



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**13 December 2022**

## Table of Contents

1	Declaration of Opening / Acknowledgement of Country.....	4
2	Apologies / Members on Leave of Absence.....	5
3	(A) Public Question Time and Receiving of Public Statements .....	5
	(B) Response to Previous Public Questions Taken On Notice.....	7
4	Applications for Leave of Absence .....	8
5	The Receiving of Petitions, Deputations and Presentations .....	8
6	Confirmation of Minutes .....	8
7	Announcements by the Presiding Member (Without Discussion) .....	9
	7.1 Community Events.....	9
	7.2 Highlights of the Year.....	9
	7.3 Recognition - Volunteers.....	9
	7.4 Recognition Manager Built Environment and Wellbeing .....	9
8	Declarations of Interest .....	10
	Reports .....	11
	Items Approved " <i>En Bloc</i> ": .....	12
	9.2 No. 188 (Lot: 1; D/P: 33790) Vincent Street, North Perth - Proposed Alterations and Additions to Place of Worship .....	13
	9.6 Draft Strategic Community Plan 2022 - 2032 .....	15
	9.7 Arts Rebound: Town Centre Artworks - Leederville Artwork Location.....	16
	10.4 Full Median Strip for Angove Street and Woodville Street Intersection.....	17
	11.1 Financial Statements as at 31 October 2022.....	18
	11.3 Investment Report as at 31 October 2022.....	19
	11.4 Outcome of Advertising and Adoption of New Customer Service Charter .....	20
	11.5 Draft Youth Action Plan 2023-2026 .....	21
	12.1 Outcome of Advertising and Adoption of Amended Risk Management Policy .....	22
	12.3 Vincent Underground Power Project - five additional project areas .....	23
	12.4 WALGA Best Practice Governance Review .....	24
	12.5 Information Bulletin .....	25
	Reports with Discussion.....	26
	11.6 Draft Annual Report 2021/2022 [ABSOLUTE MAJORITY DECISION REQUIRED].....	26
	12.6 Report and Minutes of the Audit Committee Meeting held on 7 December 2022 .....	27
	9.1 No. 107 - 109 (Lots: 1 - 2; S/P 1896) Summers Street, Perth - Section 31 State Administrative Tribunal Reconsideration - Proposed Six Grouped Dwellings .....	28
	10.3 Final Adoption of City of Vincent Animal Local Law 2021 [ABSOLUTE MAJORITY DECISION REQUIRED].....	31
	10.1 Stormwater Drainage .....	32
	10.2 New Parking Local Law 2023 [ABSOLUTE MAJORITY DECISION REQUIRED].....	33
	9.9 Request for Proposals for Redevelopment of Leederville Carparks: Stage 2 .....	34
	9.3 No. 21A (Lot: 25; D/P: 2422) View Street, North Perth - Proposed Alterations and Additions to Commercial Premises (Signage) .....	40
	9.4 No. 138B (Lot: 1; STR: 12047) Oxford Street, Leederville - Proposed Signage Addition to Electric Lane .....	41

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9.5	Local Planning Policy: Restricted Premises - Smoking .....	43
9.8	Mount Hawthorn Youth Skate Space.....	44
11.2	Authorisation of Expenditure for the Period 1 October 2022 to 31 October 2022 .....	45
12.2	Council Recess Period 2022-23 - Delegated Authority to the Chief Executive Officer [ABSOLUTE MAJORITY DECISION REQUIRED] .....	46
<b>13</b>	<b>Motions of Which Previous Notice Has Been Given.....</b>	<b>47</b>
13.1	Notice of Motion - Cr Dan Loden - Compulsory Citizenship Ceremonies.....	47
13.2	Notice of Motion - Cr Ashley Wallace - Local Planning Scheme No. 2 Amendment Regarding Service Stations .....	48
13.3	Notice of Motion - Cr Ross Ioppolo - Leederville Oval Master Plan .....	49
<b>14</b>	<b>Questions by Members of Which Due Notice Has Been Given (Without Discussion).....</b>	<b>50</b>
<b>15</b>	<b>Representation on Committees and Public Bodies.....</b>	<b>50</b>
<b>16</b>	<b>Urgent Business .....</b>	<b>50</b>
<b>17</b>	<b>Confidential Items/Matters For Which the Meeting May be Closed .....</b>	<b>50</b>
<b>18</b>	<b>Closure .....</b>	<b>51</b>

