



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

8 March 2022

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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, 8 MARCH 2022 AT 6.00PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander</p> <p>Cr Alex Castle Cr Suzanne Worner Cr Jonathan Hallett Cr Ross Ioppolo Cr Ashley Wallace Cr Dan Loden</p>	<p>Presiding Member South Ward (electronically) North Ward (electronically) (left meeting at 9.41pm during Item 16) North Ward (electronically) North Ward South Ward (electronically) South Ward South Ward (electronically) North Ward (electronically)</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy</p> <p>Virginia Miltrup</p> <p>Jay Naidoo</p> <p>Tara Gloster</p> <p>Peter Varris</p> <p>Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Community & Business Services Manager Development & Design (left meeting at 7.52pm) Manager Policy & Place (left meeting at 8.42pm) Executive Manager Corporate Strategy & Governance Council Liaison Officer</p>
Public:	Approximately six 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 Jonnine Lamborne– Item 9.4

- Stated that she is the Principal of Aranmore Catholic Primary School
- Spoke against the recommendation
- Mentioned the land is currently utilised by parents and children from the school
- Mentioned that there is no plan for the proceeds of the sale

- Suggested multiple options for the land and requested consultation with the school regarding any relocation of the playground and landscaping improvements

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

3.2 Wayne Bayliss of North Perth

- Spoke against the Hyde Park kiosk proposal
- Mentioned that he is very concerned that Council is not listening to the ratepayers
- Mentioned that there was anger that the petitioners were not being listened to
- Stated that he is worried that Council is entering into a commercial arrangement
- Mentioned that he has made a complaint to the ACCC
- Requested that Council delay the proposal and investigate if there were any contraventions of the anti-competition laws and the legality of Council being involved in commercial activity
- Queried why the petition was being ignored?
- Queried how the refurbishment money would be recovered if the kiosk operator went bankrupt?
Would food trucks be allowed back in that circumstance?

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

3.3 Islam Bouyahia of Highgate

- Stated he is the owner of What the Flip food truck in Hyde Park
- Mentioned that this proposal reflects a disengagement of Council from the ratepayers
- Mentioned that the majority of people do not want to lose the food trucks
- Stated that full exclusive use of the kiosk is not suitable

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

The following questions and statements were submitted prior to the Meeting.

3.4 David Collins of Leederville – Item 5.4

As a long term resident of the area in question and an interested and willing community participant, I would like to make the following observations regarding the proposed works to be undertaken in the green parkland area at the bottom of Wylie and Bennelong Place.

- with the expansion of residential buildings into this area (townhouses off Brentham St currently under construction), a large proportion of the community that use this area are concerned of it just becoming another built up area, especially with the council scoping costs to put a footpath the whole length of this green area. This has been suggested before and is in line with the City's Greening Strategy but why can't the council think outside the box and actually use the space on offer to turn it into a green corridor with large trees planted. This is a great opportunity to link this area to central Leederville, rather than just putting in more lights and concrete paths. There is such an opportunity here - with the green way in this area predominately used by residents of the area to walk to/from Leederville and for walking dogs out to Brentham Street Reserve. Think outside the box, a green corridor has huge benefits for biodiversity, climate mitigation and general health and well-being.

- 100k doesn't seem like it is much value for money for a new playground. Leave the playground as it is - it is fine and doesn't need 100k of rate payers money put into it. Furthermore, the playground in question is used by a lot of adults in the area to exercise as it has the appropriately heightened metal bars to exercise off of. What consultation was undertaken with these members of the community?

Finally, a proper community consultation on what actually benefits this community should be initiated. New drinking fountains and a footpath through a green area is not exactly what we want, I would expect more from the city of Vincent council.

3.5 Dudley Maier of Highgate

1. Does Medibank still have the naming rights for Leederville Oval? If not, when did they relinquish them, and what has the Administration done to find another organisation willing to pay for the naming rights? How much did Medibank pay in the last year they had naming rights?
2. The CEO didn't properly answer my questions about the promotion of the AGM. My questions were about whether he thought the meeting was 'adequately promoted', not whether the minimum requirements were met, and whether placing ads at the back of local newspapers constituted an efficient and cost-effective means of communicating with the community. His response simply said that promotional requirements were met. So I ask again, does he feel that the promotion was adequate, rather than just meeting the bare minimum requirements, and was it an effective and cost effective use of ratepayers' money?
3. The Local Government Property Local Law contains a clause which defines, in part, a garden on a verge as being '*waterwise or native*' [9.4 (a) (i)]. However, the terms 'waterwise' and 'native' are not defined. Does the City believe that they will be able to mount a successful prosecution if a verge garden contains plants that are both exotic (i.e. not native) and not waterwise without those terms being clearly defined? If it is unlikely to mount a successful prosecution, is the inclusion of this clause little more than a feelgood statement rather than an enforceable requirement? Did the City seek legal advice on the validity of this clause?
4. The Mid-Year Budget Review (Item 11.4) shows the budget for the '*Leederville Oval Stadium – Electrical renewal – 3 boards*' being reduced from \$298,088 to \$198,088. Following an aborted tender, the City has committed \$119,953 on the project. Will the City spend \$198,000 this financial year as implied by the budget review? If not, why wasn't the budget amended in the mid-year review?
5. Why does the administration no longer include the monthly budget verses capital expenditure graphs in the monthly financial statements? Can you provide me with the total YTD capital expenditure budget for the months of February to June 2022.
6. Did the City specify the installation of an electrical sub-meter in the recent tender for the Hyde Park kiosk? If not, why not?
7. How many Place Maker FTEs are there, including any supervisory positions, and what is the 2021-2022 employee cost budget for those positions? What did those employees do in 2021?
8. At the February Council meeting, the Director was asked about the budget for the Monmouth Street Park. His response at the meeting included that "*the \$10,000 was already on the budget*", "*when council made the decision not to sell the land administration were instructed to use the budget*" and "*it was already on the budget*". The decision not to sell the land was made in March 2021. The only budget entry is 'new capital' in the 2021-22 budget, after it was decided not to sell the land. On 9 February I sent the Director an email asking him to justify what he had told the council. I still have not had a response. Did Director mislead the council in his response to a councillor's question?

