



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

17 August 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, 17 AUGUST 2021 AT 6.00PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Dan Loden</p> <p>Cr Joshua Topelberg Cr Ashley Wallace Cr Sally Smith</p>	<p>Presiding Member South Ward North Ward North Ward South Ward North Ward (arrived at 6.04, during item 3A) South Ward South Ward North Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy</p> <p>Virginia Miltrup</p> <p>Tara Gloster</p> <p>Jordan Koroveshi</p> <p>Jay Naidoo Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Community & Business Services A/Executive Director Strategy & Development A/Executive Manager Corporate Strategy & Governance Manager Development & Design Council Liaison Officer</p>
Public:	Approximately four 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

Nil

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 Jason Collins of Floreat - Item 9.1

- Mentioned that in relation to the scale and bulk, the Design Review Panel (DRP) is in support of the current proposal
- Stated that no objections have been received from City planners or neighbours
- Mentioned that professional landscapers have been engaged and a landscaping plan has been prepared, with at least 30 trees
- Stated that following the DRP suggestion of a pedestrian friendly walkway, the driveway will have a mixture of pavers to indicate a pedestrian path

- Stated that there is limited street frontage to impact the streetscape

The Presiding Member, Mayor Cole, asked Mr Collins if he would object to installing solar panels at the development.. Mr Collins advised that he would be happy for solar panels to be installed.

3.2 Dudley Maier of Highgate

1. What council workshops have been held since 3 August 2021, and what items were presented at each workshop?

2. **WAFL Grand Final**

On 22 June I asked 5 questions about the 2021 WAFL Grand Final, only one of which was directly answered. Can you answer the following questions with regards to this issue:

- 2.1. Were the football clubs given a date by which they had to respond when the EOI was provided to them on 20 April 2021?
 - 2.2. Was any attempt made to make sure that the clubs actually received the EOI? If so when?
 - 2.3. Was any follow up email sent to the clubs seeking a response to the EOI before the 7 May closing date? If so, when?
 - 2.4. Was any correspondence sent to the clubs about the matter after the close of the EOI? If so, when was it sent, and what was the content and purpose of the correspondence?
 - 2.5. Did a staff member actually say 'Oh bleep damn' or words to that effect? What did they mean by that?
 - 2.6. Did the city agree to provide some of the estimated \$70,000 contribution? Did they indicate they could obtain funding from some notable Leederville business people? If so, who did they have in mind?
 - 2.7. Can you confirm that both the local Leederville business community and the football clubs stood to significantly benefit financially if the Grand Final was held at Leederville? What is the City's estimate of these financial benefits?
3. The attachment to item 12.1 of the 27 July meeting indicates that one council member failed to comply with the requirement to complete mandatory training within one year of being elected – an offence with a penalty of up to a \$5,000 fine. Why did the report make no mention of this potential breach? Has the CEO taken any action with regards to this potential breach, and if so, what and when?
 4. At the last meeting I asked what documentary evidence had been kept to show businesses had been contacted before their bins were removed. The response didn't answer the question and simply referred to enquiries/requests initiated by businesses. What document evidence was retained which could help to answer questions like "*when was 10 Brewer Street contacted to verify they had an alternative waste service*" as was requested by Council?

I did contact one business owner and they said "*I can confirm that no one contacted me before they removed my bins.*"
 5. Why does the Government Property Local Law currently being advertised not show tracked-changes so that community members can see exactly what is proposed such as allowing bins on the verge 24/7, or requiring that verges are regularly mowed (modified penalty \$250)?
 6. The report of 18 May about mini-roundabouts stated that the breakup of support/oppose/unsure responses was 30:30:13. This was disputed by a community member. The attachment showed 22 'correspondence' responses and 52 'Engagement HQ' responses, with each response being numbered. Which category was each response put into, and which were considered to be from within the project area – this must already be documented?

The Chief Executive Officer advised in relation to the WAFL Grand Final that the EOI document did not come to the City directly. It was sent from the WA Football Commission on 8 March to all WAFL venues including East Perth Football Club and Subiaco Football Club and forwarded onto the City of Vincent.

Administrations' responses will be provided in the Agenda for the 14 September 2021 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.10pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ross Ioppolo of Leederville – Item 9.4

1. Regarding Council's response to Question 2 below, it implies that the City of Vincent's Parking and Parking Facilities Local Law 2007 prohibition for unattached trailers is not enforceable due to changes to the Road Traffic Code 2000 in Dec 2020 and June 2021. Can we please confirm the legal precedent here as it pertains to the authority of the main legislation governing parking in the City of Vincent? My construction is as follows:

- The authority of City of Vincent's Parking and Parking Facilities Local Law 2007 is provided by the Local Government Act 1995.
- Local Government Act 1995 Part 3 provides for function of local government to include legislative powers to make local laws (Clause 3.5) in addition to the power to make local laws conferred to it by any other Act (Clause 3.5(3)), but noting that a local law made under this Act is inoperative to the extent that it is inconsistent with this Act or any other written law (Clause 3.7).
- Road Traffic Code 2000 including amendments effective up to and including 23 Jun 2021 Clause 8(2) provides that 'Where ... the parking or stopping of a vehicle constitutes an offence against local laws in force in a government district under ... the Local Government Act 1995, the parking or stopping of that vehicle does not constitute an offence against the provisions of this Code'. The interaction of these pieces of legislation recognises that they act independently provided there is no inconsistency.
- I cannot identify any legislative amendments to the Road Traffic Code 2000 in Dec 2020 and June 2021 as documented in the relevant Gazette's that indicated why any amendment to the Road Traffic Code 2000 would render City of Vincent's Parking and Parking Facilities Local Law 2007 prohibition for unattached trailers parked on verge to be rendered unenforceable.
- Can you please provide further clarity on the nature of the amendment to which you refer below?

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.*

Previous City Response:

The Road Traffic Code 2000 along with the associated Regulations are amended regularly with the last times being December 2020 and June 2021 which resulted in the unattached trailers being parked on a verge clause being removed and as a result of this the City is unable to enforce the offences under the Parking and Parking Facilities Local Law. The Parking and Parking Facilities Local Law is currently being reviewed/amended with these clauses being removed as part of the process.

Additional response

The City is currently taking legal advice in relation to the above along with the drafting of the new parking local law and once this advice is received a response will be provided to Mr Ioppolo.

2. Regarding Council's response to Question 3 below, the response misconstrues the question. You have limited your response to a situation where a resident is parked across their own driveway and while acknowledging this would break the law, that discretion would be shown in this circumstance by not issuing an infringement. Please kindly clarify your position by reconsidering the question where a resident is parked on the verge and creating an obstacle to a line-of-site to oncoming traffic for other residents egressing from their driveways, both within and outside of a 10 metres distance threshold .. where parking does not transcend across the residents driveway.

