



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

12 October 2021

Table of Contents

1	Declaration of Opening / Acknowledgement of Country.....	4
2	Apologies / Members on Leave of Absence.....	4
3	(A) Public Question Time and Receiving of Public Statements	4
	(B) Response to Previous Public Questions Taken On Notice.....	7
4	Applications for Leave of Absence	10
5	The Receiving of Petitions, Deputations and Presentations	10
6	Confirmation of Minutes	10
7	Announcements by the Presiding Member (Without Discussion)	10
	7.1 Acknowledgement of Retiring Council Members	11
8	Declarations of Interest	11
	Reports	11
	Items Approved "En Bloc":	13
	9.9 Car Parking Licence for Minister for Education (School of Isolated and Distance Education).....	14
	10.1 Update on Homeless Meal Service Provision at Weld Square.....	15
	11.1 Repeal of Disaster Appeals - Donations and Assistance Policy (4.1.27)	16
	11.2 Investment Report as at 31 August 2021	17
	11.5 Financial Statements as at 31 August 2021	18
	12.2 Sustainable Environment Strategy - Implementation Plan Review and Progress Update.....	19
	Reports With Discussion	20
	9.4 Response to Petition Relating to Odour from 7 Grams Chicken, Nos. 212-214 Lake Street, Perth.....	20
	9.2 No. 40 (Lot: 101; D/P: 64792) Frame Court, Leederville - Proposed Local Development Plan.....	21
	9.1 No. 26 (Lot: 29; D/P: 4576) Moir Street, Perth - Proposed Alterations and Additions to Single House.....	25
	10.2 Tender No IE 108/2021 Tree Watering and Tree Planting	27
	9.3 Creation of City of Vincent Animal Local Law.....	28
	9.5 Public Health Plan 2020 - 2025 - Annual Review	31
	9.6 Amendment to Council Delegations - Delegation to Issue Infringement Notices Under the Building Regulations 2012 [ABSOLUTE MAJORITY DECISION REQUIRED].....	32
	9.7 Response to Notice of Motion - Local Planning Scheme No. 2 Amendment Regarding Tobacco Outlets	33
	9.8 Extension of Lease - North Perth Special Needs (Shalom Coleman) Dental Clinic, 31 Sydney Street, North Perth	34
	11.3 Advertising of amended policy - Investment Policy	37
	11.4 Authorisation of Expenditure for the Period 1 August 2021 to 31 August 2021	38
	12.1 Report and Minutes of the Audit Committee Meeting held on 6 September 2021	40
	12.3 Information Bulletin	41
13	Motions of Which Previous Notice Has Been Given.....	42
	13.1 Notice of Motion - Mayor Emma Cole - Minor Modifications to the City of Vincent Communications Plan	42

14	Questions by Members of Which Due Notice Has Been Given (Without Discussion)	43
15	Representation on Committees and Public Bodies	43
16	Urgent Business	43
16.1	Petition	43
17	Confidential Items/Matters For Which the Meeting May be Closed	43
18	Closure	43
18.1	Presentation To Retiring Council Members	43

**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AT THE
ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 12 OCTOBER 2021 AT 6.00PM**

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
	John Corbellini	Executive Director Strategy & Development
	Peter Varris	Executive Manager Corporate Strategy & Governance
	Tara Gloster	A/Manager Development & Design
	Chris Dixon	Project and Strategy Officer, Ranger Services
	Mark Fallows	Manager Built Environment & Wellbeing
	Mitchell Hoad	Senior Urban Planner
	Wendy Barnard	Council Liaison Officer

Public: Approximately fifteen 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 Olaf Goy of Perth - Item 9.4

- Thanked the City for seeking a resolution to this matter.
- Stated that two aspects should be considered, the first is the impact of the Northbridge Hotel, as the consultant’s report describes the effect of the height of the hotel on the airflow.
- Urged Council to consider future approvals holistically in the context of what unintended consequences a development might bring.

- Queries if a mixed use area is appropriate if a hotel is next door.
- Mentioned that the definition of fast food in the Local Planning Scheme 2 appears out of date, and does not consider odour emissions.
- Requests that residents are kept informed.

The Presiding Member, Emma Cole, thanked Mr Goy for his comments.

3.2 Marie Slyth of West Perth – Item 9.4 (Ms Slyth had submitted a written statement and presented a summary)

I wish to add a vital point to my submission to last week's Council Briefing regarding this proposed local development.

I am sure Council is aware that Loftus Street, especially across Newcastle Street and then over the Thomas Street Bridge onto Thomas Street, is the major route for Ambulances, taking often very seriously injured accident victims and other ill people to Charles Gairdner Hospital and often to Hollywood Hospital.

This situation requires the easiest possible access to using this route - without have to contend with super jamming up of the involved intersections.

Surely Council and Main Roads will take this crucial point into consideration when deciding whether to approve this huge development.

I do hope Council does make the wise decision.

And there don't forget this is the aged care development currently being built in Cleaver Street.

Ultimately again Ambulances will require easy access to Loftus, Thomas Street to get to the hospitals.

The Presiding Member, Emma Cole, thanked Ms Slyth for her comments.

3.3 David McLoughlin of Perth - Item 9.1

- Lives in Moir Street.
- Spoke against the recommendation.
- Mentioned that the Brookman and Moir Streets Development Guidelines emphasise modest scale, repetition, uniformity and homogeneity and they should be considered when exercising discretion.
- Stated that the items requiring discretion are lot boundary setbacks, open space, visual privacy and sole access. Discretion is required because the proposal does not meet the Deemed to Comply provisions of the Code, because the building is taller, bulkier and larger in footprint than the codes would usually allow.
- Stated that houses that have been rebuilt in the past have been required to be replaced as an exact replica, which speaks to the importance of this area.
- Mentioned that this proposal will cause fundamental harm to the elements of modest scale, repetition, uniformity and homogeneity.

The Presiding Member, Emma Cole, thanked Mr McLoughlin for his comments.

3.4 Marion Granich of Perth - Item 9.1

- Lives in Moir Street.
- Spoke against the recommendation.
- Stated that the area has the highest level of heritage recognition, which includes local, state and international recognition. The area has received a UNESCO award.
- Stated that the reason the precinct is listed is because it is two intact streets of 1890s working class housing, uniform row housing, which is unusual in Western Australia.
- Mentioned that the proposal would destroy the uniformity.

- Mentioned that the overshadowing would prevent solar panels being used by the southern neighbours.

The Presiding Member, Emma Cole, thanked Ms Granich for her comments.

3.5 Jo Agnew and Lisa Edenburg of Leederville

- Lives on Muriel Place, which is 1 metre narrower than the surrounding streets.
- Stated that parking has become worse due to businesses being approved in the area.
- Mentioned that access to the street is becoming difficult.
- Stated that the street has two hour parking, and is Zone 1 which means that anybody can park in the street.
- Stated that local businesses are using the parking for staff and customers.
- Urges Council to consider turning Muriel Place into residents parking only.