The CEO responded to Mr Bayliss' question on the commerciality of the kiosk by stating that the City of Vincent owns a large number of properties and pieces of land, and it is well within Council's prerogative to lease out those properties. The commercial activity will be undertaken by the lessee, who will bear 100% of the commercial risk, not by the City of Vincent.

The Presiding Member, Mayor Cole commented that the City does run businesses such as Beatty Park, Leisure Centre which has a café which is leased on similar terms.

Administrations' responses will be provided in the Agenda for the 5 April 2022 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.13pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Dudley Maier of Highgate

1. Does the CEO believe that the recent Annual General Meeting of Electors was adequately promoted to the community?

Promotional requirements for the AGM were met. It was promoted using a range of promotional methods, including advertisements, notices in public buildings, emails and social media.

2. Does the CEO believe that placing an ad for the AGM on the inside back cover of the 22 January edition of The Perth Voice, just under the ads for plumbers and tree services, is an efficient, cost effective, and adequate means of communicating with the community?
3. Does the CEO believe that placing an ad for the AGM on the sports page (page 14) of the 27 January edition of Perth Now - Central is an efficient, cost effective, and adequate means of communicating with the community?

Refer answer to Question 1. We acknowledge Mr Maier's suggestion that the City reviews the cost and placement of AGM advertisements in community newspapers in 2023.

4. Does the CEO take personal responsibility for the promotion of the AGM? If not, who was personally responsible for the promotion?

Day to day operations of the local government are the function of the CEO (Section 5.41 of the Local Government Act 1995).

5. Who made the decision to hold the AGM at the North Perth Town Hall?

The CEO recommended to Council that the AGM be held at the North Perth Town Hall in the report on the Draft Annual Report 2020/21 on 14 December:

[https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Documents/Council/Agendas/2021/14 December 2021/Item 11 10 Draft Annual Report 2020-21.pdf](https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Documents/Council/Agendas/2021/14%20December%202021/Item%2011%2010%20Draft%20Annual%20Report%2020-21.pdf)

6. Were there any costs associated with using the North Perth Town Hall, e.g. PA hire? What were the staff costs associated with setting up the hall for the meeting?

The cost of holding the AGM at North Perth Town Hall was \$105.

Staff costs were comparable to setting up the City's committee room and Council chambers for the meeting.

7. The Auditor General's report on last year's financial statements listed a number of material matters which were not in compliance with Part 6 of the Act. For each of the following areas identified by the Auditor General, when was the City first made aware of the issue?

- Inadequate access controls over key systems which are required in order to enforce adequate segregation of duties
- Failure to retain evidence that changes to the employee Masterfile were made by an authorised person other than the person making the change
- Inappropriately designed bank reconciliation and review process
- The failure to report the asset renewal funding ratio as required by the Local Government (Financial Management) Regulations 1996.

*The City received an **UNQUALIFIED** audit from the Auditor General.*

Annual audits are an essential mechanism for managing organisational risk and improvement. It is common for auditors to identify processes requiring improvement. The Audit findings are reported to the Audit Committee who monitor progress via an action log.

The number of significant matters reduced from 7 to 4 between 2020 and 2021.

Issues 1 and 2 were raised in 2020 and immediate manual process changes were made. The full resolution of these matters are dependent on a system upgrade occurring in FY22.

Issue 3 was raised in 2020. This audit finding identified that there was a timing variance in the reconciliation process which has been addressed.

Issue 4 arose as the City had 9 years of capital works estimates approved by Council, and the 10th year is awaiting completion of the LTFP in FY22. Finalising the LTFP was dependent on community input, and assumptions captured in the Asset Management Sustainability Strategy, as approved by Council at the 16 November 2021 OCM.

These items are monitored at the Audit Committee.

8. Were any of these 'material matters' which were identified by the Auditor General identified by the Auditor General in previous audit reports.

Answered at Question 7

9. Does the CEO accept responsibility for failing to adequately address the two material matters that were identified by the Auditor General in the previous 2019-20 audit?

These matters have been adequately addressed.

10. Does the CEO accept that the board of a publicly listed company would take a dim view of a continued failure to address material matters identified by the auditors, and that the position of the chief executive officer or chief financial officer would be seriously reviewed?

Refer response to Questions 7 to 9.

There is a premise in the question that remedial action may occur within 6 months, noting the Audit is received in December, which is not always possible or practical.

The City follows the same process as is undertaken within publicly listed companies.

11. When addressing the response to the comments about the Asset Renewal Funding Ratio from the Auditor General at the 14 December 2021 meeting, the Director incorrectly referred to the Asset Sustainability Ratio and said that it was not provided because of a failure to update the Long Term Financial Plan.

Does the CEO accept the reason, and take personal responsibility for not providing the required ratio in the 2020-21 financial report?

Yes, the response provided was in reference to the Asset Renewal Funding Ratio, not the Asset Sustainability Ratio. The response was otherwise correct.

There is no statutory requirement for the LTFP to be updated annually. There is a logical rationale for the absence of this ratio in FY21 and it is planned to be addressed in FY22.

Refer also to response to Questions 7 to 9.

4 APPLICATIONS FOR LEAVE OF ABSENCE

LEAVE OF ABSENCE

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Ioppolo

That Cr Loden's request for leave of absence from 8 to 23 April 2022 be approved.

CARRIED UNANIMOUSLY (9-0)

LEAVE OF ABSENCE**COUNCIL DECISION**

Moved: Cr Hallett, Seconded: Cr Gontaszewski

That Cr Castle's request for leave of absence from 9 to 24 April 2022 be approved.