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? It is acknowledged that 4.5(2) (c) could be used in this instance, however, it would not be in the public interest for the City to issue infringements to ratepayers/residents who are obstructing their own driveways.

Previous City Response:

The City works collaboratively with all residents to find alternative parking solutions or to get the vehicles moved and the issuing of infringement notice in any case would be a last resort. In this case City Officers have met with the resident on several occasions in an attempt to solve the issue. Infringement stats for clause 4.5(2)(c) for the period 1 July 2020 to 30 June 2021 are 35 infringements issued (Denying access to private drive or ROW). Infringement stats for clause 4.5(2)(k) for the period 1 July 2020 to 30 June 2021 are 10 infringements issued (Park within 10m of intersection). It should be noted that neither of these offence clauses relate to parking issues on a verge.

Additional response

The term "obstruct" in the current local law means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and "obstruction" shall have a corresponding meaning. In these cases the normal passage of any vehicle is not prevented, impeded or made difficult. This clause was never intended and has never been interpreted to mean obstruction of the line of sight.

Two further questions, tabled on the presumption that Council accepts the recommendation of the Administration in response to resident's petition to ban verge parking on the south side of Vincent Street, between Oxford and Loftus Streets, Leederville.

While a ban is a relief and a most welcome outcome, it is good governance to confirm the following from a constructive perspective:

3. Why has it taken such lengths (numerous rangers coming out, repeated correspondence to Administration, video evidence/photos and residents petition) to resolve this issue including Council involvement if the Administration ultimately agrees there is a safety risk and it had the delegated authority from the outset to exercise discretion to signpost the relevant area as a no verge parking zone?

The matter required a full investigation and careful consideration of all options before the matter could be concluded. In addition the City made attempts to resolve the matter informally without the need to resort to legal intervention.

4. What are the learnings for Residents, Administration and Council from the process of resolving this issue that could lead to a more efficient engagement and resolution process going forward?

The City continuously reviews its processes and whilst it accepts that Mr Ioppolo has been frustrated at the length of time taken to resolve this enquiry it was necessary for the matter to be carefully considered before a resolution was achieved.

Dudley Maier of Highgate

1. What council workshops have been held since 22 June 2021, and what items were presented at each workshop?

There have been two workshops since 22 June 2021, and the items that can be listed publicly were:

29 June 2021

- CEO KPIs 2020 - 2021: 7 Strategic Projects Monthly Update
- Waste Services - Three Bin FOGO Service (as from October)
- Expressions of Interest - Leederville Land
- Perth Greater CBD Transport Plan - Phase One Update
- Vibrant Public Spaces - Engagement Results
- 2021 Garden Competition - Proposed Changes to Format

3 August 2021

- Presentation - East Perth Power Station Redevelopment & Precinct Connectivity
- Presentation - Underground Power
- SCP Major Review & Local Planning Strategy & Scheme
- CEO KPI 7 Priority Projects Monthly update
- Update of Project Plans for the 2021/22 Strategic Projects to be listed in the Corporate Business Plan 2021/22 – 2024/25
- Draft CBP 2021/22 – 2024/25 and Capital Works Program 2021/22 – 2024/25
- Draft Long Term Financial Plan for the period 2021/22 – 2030/31
- Communications for Sale of 26 Brentham Street, Leederville
- Council Proceedings Guidelines
- Audit Committee Terms of Reference – Reimbursement of Members
- Ranger Services – Parking Planning Information Update

2. Who collects the waste from this Admin Building and if it is a private contractor, when did they start collecting it?

Waste and Recycling from the Admin Building continues to be collected by Cleanaway and the In-house team. A Contractor has been collecting recycling from the Administration Building for at least five years.

Have all businesses been contacted, as requested by Council, before their bins were removed, and what documentary evidence of this has been retained?

The Council resolution was that Council:

- *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.*

As detailed in Council Briefing Report Item 6.4: Waste Strategy Project 8 – Commercial Waste Service Update, additional on-site and back office resources were deployed to answer queries and assist business owners if they had not yet secured a private provider. Back office support was also available for further support and to assess and process microbusiness enquiries/applications.

All customer enquiries/requests have been recorded in the City's Customer Request Management (CRM) System.

3. In early 2020 Marie Slythe and members of the Cleaver community nominated to have parts of their area recognised as a Character Retention Area. It is 18 months later and this still hasn't been progressed – people are starting to give up. When will the staff look at this? Why has it been delayed – is it because of staff shortages or other priorities?

The Executive Director Strategy & Development advised that there have been many nominations for character retention and they are being processed in the order they were received. The Cleaver Precinct nomination will be with Council in the next month for decision.

Additional response A/EDS&D: Administration has identified an issue with the amount of time it has previously taken to progress nominations and are proposing to improve the process to reduce the timeframe for existing and future nominations.

3.10 Ross Ioppolo of Leederville – Item 10.3

- Why could that decision not have been made by Administration before the petition was necessary?

The petition received had no impact on the outcome of this matter. It was necessary for due process to be followed and a resolution found irrespective of the petition.

- Why do current regulations not prohibit verge parking?

The current regulations do prohibit verge parking but only under certain circumstances.

- What could I have done differently in my approach to achieve the required outcome?

Traffic, road safety and parking are often some of the most difficult and protracted issues which arise in the community.

Increasing levels of traffic in the inner city areas, densification and increasing levels of car ownership create issues which need to be managed and are unlikely to be fully resolved to the complete satisfaction of our residents, ratepayers and visitors.

Leederville has a mix of new and old housing stock and some residents with limited off street car parking rely on verge or street parking.

This section of Vincent Street is unique within Leederville. It is in between one of our busiest intersections with Loftus Street, and slopes downwards towards the Town Centre and the entrance to the Freeway. Traffic volumes are very high. Traffic speeds are high cars move downhill towards the freeway entrance. Verge and street parking is in high demand given the proximity to the Town Centre and several large commercial premises.

Vincent Street is also in transition from a mix of older low rise residential dwellings to new apartments and commercial buildings creating increased demand for resident and visitor parking.

The City is often requested to intervene in disputes between neighbours including around verge and street parking. This situation was unique given the verge parking which was raised as a concern involved both a larger utility vehicle and a trailer.

It is nearly always the City's preferred approach to encourage neighbours to manage and resolve issues or concerns directly amongst themselves – particularly if there is a conflict over shared public space such as the verge or road.

We consider it a last resort to intervene with a heavy and permanent compliance, enforcement or regulatory approach to some of these issues which may be temporary in nature. In this instance a particular resident has an occupation requiring a utility vehicle and trailer but could potentially accommodate both on site.