The Presiding Member, Emma Cole, thanked Ms Agnew for her comments and advised that she is happy to come out and investigate and she would be in contact to arrange.

3.6 Bliss Brosnan of Perth – Item 9.1

- Believes that Brookman and Moir Streets are a condensed history of Western Australia.
- The streets were given a conservation award in 2016 and in 2017 was recognised at the UNESCO Asia Pacific Heritage Awards. The objective of both awards was to motivate the protection of heritage sites.
- Fears that if this proposal is approved it will set a precedent.

The Presiding Member, Emma Cole, thanked Ms Brosnan for her comments.

3.7 Alan Stewart of Perth – Item 9.1

- Mentioned that he is the applicant for this item.
- Stated that the design is site specific and in line with the guidelines.
- Mentioned that the open space will be above the average for the area and the addition will not be the biggest in the street.
- Stated that the addition is consistent with others in the area and the overshadowing complies with the guidelines.
- Mentioned that the original house will be retained and has had conservation works done to it.
- Stated that the addition will not have an impact on the streetscape.

The Presiding Member, Emma Cole, thanked Mr Stewart for his comments.

3.8 Dudley Maier of Highgate

1. At the last council meeting I was interrupted by the bell when I was speaking. I asked if I had spoken for 3 minutes, and the CEO said I had. The recording of the meeting shows that I was speaking for 2 minutes and 23 seconds before I received the bell; it shows that the CEO was not at his seat when I started speaking and did not start a timer; and it shows him pressing the bell as soon as I started asking about the mini-roundabouts. It also shows that a previous speaker spoke for over 4 minutes. Other recordings show the CEO being inconsistent in his timing.

The obvious solution is to display the time on the large screen so that everybody is treated in a consistent and transparent manner.

2. Can you confirm that the City has outsourced general waste collection starting in November? How many FTE positions will go as a result? Is the reduction of FTEs reflected in this year's budget?
3. Who approved the payment of \$5,500 to the Town Team Movement for the provision of a "customer experience design thinking" workshop? Who attended the workshop?

4. Can you confirm that clause 2.2 of the Meeting Procedures Policy states that Council and Committee Meeting Agendas will be published on the City's website? Can you confirm that agendas for the Audit Committee have not been published on the website in breach of the policy?
5. When did the City approve the over-painting of the 'Chinese coin' elements of the William Street artwork created by Stuart Green and Adrian Jones? Did the City obtain prior approval from the artists before over-painting their artwork as is the accepted practice? If so, when was approval obtained?
6. In April 2018 the City paid \$4,491 to Jade Dolman, trading as JD Penangke, for the perpetual licence for a digital artwork. Did that licence grant exclusive use of the artwork? Did the mayor seek permission from the City to use that artwork on her Facebook page before using it? If so, when?
7. In the response to a previous question about the tender for the Leederville Oval switchboards the CEO has stated that the Tender Register is complete and accurate. Given he has had plenty of time to check, does the CEO stand by that statement?
8. Item 10.2 - The breakdown of the costs of the City watering trees inhouse would not be accepted in any commercial organisation. No assumptions are shown. I did some extrapolation to show that it is 2.9 trucks needed, FTE costs are about \$140,000 per year/FTE. It is all very questionable and council should make sure they know what they are doing before they make a decision, don't just tick the box.
9. All the best to Josh Topelberg. He's been here for 12 years. He's done a great job for the community. I wish you well, so you can spend more time with Brooke and the boys. Thank you Josh.

The Presiding Member, Emma Cole, thanked Mr Maier for his comments and advised that the City would investigate using a visual timer and apologised if Mr Maier had been cut short at the previous meeting.

Administrations' responses will be provided in the Agenda for the 16 November 2021 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.28pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ashley La Fontaine of North Perth – Item 10.7

- Stated that traffic volumes on Forrest Street are much greater than other local streets
- Mentioned that this means that there are more speeding vehicles, 1486 vehicles were recorded breaking the speed limit in one week.
- Stated that this puts the residents of Forrest Street at a greater risk of being killed or seriously injured.
- Mentioned that View Street has similar volumes of traffic, but is two lanes and has speed humps, pedestrian islands and line markings. The average speed is 20kmh lower than Forrest Street.
- States that Forrest Street is meant to be bicycle and pedestrian friendly.
- Urges Council to endorse the petition to install 3 speed humps, and apply reduced parking limits 7 days a week, as well as line markings to Australian standards, which can be covered by current budget allocated to improve traffic.
- Where will these allocated funds go, if not to the installation of practical measures to reduce the ongoing risk to resident's safety?

There is no specific budget currently allocated to carry out traffic management works in Forrest St. Should works proceed the costs will be allocated to the budget set aside for Minor Traffic Management Improvements and if they do not proceed the budget will be used for traffic management works in other locations where intervention is required.

Dudley Maier of Highgate

1. What council workshops have been held since 31 August 2021, and what items were presented at each workshop?

There has been one workshop since 31 August, which was on 21 September 2021. The topics discussed were:

- *Presentation on Underground Power;*
- *Review of the City of Vincent Project Management Framework and Update of Strategic Projects 2021/22;*
- *Britannia North West Development Plan;*
- *Commercial Waste – Project Update;*
- *Asset Management and Sustainability Strategy;*
- *Advertising of New/Amended Policy – Memorials in Public Places and Reserves (2.1.5);*
- *Policy Document Register and Review Plan;*
- *Review of LPP 7.5.13 Percent for Art;*
- *Development of Arts Plan Overview;*
- *Governance Framework Review 2021;*
- *Special Needs Dental Clinic Lease; and*
- *Grant Funded Projects.*

2. On Monday 30 August 2021 I sent two emails to the 'mail@vincent' email address. The emails sought information on a parklet in front of 173 Oxford Street, and the tender for upgrades to switchboards at Leederville Oval. I also sent an email to the Director of Community and Business Services on 25 August asking about funding for three sports lighting projects.

I haven't received any responses.

Does the CEO believe that such a wait for answers to simple questions is reasonable, and is it consistent with the City's Customer Service Charter?

Under our customer service charter, we will acknowledge receipt of emails to the City's General Enquiries email within two working days. We apologise if this has not occurred and agree you should not be waiting 2 weeks for a response. We encourage you to contact the CEO if you are waiting on a response.

The Council approved Corporate Business Plan identifies that the City of Vincent is running a customer service improvement program this financial year which will assist us to identify, track and improve customer processes in the future.

3. Regulations 16 and 17 of the Local Government (Functions and General) Regulations says that the CEO is responsible for keeping a tenders register and making it available for public inspection on the City's website, and that details of any tender are to be immediately recorded in the register when tenders are opened.

The current register available on the City's website does not seem to comply with the regulations. For example: The tender for the Hyde Park Kiosk is not listed even though it closed on 19 July 2021; also, the tender for the Leederville Oval Switchboards does not seem to have a complete list of tenderers.