CARRIED UNANIMOUSLY (9-0)

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Islam Bouyihia presented additional signatories (506) to a petition presented in December 2021, requesting that Council:

1. Note that the undersigned support the retention of food trucks in Hyde Park and not supporting the permanent kiosk.
2. If it proceeds with the award of a tender for the operation of a kiosk at Hyde Park, not exclude food trucks from continuing to operate at Hyde Park.

The signatories will be included with those in the petition submitted in December 2021.

6 CONFIRMATION OF MINUTES**COUNCIL DECISION**

Moved: Cr Hallett, Seconded: Cr Worner

That the minutes of the Ordinary Meeting held on 8 February 2022 be confirmed.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 INTERNATIONAL WOMEN'S DAY

Acknowledged that today is International Women's Day and that this year's theme, Break the Bias, considers the positive visibility of women in all fields of life. The overarching theme is gender equality today for a sustainable tomorrow, which recognises the contribution of women in combating climate change.

7.2 HYBRID CAR FLEET

The City has announced that it is the first Local Government to have a fully hybrid and electric car fleet, part of the plan to reduce net greenhouse emissions.

7.3 COVID RESTRICTIONS

COVID case numbers are rising, but the City of Vincent facilities are open, taking precautions and following recommended guidance. The Library, Beatty Park and the Community Centre are operating, and events are going ahead.

8 DECLARATIONS OF INTEREST

Nil

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:**
Item 9.4.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 11.4 and 12.1.
- (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:**

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Gontaszewski	9.9, 10.1 and 12.6
Cr Ioppolo	9.1, 9.2 and 9.3

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

- (e) **Unopposed items which will be moved "En Bloc", being:**
Items 9.6, 9.7, 9.8, 11.1, 11.2, 11.3, 12.2, 12.3, 12.4 and 12.5
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Nil

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Worner

**That the following unopposed items be adopted "En Bloc", as recommended:
Items 9.6, 9.7, 9.8, 11.1, 11.2, 11.3, 12.2, 12.3, 12.4 and 12.5**

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace



Against: Nil

9.6 RESCINDING OF POLICY NO. 4.1.23 - STATE ADMINISTRATIVE TRIBUNAL**Attachments:** 1. Draft State Administrative Tribunal Management Practice **RECOMMENDATION:****That Council:**

1. RESCINDS Policy No. 4.1.23 – State Administrative Tribunal, pursuant to section 2.7 of *Local Government Act 1995*; and
2. NOTES the management practice, included at Attachment 1, to be managed and maintained by Administration.

COUNCIL DECISION ITEM 9.6**Moved: Cr Loden, Seconded: Cr Worner****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

9.7 ADVERTISING OF AMENDED POLICY - POLICY NO. 7.5.3 - EDUCATION AND CARE SERVICES

- Attachments:
1. Engagement Results Report 
 2. Draft Local Planning Policy: Education and Care Services 
 3. Local Planning Policy: Education and Care Services - Tracked Changes 

RECOMMENDATION:

That Council PREPARES Amendment 2 to Local Planning Policy No. 7.5.3 – Education and Care Services, included at Attachment 2, for the purpose of public advertising, pursuant to clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.7

Moved: Cr Loden, **Seconded:** Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.8 CITY OF VINCENT REBOUND PLAN - QUARTERLY UPDATE

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

RECOMMENDATION:

That Council NOTES the:

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

COUNCIL DECISION ITEM 9.8

Moved: Cr Loden, **Seconded:** Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.1 FINANCIAL STATEMENTS AS AT 31 JANUARY 2022

Attachments: 1. Financial Statements as at 31 January 2022 

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 January 2022 as shown in Attachment 1.




COUNCIL DECISION ITEM 11.1

Moved: Cr Loden, **Seconded:** Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 JANUARY 2022 TO 31 JANUARY 2022

- Attachments:
1. Payments by EFT and Payroll January 22 
 2. Payments by Cheque January 22 
 3. Payments by Direct Debit January 22 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 January 2022 to 31 January 2022 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$3,547,652.83
Cheques	\$1,014.39
Direct debits, including credit cards	\$216,817.48
Total payments for January 2022	\$3,765,484.70

COUNCIL DECISION ITEM 11.2

Moved: Cr Loden, Seconded: Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.3 INVESTMENT REPORT AS AT 31 JANUARY 2022

Attachments: 1. Investment Statistics as at 31 January 2022 

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 31 January 2022 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.3

Moved: Cr Loden, **Seconded:** Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

12.2 MINUTES AND MOTIONS FROM THE ANNUAL MEETING OF ELECTORS HELD ON 2 FEBRUARY 2022**Attachments:** 1. Minutes - Annual Meeting of Electors on 2 February 2022 **RECOMMENDATION:****That Council:**

1. **RECEIVES** the Minutes of the Annual Meeting of Electors (AME) held on Wednesday 2 February 2022, included at Attachment 1; and
2. **NOTES** that due to the short turnaround, responses to the General Business motions carried at the Annual Meeting of Electors will be presented to the Ordinary Council meeting to be held 5 April 2022.


COUNCIL DECISION ITEM 12.2**Moved: Cr Loden, Seconded: Cr Worner****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

12.3 LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN 2021**Attachments:** 1. **Compliance Audit Return 2021** **RECOMMENDATION:****That Council:**

1. **NOTES** that the City of Vincent's Compliance Audit Return for the period 1 January 2021 to 31 December 2021 was reviewed by the Audit Committee at its 15 February 2022 Meeting;
2. **ADOPTS** the Compliance Audit Return for the period 1 January 2021 to 31 December 2021, at Attachment 1, noting one area of non-compliance reported; and
3. **AUTHORISES** the Compliance Audit Return in Recommendation 1. above to be certified by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

COUNCIL DECISION ITEM 12.3**Moved: Cr Loden, Seconded: Cr Worner****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

12.4 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 15 FEBRUARY 2022

- Attachments:
1. Audit Committee Minutes 15 February 2022 
 2. Confidential Items for Audit Committee - Confidential
 3. Addendum to Item 5.4 OAG Computing Controls Audit 2020/2021 - Confidential
 4. Addendum to Item 5.5 OAG report into Cyber Security in Local Government - Confidential

RECOMMENDATION:

That Council:

1. RECEIVES the minutes of the Audit Committee Meeting of 15 February 2022, as at Attachment 1, and NOTES the recommendations;
2. ADOPTS the Local Government Statutory Compliance Audit Return for the period 1 January 2021 to 31 December 2021 noting the one area of non-compliance and explanation for this non-compliance.