We strongly encourage residents to engage with their neighbours to resolve disputes amicably rather than rely on intervention by the City. This often assists in resolving issues to their mutual satisfaction. It also helps build stronger relationships between neighbours which assists in managing other issues in the future.

It also helps reduce the cost to the City of additional enforcement, regulatory changes, legal advice and new infrastructure such as additional signs.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Fotakis, Seconded: Cr Hallett

That the minutes of the Ordinary Meeting held on 27 July 2021 be confirmed.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member, Emma Cole, made the following announcement:

7.1 CAPITAL WORKS AGENDA

Sunday 22 August from 10am the Beatty Park indoor pool will be reopened, residents are welcome to attend opening day for free. Entertainment will be provided. The Swim School will start again on Monday, and there has been a good response from those enrolled.

8 DECLARATIONS OF INTEREST

8.1 Cr Joanne Fotakis declared an impartiality interest in Item 12.1 Proposed Lease to Robertson Park Artists' Studio. The extent of her interest is that she served on the Arts Advisory Group with one of the lessees.

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, 10.4.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 11.5.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
No items.

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
Cr Gontaszewski	9.2
Cr Fotakis	12.3
Cr Hallett	12.1
Cr Loden	10.2, 11.2
Cr Topelberg	10.1, 12.2

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**
Items 10.3, 11.1, 11.3 and 11.4
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Nil

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Wallace

**That the following unopposed items be adopted "En Bloc", as recommended:
Items 10.3, 11.1, 11.3 and 11.4**

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

10.3 TENDER IE109/2021 REMOVAL OF TREES AND PRUNING OF TREES WITHIN PARKS AND RESERVES

Attachments: 1. Evaluation Summary - Confidential

RECOMMENDATION:

That Council

1. **NOTES** the outcome of the evaluation process for Tender IE109/2021 Removal of Trees and Pruning of Trees within Parks and Reserves, and
2. **ACCEPTS** the tender submitted by Professional Tree Surgeons for Tender IE109/2021 for the Removal of Trees and Pruning of Trees within Parks and Reserves.

COUNCIL DECISION ITEM 10.3

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.1 INVESTMENT REPORT AS AT 30 JUNE 2021

Attachments: 1. Investment Statistics as at 31 June 2021 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.1

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 JUNE 2021 TO 30 JUNE 2021

- Attachments:
1. Payments by EFT and Payroll June 21 
 2. Payments by Cheque June 21 
 3. Payments by Direct Debit June 21 

RECOMMENDATION:

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

EFT payments, including payroll	\$6,332,095.01
Cheques	\$547.05
Direct debits, including credit cards	\$280,662.02
Total payments for June 2021	\$6,613,304.08

COUNCIL DECISION ITEM 11.3

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.4 PROVISIONAL FINANCIAL STATEMENTS AS AT 30 JUNE 2021

Attachments: 1. Provisional Financial Statements as at 30 June 2021 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.4

Moved: Cr Castle, **Seconded:** Cr Wallace



That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

REPORTS WITH DISCUSSION

9.1 NOS. 177 - 179 (LOT: 7; S/P: 35040) CARR PLACE, LEEDERVILLE: PROPOSED NINE GROUPED DWELLINGS

Ward: South

- Attachments:
1. Consultation and Location Map 
 2. Superseded Plans from First Round of Advertising 
 3. Development Plans 
 4. 3D Perspectives 
 5. Urban Design Study 
 6. Environmentally Sustainable Design Report & Template 
 7. Design Review Panel Meeting Minutes - 19 May 2021 
 8. Summary of Submissions - Administration's Response 
 9. Determination Advice Notes 

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 development application for Nine Grouped Dwellings at Nos. 177 - 179 (Lot: 7; S/P: 35040) Carr Place, Leederville in accordance with the plans in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. Development Plans

This approval is for Nine Grouped Dwellings as shown on the approved plans dated 20 July 2021. No other development forms part of this approval;

2. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

3. External Fixtures

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

4. Visual Privacy

Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

5. Colours and Materials

5.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

5.2 The metre box is to be painted the same colour as the wall it is attached so as to not be visually obtrusive, to the satisfaction of the City;

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 20 July 2021, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Stormwater

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

8. Sight Lines

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

- Walls, letterboxes or fences adjoin vehicle access points to the site; or
- A driveway meets a public street; or
- Two streets intersect;

Unless otherwise approved by the City of Vincent;

9. Car Parking and Access

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

9.2 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City;

9.3 Prior to the occupation or use of the development, two visitor parking bays shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City; and

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

10. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to issue of a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:

- Storage of materials and equipment on site;
- Parking arrangements for contractors and sub-contractors;
- The impact on traffic movement;
- Notification to affected land owners; and
- Construction times.

The approved Construction Management Plan shall be complied with for the duration of the construction of the development; and

11. Noise Attenuation Requirements

11.1 Prior to the issue of a building permit a detailed Noise Management Plan must be submitted to and approved by the City which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and

Rail Transport Noise and Freight Considerations in Land Use Planning' (SPP5.4). The report must be prepared by a suitably qualified and competent person in accordance with the SPP5.4; and

- 11.2 Prior to occupation or use of the development, the development shall incorporate all noise mitigation measures as outlined in the noise management plan or quiet house design package, to the satisfaction of the City.

Moved: Cr Wallace, Seconded: Cr Topelberg

That the recommendation be adopted.

AMENDMENT

Moved: Cr Loden, Seconded: Cr Wallace

That a recommendation be added as follows:

- 12. The installation of solar panels as identified in the environmental sustainability report and template is to be implemented prior to occupation or use of the development, to the satisfaction of the City.**

AMENDMENT CARRIED (9-0)

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

Against: Nil

COUNCIL DECISION ITEM 9.1

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for Nine Grouped Dwellings at Nos. 177 - 179 (Lot: 7; S/P: 35040) Carr Place, Leederville in accordance with the plans in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. **Development Plans**

This approval is for Nine Grouped Dwellings as shown on the approved plans dated 20 July 2021. No other development forms part of this approval;

2. **Boundary Walls**

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

3. **External Fixtures**

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

4. **Visual Privacy**

Prior to occupancy or use of the development, all privacy screening shown on the approved

plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

5. Colours and Materials

5.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

5.2 The metre box is to be painted the same colour as the wall it is attached so as to not be visually obtrusive, to the satisfaction of the City;

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 20 July 2021, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Stormwater

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

8. Sight Lines

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

- Walls, letterboxes or fences adjoin vehicle access points to the site; or
- A driveway meets a public street; or
- Two streets intersect;

Unless otherwise approved by the City of Vincent;

9. Car Parking and Access

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

9.2 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City;

9.3 Prior to the occupation or use of the development, two visitor parking bays shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City; and

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

10. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to issue of a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:

- Storage of materials and equipment on site;
- Parking arrangements for contractors and sub-contractors;
- The impact on traffic movement;
- Notification to affected land owners; and
- Construction times.