Is the Tender Register displayed on the website up-to-date in accordance with the Regulations? If not, why not and who takes responsibility? Are the details for Leederville Oval Switchboards tender complete and accurate?

The tender register is up to date and includes the details of the Leederville Oval Switchboards RFT, which is complete and accurate. It can be found here: Tenders » City of Vincent.

The register is compliant with the Local Government (Functions and General) Regulations.

Due to human error, a previous version of the register was uploaded at the time of Mr Maier's enquiry. This has now been corrected.

The process for uploading the tender documentation to the website has also been modified to remove version control issues in the future.

The CEO is responsible for administrative matters.

4. What is the estimated value of the city's share of the Tamala Park land?

The City's 1/12th share (book value) of the Tamala Park land is noted in the 2019-2020 Annual Report (<https://www.vincent.wa.gov.au/documents/1895/annual-report-2019-2020>) under '23. Interests in Joint Arrangements' on pg. 102, and '24. Major Land Transactions' on pg. 103.

The Tamala Park Regional Council will be undertaking a land valuation in the near future which will determine the market value of the City's 1/12th share in relation to the current economic environment.

5. Can you confirm that a council member did not complete the required training in accordance with Section 5.126 (1) of the Act, and Regulation 35 (3)? Can you indicate when the City obtained advice from WALGA and DLGSC, and was it in writing? Was such advice sought before I asked my question on 17 August, or after?

The Act requires training be completed within 12 months of election; however, one Council Member completed their training in 13 months. Advice from WALGA was received at the time in writing. Advice from DLGSC was received after 17 August 2021, also in writing.

6. Why does the City continue to avoid answering my question about obtaining documentary evidence that the staff actually contacted businesses before their bins were removed? Is it because you do not have any evidence that you actually did what was requested by council? Again, what documentary evidence is there that you complied with the council request to contact businesses before removing their bins?

This question has been answered on previous occasions as follows:

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).

There appears to be a misunderstanding in the requirement to "seek to verify" by Mr Maier whose interpretation appears to be that Administration were expected to directly contact ALL businesses without exception which was not the intent of the resolution. The option of contacting all businesses was discussed at Council as part of its deliberations at OCM on the 22nd June and Administration explained that it would be logistically impossible to do that within the project timeframe. That resulted in the term "seek to verify" being used which was then translated into an operational decision to deploy additional on street and back office resource to respond to business owners who required further support in securing a private provider.

7. I previously asked for details as to how each response to the mini-roundabout survey was categorised – support/oppose/ unsure. The response does not provide details – just statistics we already know. Why don't you provide these details? Again, how was each of the 74 responses categorised – support/oppose/unsure?

The consultation carried out asked respondents to comment on the proposed mini-roundabout. In some cases, some interpretation of the text responses was required to determine if the submission was a yes, no or maybe. For instance, one respondent said they wanted the mini-roundabouts but just not along Norfolk Street. This was initially classified as a yes in support of the mini-roundabouts.

The initial results were from 74 respondents of which 73 was tallied as 1 was a repeat:

Initial Results: 30 Yes; 30 No; 13 Maybe (41%, 41%, 18%)

Specific areas results: 25 Yes; 17 No; 8 Maybe (50%, 34%, 16%)

The categorisation process has since been reviewed by three staff members. The revised results which accounted for differences in interpretation and a reduction in total valid respondents to 72 with 13 changes in categories:

Review results: 29 Yes; 30 No; 13 Maybe (40%, 42%, 18%)
Specific area review: 26 Yes; 14 No; 8 Maybe (54%, 29%, 17%)

The categorisation was:

Engagement HQ responses:

Yes: 1,2,3,4,7,8,12,15,17,19,21,25,27,28,31,32,33,36,37,40,41,43 (22)
No: 6,9,10,11,13,20,22,24,29,34,35,38,39,42,44,45,47,48,49,50,51 (21),
Maybe: 5,14,16,18,23,26,46,52 (8)
(Response 30* having been taken out as no comments included in submission)

Correspondence Responses:

Yes: D21/45490, D21/45824, D21/46054, D21/49716, D21/51064, D21/56066,
D21/59225. (7)
No: D21/47502, D21/48953, D21/50769, D21/50969, D21/53086, D21/59313,
D21/59315, D21/59346, D21/59347. (9)
Maybe: D21/48957, D21/53260, D21/59269, D21/59319, D21/60092. (5)

There was an administrative error in the survey design not providing a tick box for respondents to choose yes/no/unsure which resulted in an overreliance on interpreting text comments. This exercise will inform improvements in future survey design.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Topelberg, Seconded: Cr Fotakis

That the minutes of the Ordinary Meeting held on 14 September 2021 be confirmed.

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

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 ACKNOWLEDGEMENT OF RETIRING COUNCIL MEMBERS

The last meeting is always special and it can be difficult to say goodbye. Thank you to Cr Joshua Topelberg, Cr Sally Smith, Cr Jonathan Hallett, Cr Alex Castle and Cr Joanne Fotakis who have all served with great diligence and integrity over this term and always with community interest and future sustainability of Vincent at the heart of their decision-making and representation of the Vincent community. In the past term there have been some significant strides forward and achievements in which you have all played a significant part. To our retiring members it is a definitive goodbye tonight.

Cr Smith brought to Council her independent business background, community volunteering experience over many years and a passion for all things local. She has been dedicated to learning all aspects of the role as a Council Member, and has contributed to the Children and Young People Advisory Group, the Arts Advisory Group, the Rebound Round Table, and, through COVID, the Arts Relief Working Group. She has brought to Vincent Council a common sense, proactive and positive approach with the ability to identify opportunities, to stride forward, improve and to support our community to flourish. We wish it had been longer, but we know with someone of your dedication you are not someone to do things by half and we understand why you can no longer fulfil the role. She does have a long history of community volunteering, so we know it won't be long until you are back out there rolling up your sleeves again. It has been a pleasure and I thank you on behalf of Council, the City of Vincent and our community, for your service.

Cr Joshua Topelberg could be described as the statesman and historian of Council, a statesman being described as "a wise, skilful and respected political leader". He is our second longest serving Council member, second only to Ian Kerr and his thirteen and a half years, he has served alongside four Mayors and 22 Councillors, which shows that you can work with people. In his time there have been many changes, including new Town Planning Scheme, including the Battle of the Concrete Batching Plants, major planning reforms, significant strategies and long term financial planning all of which have set Vincent up for the future, and many major projects, including an upgrade of Beatty Park twice.

He has always been seen as having a gift for planning, you are helpful on policy and are a regular on the Joint Development Assessment Panel (JDAP) where he regularly defends the City's planning policies, you have a complete commitment to quality design, including to our own Council facilities. He has always been highly responsive to community members, on the job constantly, often phoning in as you survey the district, fiercely independent but work excellently with others on major issues. There are a few things that have piqued your interest: overuse of Colorbond, foam materials of any kind, Hyde Park food trucks, heavy weights and ugly park fencing. He leaves a legacy in the Chamber in the use of the word "Vincent-y" and the use of the Panettone colour chart to describe all the different colours of the amendments we deal with every month.