COUNCIL DECISION ITEM 12.4

Moved: Cr Loden, **Seconded:** Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

12.5 INFORMATION BULLETIN

- Attachments:
1. Register of Legal Action and Prosecutions Monthly - Confidential
 2. Register of Legal Action - Orders and Notices Quarterly - Confidential
 3. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 17 February 2022 
 4. Register of Applications Referred to the MetroWest Development Assessment Panel - Current 
 5. Register of Applications Referred to the Design Review Panel - Current 
 6. Register of Petitions - Progress Report - February 2022 
 7. Register of Notices of Motion - Progress Report - February 2022 
 8. Register of Reports to be Actioned - Progress Report - February 2022 
 9. Council Workshop Items since November 2021 
 10. Council Meeting Statistics 
 11. Council Briefing Notes - 1 March 2022 
 12. Statistics for Development Services Applications as at the end of February 2022 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated February 2022.

COUNCIL DECISION ITEM 12.5

Moved: Cr Loden, **Seconded:** Cr Worner

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

REPORTS WITH DISCUSSION**9.5 AMENDMENT 8 TO LOCAL PLANNING SCHEME NO. 2 (NO. 26 BRENTHAM STREET, LEEDERVILLE)**

- Attachments:
1. Form 2A - Amendment 8 to Local Planning Scheme No. 2 
 2. Surrounding Public Open Space 
 3. Map of Surrounding Landholdings 

RECOMMENDATION:

That Council PREPARES Amendment 8 to Local Planning Scheme No. 2, included as Attachment 1, pursuant to section 75 of the *Planning and Development Act 2005*, to reclassify a portion of Lot: 37 (No. 26) Brentham Street, Leederville from Public Open Space to Residential R60, for community consultation pursuant to Section 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

COUNCIL DECISION ITEM 9.5

Moved: Cr Loden, **Seconded:** Cr Ioppolo

That the recommendation be adopted.

CARRIED (8-1)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Cr Alexander

9.4 SALE OF NO. 26 BRENTHAM STREET, LEEDERVILLE

- Attachments:
1. No. 26 Brentham Street, Leederville - Location and Current State of Land 
 2. No. 26 Brentham Street, Leederville - Land and Surrounding Public Open Space 
 3. Brentham Street Reserve Potential Improvements 
 4. 26 Brentham Street - Market Valuation Report - Confidential
 5. Map Showing Access to POS Within the City 

RECOMMENDATION:

That Council:

1. **APPROVES** the disposal of the City's Lot 37 (No. 26) Brentham Street, Leederville, pursuant to section 3.58 of the *Local Government Act 1995*, via public tender, subject to amendment to Local Planning Scheme No. 2 (LPS2) to reclassify a portion of Lot 37 (No. 26) Brentham Street, Leederville from Public Open Space reserve to R60:
 - 1.1 the Request For Tender criteria would include the terms of sale, offer, any conditions, proposed settlement date, and proposed future land use; and
2. **NOTES:**
 - 2.1 submissions received as a result of Recommendation 1 would be presented to Council for a potential acceptance of offer;
 - 2.2 proceeds of a sale as per Recommendation 1 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent, specifically in areas of shortfall such as Mount Hawthorn;
 - 2.3 when presenting RFT submissions to Council, Administration will provide further information regarding how the remaining funds of sale would be used to enhance or increase Public Open Space in shortfall areas;
 - 2.4 Administration will consult with the community regarding a landscape plan within the Brentham Street Reserve green space (comprising new play equipment, extension of footpath and lighting through to Bourke Street, additional trees, and landscaping) to be constructed using part proceeds of a sale not exceeding \$299,000; and
 - 2.5 Administration will present a separate report to Council at its March 2022 Meeting regarding the rezoning of the whole of No.26 Brentham Street to *Residential R60*.

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

That the recommendation be adopted.

AMENDMENT 1

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

That the recommendation be amended as follows:

That Council:

1. **APPROVES** the disposal of the City's Lot 37 (No. 26) Brentham Street, Leederville, pursuant to section 3.58 of the *Local Government Act 1995*, ~~via public tender, and~~ subject to amendment to Local Planning Scheme No. 2 to reclassify a portion of Lot 37 (No. 26) Brentham Street, Leederville from Public Open Space reserve to R60:
 - 1.1 **Administration will invite private treaty land sale offers from the adjoining landowners Aranmore Catholic Primary School and Rosewood Care Group Inc to be presented to**

Council;

- 1.2 **Should Council approve of a private treaty offer of sale, Administration will give local public notice of the proposed disposition in accordance with section 3.58(3) of the *Local Government Act 1995*;**
- 1.3 **As a requirement of the above section, Administration will present submissions from the local public notice to Council to consider prior to determining the sale of the land;**
- 1.4 **Should no private treaty offer of sale be accepted by Council, the CEO will dispose of the land via public tender; and**
- 1.5 **the Request For Tender criteria would include the terms of sale, offer, any conditions, proposed settlement date, and proposed future land use.**

2. NOTES:

- 2.1 **submissions received as a result of Recommendation 1.1 and/or 1.4 would be presented to Council for a potential acceptance of offer;**
- 2.2 **when presenting ~~any private treaty offers or tender offers RFT submissions~~ to Council, Administration will provide further information regarding how the remaining funds of sale would be used to enhance or increase Public Open Space in shortfall areas;**
- 2.3 **proceeds of a sale as per Recommendation 1 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent, specifically in areas of shortfall such as Mount Hawthorn;**
- 2.4 **Administration will consult with the community regarding a landscape plan within the Brentham Street Reserve green space (comprising new play equipment, extension of footpath and lighting through to Bourke Street, additional trees, and landscaping) to be constructed using part proceeds of a sale not exceeding \$299,000; and**
- 2.5 **Administration will present a separate report to Council at its March 2022 Meeting regarding the rezoning of the whole of No. 26 Brentham Street to *Residential R60*.**

