management and regulation of security deposits and bank guarantees provided by developers constructing on private land;
 - 2.2.5 increase the deterrent for:
 - (a) causing damage to local government property;
 - (b) increasing the risk of public harm or harming fauna on local government property; and
 - (c) using local government property for a commercial activity without a permit;
 - 2.2.6 increase the deterrent for offensive and indecent behaviour on local government property;
 - 2.2.7 increase the efficiency in the management (beautification) of verges;
 - 2.2.8 deter damage or removal of trees on verges, thoroughfares or local government property;
 - 2.2.9 prohibit and effectively deter the use of recording devices within change rooms;
 - 2.2.10 amend the local law in accordance with prior advice received from the Department of Local Government, Sport and Cultural Industries;
 - 2.2.11 make administrative modifications so that the local law aligns with common practice and the City's current objectives and processes; and

- 2.2.12 provide the City with discretion to make a determination prescribing a local government property or thoroughfare as a smoke free area;
- 2.3 the effect of the repeal and replacement of the City of Vincent Local Government Property Local Law 2008 with the City of Vincent Local Government Property Local Law 2021 is that:
- 2.3.1 conditions relating to when a sign permit will be required are now provided;
- 2.3.2 election signs placed on local government property will now be governed by the proposed City of Vincent Election Signs Policy;
- 2.3.3 provisions relating to animals will be incorporated into the proposed City of Vincent Animals Local Law;
- 2.3.4 when and how the City may use security deposits or bank guarantees to rectify damage to local government property is regulated;
- 2.3.5 increased penalties will apply for:
- (a) causing damage to local government property;
 - (b) using local government property for a commercial activity without a permit;
 - (c) taking, injuring or killing (or attempting to) any fauna on local government property; and
 - (d) placing/draining offensive fluid or lighting a fire on a thoroughfare without a permit;
- 2.3.6 increased penalties will apply for:
- (a) offensive behaviour in a toilet block or changeroom on local government property;
 - (b) being indecently clothed on local government property; and
 - (c) spitting on or within community facilities;
- 2.3.7 the conditions relating to management (beautification) of verges, prescribed in the City's relevant policy, are incorporated in the local law;
- 2.3.8 increased penalties will apply for damage or removal of trees on verges, thoroughfares or local government property;
- 2.3.9 the use of recording devices within change rooms is prohibited and an appropriate penalty is applicable; and
- 2.3.10 amendments are incorporated in the local law in line with the Department of Local Government, Sport and Cultural Industries recommendations;
- 2.3.11 administrative modifications are made to ensure the local law aligns with common practice and the City's current objectives and processes; and
- 2.3.12 the procedure for making a smoke free area determination is specified and a penalty for smoking in a smoke free area is applicable.
3. NOTES that in accordance with Section 3.12(3)(b) of the Local Government Act 1995 a copy of the City of Vincent Local Government Property Local Law 2021 and the public notice will be provided to the Minister for Local Government; and
4. NOTES that any submissions received as a result of the public notice provided as set out in

recommendation 2. above will be presented to Council for consideration.

COUNCIL DECISION ITEM 12.2

Moved: Cr Gontaszewski, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.5 ANNUAL REVIEW OF COUNCIL DELEGATIONS

Attachments: 1. Register of Council Delegations for review - marked up 

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; and
2. DELEGATES BY ABSOLUTE MAJORITY the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1.

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Castle

That Recommendation 2 be amended as follows:

2. DELEGATES BY ABSOLUTE MAJORITY the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1, **subject to the following modification:**

2.1 Condition 9 of the Council Conditions on this Delegation of Delegation 16.1.1 being amended to read as follows:

- “9. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed;
 - a. meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to-comply standards, set out in the City's Local Planning Policies;
 - b. meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed-to-comply standards, or element objectives and acceptable outcomes, as set out in State Planning Policy 7.3 Residential Design Codes; and
 - ~~c. i) Where the development relates to a non-residential use, the adjacent property (as shown in the Community Consultation Policy) is not used for a residential purpose; or~~

~~ii) For all other development where the amendment would not change the impact of any condition imposed;”~~

REASON:

In determining applications, Council can and does impose conditions to manage potential impacts of the development, including related to operating hours and patron numbers, that impact residents further afield than just those adjacent residential properties. The purpose of the proposed amendment is to ensure that modifications that would change the impact of any condition imposed continues to be determined by Council.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 12.5

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; and
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1, subject to the following modification:
 - 2.1 **Condition 9 of the Council Conditions on this Delegation of Delegation 16.1.1 being amended to read as follows:**
 - "9. **This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed;**
 - a. **meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to-comply standards, set out in the City's Local Planning Policies;**
 - b. **meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed-to-comply standards, or element objectives and acceptable outcomes, as set out in State Planning Policy 7.3 Residential Design Codes; and**
 - c. **would not change the impact of any condition imposed;"**

CARRIED BY ABSOLUTE MAJORITY (8-0)

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

Against: Nil

(Cr Topelberg was on approved leave of absence for the Meeting.)

12.7 APPOINTMENT OF A COUNCIL MEMBER FOR THE MINDARIE REGIONAL COUNCIL FROM 1 JULY 2021**Attachments: Nil****RECOMMENDATION:****That Council:**

- 1. NOTES that Mayor Emma Cole will resign from her position as the City's representative on the Mindarie Regional Council, effective 30 June 2021; and**
- 2. APPROVES BY ABSOLUTE MAJORITY the appointment of Councillor Alex Castle to represent the City on the Mindarie Regional Council from 1 July 2021 until the next ordinary local government election, being 16 October 2021.**

COUNCIL DECISION ITEM 12.7**Moved: Cr Castle, Seconded: Cr Fotakis****That the recommendation be adopted.****CARRIED BY ABSOLUTE MAJORITY (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Wallace and Cr Smith**Against:** Nil**(Cr Topelberg was on approved leave of absence for the Meeting.)**

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

Nil

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 9.52pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward (electronically)
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward (electronically)
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Ashley Wallace	South Ward
	Cr Sally Smith	North Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	John Corbellini	Executive Director Strategy & Development
	Virginia Miltrup	Executive Director Community & Business Services
	Jay Naidoo	Manager Development & Design
	Tara Gloster	Manager Policy & Place
	Wendy Barnard	Council Liaison Officer
Public:	No members of the public.	

These Minutes were confirmed at the [date] meeting of Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 June 2021.

Signed: Mayor Emma Cole

Dated 

These Minutes were confirmed at the [date] meeting of Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 June 2021.

Signed: Mayor Emma Cole



Dated: 27 July 2022