He is not known for making brief deliberations because he has always added your perspective, never been shy to take a differing view or to fully interrogate a matter, but always respectfully, professionally and with intelligence. His engagement throughout your time on Council has been consistently high and his contributions have been broad ranging and of great value. He was thanked for his significant achievement and contribution over the past 12 years to the Vincent Council, to the Vincent Community and to positive engaged, effective and heartfelt local government. He will be missed.

At 6.34pm, Cr Dan Loden left the meeting.

8 DECLARATIONS OF INTEREST

- 8.1 Cr Jonathan Hallett declared an impartiality interest in Item 9.5 Public Health Plan 2020 - 2025 Annual Review. The extent of his interest is that the report refers to the case study that Vincent developed for the Public Health Advocacy Institute, which is based at Curtin and from a couple months ago he had been engaged to do some work with them on strategy and capacity building. The work was after the case study was done and is not Local Government work.

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, 9.2, 9.4, and 10.2.

- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**

Items 9.6

- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**

Nil

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:**

At 6.36pm, Cr Dan Loden returned to the meeting.

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Gontaszewski	9.3
Cr Castle	9.8
Cr Fotakis	9.5
Cr Hallett	9.7
Cr Loden	9.8 and 11.3
Cr Topelberg	11.4, 12.1 and 12.3
Cr Wallace	10.2

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 9.9, 10.1, 11.1, 11.2, 11.5 and 12.2

- (f) **Confidential Reports which will be considered behind closed doors, being:**

Nil

At 6.36pm, Cr Joshua Topelberg left the meeting.

At 6.39pm, Cr Joshua Topelberg returned to the meeting.

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Castle

**That the following unopposed items be adopted "En Bloc", as recommended:
Items 9.9, 10.1, 11.1, 11.2, 11.5 and 12.2**

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

9.9 CAR PARKING LICENCE FOR MINISTER FOR EDUCATION (SCHOOL OF ISOLATED AND DISTANCE EDUCATION)

- Attachments:
1. Original Car Parking Licence 
 2. Parking Plan - SIDE Licence 20 Bays and Reciprocal Access 12 Bays 

RECOMMENDATION

That Council

1. **APPROVES a Licence to the Minister for Education for the use of the City's car parking bays at Leederville Oval in accordance with the following terms:**

- 1.1. **Initial term:** 31 December 2020 to 31 December 2023
- 1.2. **Option:** 3 x 3-year options by agreement
- 1.3. **City's car bays:** 20 car bays marked for 'SIDE' at LR3157/914 (Leederville Oval)
- 1.4. **Licence Fee:** Refer to City's Schedule of Fees and Charges as amended from time to time for the Private Car Park Annual Registration Fee (currently \$200).
- 1.5. **City's car bays hours of use:** Between 7:00am and 5:00pm Monday to Friday
- 1.6. **Minister's car bays:** In consideration for the use of the City's car bays during the times outlined in 1.5, the Minister will allow 120 car bays on SIDE's land to be used by football club players/members and the general public during the hours specified below.
- 1.7. **Minister's car bays hours of use:** Between 4pm and 7am Monday to Friday; and at any time on Saturday, Sundays and Public Holidays.

2. **NOTES that the remaining general terms and conditions will be similar to the Car Parking Licence between the Minister and the City dated 3 December 2004 (Attachment 1).**

COUNCIL DECISION ITEM 9.9

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

10.1 UPDATE ON HOMELESS MEAL SERVICE PROVISION AT WELD SQUARE

Attachments: Nil

RECOMMENDATION:

That Council:

1. NOTES that there has been a marked reduction in anti-social behaviour at Weld Square since the cessation of the meal service in December 2020;
2. NOTES that feedback from service providers indicates that those in need are linked to other food services, including the central City of Perth Homeless Services Accreditation Site on Moore Street;
3. NOTES that Administration maintains formal and regular networks with Department of Communities, WA Police, Nyoongar Outreach Services and other outreach services to manage any arising concerns in a coordinated manner;
4. DETERMINES that no new goods and service provision, including meal services, are to be permitted at Weld Square until further notice.


COUNCIL DECISION ITEM 10.1

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.1 REPEAL OF DISASTER APPEALS - DONATIONS AND ASSISTANCE POLICY (4.1.27)

Attachments: 1. Disaster Appeals - Donations and Assistance Policy (4.1.27) 

RECOMMENDATION:

That Council repeal the Disaster Appeals – Donations and Assistance Policy (4.1.27) at Attachment 1.

COUNCIL DECISION ITEM 11.1

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.2 INVESTMENT REPORT AS AT 31 AUGUST 2021

Attachments: 1. Investment Statistics as at 31 August 2021 

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 31 August 2021 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.2

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.5 FINANCIAL STATEMENTS AS AT 31 AUGUST 2021

Attachments: 1. Financial Statements as at 31 August 2021 

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 August 2021 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.5

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

12.2 SUSTAINABLE ENVIRONMENT STRATEGY - IMPLEMENTATION PLAN REVIEW AND PROGRESS UPDATE

Attachments: 1. SES Implementation Plan 2019-2014 Schedule of Actions 

RECOMMENDATION:

That Council:

1. NOTES

- 1.1 The annual review and progress update on actions in the Sustainable Environment Strategy Implementation Plan, including the Schedule of Actions at Attachment 1; and**
- 1.2 That the annual update on progress towards Sustainable Environment Strategy targets, including relevant metrics, will be presented to Council in November 2021.**

COUNCIL DECISION ITEM 12.2

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

REPORTS WITH DISCUSSION**9.4 RESPONSE TO PETITION RELATING TO ODOUR FROM 7 GRAMS CHICKEN, NOS. 212-214 LAKE STREET, PERTH**

Attachments: 1. 212-214 Lake Street - Odour Nuisance from 7 Grams Chicken Cafe - Final Report from OPAM Consulting 

RECOMMENDATION:

That Council NOTES the response to the petition relating to odour from 7 Grams Chicken.

COUNCIL DECISION ITEM 9.4

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

That the recommendation be adopted.