The approved Construction Management Plan shall be complied with for the duration of the construction of the development; and

11. Noise Attenuation Requirements

11.1 Prior to the issue of a building permit a detailed Noise Management Plan must be submitted to and approved by the City which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' (SPP5.4). The report must be prepared by a suitably qualified and competent person in accordance with the SPP5.4; and

11.2 Prior to occupation or use of the development, the development shall incorporate all noise mitigation measures as outlined in the noise management plan or quiet house design package, to the satisfaction of the City.

12. The installation of solar panels as identified in the environmental sustainability report and template is to be implemented prior to occupation or use of the development, to the satisfaction of the City.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

10.4 WASTE STRATEGY PROJECT 8 - COMMERCIAL WASTE SERVICE UPDATE

Attachments: Nil

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.

COUNCIL DECISION ITEM 10.4

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








That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

9.2 LOCAL PLANNING POLICY NO. 7.5.15 - CHARACTER AREAS (FORMERLY CHARACTER RETENTION AREAS AND HERITAGE AREAS) APPROVAL FOR ADVERTISING

- Attachments:
1. Local Planning Policy No. 7.5.15 - Character Retention and Heritage Areas 
 2. Draft Amended Local Planning Policy No. 7.5.15 - Character Areas 
 3. Draft Appendix 6 to Local Planning Policy No. 7.5.15 - Florence Street 
 4. Draft Appendix 7 to Local Planning Policy No. 7.5.15 - Prospect Place 
 5. Draft Appendix 8 to Local Planning Policy No. 7.5.15 - Hammond Street 
 6. Draft Appendix 9 to Local Planning Policy No. 7.5.15 - Ivy Street 
 7. Draft Appendix 10 to Local Planning Policy No. 7.5.15 - Strathcona Street 

RECOMMENDATION

That Council:

1. PREPARES the amendments to Policy No. 7.5.15 - Character Areas included as Attachment 2, 3, 4, 5, 6 and 7 in accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. AUTHORISES the Chief Executive Officer to advertise the proposed amendment in accordance with Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. NOTES that at the conclusion of advertising all submissions received, and any updates to Policy No. 7.5.15 – Character Areas will be presented to Council for consideration.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

AMENDMENT

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be amended as follows:

1. PREPARES the amendments to Policy No. 7.5.15 - Character Areas **and Heritage Areas** included as Attachment 2, 3, 4, 5, 6 and 7 in accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. NOTES that at the conclusion of advertising all submissions received, and any updates to Policy No. 7.5.15 – Character Areas **and Heritage Areas** will be presented to Council for consideration.

AMENDMENT CARRIED (9-0)

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

Against: Nil

COUNCIL DECISION ITEM 9.2

1. PREPARES the amendments to Policy No. 7.5.15 - Character Areas and Heritage Areas included as Attachment 2, 3, 4, 5, 6 and 7 in accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. AUTHORISES the Chief Executive Officer to advertise the proposed amendment in accordance

with Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and

3. **NOTES** that at the conclusion of advertising all submissions received, and any updates to Policy No. 7.5.15 – Character Areas and Heritage Areas will be presented to Council for consideration.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

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 Topelberg, Seconded: Cr Loden****That the recommendation be adopted.****AMENDMENT****Moved: Cr Topelberg, Seconded: Cr Loden****That a recommendation be added as follows:**

- 2. REQUEST the Audit Committee to provide further advice in relation to privacy matters relating to the e-permit system no later than the October 2021 Ordinary Council Meeting.**

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Wallace and Cr Smith**Against:** Nil**COUNCIL DECISION ITEM 10.1****That Council:**

- 1. NOTES the progress in the implementation of the E-Permit system.**
- 2. REQUEST the Audit Committee to provide further advice in relation to privacy matters relating to the e-permit system no later than the October 2021 Ordinary Council Meeting.**

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

10.2 TENDER IE110/2021 PRUNING OF STREET TREES USING ELEVATED WORK PLATFORMS**Attachments:** 1. Evaluation Summary - Confidential**RECOMMENDATION:****That Council:**

1. **NOTES** the outcome of the evaluation process for Tender IE110/2021 Pruning of Street Trees using Elevated Work Platforms, and
2. **ACCEPTS** the tender submitted by Tree Amigos Tree Surgeons for Tender IE110/2021 for the Pruning of Street Trees using Elevated Work Platforms.

COUNCIL DECISION ITEM 10.2**Moved:** Cr Loden, **Seconded:** Cr Wallace**That the recommendation be adopted.****CARRIED UNANIMOUSLY (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Wallace and Cr Smith**Against:** Nil

11.2 ADVERTISING OF AMENDMENTS TO COMMUNITY FUNDING POLICY

Attachments: 1. Draft Community Funding Policy - Marked Up Version 

RECOMMENDATION:

That Council:

1. **APPROVES** the amendments to the Community Funding Policy, at Attachment 1, for the purpose of advertising;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed amendments in Recommendation 1. above and invite public comments for a period of 21 days; and
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

Moved: Cr Loden, Seconded: Cr Fotakis

That the recommendation be adopted.

AMENDMENT

Moved: Cr Loden, Seconded: Cr Wallace

That a recommendation be added as follows:

4. **REQUESTS** that Administration provide a report to Council as to how funds are allocated across Strategic Community Plan areas, specifically for funds that are being provided to community organisations. This can be done as part of the budget process.

REASON:

There is merit in working out how the funds can be allocated to maximise the benefit in the community.

AMENDMENT CARRIED (9-0)

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

Against: Nil

COUNCIL DECISION ITEM 11.2

That Council:

1. **APPROVES** the amendments to the Community Funding Policy, at Attachment 1, for the purpose of advertising;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed amendments in Recommendation 1. above and invite public comments for a period of 21 days; and
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.
4. **REQUESTS** that Administration provide to Council how funds are allocated across SCP areas, specifically for funds that are being provided to community organisations, with the intent that all those funds are distributed across the community. This can be done as part of the budget

process.

CARRIED UNANIMOUSLY (9-0)


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

Against: Nil

At 7:22 pm, Cr Joshua Topelberg left the meeting.

At 7:23 pm, Cr Joshua Topelberg returned to the meeting.