REASON:

A sale to either Aranmore Catholic Primary School (Sisters of Mercy) or Rosewood Care Group Inc. as adjoining landholders may provide a sound land use outcome that is compatible to the immediate area and derives a community benefit to the City.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 2

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the Recommendation 2 be amended as follows:

2. NOTES:

- 2.1 **submissions received as a result of Recommendation 1 would be presented to Council for a potential acceptance of offer;**
- 2.2 **proceeds of a sale as per Recommendation 1 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent, specifically in areas of**

shortfall such as Mount Hawthorn;

- 2.3 Administration will assess the options for creating POS through lease, land acquisition, and roads to reserves in the locations identified within the Public Open Space Strategy as having a deficit of POS;
- 2.4 when presenting RFT submissions to Council, Administration will provide further information regarding how the remaining funds of sale would be used to enhance or increase Public Open Space in shortfall areas, **and where repurposing a road to POS demonstrates a practical option, Administration will aim to develop a concept that creates an equivalent area of land to what is being sold (being a minimum of 1700 square metres);**
- 2.5 Administration will consult with the community regarding a landscape plan within the Brentham Street Reserve green space (comprising new play equipment, extension of footpath and lighting through to Bourke Street, additional trees, and landscaping) to be constructed using part proceeds of a sale not exceeding \$299,000; and
- 2.6 Administration will present a separate report to Council at its March 2022 Meeting regarding the rezoning of the whole of No.26 Brentham Street to *Residential R60*.

REASON:

The public open space strategy seeks to increase rather than decrease public open space. There is a risk that it will take significant time for the city to find an appropriate parcel of land to acquire, including appropriateness of block, appropriate price, having sufficient funds in the POS reserve and having adequate delegations in place to enable an effective bid.

Converting roads to reserves is the lowest cost way for the city to create new public open space that we control fully. Roughly 50 percent of the land in Vincent is owned by Vincent, however this is mostly taken up with road, verge and footpaths. There are numerous good examples of road to reserve projects in other councils that convert road whilst still facilitating vehicle access to the adjoining properties as well as adding significant value to these adjoining neighbours' properties. If strategically located these projects can also address rat running and vehicle speeds in back streets aligning without accessible city strategy.

Funding this project would only take a portion of the total funds from the sale (Hyde St road to reserves project being a good example) and so still facilitate the future opportunity for land acquisition, whilst delivering Public Open Space in the immediate term for communities with an identified deficit. This further addresses the community feedback of a lack of identified benefit to the community from the sale.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ippolo and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 9.4

That Council:

1. **APPROVES** the disposal of the City's Lot 37 (No. 26) Brentham Street, Leederville, pursuant to section 3.58 of the *Local Government Act 1995*, and subject to amendment to Local Planning Scheme No. 2 (LPS2) to reclassify a portion of Lot 37 (No. 26) Brentham Street, Leederville from Public Open Space reserve to R60:
 - 1.1 Administration will invite private treaty land sale offers from the adjoining landowners Aranmore Catholic Primary School and Rosewood Care Group Inc to be presented to Council;
 - 1.2 Should Council approve of a private treaty offer of sale, Administration will give local public notice of the proposed disposition in accordance with section 3.58(3) of the *Local Government Act 1995*;

- 1.3 As a requirement of the above section, Administration will present submissions from the local public notice to Council to consider prior to determining the sale of the land;
- 1.4 Should no private treaty offer of sale be accepted by Council, the CEO will dispose of the land via public tender; and
- 1.5 the Request For Tender criteria would include the terms of sale, offer, any conditions, proposed settlement date, and proposed future land use.

2. NOTES:

- 2.1 submissions received as a result of Recommendation 1.1 and/or 1.4 would be presented to Council for a potential acceptance of offer;
- 2.2 proceeds of a sale as per Recommendation 1 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent, specifically in areas of shortfall such as Mount Hawthorn;
- 2.3 Administration will assess the options for creating POS through lease, land acquisition, and roads to reserves in the locations identified within the Public Open Space Strategy as having a deficit of POS;
- 2.4 when presenting any private treaty offers or tender offers to Council, Administration will provide further information regarding how the remaining funds of sale would be used to enhance or increase Public Open Space in shortfall areas and where repurposing a road to POS demonstrates a practical option, Administration will aim to develop a concept that creates an equivalent area of land to what is being sold (being a minimum of 1700 square metres);;
- 2.5 Administration will consult with the community regarding a landscape plan within the Brentham Street Reserve green space (comprising new play equipment, extension of footpath and lighting through to Bourke Street, additional trees, and landscaping) to be constructed using part proceeds of a sale not exceeding \$299,000; and
- 2.6 Administration will present a separate report to Council at its March 2022 Meeting regarding the rezoning of the whole of No. 26 Brentham Street to *Residential R60*.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.1 NO. 31 (LOT: 74; D/P: 32) SMITH STREET, HIGHGATE - PROPOSED ALTERATIONS AND ADDITIONS TO PLACE OF WORSHIP**Ward:** South**Attachments:**

1. Consultation and Location Map 
2. Development Plans 
3. Heritage Impact Statement 
4. 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 application for Alterations and Additions to Place of Worship at No. 31 (Lot: 74; D/P: 32) Smith Street, Highgate, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Development Plans

This approval is for Alterations and Additions to Place of Worship as shown on the approved plans dated 29 November 2021. No other development forms part of this approval;

2. 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; and

3. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details as indicated on the approved plans, to the satisfaction of the City.

Moved: Cr Ioppolo, Seconded: Cr Wallace

That the recommendation be adopted.