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

9.2 NO. 40 (LOT: 101; D/P: 64792) FRAME COURT, LEEDERVILLE - PROPOSED LOCAL DEVELOPMENT PLAN

Ward: South

- Attachments:
1. Location and Consultation Plan 
 2. Proposed Local Development Plan 
 3. Applicant Supporting Report 
 4. WAPC Agreement for LDP 
 5. Place Strategy 
 6. Transport Impact Assessment 
 7. Design Review Panel Presentation and Landscape Concept 
 8. Social Infrastructure Study 
 9. Economic and Social Outcomes of Community Benefits 
 10. Local Development Plan Assessment Table 
 11. Summary of Submissions - Administration Response 
 12. Summary of Submissions - Applicant Response 
 13. Design Review Panel Minutes 
 14. Building Height Diagram 

RECOMMENDATION:

That Council:

1. Pursuant to Clause 47(d) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS that a Local Development Plan is required over No. 40 (Lot: 101) Frame Court, Leederville for the purposes of orderly and proper planning; and
2. Pursuant to Clause 52(1)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations)* APPROVES the Local Development Plan dated 6 October 2021 for No. 40 (Lot: 101) Frame Court, Leederville, included as Attachment 2, subject to the following:
 - 2.1 Obtaining the approval of the Western Australian Planning Commission for Development Controls 4.6.1 and 4.7.1 in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Loden

That Recommendation 2 be amended as follows:

2. Pursuant to Clause 52(1)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations)* APPROVES the Local Development Plan dated 6 October 2021 for No. 40 (Lot: 101) Frame Court, Leederville, included as Attachment 2, subject to the applicant:
 - 2.1 **Modifying the Local Development Plan as follows:**
 - 2.1.1 **Replacing Clause 4.7.1 with the following:**

“4.7.1 Landscaping for the development is to be provided in accordance with the following:

Northern Plaza	Deep soil – 82m² Canopy coverage – 80%
-----------------------	--------------------------------------------------------------

	<i>Trees – Large – 1; Medium – 4; and Small trees to suit</i>
<i>Southern Plaza</i>	<i>Deep soil – 90m² Canopy coverage – 80% Trees – Large – 1; Medium – 2; and Small trees to suit</i>
<i>Podium Level</i>	<i>On structure planting areas – 630m² Trees – Medium – 25; and Small trees to suit</i>
<i>Western Tower</i>	<i>On structure planting areas – 91m² Trees – Small – 5; Location of gardens – Levels 6 to 14</i>
<i>Eastern Tower</i>	<i>On structure planting areas – 46m² Trees – Small – 10; Location of gardens – Levels 9 and 12</i>

” and

- 2.2 Obtaining the approval of the Western Australian Planning Commission for Development Controls 4.6.1 and 4.7.1 in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

REASON:

To increase the amount of deep soil provided by the development to better align with the requirements of the R Codes Volume 2 and the draft Leederville Precinct Structure Plan.

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 Fotakis

That the Recommendation be amended as follows:

That Council:

2. Pursuant to Clause 52(1)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations)* APPROVES the Local Development Plan dated 6 October 2021 for No. 40 (Lot: 101) Frame Court, Leederville, included as Attachment 2, subject to the applicant:

2.1 Modifying the Local Development Plan as follows:

2.1.2 Replacing Clause 3.5.3 with the following:

“3.5.3 For the provision of the cultural production space and/or art gallery, the use of a portion of the developer percent for art contribution may be used to assist with arts curation and/or on-going management of the facility to the satisfaction of the City”; and

- 2.2 Obtaining the approval of the Western Australian Planning Commission for Development Controls 4.6.1 and 4.7.1 in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

REASON:

To include reference for the use of a portion of the percent for art contribution to be used for purposes associate with arts curation/or on-going management. This ensures that not all of the percent for art contribution would be used for this purpose, with the remaining portion of this to be used towards the provision of physical artwork.

AMENDMENT CARRIED (8-1)

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

Against: Cr Topelberg

COUNCIL DECISION ITEM 9.2

That Council:

1. Pursuant to Clause 47(d) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS that a Local Development Plan is required over No. 40 (Lot: 101) Frame Court, Leederville for the purposes of orderly and proper planning; and
2. Pursuant to Clause 52(1)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations)* APPROVES the Local Development Plan dated 6 October 2021 for No. 40 (Lot: 101) Frame Court, Leederville, included as Attachment 2, subject to the applicant:

2.1.1 Replacing Clause 4.7.1 with the following:

“4.7.1 Landscaping for the development is to be provided in accordance with the following:

<i>Northern Plaza</i>	<i>Deep soil – 82m² Canopy coverage – 80% Trees – Large – 1; Medium – 4; and Small trees to suit</i>
<i>Southern Plaza</i>	<i>Deep soil – 90m² Canopy coverage – 80% Trees – Large – 1; Medium – 2; and Small trees to suit</i>
<i>Podium Level</i>	<i>On structure planting areas – 630m² Trees – Medium – 25; and Small trees to suit</i>
<i>Western Tower</i>	<i>On structure planting areas – 91m² Trees – Small – 5; Location of gardens – Levels 6 to 14</i>
<i>Eastern Tower</i>	<i>On structure planting areas – 46m² Trees – Small – 10; Location of gardens – Levels 9 and 12</i>

”; and

2.1.2 Replacing Clause 3.5.3 with the following:

“3.5.3 For the provision of the cultural production space and/or art gallery, the use of a portion of the developer percent for art contribution may be used to assist with arts curation and/or on-going management of the facility to the satisfaction of the

City"; and










- 2.2 Obtaining the approval of the Western Australian Planning Commission for Development Controls 4.6.1 and 4.7.1 in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

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

9.1 NO. 26 (LOT: 29; D/P: 4576) MOIR STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE**Ward:** South

- Attachments:**
1. Location and Consultation Map 
 2. Final Development Plans 
 3. Heritage Impact Statement 
 4. Lodged Development Plans 
 5. Applicant Justification 
 6. Summary of Submissions - Administration Response 
 7. Summary of Submissions - Applicant Response 
 8. State Heritage Council Comments 
 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 Alterations and Additions to Single House at No. 26 (Lot: 29; D/P: 4576) Moir Street, Perth in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. Development Plans

This approval is for Alterations and Additions to a Single House as shown on the approved plans dated 30 August 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

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;

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 30 August 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; and

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.

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the recommendation be adopted.

7.27pm Cr Topelberg foreshadowed a procedural motion that the matter be deferred.

AMENDMENT

Moved: Cr Gontaszewski, Seconded: Cr Castle

That Condition 1 be amended as follows:

1. Development Plans

1.1 This approval is for Alterations and Additions to a Single House as shown on the approved plans dated 30 August 2021. No other development forms part of this approval; and

1.2 Prior to the issue of a Building Permit, revised plans shall be submitted and approved demonstrating the following:

The height of the opening to the stair on the southern elevation shall be reduced by 0.5 metres, the bedroom window on the southern elevation removed and the roof altered to be of a mansard style.

The revised plans shall be to the satisfaction of the City's Design Review Panel heritage architect and shall not result in any greater variation to the requirements of the Residential Design Codes or the City's Policy No. 7.1.1 – Built Form;

REASON:

Reduction of the stair window will allow the height of the mansard roof and the prominence of the development as viewed from Moir Street to be reduced.

AMENDMENT CARRIED (8-1)

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

Against: Cr Wallace

COUNCIL DECISION ITEM 9.1**DEFERRED**

Moved: Cr Topelberg, Seconded: Cr Castle

That the motion be deferred for a period of no longer than 65 days in order to allow the applicant to consider modification to the built form of the proposal, particularly the upper floor scale and design, in order to significantly reduce the level of overshadowing and to create a more modestly scaled built form outcome.