11.5 ADOPTION OF CORPORATE BUSINESS PLAN 2021/22 - 2024/25 AND FOUR YEAR CAPITAL WORKS PROGRAM 2021/22 - 2024/25

Attachments: 1. Draft Corporate Business Plan 2021/22 - 2024/25 and Four Year Capital Works Program 2021/22 - 2024/25 

RECOMMENDATION:

That Council:

1. **ADOPTS BY ABSOLUTE MAJORITY** the City of Vincent Corporate Business Plan 2021/22 - 2024/25 at Attachment 1 including the Four Year Capital Works Program 2021/22 – 2024/25;
2. **NOTES** that final editorial, design and formatting of these documents will be determined by the Chief Executive Officer prior to publication.

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

That the recommendation be adopted.

AMENDMENT 1

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

That the recommendation be amended as follows:

1. **ADOPTS BY ABSOLUTE MAJORITY** the City of Vincent Corporate Business Plan 2021/22 – 2024/25 at Attachment 1 including the Four-Year Capital Works Program 2021/22 – 2024/25, with the following amendments to the Four-Year Capital Works Program:
 - a. Change the community engagement level from 'Inform' to 'Consult' for:
 - i. the renewal/upgrade of the public toilets at the Leederville Town Centre – Avenue Car Park/Frame Court, on page 53;
 - ii. the build of a new public toilet at Robertson Park, on page 53;
 - iii. the design of Banks Reserve Plaza and Amenities, on Page 53;
 - iv. the State Black Spot works itemised on page 55, at the following locations:
 1. the intersection of Bulwer and Stirling Street, Perth
 2. the intersection of Green, Tyler & Merredin Street, Mt Hawthorn/Joondanna,
 3. the intersection of Loftus and Vincent Streets, West Perth/Leederville
 4. the intersection of Grosvenor Road, install half seagull islands on Grosvenor Rd to ban through and right turn movements from Grosvenor Rd to Fitzgerald St, on page 55;
 5. at Leederville Parade – Vincent Street to Loftus Street;
 - v. Traffic Management Improvements itemised on page 57, at the following locations:
 1. Alma/Claverton Local Area Traffic Management
 2. Harold and Lord Streets Intersection
 3. Signalised pedestrian crossing Brady & Purslowe Streets
 4. Signalised pedestrian crossing William & Lincoln Streets
 - vi. Accessible City Strategy Implementation, for the Precinct Parking Management and Electric Vehicle Parking Bays, on page 57;
 - vii. Parks Eco-Zoning Program, itemised on pages 58 and 59, at the following locations:
 1. Monmouth Street
 2. Edinboro Street Reserve
 3. Charles Veryard Reserve
 4. Blackford Street Reserve
 5. Jack Marks Reserve
 6. Leake/Alma Street Reserve
 7. Bourke Street Reserve
 - viii. Britannia Reserve – Floodlight Repair, at page 60;

- ix. Upgrade & Renewal of Parks Playground, itemised on page 62, at the following locations:
 - 1. Forrest Park
 - 2. Charles Veryard Reserve
 - 3. Les Lileyman
 - 4. Tolcon Place Reserve
 - 5. Gladstone Street Reserve
 - 6. Braithwaite Park
 - 7. Auckland/Hobart Street Reserve
 - 8. Ivy Park
 - 9. Britannia Reserve (replace exercise equipment and BBQ)
 - 10. Robertson Park
 - 11. Redfern/Norham Street Reserve
 - 12. Lynton Street Reserve
 - 13. Birdwood Square
 - 14. Brigatti Gardens
- x. Robertson Park Development Plan implementation, draft Public Open Space amenities, on page 63;
- b. Change the community engagement level to 'Involve' for:
 - i. Public Open Space Strategy Implementation – Birdwood Square basketball courts with skate elements, on page 58
 - ii. Parks Infrastructure Upgrade & Renewal – Mt Hawthorn Junior Skating facilities, on page 60;
- c. Change the community engagement level to 'Inform' for:
 - i. Parks Pathways Renewal Program, itemised on page 61, at the following locations:
 - 1. Venables Park
 - 2. Stuart Street
 - 3. Smiths Lake
 - 4. Banks Reserve
 - 5. Redfern/Norham Street
 - 6. Tony Di Scemi Pathway
 - 7. Forrest Park
 - 8. Robertson Park
 - ii. Upgrade & Renewal of Parks Playground, itemised on page 62 and 63, at the following locations:
 - 1. Kyilla Park
 - 2. Menzies Park (Playground shade sails)
 - 3. Ellesmere Street Reserve (Playground shade sails)
 - 4. Hyde Park
 - 5. Ellesmere Street Reserve (Playground soft fall)
 - 6. Britannia Reserve (Playground soft fall)
 - 7. Menzies Park (Playground soft fall)
 - 8. Ellesmere/Matlock Street Reserve
 - 9. Edinboro Street Reserve
 - 10. Smiths Lake
 - iii. Robertson Park Development Plan implementation, on page 63 for:
 - 1. Refurbishment of Public Netball Courts and resurfacing of two tennis courts;
 - 2. Draft Renewal of Courts
- d. Public Open Space Strategy Implementation, for the Implementation of key outcomes upon completion of the Public Open Space Strategy, funding for out years to be confirmed subject to scope and prioritisation, on page 58; consult as appropriate

REASON:

I don't support the level of community engagement that has been put forward by Administration in the Draft Capital Works Program for the items listed and think that the engagement levels presented are more aligned with the strategic direction Of the City of Vincent.

AMENDMENT CARRIED (9-0)

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

Wallace and Cr Smith

Against: Nil

AMENDMENT 2

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be amended as follows:

1. ADOPTS BY ABSOLUTE MAJORITY the City of Vincent Corporate Business Plan 2021/22 – 2024/25 at Attachment 1 including the Four-Year Capital Works Program 2021/22 – 2024/25, **with the following amendments:**
 - e. **Strategic Focus Areas for 2021/22 includes as a priority at the top of the list, the ‘delivery of major investment in, and renewal of, core community infrastructure’ on page 13; and**
 - f. **‘Streamline Character Areas process and progress nominations’ is added to the Service Area Deliverables for Policy and Place on page 31; and**
 - g. **‘Ensure through design review that development standards are high quality and sensitive to their location’ is added to the Service Area Deliverables for Development and Design on page 34; and**
 - h. **‘Continuous review of use of glyphosate and improvement in use of alternatives’ is added to the Service Area Deliverables for Parks on page 36; and**
 - i. **‘Deliver and implement the Communications Plan’ is added to the Service Area Deliverables for Marketing, Customer Service & Community Development on page 41.**

REASON:

The City of Vincent has a significant program of capital works in 2021/22 that will benefit the Vincent community and create a legacy for the future. The Corporate Business Plan (CBP) should recognise the significant effort, resources and investment being made to the renewal of core community infrastructure and this should be recognised more prominently within the Strategic Focus Areas list for 2021/22.