At 7:30pm, Cr Dan Loden left the meeting.
At 7:30 pm, Cr Dan Loden returned to the meeting.
At 7:30 pm, Cr Alex Castle left the meeting.
At 7:32 pm, Cr Alex Castle returned to the meeting.






COUNCIL DECISION ITEM 9.1

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.2 NO. 188 (LOT: 1; D/P: 33790) VINCENT STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO PLACE OF WORSHIP**Ward:** South

- Attachments:**
1. Consultation and Location Map 
 2. Development Plans 
 3. Heritage Impact Statement 
 4. Table of Proposed Works 
 5. 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 Place of Worship at No. 188 (Lot: 1; D/P: 33790) Vincent Street, North Perth, in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Development Plans

This approval is for Alterations and Additions to Place of Worship as shown on the approved plans dated 4 November 2021, 13 December 2021 and 10 January 2022. No other development forms part of this approval;

2. 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;

3. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details as indicated on the approved plans, to the satisfaction of the City;

4. Cleaning of Stonework

Any cleaning of stonework of the building shall be undertaken with pressure water washing and soft brush cleaning so that no pitting or raking of the surface stone occurs, to the satisfaction of the Department of Planning, Lands and Heritage; and

5. Documented Record

Within 28 days of completion of the approved works, a photographic record of the completed works (internal and external) shall be submitted to the City for inclusion in its Historical Archive Collection, to the satisfaction of the City.

COUNCIL DECISION ITEM 9.2

Moved: Cr Ioppolo, Seconded: Cr Worner

That the recommendation be adopted.

At 7:38 pm, Mayor Emma Cole left the meeting. The Deputy Mayor, Cr Gontaszewski took the chair.

At 7:41 pm, Mayor Emma Cole returned to the meeting and assumed the chair.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett,
Cr Ioppolo and Cr Wallace

Against: Nil

9.3 NO. 3 (LOT: 43; D/P: 1237) ALMA ROAD MOUNT LAWLEY - PROPOSED GROUPED DWELLING (AMENDMENT TO APPROVED)**Ward:** South**Attachments:**
1. Consultation and Location Map 
2. Final Development Plans 
3. Approved Plans - Determined by Council 30 April 2019 **RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application to amend Development Approval 5.2018.477.1 dated 30 April 2019 for Grouped Dwelling at No. 3 (Lot: 43; D/P: 1237) Alma Road, Mount Lawley, in accordance with plans shown in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2018.477.1 granted on 30 April 2019 continue to apply to this approval, except as follows:
 - 1.1 Condition 6.3 is deleted.

COUNCIL DECISION ITEM 9.3**Moved:** Cr Ioppolo, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil

9.9 ADVERTISING OF NEW POLICY - DRAFT VIBRANT PUBLIC SPACES POLICY

- Attachments:**
1. Draft Development on City Owned and Managed Land Policy - Summary of Submissions 
 2. Draft Development on City Owned and Managed Land Policy - Policy Restructure 
 3. Vibrant Public Spaces Engagement Results 
 4. Draft Vibrant Public Spaces Policy 

RECOMMENDATION

That Council:

1. **APPROVES** the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising; and
2. **AUTHORISES** the Chief Executive Officer to advertise the proposed new policy and invite public comments for a period of at least 21 days.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

)

COUNCIL DECISION ITEM 9.9**AMENDMENT 1**

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the Recommendation 1 be amended as follows:

1. **APPROVES** the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising **subject to the modification of Table 1 and the Design & Location Permissibility table in the Guidelines including the:**
 - **deletion of the Location – Reserve/Public Open Space column;**
 - **removal of ‘+’ from Other Proposal under Built Form Area – Reserves;**
 - **amendment of Built Form Area – Reserves to Built Form Area – Reserve;**
 - **inclusion of Vibrant Public Space Type footnote as follows:**
 - **¹ The listed vibrant public space types are not permitted in the Reserve Built Form Area. Where vibrant public space proposals are proposed in the Reserve Built Form Area, they shall not be progressed through the approvals process and shall not be approved; and**
 - **reordering of the Table 1 footnotes to:**
 - **Vibrant Public Space Type ¹**
 - **Built Form Area ²**
 - **Engagement ³; and**

REASON:

The draft Vibrant Public Spaces Policy (Policy) facilitates the location of vibrant public space structures in City reserves and public open spaces through the ‘other proposal’ application process. Private investment in reserves and public open spaces should not be encouraged or facilitated unless operating through a Council lease or a temporary permit.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 2

Moved: Cr Gontaszewski, Seconded: Cr Castle

That Recommendation 1 be amended as follows:

1. **APPROVES** the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising **subject to the addition of Location Requirement L4.4.22 Within a 400 metre catchment, no more than 20 percent of the public realm may be occupied by eatlets;** and

REASON:

Vibrant Public Spaces are located on public land which is owned and/or managed by the City. Eatlets are defined in the draft Vibrant Public Spaces Policy (Policy) as being an outdoor eating area during business operating hours and a small public park out of business operating hours. Eatlets are reserved for customers of the business during business operating hours and are available for anyone to use out of business operating hours. An eatlet repurposes part of the street into a dual purpose outdoor eating area and a small public park through the provision of seating, shade and greenery.

Due to the exclusive use of eatlets during business hours, eatlets have the potential to privatise public land. An upper limit to the number of eatlets should be established as part of the location requirements in the Policy. At present the 400 metre catchment which surrounds Leederville Town Centre, measured from the intersection of Oxford Street and Newcastle Street, contains seven would be eatlets occupying approximately 8.3 percent of the public realm, as defined by the Policy. Permitting the use of only 20 percent of the public realm within this 400 metre catchment would allow for the introduction of a limited number of eatlets without over privatising the public realm.

The introduction of eatlets leads to the privatisation of public land. The majority of the public realm should not be privatised, the preference should always be towards investment in the public realm for public purpose.

At 8:15 pm, Cr Jonathan Hallett left the meeting.