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

10.2 TENDER NO IE 108/2021 TREE WATERING AND TREE PLANTING

Attachments:

1. Evaluation Summary - Confidential
2. In-house Service Evaluation 

RECOMMENDATION:

That Council

1. **NOTES** the outcome of the evaluation process for Tender IE108/2021 Tree Watering and Tree Planting, and
2. **ACCEPTS** the tender submitted by Leo Heaney Pty Ltd for Tender IE108/2021 for Tree Watering and Tree Planting service.

COUNCIL DECISION ITEM 10.2

Moved: Cr Wallace, Seconded: Cr Loden




That the recommendation be adopted.

CARRIED (8-1)

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

Against: Cr Topelberg

9.3 CREATION OF CITY OF VINCENT ANIMAL LOCAL LAW

- Attachments:
1. Animal Local Law 2021 - Final version 
 2. City of Vincent Health Local Law 2004 - Amended 
 3. Review of Local and State Regulatory Frameworks - Poultry and Bees 

RECOMMENDATION:

That Council AUTHORISES the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the Local Government Act 1995, for a period of at least 6 weeks, stating that:

1. it is proposed to repeal the *City of Vincent Dog Local Law 2007* and replace it with the *City of Vincent Animal Local Law 2021* at Attachment 1;
2. it is proposed to repeal Divisions 2, 3, 4 and 6 of Part 5 of the *City of Vincent Health Local Law 2004* as set out in Attachment 2;
3. the purpose of the proposed *City of Vincent Animal Local Law 2021* is to:
 - 3.1 provide for the effective management, control, and regulation of the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 3.2 effectively control and manage cat numbers, confinement, and curfews for cats, consistent with the State Government review findings from November 2019; and
 - 3.3 to effectively deter failing to comply with select provisions of the proposed *City of Vincent Animal Local Law 2021*; and
4. the effect of the proposed *Animal Local Law 2021* is to:
 - 4.1 introduce regulations, conditions, and penalties relating to the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 4.2 introduce a regulatory framework for the control and management of cat numbers, confinement, and curfews for cats; and
 - 4.3 introduce modified penalties for failing to comply with select provisions of the proposed *Animal Local Law 2021*.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Castle

That the Recommendation be amended as follows:

Council AUTHORISES the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the Local Government Act 1995, for a period of at least 6 weeks, stating that:

1. it is proposed to repeal the *City of Vincent Dog Local Law 2007* and replace it with the *City of Vincent Animal Local Law 2021* at Attachment 1, **subject to the following change to clause 2.4 (2) of the proposed *City of Vincent Animal Local Law 2021*, inserting the words “or part of a dog exercise area” to read “ 2.4 (2) A dog exercise area or part of a dog exercise area must not be used if the area is:”**,

REASON:

To ensure that the Local Law is consistent and reflects the practice that is currently in place.

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 Castle

That a recommendation be added as follows:

REQUESTS the CEO to review designated dog exercise areas in line with current practice and bring a report to Council on this matter in line with the consultation on the Animal Local Law, and the numbering is updated accordingly.

REASON:

To ensure consistency in the Local Law to ensure that current practice is reflected in the designation.

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 9.3

That Council:

1. **AUTHORISES** the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the Local Government Act 1995, for a period of at least 6 weeks, stating that:
 - 1.1 it is proposed to repeal the *City of Vincent Dog Local Law 2007* and replace it with the *City of Vincent Animal Local Law 2021* at Attachment 1, subject to the following change to clause 2.4 (2) of the proposed *City of Vincent Animal Local Law 2021*, inserting the words "*or part of a dog exercise area*" to read " 2.4 (2) A dog exercise area or part of a dog exercise area must not be used if the area is:";
 - 1.2 it is proposed to repeal Divisions 2, 3, 4 and 6 of Part 5 of the *City of Vincent Health Local Law 2004* as set out in Attachment 2;
 - 1.3 the purpose of the proposed *City of Vincent Animal Local Law 2021* is to:
 - 1.3.1 provide for the effective management, control, and regulation of the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 1.3.2 effectively control and manage cat numbers, confinement, and curfews for cats, consistent with the State Government review findings from November 2019; and
 - 1.3.3 to effectively deter failing to comply with select provisions of the proposed *City of Vincent Animal Local Law 2021*; and
 - 1.4. the effect of the proposed *Animal Local Law 2021* is to:
 - 1.4.1 introduce regulations, conditions, and penalties relating to the keeping of dogs,

cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;

1.4.2 introduce a regulatory framework for the control and management of cat numbers, confinement, and curfews for cats; and

1.4.3 introduce modified penalties for failing to comply with select provisions of the proposed *Animal Local Law 2021*.


2. **REQUESTS** the CEO to review designated dog exercise areas in line with current practice and bring a report to Council on this matter in line with the consultation on the Animal Local Law.

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

9.5 PUBLIC HEALTH PLAN 2020 - 2025 - ANNUAL REVIEW

- Attachments:**
1. Annual Review - Public Health Plan - 2020-2025 
 2. Policy No. 3.8.11 - Shade and Sunsmart Policy 

RECOMMENDATION:

That Council:

1. **NOTES** the annual review and progress towards the deliverables within the Public Health Plan 2020 – 2025, at Attachment 1; and
2. **REPEALS** Policy No. 3.8.11 – Shade and Sunsmart, as at Attachment 2.

COUNCIL DECISION ITEM 9.5

Moved: Cr Fotakis, **Seconded:** Cr Hallett

That the recommendation be adopted.

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

9.6 AMENDMENT TO COUNCIL DELEGATIONS - DELEGATION TO ISSUE INFRINGEMENT NOTICES UNDER THE BUILDING REGULATIONS 2012

Attachments: 1. New Delegation - Building Infringement Notices 

RECOMMENDATION:

That Council **DELEGATES BY ABSOLUTE MAJORITY** the power to appoint and revoke “authorised officers” and “approved officers” to issue infringement notices under Part 2 of the *Criminal Procedure Act 2004* for offences specified under Schedule 6 of the *Building Regulations 2012*, to the Chief Executive Officer, as detailed in Attachment 1.

COUNCIL DECISION ITEM 9.6

Moved: Cr Topelberg, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

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




Against: Nil

9.7 RESPONSE TO NOTICE OF MOTION - LOCAL PLANNING SCHEME NO. 2 AMENDMENT REGARDING TOBACCO OUTLETS**Attachments:** 1. May 2021 Minutes Extract - Notice of Motion **RECOMMENDATION:****That Council REQUESTS the Chief Executive Officer:**

1. prepare a new local planning policy to address provisions relating to Restricted Premises and businesses whose primary means of trade are through the sale and consumption of tobacco products; and
2. consider the definition of 'Restricted Premises', and the Use Permissibility and Additional Site and Development Requirements for this land use as part of the next Local Planning Scheme Review.