The remaining amendments, shown at 1(b) to 1(e), reflect work that will be undertaken by Administration in 2021/22 and should be itemised in the CBP for greater transparency and accountability.

AMENDMENT CARRIED (9-0)

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

Against: Nil

AMENDMENT 3

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

That the recommendation be amended as follows:

- j. **Amend the Strategic Project description for Item 7.1 on page 286 of the agenda to delete the words “prepare an” and insert the words “implement the” so that the wording now reads “implement the Accessible City Strategy to guide future movement within the City.”**

AMENDMENT CARRIED (9-0)

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

Against: Nil

COUNCIL DECISION ITEM 11.5

That Council:

1. **ADOPTS BY ABSOLUTE MAJORITY** the City of Vincent Corporate Business Plan 2021/22 – 2024/25 at Attachment 1 including the Four-Year Capital Works Program 2021/22 – 2024/25, with the following amendments to the Four-Year Capital Works Program:
 - a. **Change the community engagement level from ‘Inform’ to ‘Consult’ for:**
 - i. the renewal/upgrade of the public toilets at the Leederville Town Centre – Avenue Car Park/Frame Court, on page 53;
 - ii. the build of a new public toilet at Robertson Park, on page 53;
 - iii. the design of Banks Reserve Plaza and Amenities, on page 53;
 - iv. the State Black Spot works itemised on page 55, at the following locations:
 1. the intersection of Bulwer and Stirling Street, Perth
 2. the intersection of Green, Tyler & Merredin Street, Mt Hawthorn/Joondanna,
 3. the intersection of Loftus and Vincent Streets, West Perth/Leederville
 4. the intersection of Grosvenor Road, install half seagull islands on Grosvenor Rd to ban through and right turn movements from Grosvenor Rd to Fitzgerald St, on page 55;
 5. at Leederville Parade – Vincent Street to Loftus Street;
 - v. **Traffic Management Improvements** itemised on page 57, at the following locations:
 1. Alma/Claverton Local Area Traffic Management
 2. Harold and Lord Streets Intersection
 3. Signalised pedestrian crossing Brady & Purslowe Streets
 4. Signalised pedestrian crossing William & Lincoln Streets
 - vi. **Accessible City Strategy Implementation, for the Precinct Parking Management and Electric Vehicle Parking Bays**, on page 57;
 - vii. **Parks Eco-Zoning Program**, itemised on pages 58 and 59, at the following locations:
 1. Monmouth Street
 2. Edinboro Street Reserve
 3. Charles Veryard Reserve
 4. Blackford Street Reserve
 5. Jack Marks Reserve
 6. Leake/Alma Street Reserve
 7. Bourke Street Reserve
 - viii. **Britannia Reserve – Floodlight Repair**, at page 60;
 - ix. **Upgrade & Renewal of Parks Playground**, itemised on page 62, at the following locations:
 1. Forrest Park
 2. Charles Veryard Reserve
 3. Les Lileyman
 4. Tolcon Place Reserve
 5. Gladstone Street Reserve
 6. Braithwaite Park
 7. Auckland/Hobart Street Reserve
 8. Ivy Park
 9. Britannia Reserve (replace exercise equipment and BBQ)
 10. Robertson Park
 11. Redfern/Norham Street Reserve
 12. Lynton Street Reserve
 13. Birdwood Square
 14. Brigatti Gardens
 - x. **Robertson Park Development Plan implementation, draft Public Open Space amenities**, on page 63;
 - b. **Change the community engagement level to ‘Involve’ for:**





- i. Public Open Space Strategy Implementation – Birdwood Square basketball courts with skate elements, on page 58
 - ii. Parks Infrastructure Upgrade & Renewal – Mt Hawthorn Junior Skating facilities, on page 60;
 - c. Change the community engagement level to ‘Inform’ for:
 - i. Parks Pathways Renewal Program, itemised on page 61, at the following locations:
 1. Venables Park
 2. Stuart Street
 3. Smiths Lake
 4. Banks Reserve
 5. Redfern/Norham Street
 6. Tony Di Scemi Pathway
 7. Forrest Park
 8. Robertson Park
 - ii. Upgrade & Renewal of Parks Playground, itemised on page 62 and 63, at the following locations:
 1. Kyilla Park
 2. Menzies Park (Playground shade sails)
 3. Ellesmere Street Reserve (Playground shade sails)
 4. Hyde Park
 5. Ellesmere Street Reserve (Playground soft fall)
 6. Britannia Reserve (Playground soft fall)
 7. Menzies Park (Playground soft fall)
 8. Ellesmere/Matlock Street Reserve
 9. Edinboro Street Reserve
 10. Smiths Lake
 - iii. Robertson Park Development Plan implementation, on page 63 for:
 1. Refurbishment of Public Netball Courts and resurfacing of two tennis courts;
 2. Draft Renewal of Courts
 - d. Public Open Space Strategy Implementation, for the Implementation of key outcomes upon completion of the Public Open Space Strategy, funding for out years to be confirmed subject to scope and prioritisation, on page 58; consult as appropriate.
 - e. Strategic Focus Areas for 2021/22 includes as a priority at the top of the list, the ‘delivery of major investment in, and renewal of, core community infrastructure’ on page 13; and
 - f. ‘Streamline Character Areas process and progress nominations’ is added to the Service Area Deliverables for Policy and Place on page 31; and
 - g. ‘Ensure through design review that development standards are high quality and sensitive to their location’ is added to the Service Area Deliverables for Development and Design on page 34; and
 - h. ‘Continuous review of use of glyphosate and improvement in use of alternatives’ is added to the Service Area Deliverables for Parks on page 36; and
 - i. ‘Deliver and implement the Communications Plan’ is added to the Service Area Deliverables for Marketing, Customer Service & Community Development on page 41.
 - j. Amend the Strategic Project description for Item 7.1 on page 286 of the agenda to delete the words “prepare an” and insert the words “implement the” so that the wording now reads “implement the Accessible City Strategy to guide future movement within the City.
 2. NOTES that final editorial, design and formatting of these documents will be determined by the Chief Executive Officer prior to publication.