**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, 13 DECEMBER 2022 AT 6.00PM**

<b>PRESENT:</b>	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander Cr Alex Castle Cr Dan Loden Cr Suzanne Worner Cr Jonathan Hallett Cr Ross Ioppolo Cr Ashley Wallace</p>	<p>Presiding Member South Ward North Ward North Ward North Ward North Ward South Ward South Ward South Ward</p>
<b>IN ATTENDANCE:</b>	<p>David MacLennan  John Corbellini  Rhys Taylor  Peter Varris  Jay Naidoo  Tara Gloster  Luke McGuirk  Jade Olynyk  Chris Dixon  Mark Fallows  Lisa Williams  Mark Ambrose  Ian Mickle John Del Dosso Wendy Barnard</p>	<p>Chief Executive Officer (left at 9.18pm after Item 13.3) Executive Director Strategy &amp; Development (left at 9.18pm after Item 13.3) Chief Financial Officer (left at 8.55pm during Item 13.2) A/Executive Director Infrastructure &amp; Environment Manager Development &amp; Design (left at 8.07pm after Item 9.9) Manager Policy and Place (left at 9.18pm after Item 13.3) Manager Engineering (left at 6.59pm after Item 10.1) Jackson McDonald (electronically) (left at 7.00pm after Item 10.2) Project and Strategy Officer, Ranger Services (electronically) (left at 7.00pm after Item 10.2) Manager Built Environment &amp; Wellbeing (left at 6.53 after Item 10.3) Manager Marketing &amp; Partnerships (left at 6.59pm after Item 10.1) Senior Director Financial Audit - Office of the Auditor General (left at 6.43pm after Item 12.6) Cygnet West (left at 8.07pm after Item 9.9) Cygnet West (left at 8.07pm after Item 9.9) Council Liaison Officer</p>
<b>Public:</b>	Approximately five members of the public.	

## **1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.02pm and delivered 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 Peter Mrdja of Perth – Item 9.1

- Stated that he is from Urbanista Town Planning
- Mentioned that the reasons for prior refusal were valid, so the application has been amended to address these issues
- Encouraged Council to approve the development

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

### 3.2 Dudley Maier of Highgate – Item 13.2 and 12.6

Mr Maier submitted written comments and spoke to them:

#### Item 13.2

I just want to remind council that on 16 November last year you approved alterations and additions to a service station at 17 Brisbane Street. It was in a Mixed Use zone and would be classed as an 'X' use under tonight's proposal. It was very similar in nature to the recent Angove Street proposal.

The arguments produced by that community were the same as current the ones produced by the North Perth community. Yet, at that time, you dismissed the community.

You should ask yourselves why did we approve it then, yet now consider such a development is not permissible at all – why discretion was allowed then, but not now.

#### Item 12.6

One thing I find interesting and insightful each year is to compare the information provided to Council at Budget time, with the final audited figures. Basically, how well informed were council when they set the budget, and similarly, how on top of the financials the staff are. It has real impact on the rates that are charged to the community.

The analysis is scary. Operating expenditure was overstated by \$1.5 million at budget time. Also, employee costs were understated by \$350,000 – basically they spent \$350,000 more than they said they would – and this was at the end of the financial year. I can't fathom how you can get that wrong

Anyway, in summary, the staff got it wrong by just over \$1 million which would have been \$1 million less in rates if all other things had remained the same. And that million dollars has impact on future years because that is the base that is used.

It is a real concern that the Auditor General's letters concerning the "Financial Audit", "Information Systems" and "Exit Brief" have been made confidential. Clearly some things are seriously wrong!

I appreciate that the argument that you can't expose the City to 'bad actors' by releasing the information, but I think that's a fairly weak excuse.

If a flaw has been identified, steps should have been taken immediately – and I mean immediately, to rectify those flaws so that 'bad actors' can't exploit those flaws. It may mean turning off facilities for a short period of time but you should fix it straight away.

The fact that this isn't the first time that has happened is a real worry. And raises questions about holding people to account. The proper thing to do would be to release the letters and provide a reassurance that the flaws have already been plugged.

In places I worked in the past, such issues would have been treated extremely seriously, to the extent that people's jobs would have been on the line.

I ask Council bear that in mind when considering the CEO's request for a contract renewal.