At 8:18 pm, Cr Jonathan Hallett returned to the meeting.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 3

Moved: Cr Ioppolo, Seconded: Cr Gontaszewski

That Recommendation 1 be amended as follows:

1. **APPROVES** the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising **subject to the addition of Location Requirement L4.4.22 Within a 400 metre catchment, no more than 20 percent of the public realm (of eligible areas) may be occupied by eatlets;** and

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 9.9

1. APPROVES the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising; subject to:

1(a) the modification of Table 1 and the Design & Location Permissibility table in the Guidelines including the:

- deletion of the Location – Reserve/Public Open Space column;
- removal of '+' from Other Proposal under Built Form Area – Reserves;
- amendment of Built Form Area – Reserves to Built Form Area – Reserve;
- inclusion of Vibrant Public Space Type footnote as follows:
 - ¹ *The listed vibrant public space types are not permitted in the Reserve Built Form Area. Where vibrant public space proposals are proposed in the Reserve Built Form Area, they shall not be progressed through the approvals process and shall not be approved; and*
- reordering of the Table 1 footnotes to:
 - Vibrant Public Space Type ¹
 - Built Form Area ²
 - Engagement ³; and

1(b) the addition of Location Requirement L4.4.22 Within a 400 metre catchment, no more than 20 percent of the public realm (of eligible areas) may be occupied by eatlets; an

2. AUTHORISES the Chief Executive Officer to advertise the proposed new policy and invite public comments for a period of at least 21 days.

CARRIED (7-2)

For: Mayor Cole, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Ioppolo and Cr Wallace

Against: Cr Gontaszewski and Cr Hallett

10.1 ASSET MANAGEMENT AND SUSTAINABILITY STRATEGY (AMSS) - ASSET PRIORITISATION (BUILDINGS) IMPLEMENTATION PLAN

Attachments: 1. AMSS Implementation Plan - PoaP 

RECOMMENDATION:

That Council:

1. RECEIVES the project plan associated with the Asset Prioritisation Plan for Buildings.

Moved: Cr Gontaszewski, **Seconded:** Cr Ioppolo

That the recommendation be adopted.

AMENDMENT 1

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

That a recommendation be added as follows:

2. **REQUESTS The Chief Executive Officer updates the project plan and list the AMSS Asset prioritisation plan (buildings) and Level of Service review for discussion at the April and August 2022 Council workshop.**

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

COUNCIL DECISION 10.1

That Council:









1. RECEIVES the project plan associated with the Asset Prioritisation Plan for Buildings.
2. REQUESTS The Chief Executive Officer amend the project plan and list the AMSS Asset prioritisation plan (buildings) and Level of Service review for discussion at the April and August 2022 Council workshop.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.4 MID YEAR BUDGET REVIEW 2021/22

- Attachments:
1. Statement of Comprehensive Income by Nature and Type 
 2. Statement of Comprehensive Income by Program 
 3. Rate Setting Statement 
 4. Cash backed reserves 
 5. Capital Budget for MYBR 
 6. Source Funding 
 7. Operating Budget Analysis 
 8. Loftus Recreation Centre 

RECOMMENDATION:

That Council BY ABSOLUTE MAJORITY APPROVES the following amendments to the 2021/2022 Annual Budget:

- a) A net increase in the Operating Budget of \$1,929,061 as per Attachments 1 and 2;
- b) A net increase in Special Purpose Reserves totalling \$2,309,270 as per Attachments 3 and 4;
- c) A net decrease in the Capital Expenditure Budget of \$7,162,867 as per Attachment 5;
- d) A net increase in the closing surplus of \$512,230, resulting in a forecast year end deficit at 30 June 2022 of \$80,144, as per Attachment 3;
- e) Subsequent to clauses (a) to (d), the capital budget is increased by \$72,091 and the Loftus Recreation Centre Reserve is reduced by \$72,091 as per Attachment 8, and the Financial Statements are updated accordingly.

Moved: Cr Ioppolo, Seconded: Cr Gontaszewski

That the recommendation be adopted.

AMENDMENT

Moved: Cr Ioppolo, Seconded: Cr Gontaszewski

That the recommendation be amended as follows:

That Council BY ABSOLUTE MAJORITY APPROVES the following amendments to the 2021/2022 Annual Budget:

- c) A net decrease in the Capital Expenditure Budget of \$7,162,867, as per Attachment 5, comprising:
 - i. \$6,812,974 of capital expenditure be deferred and carried forward to 2022/2023, reflecting revised delivery timeframes and the timing of grant allocations;
 - ii. \$325,000 of capital expenditure to be deferred and carried forward to 2023/2024 reflecting revised delivery time frames;
 - iii. Additional \$564,810 capital expenditure for 2021/2022, primarily reflecting increases to the cost of materials and contracts; and
 - iv. Reduction of \$589,704 capital expenditure for 2021/2022 reflecting project savings and/or overestimation of original budget.

REASON:

This amendment provides greater clarity and transparency, enabling the community to better understand the breakdown of the net decrease in Capital Expenditure Budget of \$7,162,867, detailed in Attachment 5.