COUNCIL DECISION ITEM 9.7**Moved: Cr Hallett, Seconded: Cr Castle****That the recommendation be adopted.****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

9.8 EXTENSION OF LEASE - NORTH PERTH SPECIAL NEEDS (SHALOM COLEMAN) DENTAL CLINIC, 31 SYDNEY STREET, NORTH PERTH

- Attachments:
1. Letter from Minister for Health dated 4 August 2021 requesting a lease extension for the Special Needs Dental Clinic to mid 2022. 
 2. North Perth Dental Clinic Transition Plan 
 3. Haynes Street Reserve Development Plan - Proposed Transition Plan 

RECOMMENDATION:**That Council:**

1. **RECEIVES** the request from the Minister for Health as set out in the letter at Attachment 1 for the lease for 31 (lot 100) Sydney Street, North Perth for the purpose of the Special Needs Dental Clinic to be extended until mid-2022, in order to ensure continuity of this service and minimise disruption to clients of the clinic;
2. **APPROVES** a short term extension of the current lease of 31 (Lot 100) Sydney Street, North Perth to the Minister for Health (Dental Health Services) and short-term licence of 9 car bays within the carpark at 25 (Lot 93) Sydney Street, North Perth, to provide the Dental Health Services with further time to secure an alternative permanent site to operate the special needs dental clinic, on the following key terms:
 - 2.1 3 month extension of lease and licence term, commencing 1 January 2022 and expiring 31 March 2022;
 - 2.2 3 month further extension of lease and licence term, at the discretion of the City's Chief Executive Officer based on the progress made by the Minister for Health to relocate to an alternative permanent site;
 - 2.3 Inclusion of an early termination clause should the site be vacated earlier; and
 - 2.4 All other lease and licence terms to remain the same;
3. **APPROVES** the following variation to the Haynes Street Reserve Transition Plan timing for the conversion of 31 Sydney Street, North Perth to a park from June 2021 to June 2022 as set out in Attachment 3;
4. **REFERS** the variation to the Haynes Street Reserve Transition Plan, as set out in Recommendation 3. above, to the Attorney General for approval, without additional public comment; and
5. Subject to final satisfactory negotiations being carried out between the Chief Executive Officer and the Minister for Health in respect to the variation of the lease and licence to extend the term as set out in Recommendation 2. above, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Deed of Variation of Lease and Licence.

Moved: Cr Loden, Seconded: Cr Castle

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Castle, Seconded: Cr Topelberg

That the recommendation be amended as follows:

1. **RECEIVES** the request from the Minister for Health as set out in the letter at Attachment 1 for the lease for 31 (lot 100) Sydney Street, North Perth for the purpose of the Special Needs

Dental Clinic to be extended until mid-2022, in order to ensure continuity of this service and minimise disruption to clients of the clinic;

2. APPROVES a short term extension of the current lease of 31 (Lot 100) Sydney Street, North Perth to the Minister for Health (Dental Health Services) and short-term licence of 9 car bays within the carpark at 25 (Lot 93) Sydney Street, North Perth, to provide the Dental Health Services with further time to secure an alternative permanent site to operate the special needs dental clinic, on the following key terms:
 - 2.1 ~~3~~ 6 month extension of lease and licence term, commencing 1 January 2022 and expiring ~~31~~ 0 March ~~June~~ 2022;
 - 2.2 ~~3 month further extension of lease and licence term, at the discretion of the City's Chief Executive Officer based on the progress made by the Minister for Health to relocate to an alternative permanent site;~~
 - 2.2 No further extension of the lease beyond 30 June 2022 will be considered;
 - 2.3 Inclusion of an early termination clause should the site be vacated earlier; and
 - 2.4 All other lease and licence terms to remain the same;
3. APPROVES the following variation to the Haynes Street Reserve Transition Plan timing for the conversion of 31 Sydney Street, North Perth to a park from June 2021 to June 2022 as set out in Attachment 3;
4. REFERS the variation to the Haynes Street Reserve Transition Plan, as set out in Recommendation 3. above, to the Attorney General for approval, without additional public comment; ~~and~~
5. Subject to final satisfactory negotiations being carried out between the Chief Executive Officer and the Minister for Health in respect to the variation of the lease and licence to extend the term as set out in Recommendation 2. above, AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the Deed of Variation of Lease and Licence; ~~and~~
6. REQUESTS the Chief Executive Officer to:
 - 6.1 ensure that the City undertakes all necessary preparations to ensure that that demolition works of 31 (lot 100) Sydney Street, North Perth occurs expeditiously after the vacancy of the premises; and
 - 6.2 inform the surrounding residents of the change to the Haynes Street Reserve Transition Plan and revised timeframes in delivering the proposed public open space, with site works to commence in July 2022.

REASON:

To provide Council confidence around the City's capacity to deliver the public open space at Haynes Street Reserve in a timely manner.

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:

2. APPROVES a short term extension of the current lease of 31 (Lot 100) Sydney Street, North Perth to the Minister for Health (Dental Health Services) and short-term licence of 9 car bays

within the carpark at 25 (Lot 93) Sydney Street, North Perth, ~~to provide the Dental Health Services with further time to secure an alternative permanent site to operate the special needs dental clinic, on the following key terms:~~

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 9.8

1. **RECEIVES** the request from the Minister for Health as set out in the letter at Attachment 1 for the lease for 31 (lot 100) Sydney Street, North Perth for the purpose of the Special Needs Dental Clinic to be extended until mid-2022, in order to ensure continuity of this service and minimise disruption to clients of the clinic;
2. **APPROVES** a short term extension of the current lease of 31 (Lot 100) Sydney Street, North Perth to the Minister for Health (Dental Health Services) and short-term licence of 9 car bays within the carpark at 25 (Lot 93) Sydney Street, North Perth, on the following key terms:
 - 2.1 **6 month extension of lease and licence term, commencing 1 January 2022 and expiring 30 June 2022;**
 - 2.2 **No further extension of the lease beyond 30 June 2022 will be considered;**
 - 2.3 **Inclusion of an early termination clause should the site be vacated earlier; and**
 - 2.4 **All other lease and licence terms to remain the same;**
3. **APPROVES** the following variation to the Haynes Street Reserve Transition Plan timing for the conversion of 31 Sydney Street, North Perth to a park from June 2021 to June 2022 as set out in Attachment 3;
4. **REFERS** the variation to the Haynes Street Reserve Transition Plan, as set out in Recommendation 3. above, to the Attorney General for approval, without additional public comment;
5. **Subject to final satisfactory negotiations being carried out between the Chief Executive Officer and the Minister for Health in respect to the variation of the lease and licence to extend the term as set out in Recommendation 2. above, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Deed of Variation of Lease and Licence; and
6. **REQUESTS** the Chief Executive Officer to:
 - 6.1 **ensure that the City undertakes all necessary preparations to ensure that that demolition works of 31 (lot 100) Sydney Street, North Perth occurs expeditiously after the vacancy of the premises; and**
 - 6.2 **inform the surrounding residents of the change to the Haynes Street Reserve Transition Plan and revised timeframes in delivering the proposed public open space, with site works to commence in July 2022.**

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

At 8:51 pm, Cr Ashley Wallace left the meeting.