Mr Maier submitted the below questions in writing before the meeting:

1. Now that an electricity meter has been installed as part of the Hyde Park West café/toilet building, will the City be reading the meter on a regular basis? If so, how frequently will the meter be read, and will the readings be made public on request?
2. Attachment 1 of Item 10.1 (Stormwater Drainage) is listed as the "*Drainage Technical memorandum*" and has been made confidential. Why has this document been made confidential if it just provides the detailed steps to assess and model the capacity of the system? Is it because it may indicate that the City may be culpable for some damage caused by stormwater? Isn't the confidentiality contrary to the proposition that Vincent is open and accountable?
3. Attachment 2 of Item 10.1 (Stormwater Drainage) shows that the administration was asked, on 5 April 2022, to "*develop a policy that clearly defines the City's responsibilities*" with regards to stormwater damage. The related item in the "Register of Reports to be Actioned" (Information Bulletin page 45) neglects to list this request and therefore does not provide any timeline for this request. Is the failure to list the need to develop such a policy just another administrative oversight? What is the expected timeframe for this request to be satisfied?
4. When did the City provide the Auditor General with the financial information required to do the annual audit?

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

### **3.3 Dave and Piper Raby of Leederville – Item 10.3**

- Spoke in support of the recommendation as they are interested in raising chickens

*The Presiding Member, Emma Cole, thanked Mr and Miss Raby for their comments and mentioned that this change originated by a young girl, and it is again good to have a young girl speak on the night that it is finally up for approval.*

### **3.4 Lesley Florey of Mt Hawthorn – Item 10.1**

- Spoke regarding drainage of Menzies Park area
- Queried how old the stormwater drains are?
- Queried what the diameter of the drains, specifically the ones from Sasse Avenue to Linton Street, are?
- Queried what the condition and the service life of the drains?
- Queried if the drains are below the water table.

*The Presiding Member, Emma Cole, thanked Ms Florey for her comments and asked whether the Acting Director Infrastructure and Environment was able to answer any of Ms Florey's questions.*

*Mr Varris advised that purpose of Item 10.1 on the agenda is to enable the City's Engineering Team to continue the data collection and uptake to develop a comprehensive understanding of the City's drainage system so plans for its maintenance and replacement can be made. A response will be given to Ms Florey in respect to the Sasse / Linton Street drainage should that information be to hand.*

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

### **3.5 Sam Fitzpatrick of Perth - Item 10.3**

I am concerned about the overreach of local government wanting to fine people who want to walk their cat on a lead in Hyde Park.

I find this change in local laws an egregious change in policy and this demonstrates that the city does not understand the city's planning implications of increased housing density attributable for such needs to

safely walk a cat in POS given the shift toward smaller dwellings and no backyards for cat exercise. Not only does this affect the health and well-being of the city's cats but their owner's mental health. Once again it demonstrates that the policies of the city do not work in harmony.

I would like to know the reason for this change in policy?

Are you a dog person?

How many people don't clean up after their animals?

### 3.6 Philip & Rhatha McVeigh of Mt Hawthorn – Item 9.8

To our Council, we are long term 12 year residents of the City of Vincent and are grateful for the continued activation of community spaces especially those designed to create physical experiences for children. This is another superb example of those progressive policies, which we are vocally supportive of in our community and personal network. We urge you to move ahead with another proposal designed to enrich our community and provide outdoor recreation and fun for children, and extend our gratitude for your continued consideration of proposals such as this.

Administrations' responses will be provided in the Agenda for the 14 February 2023 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.16pm.

## (B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

### Natalie Jolakoski of North Perth – emailed on 25 November 2022

- 1) The completion of the Main Roads Charles St concept was done before any community or council consultation was conducted. Is it possible for the council to request a parliamentary question to Rita Saffioti regarding the taxpayer costs involved with the main roads concept? to include the in-house hours spent, 3D visual contractor fees, and design and distribution costs of the brochure.