CARRIED BY ABSOLUTE MAJORITY (9-0)

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

Against: Nil

12.1 PROPOSED LEASE TO ROBERTSON PARK ARTISTS' STUDIO

- Attachments:
1. Map Showing Location of Halvorsen Hall 
 2. Maintenance Schedule 
 3. Community Benefit Matrix 
 4. Comparison with Property Management Framework 

RECOMMENDATION

That Council:

1. **NOTES** that Robertson Park Artists' Studio comprising Graham Hay, Sarah Marchant, Frances Dennis, Carol Rowling, Christopher McClelland and Bethamy Linton currently occupy Halvorsen Hall as monthly tenants, pursuant to a joint lease with the City which expired on 28 February 2020;
2. **APPROVES** providing local public notice pursuant to section 3.58 of the *Local Government Act 1995* of the proposed lease to Robertson Park Artists' Studio comprising Graham Hay, Sarah Marchant, Frances Dennis, Carol Rowling, and Christopher McClelland on the following proposed commercial terms:
 - 2.1 **Initial term:** two (2) years;
 - 2.2 **Option:** one (1) year exercised at the City's sole discretion;
 - 2.3 **Premises area:** the building known as Halvorsen Hall at Robertson Park, measuring approximately 275sqm.
 - 2.4 **Rent:** \$6,706.70 including GST per annum, being 20% of GRV and including a 9% community benefit rebate. Rent was negotiated based on GRV of the Premises – currently \$33,500 pa.
 - 2.5 **Rent Review:** annual CPI rent review to occur on 1 July each year of the lease commencing from 1 July 2022.
 - 2.6 **Outgoings:** the Tenant to pay all rates and taxes, ESL, rubbish and recycling bin charges, utilities (including scheme water, electricity and gas) and minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges), applicable to the Premises.
 - 2.7 **Insurance:** the Tenant is to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the tenant's use and occupation of the Premises and car park.

Tenant to reimburse the City for the building insurance premium payable in regard to all buildings, structures and improvements within the Premises area. If the Tenant requests the City make a claim on the Tenant's behalf (under the building insurance policy) the City may require the Tenant to pay any excess payable in respect to that claim.
 - 2.8 **Repair/maintenance:** the Tenant is responsible for maintenance items as specified in the right hand column of the Maintenance Schedule at **Attachment 2**.
 - 2.9 **Inspections:** the City will inspect the premises annually (or as required) and will give the tenant appropriate notice of the inspection, in accordance with the lease terms.
 - 2.10 **Responsibilities of the City:** the City is responsible for:
 - a) maintenance of roofing and main structure of the Premises (unless the damage is caused by the tenant);

- b) capital renewal and upgrade of existing assets, at the City's sole discretion.
- 2.11 Obligations of Tenant and default provisions:** the Tenant is responsible for paying all Rent and any other monies owing under the Lease within 14 days' of the due date:
- a) If the tenant fails to pay an invoice within the 14-day grace period, interest at a prescribed rate (as set by the Lease) will accrue on the outstanding amount until it is paid for in full.
 - b) Continued failure to pay monies due and owing under the lease may result in the City terminating the Lease due to the tenant's default.
 - c) If the tenant disputes any amount due and owing under the Lease, the tenant must notify the City accordingly. In the absence of manifest error, the tenant must pay the outstanding amount on the due date and any dispute about the amount will be resolved with the City following payment.
- 2.12 Special conditions:** **Premises condition:**
- a) The Tenant leases the Premises from the City in 'as is, where is' condition.
 - b) The Tenant acknowledges that the Premises is in a condition commensurate with its age and the City does not anticipate making any capital upgrades or improvements to the Premises or its surrounds.
- Redevelopment or demolition:**
- If:
- a) the City wishes to redevelop the Premises or its surrounds; or
 - b) the City determines that it can no longer maintain the Premises in a safe and occupiable condition,
- the City may, upon providing the tenant with a minimum of 12 months' prior notice, require the tenant to surrender its lease of the Premises.
3. **AUTHORISES the Chief Executive Officer to consider any submissions received and to determine whether to proceed with the lease, ensuring that the reasons for such a decision are recorded;**
 4. **AUTHORISES the Mayor and Chief Executive Officer to affix the City's common seal and execute the lease; and**
 5. **AUTHORISES the Chief Executive Officer to approve future variations to the lease as required for the sole purpose of adding or removing joint lessees to the lease.**

Moved: Cr Fotakis, Seconded: Cr Topelberg

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be amended as follows:

6. **REQUIRES the Chief Executive Officer to provide a condition and compliance assessment and costs of works for renewal and upgrades of the facilities at Halvorsen Hall and present to Council at the November 2021 Ordinary Council Meeting.**

REASON:

To understand what is required to bring Halvorsen Hall up to City of Vincent standard.

AMENDMENT 2**Moved: Cr Fotakis, Seconded: Cr Castle****That the recommendation be amended as follows:**2.1 Initial term: ~~two (2) years~~ four (4) years;2.12 Special conditions: Premises condition:
a) The Tenant leases the Premises from the City in 'as is, where is' condition.
b) The Tenant acknowledges that the Premises is in a condition commensurate with its age and the City does not anticipate making any capital upgrades or improvements to the Premises or its surrounds.~~Redevelopment or demolition:-~~~~If:-~~~~a) the City wishes to redevelop the Premises or its surrounds; or
b) the City determines that it can no longer maintain the Premises in a safe and occupiable condition, the City may, upon providing the tenant with a minimum of 12 months' prior notice, require the tenant to surrender its lease of the Premises.-~~**REASON:**

The Robertson Park Artists Studio is a long-established part of the Vincent Arts community providing affordable artist co-working space. The City of Vincent Arts Development Plan highlights the importance of supporting and ever developing a thriving professional arts scene, actions including partnering with existing Hubs, expanding networks, and establishing affordable artist co-working spaces.

The report identifies that there are no current or anticipated plans to undertake works on or to repurpose the Premises, and that there is no capital works budget allocated to Halvorsen Hall in the next four years. An initial term of 4 years rather than the 2 years offered is consistent with this.

The City's Property Management Framework allows for Category 3 tenants and Initial Term of a maximum of 10 years and an option of up to 2 x 5 years options (at the City's discretion).

In the absence of alternative plans for the building, in consultation with the local community, a redevelopment or demolition clause as part of the Lease does not seem necessary

As noted in the Officer's report, the continued use as an artists' studio is supported by Administration in the short term.

Although Halvorsen Hall does not form part of the Robertson Park development plan, comments received during community consultation indicates continued community support for its use as an artist's studio.