At 8:52 pm, Cr Ashley Wallace left the meeting. (turned off his camera)

At 8:54 pm, Cr Ashley Wallace returned to the meeting.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 11.4

That Council BY ABSOLUTE MAJORITY APPROVES the following amendments to the 2021/2022 Annual Budget:

- a) **A net increase in the Operating Budget of \$1,929,061 as per Attachments 1 and 2;**
- b) **A net increase in Special Purpose Reserves totalling \$2,309,270 as per Attachments 3 and 4;**
- c) **A net decrease in the Capital Expenditure Budget of \$7,162,867, as per Attachment 5, comprising:**
 - i. \$6,812,974 of capital expenditure be deferred and carried forward to 2022/2023, reflecting revised delivery timeframes and the timing of grant allocations;
 - ii. \$325,000 of capital expenditure to be deferred and carried forward to 2023/2024 reflecting revised delivery time frames;
 - iii. Additional \$564,810 capital expenditure for 2021/2022, primarily reflecting increases to the cost of materials and contracts; and
 - iv. Reduction of \$589,704 capital expenditure for 2021/2022 reflecting project savings and/or overestimation of original budget.
- d) **A net increase in the closing surplus of \$512,230, resulting in a forecast year end deficit at 30 June 2022 of \$80,144, as per Attachment 3;**
- e) **Subsequent to clauses (a) to (d), the capital budget is increased by \$72,091 and the Loftus Recreation Centre Reserve is reduced by \$72,091 as per Attachment 8, and the Financial Statements are updated accordingly.**

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

12.1 APPOINTMENT OF COMMUNITY MEMBERS TO THE CITY OF VINCENT AUDIT COMMITTEE

- Attachments:
1. Audit Committee Nomination - Resume of Applicant 1 - Confidential
 2. Audit Committee Nomination - Resume of Applicant 2 - Confidential

RECOMMENDATION:

That Council in accordance with sections 5.10 and 7.1A of the *Local Government Act 1995*, **APPROVES BY ABSOLUTE MAJORITY** the appointment of the following two external independent members to the City's Audit Committee for the term 9 March 2022 to the date of the next ordinary local government election, 21 October 2023:

1. Applicant 1; and
2. Applicant 2.

COUNCIL DECISION ITEM 12.1

Moved: Cr Ioppolo, **Seconded:** Cr Wallace

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

12.6 UNDERTAKINGS RELATING TO THE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2021**Attachments:** 1. JSCDL Letter - Local Government Property Local Law 2021 - Confidential**RECOMMENDATION:****That Council:**

1. **RESPONDS** to the Joint Standing Committee on Delegated Legislation indicating its agreement to the following undertakings:
 - 1.1 **Within six months:**
 - 1.1.1 correct the typographical errors in clauses 4.4(2); 5.13; 5.14; 6.1(e); 6.3(1); 9.3(2); 9.7(1)(f) and 9.11(1);
 - 1.1.2 amend clauses 6.8 and 5.16(c) and (d); and
 - 1.1.3 delete clause 13.2(1)(b);
 - 1.2 Provide feedback on the rationale for clause 5.3(l);
 - 1.3 The clauses specified in undertaking 1 (Recommendation 1.1) will not be enforced in a manner contrary to undertaking 1;
 - 1.4 Ensure any consequential amendments arising from undertaking 1 (Recommendation 1.1) will be made; and
 - 1.5 Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings; and
2. **NOTES** that Administration will provide a further report to Council to approve the commencement of adoption the Local Government Property Amendment Local Law 2022, once drafted.

COUNCIL DECISION ITEM 12.6**Moved:** Cr Gontaszewski, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

16 URGENT BUSINESS**PROPOSED LEASE OF HYDE PARK KIOSK TO VEGGIE MAMA PTY LTD**

Moved: Cr Ioppolo, Seconded: Cr Wallace

That Council INSTRUCTS the Chief Executive Officer to defer making any further legally or financially binding operational decisions to progress the implementation of Council's resolution of 14 December 2021 Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd until after Council has considered the motions passed at the Annual Meeting of Electors held 2 February 2022.

The Presiding Member, Mayor Emma Cole, allowed the motion to be brought forward and she called for declarations of interest.

Declarations of interest:

Cr Ron Alexander declared a proximity interest in Item 16 regarding the Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd. The extent of his interest is that he lives opposite Hyde Park. He sought approval to participate in the debate and to participate in the vote.

The Executive Manager Corporate Strategy & Governance advised of the rules regarding a proximity interest and dealing with a request to participate in the decision making process.

At 9:31 pm, Cr Ross Ioppolo left the meeting.

At 9:33 pm, Cr Ross Ioppolo returned to the meeting.

At 9.41 Cr Alexander left the meeting while Council discussed his request. Cr Alexander did not return to the meeting.

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Wallace

That Council APPROVES Cr Alexander's request to participate in the debate on Item 16 Urgent Business regarding the Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd.

LOST (3-5)

For: Cr Ioppolo, Cr Gontaszewski and Cr Loden

Against: Mayor Cole, Cr Castle, Cr Worner, Cr Hallett, and Cr Wallace

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

COUNCIL MEET BEHIND CLOSED DOORS**COUNCIL DECISION**

Moved: Cr Ioppolo, **Seconded:** Cr Castle

That Council, pursuant to Section 5.23(2)(b), (c) and (d) of the *Local Government Act 1995* and clause 2.14 of the Meeting Procedures Local Law 2008, proceeds “behind closed doors” to discuss the Urgent Business item Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd.

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

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

At 9.52pm the livestream stopped to discuss the Urgent Business item Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd..

COUNCIL DECISION**RECOMMENDATION:**

Moved: Cr Ioppolo, **Seconded:** Cr Wallace

That Council **INSTRUCTS** the Chief Executive Officer to defer making any further legally or financially binding operational decisions to progress the implementation of Council’s resolution of 14 December 2021 Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd until after Council has considered the motions passed at the Annual Meeting of Electors held 2 February 2022.

LOST (2-6)

For: Cr Ioppolo and Cr Wallace

Against: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner and Cr Hallett

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

PROCEDURAL MOTION

Moved: Cr Loden **Seconded:** Cr Worner

That Council resume an “open meeting.”

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

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

At 10.23pm the livestreaming recommenced.

The Presiding Member, Mayor Emma Cole advised of the above decision which was made behind closed doors

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 10.24pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Suzanne Worner	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Ross Ioppolo	South Ward
	Cr Ashley Wallace	South Ward
	Cr Dan Loden	North Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Virginia Miltrup	Executive Director Community & Business Services
	Peter Varris	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer
Public:	No members of the public.	

These Minutes were confirmed at the 5 April 2022 meeting of Council as a true and accurate record of the Council Meeting held on 8 March 2022.

Signed: Mayor Emma Cole



Dated: 5 April 2022