*Parliamentary questions can only be raised by a Member of Parliament to another Member. A community member can raise a freedom of information (FOI) request with Main Roads Western Australia (MRWA) to obtain the costs and funding sources involved with the Charles Street Planning Study.*

*The City has expressed concerns regarding the lack of meaningful community consultation within its submission to MRWA. The City has requested that MRWA present multiple options for consideration and undertake consultation in accord with International Association of Public Participation (IAP2) best practice.*

*MRWA has announced that it will not proceed any further with the planning study for Charles Street, following community feedback. MRWA will bring their consultation to an end and will not be seeking to make any changes to the existing Planning Control Area over Charles Street. The City will still submit their drafted submission to MRWA.*

- 2) Could the Vincent library offer significant history information on the character buildings on Charles Street (eg:Yanchep traders) which could help to oppose the demolition of these sites? Is there any character retention and heritage values of these buildings? If not, could they be nominated for recognition.

*The City has amended its submission to MRWA to explicitly request that an urban design study be undertaken that investigates the impact of the proposal on character and heritage. The City has also expressed in its submission that it is not supportive of a proposal that will require the demolition of heritage places, including heritage-listed properties on Charles Street.*

*The City will be undertaking a review of its heritage inventory in 2023, including the nomination of new places for inclusion on the City's Heritage List. This will include a review of historical records and literature, including those held at in the City's Local History Centre.*

*MRWA has announced that it will not proceed any further with the planning study for Charles Street, following community feedback. MRWA will bring their consultation to an end and will not be seeking to make any changes to the existing Planning Control Area over Charles Street. The City will still submit their drafted submission to MRWA.*

#### 4 APPLICATIONS FOR LEAVE OF ABSENCE

##### LEAVE OF ABSENCE

##### COUNCIL DECISION

Moved: Cr Wallace, Seconded: Cr Loden

That Mayor Emma Cole's request for leave of absence from 16 January to 20 January 2023 be approved.

**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

#### 5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

#### 6 CONFIRMATION OF MINUTES

##### COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Castle

That the minutes of the Ordinary Meeting held on 15 November 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 announcements:

### **7.1 COMMUNITY EVENTS**

Celebrations have been taking place across our community, with carols in the parks, markets, school award ceremonies, street parties, Christmas events for our seniors and an event with our volunteers. It has been wonderful to celebrate together.

### **7.2 HIGHLIGHTS OF THE YEAR**

It is exciting to see the once in a lifetime opportunity for all the City's power to go underground on the agenda tonight. This will result in new light poles and LED lighting across the City's suburb, as well as having a big impact on the tree canopy and the City's energy reliability.

It was a pleasure to host the WAFL Grand Final at Leederville Oval, and to see the Oval at full capacity, which hasn't been seen in some time. Thousands of people came through the family friendly carnival that was Footyville in the streets of Leederville.

The launch of the smoke free town centres three years ahead of schedule in November is being embedded with signage and education in the city.

Makeovers of the City's playgrounds have taken place this year, Gladstone Street Reserve and Les Lilleyman Reserve most recently. The Menzies Pavilion and Hyde Park West toilets have been upgraded.

Sydney and Hays Street development is returning that land to public open space for the North Perth community. Britannia Reserve and Charles Veryard Reserve have been lit this year, which allow our sporting clubs to train for longer and also allows the community to walk their dogs, exercise and spend more time at the park.

The City celebrated the first year of FOGO, with a contamination rate of below 3%. The City was recognised by a 2022 National Award for Local Government for our position on waste and the changes we have made to achieve our zero waste to landfill by 2028 goal.

The City has a Reconciliation Action Plan for the first time. We worked with the Elders Group, who have supported and endorsed the plan.

In 2023 the Litis changerooms and clubrooms upgrade will take place, if approved tonight there will be a Youth Skate space in Mt Hawthorn and upgrades are planned for Banks Reserve including a riverside interpretation node and a new bridge.

### **7.3 RECOGNITION - VOLUNTEERS**

An enormous thank you to the Vincent volunteers who do so much hard work during the year. I just attended the Kyilla markets, which are run by the school community and there are hundreds of people in attendance, it has been running for 7 years. Just one example of the amazing work the volunteers do, City is proud of all the work the volunteers do and extend their thanks.

Thanks to Council Members for all the late nights and the effort they put in throughout the year, and to the CEO and staff for their efforts throughout the year.

### **7.4 RECOGNITION MANAGER BUILT ENVIRONMENT AND WELLBEING**

Mark Fallows is leaving the City. He has been instrumental in some of the City's key projects, including the Small Business Friendly Approvals Program, the Restricted Premises Policy, Smoke Free Town Centres and the inaugural Public Health Plan. He has also spent 4 years working on the Animal Local Law, which is on the agenda tonight.