COUNCIL DECISION ITEM 12.1**That Council:**

1. **NOTES** that Robertson Park Artists' Studio comprising Graham Hay, Sarah Marchant, Frances Dennis, Carol Rowling, Christopher McClelland and Bethamy Linton currently occupy Halvorsen Hall as monthly tenants, pursuant to a joint lease with the City which expired on 28 February 2020;
2. **APPROVES** providing local public notice pursuant to section 3.58 of the Local Government Act 1995 of the proposed lease to Robertson Park Artists' Studio comprising Graham Hay, Sarah Marchant, Frances Dennis, Carol Rowling, and Christopher McClelland on the following proposed commercial terms:

- 2.1 **Initial term:** four (4) years;
- 2.2 **Option:** one (1) year exercised at the City's sole discretion;
- 2.3 **Premises area:** the building known as Halvorsen Hall at Robertson Park, measuring approximately 275sqm.
- 2.4 **Rent:** \$6,706.70 including GST per annum, being 20% of GRV and including a 9% community benefit rebate. Rent was negotiated based on GRV of the Premises – currently \$33,500 pa.
- 2.5 **Rent Review:** annual CPI rent review to occur on 1 July each year of the lease commencing from 1 July 2022.
- 2.6 **Outgoings:** the Tenant to pay all rates and taxes, ESL, rubbish and recycling bin charges, utilities (including scheme water, electricity and gas) and minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges), applicable to the Premises.
- 2.7 **Insurance:** the Tenant is to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the tenant's use and occupation of the Premises and car park.

Tenant to reimburse the City for the building insurance premium payable in regard to all buildings, structures and improvements within the Premises area. If the Tenant requests the City make a claim on the Tenant's behalf (under the building insurance policy) the City may require the Tenant to pay any excess payable in respect to that claim.
- 2.8 **Repair/maintenance:** the Tenant is responsible for maintenance items as specified in the right hand column of the Maintenance Schedule at **Attachment 2**.
- 2.9 **Inspections:** the City will inspect the premises annually (or as required) and will give the tenant appropriate notice of the inspection, in accordance with the lease terms.
- 2.10 **Responsibilities of the City:** the City is responsible for:
a) maintenance of roofing and main structure of the Premises (unless the damage is caused by the tenant);
b) capital renewal and upgrade of existing assets, at the City's sole discretion.
- 2.11 **Obligations of Tenant and default provisions:** the Tenant is responsible for paying all Rent and any other monies owing under the Lease within 14 days' of the due date:
a) If the tenant fails to pay an invoice within the 14-day grace period, interest at a prescribed rate (as set by the Lease) will accrue on the outstanding amount until it is paid for in full.
b) Continued failure to pay monies due and owing under the lease may result in the City terminating the Lease due to the tenant's default.
c) If the tenant disputes any amount due and owing under the Lease, the tenant must notify the City accordingly. In the absence of manifest error, the tenant must pay the outstanding amount on the due date and any dispute about the amount will be resolved with the City following payment.
- 2.12 **Special conditions:** **Premises condition:**
a) The Tenant leases the Premises from the City in 'as is, where is' condition.
b) The Tenant acknowledges that the Premises is in a condition

commensurate with its age and the City does not anticipate making any capital upgrades or improvements to the Premises or its surrounds.

3. **AUTHORISES the Chief Executive Officer to consider any submissions received and to determine whether to proceed with the lease, ensuring that the reasons for such a decision are recorded;**
4. **AUTHORISES the Mayor and Chief Executive Officer to affix the City's common seal and execute the lease; and**
5. **AUTHORISES the Chief Executive Officer to approve future variations to the lease as required for the sole purpose of adding or removing joint lessees to the lease.**
6. **REQUIRES the Chief Executive Officer to present a condition and compliance assessment and high level costings for renewal / upgrades of the facilities at Halvorsen Hall and present to Council at the November 2021 Ordinary Council Meeting.**

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

12.2 COUNCIL PROCEEDINGS GUIDELINES AND MINOR AMENDMENT TO MEETING PROCEDURES POLICY

- Attachments:
1. Draft - Council Proceedings Guidelines 
 2. Meeting Procedures Policy - marked up 

RECOMMENDATION

That Council:

1. APPROVES the Council Proceedings Guidelines at Attachment 1; and
2. APPROVES the minor amendments to the Meeting Procedures Policy at Attachment 2.

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

AMENDMENT

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be amended as follows:

Update Item 7 on page 349 of the agenda as follows:

The Presiding Member may close public question time after a the minimum time required by the Regulations of 15 minutes, or earlier if there are no further speakers.

AMENDMENT CARRIED (8-1)

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

Against: Cr Hallett

COUNCIL DECISION ITEM 12.2

That Council:

1. APPROVES the Council Proceedings Guidelines at Attachment 1; with the following change:

Update Item 7 on page 349 of the agenda as follows:

The Presiding Member may close public question time after the minimum time required by the Regulations or earlier if there are no further speakers; and









2. APPROVES the minor amendments to the Meeting Procedures Policy at Attachment 2.

CARRIED UNANIMOUSLY(9-0)

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

Against: Nil

12.3 INFORMATION BULLETIN

- Attachments:**
1. Unconfirmed Minutes Arts Advisory Group 6 July 2021 
 2. Statistics for Development Services Applications as at July 2021 
 3. Register of Legal Action and Prosecutions Monthly - Confidential
 4. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 30 July 2021 
 5. Register of Applications Referred to the MetroWest Development Assessment Panel - Current 
 6. Register of Applications Referred to the Design Review Panel - Current 
 7. Register of Petitions - Progress Report - July 2021 
 8. Register of Notices of Motion - Progress Report - July 2021 
 9. Register of Reports to be Actioned - Progress Report - July 2021 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated August 2021.

Moved: Cr Fotakis, Seconded: Cr Castle

That the recommendation be adopted.

AMENDMENT

Moved: Cr Fotakis, Seconded: Cr Castle

That the recommendation be amended as follows:

REQUESTS that the resolution relating to Manna West in Attachment 9, 20 October 2020 Item 10.1 to include the impact of other services funded by the City of Vincent, such as the outreach worker servicing Weld Square provided through Uniting Care West.

AMENDMENT CARRIED (9-0)

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

Against: Nil

COUNCIL DECISION ITEM 12.3

That Council:

1. RECEIVES the Information Bulletin dated August 2021.
2. REQUESTS that the resolution relating to Manna West in Attachment 9, 20 October 2020 Item 10.1 to include the impact of other services funded by the City of Vincent, such as the outreach worker servicing Weld Square provided through by Uniting Care West.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

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 8.53pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Joshua Topelberg	South Ward
	Cr Ashley Wallace	South Ward
	Cr Sally Smith	North Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Virginia Miltrup	Executive Director Community & Business Services
	Tara Gloster	A/Executive Director Strategy & Development
	Jordan Korovesi	A/Executive Manager Corporate Strategy & Governance
	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 Meeting (Ordinary and Special) held on 17 August 2021.

Signed: Mayor Emma Cole



Dated: 14 September 2021