At 8:53 pm, Cr Ashley Wallace returned to the meeting.

11.3 ADVERTISING OF AMENDED POLICY - INVESTMENT POLICY

- Attachments:**
1. Proposed Amended Investment Policy 
 2. Marked up copy - Investment Policy 1.2.4 

RECOMMENDATION

That Council:

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

COUNCIL DECISION ITEM 11.3

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

That the recommendation be adopted.

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

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 AUGUST 2021 TO 31 AUGUST 2021

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

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 August 2021 to 31 August 2021 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$12,676,858.4
	3
Cheques	\$1,070.30
Direct debits, including credit cards	\$137,994.80
Total payments for August 2021	\$12,815,923.5
	3

COUNCIL DECISION ITEM 11.4

Moved: Cr Topelberg, Seconded: Cr Wallace

That the recommendation be adopted.

AMENDMENT

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That a recommendation be added as follows:

REQUESTS the building maintenance contract tender be presented to the Audit Committee, along with the information on the expenditure under this contract in the prior four year period.

CARRIED (9-0)

REASON:

To ensure that the City is getting the best result for the community.

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 11.4

That Council:

1. RECEIVES the list of accounts paid under delegated authority for the period 1 August 2021 to 31 August 2021 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$12,676,858.4
---------------------------------	----------------

	3
Cheques	\$1,070.30
Direct debits, including credit cards	\$137,994.80
Total payments for August 2021	\$12,815,923.5
	3

2. **REQUESTS the building maintenance contract tender be presented to the Audit Committee, along with the information on the expenditure under this contract in the prior four year period.**

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

12.1 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 6 SEPTEMBER 2021**Attachments:**












1. **Audit Committee Meeting Minutes - 6 September 2021** 
2. **Attachments to Audit Committee Minutes - 6 September 2021** 
3. **Audit Log - 6 September 2021 - Confidential**
4. **Corporate Risk Register - 6 September 2021 - Confidential**

RECOMMENDATION:**That Council:**

1. **RECEIVES** the minutes of the Audit Committee Meeting of 6 September 2021, as at Attachment 1;
2. **NOTES** the recommendation of the Audit Committee with respect to item 5.2 and 5.4;
3. **ADOPTS** the recommendations of the Audit Committee with respect to items 5.3, 5.5 and 5.6.

COUNCIL DECISION ITEM 12.1**Moved: Cr Topelberg, Seconded: Cr Wallace****That the recommendation be adopted.****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

12.3 INFORMATION BULLETIN

- Attachments:**
1. **Minutes Children and Young Peoples Advisory Group (CYPAG) 4 August 2021** 
 2. **Minutes Reconciliation Action Plan Working Group (RAPWG) 30 August 2021** 
 3. **Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 16 September 2021** 
 4. **Statistics for Development Services Applications as at September 2021** 
 5. **Register of Legal Action and Prosecutions Monthly - Confidential**
 6. **Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 23 September 2021** 
 7. **Register of Applications Referred to the MetroWest Development Assessment Panel - Current** 
 8. **Register of Applications Referred to the Design Review Panel - Current** 
 9. **Register of Petitions - Progress Report - September 2021** 
 10. **Register of Notices of Motion - Progress Report - September 2021** 
 11. **Register of Reports to be Actioned - Progress Report - September 2021** 
 12. **Unconfirmed Minutes of the Arts Advisory Group Meeting 15 September 2021** 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated October 2021.

COUNCIL DECISION ITEM 12.3

Moved: Cr Topelberg, **Seconded:** Cr Castle

That the recommendation be adopted.

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

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13.1 NOTICE OF MOTION - MAYOR EMMA COLE - MINOR MODIFICATIONS TO THE CITY OF VINCENT COMMUNICATIONS PLAN**

That Council:

1. APPROVES the following minor modifications to the City of Vincent Communications Plan to ensure roles and responsibilities are defined in accordance with the Local Government Act 1995 and the City of Vincent Governance Framework:
 - 1.1 Under “2. Strategic Framework” within “Legislative Framework” replace the wording with “The Local Government Act 1995 prescribes legislative requirements for communications. This includes public notices and the role of the Mayor as the spokesperson for the local government, or the CEO where the Mayor agrees.”
 - 1.2 Under “2. Strategic Framework” amend the wording “Marketing and Communications Action Plan to “Communications Plan”.
 - 1.3 Under “4. Action Plan” amend the wording for the first goal to “Support the Mayor and CEO in fulfilling their roles as spokespersons for the local government.”
 - 1.4 Under “4. Action Plan” Messaging is in line with our priorities and reflects Council decisions. Amend the action as follows: Develop key messages for major projects in consultation with internal stakeholders. The CEO will liaise and consult the Mayor on key messages for external communications on the City’s strategic projects in the Corporate Business Plan”.
 - 1.5 Under “4. Action Plan” include new action: Council may request the CEO to prepare a communication plan for strategic projects, to be approved by Council.
 - 1.6 Under “Work in partnership with community, staff and Council representatives to champion the City of Vincent Brand: amend “Council representatives” to “Elected Members” and include Council in the responsible column.

COUNCIL DECISION ITEM 13.1

Moved: Mayor Cole, Seconded: Cr Castle

That the recommendation be adopted.

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

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

Nil

105 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

116 URGENT BUSINESS**16.1 Petition**

The Chief Executive Officer advised that a petition had been received, but it was too late for this meeting, so it will be brought to the meeting in November.

The Presiding Member, Mayor Cole, advised that she may go and see the petitioners to discuss their issue so that they don't have to wait a month for a response.

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

Nil

128 CLOSURE**18.1 Presentation To Retiring Council Members**

The Mayor acknowledged that the meeting represents the last that will be attended as Council member by Cr Topelberg and Cr Smith and provided each the opportunity to address the meeting.

Cr Joshua Topelberg advised that he has enjoyed every minute of serving on Council and thanked colleagues past and present, and his family for their support.

Cr Sally Smith said that she has loved every minute of serving on Council and it is bittersweet that she is leaving early. Her time on Council has highlighted how much hard work Council and Administration do and how important it is to engage with the ratepayers. She thanked everybody for welcoming her and said she will miss them.

The Presiding Member, Mayor Emma Cole, presented Cr Joshua Topelberg and Cr Sally Smith with certificates of recognition to thank them for their service to the City.

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 9.25pm 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

John Corbellini

Executive Director Strategy & Development

Peter Varris

Executive Manager Corporate Strategy & Governance

Wendy Barnard

Council Liaison Officer

Public: One member of the public.

These Minutes were confirmed at the 16 November 2021 meeting of Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 October 2021.

Signed: Mayor Emma Cole

Dated