Mark's advice to the COVID Relief and Recovery Committee was invaluable, leading the City's COVID response. The City recognises his tremendous achievements and extend its thanks and wishes him all the best in his new endeavours.

## 8 DECLARATIONS OF INTEREST

- 8.1 Cr Alex Castle declared a proximity interest in Item 12.3 Vincent Underground Power Project - five additional project areas. The extent of the interest is that her property is within the Project Zone.

This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. In accordance with section 5.63(1) of the *Local Government Act 1995* the interest is exempt as it is an interest in common to a significant number of electors and ratepayers.

- 8.2 Cr Ross Ioppolo declared a proximity interest in Item 12.3 Vincent Underground Power Project - five additional project areas. The extent of his interest in this matter is that his property is within the Project Zone, albeit on a main road where the likely benefits of the Project may be somewhat limited. Transmission lines are located on main roads and he is advised that the full benefit of the Project, to his residence, may be limited as compared to other properties.

This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property but it is unclear whether this would apply to my property. In accordance with section 5.63(1) of the *Local Government Act 1995* the interest is exempt as it is an interest in common to a significant number of electors and ratepayers.

- 8.3 Cr Dan Loden declared a proximity interest in Item 12.3 Vincent Underground Power Project - five additional project areas. The extent of the interest is that his property is within the Project Zone.

This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. In accordance with section 5.63(1) of the *Local Government Act 1995* the interest is exempt as it is an interest in common to a significant number of electors and ratepayers.

- 8.4 Cr Dan Loden declared an impartiality interest in Item 10.3 Final Adoption of City of Vincent Animal Local Law 2021. The extent of his interest is that he knows a number of people who have chickens including his neighbour.

- 8.5 Mayor Emma Cole declared a proximity interest in Item 12.3 Vincent Underground Power Project - five additional project areas. The extent of the interest is that her property is within the Project Zone.

This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. In accordance with section 5.63(1) of the *Local Government Act 1995* the interest is exempt as it is an interest in common to a significant number of electors and ratepayers.

- 8.6 Cr Suzanne Worner declared a financial interest in Item 11.2 Authorisation of Expenditure for the Period 1 October 2022 to 31 October 2022. The extent of her interest is that she is Director of Upbeat events who were the event managers for the City for the WAFL Grand Final. She is not seeking approval to participate in debate or vote in the matter.

- 8.7 Cr Suzanne Worner declared an impartiality interest in Item 10.1 Stormwater Drainage. The extent of her interest is that her house is in close proximity to one of the hotspots.

- 8.8 Cr Ashley Wallace declared an impartiality interest in Item 10.1 Stormwater Drainage. The extent of his interest is that Administration have engaged GHD to assist with the detail technical hydraulic briefs and with interim drainage design. He was formerly a long-term employee of GHD.

- 8.9 David MacLennan, Chief Executive Officer declared a financial interest in Item 17.1 Employment Contract Renewal – Chief Executive Officer. The extent of his interest is that he stands to benefit from the approval of the recommendation.

The Acting Executive Director Infrastructure and Environment advised that the City had sought Ministerial approval under section 5.69(3) of the Local Government Act 1995 for Mayor Cole, Cr Ioppolo, Cr Loden and Cr Castle to participate and vote in respect to Item 12.3 Vincent Underground Power Project – five additional project areas. The Department of Local Government, Sport and Cultural Industries has today advised the following –

*“I refer to your correspondence dated 8 December 2022 and advise that, in accordance with the authority delegated by the Minister for Local Government, I have determined that an approval is not necessary under section 5.69(3) of the Local Government Act 1995 (the Act).*

*After considering the available information, it appears that only four of the City’s councillors have made a declaration in relation to this matter. As such, the City would still have a sufficient quorum to determine the matter even if all these councillors elected not to participate.*

*I have also noted that the proposed expansion of the City’s underground power project will impact approximately 55% of the district’s ratepayers. The number of impacted ratepayers increases to almost 100%, if one considers the existing areas of the project already approved.*

*Accordingly, I have formed the view that the interests which the councillors are seeking to disclose are ones which they hold in common with a significant number of the City’s ratepayers. This means they are exempt from disclosure and do not require a participation approval.*

*I trust the above outcome is satisfactory to the council. “*

**REPORTS**

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

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**  
Items 9.1, 10.1, 10.3, 11.6 and 13.2.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 10.2, 10.3, 11.6 and 12.2.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items 11.2 and 12.3.

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 Castle	9.8
Cr Hallett	9.5
Cr Ioppolo	9.3, 9.4, 9.9, 12.2 and 12.6

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**  
Items 9.2, 9.6, 9.7, 10.4, 11.1, 11.3, 11.4, 11.5, 12.1, 12.3, 12.4 and 12.5
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Items 17.1.

**ITEMS APPROVED "EN BLOC":**

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

**COUNCIL DECISION**

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






**That the following unopposed items be adopted "En Bloc", as recommended:  
Items 9.2, 9.6, 9.7, 10.4, 11.1, 11.3, 11.4, 11.5, 12.1, 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

**9.2 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 Plan 
2. Development Plans 
3. Images of Subject Site 
4. Heritage Impact Statement 
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 11 November 2022 and 16 November 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**

3.1 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; and

3.2 The glazing to the covered walkway and Narthex shall provide a minimum of 70 percent visible light transmission to provide unobscured visibility;

**4. Demolition Works**

The deconstruction of the confessional and new openings to the Tribune Screen wall shall be undertaken with care. As much of the fabric as possible, including limestone should be retained for reuse, to the satisfaction of the City;

**5. Internal Modifications**

All internal modifications to significant fabric shall be carried out in a like for like manner that matches existing materials, profiles and finishes, to the satisfaction of the City;

**6. Documented Record**

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

**7. Door Hardware**

Prior to the issue of a Building Permit a schedule shall be submitted to and approved by the City, providing specifications and locations of the proposed new door hardware. Original door hardware shall be retained on the door alongside new hardware where compliance with

the National Construction Code can be achieved.

**COUNCIL DECISION ITEM 9.2**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

9.6 DRAFT STRATEGIC COMMUNITY PLAN 2022 - 2032

- Attachments:
1. Community Engagement Summary 
  2. Draft Strategic Community Plan 2022 - 2032 

**RECOMMENDATION:**

That Council **AUTHORISES** the Chief Executive Officer to advertise the Draft Strategic Community Plan at Attachment 2 for public comment for a period of not less than 28 days.

**COUNCIL DECISION ITEM 9.6**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**9.7 ARTS REBOUND: TOWN CENTRE ARTWORKS - LEEDERVILLE ARTWORK LOCATION**

- Attachments:
1. Arts Rebound: Leederville Town Centre Artwork - Concept Design Proposal 
  2. Arts Rebound: Leederville Town Centre Artwork - New Proposed Location 

**RECOMMENDATION:**

That Council ENDORSES the new proposed location for the Arts Rebound: Leederville Town Centre Artwork at Attachment 2.

**COUNCIL DECISION ITEM 9.7**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**



**10.4 FULL MEDIAN STRIP FOR ANGOVE STREET AND WOODVILLE STREET INTERSECTION****Attachments:** 1. Angove Woodville Median Strip Map **RECOMMENDATION:****That Council:****1. APPROVES:****1.1 Administration to finalise the concept design drawings of the Angove Street and Woodville Street median strip proposal at Attachment 1; and****1.2 community consultation based on the finalised concept design drawings proposing a 12 month trial of the traffic management treatment; and****2. REQUESTS a report back to Council on the outcome of the community consultation and advice whether the traffic management treatment trial should proceed.****COUNCIL DECISION ITEM 10.4****Moved: Cr Wallace, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

11.1 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2022

Attachments: 1. Financial Statement as at 31 October 2022 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.1**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

11.3 INVESTMENT REPORT AS AT 31 OCTOBER 2022

Attachments: 1. Investment Statistics as at 31 October 2022 

**RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.3**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

11.4 OUTCOME OF ADVERTISING AND ADOPTION OF NEW CUSTOMER SERVICE CHARTER

Attachments: 1. Draft Customer Service Charter 

RECOMMENDATION:

That Council ADOPTS the Customer Service Charter at Attachment 1.

COUNCIL DECISION ITEM 11.4

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.5 DRAFT YOUTH ACTION PLAN 2023-2026

- Attachments:
1. Draft Youth Action Plan 2023-2026 
  2. Youth Action Plan 2020-2022 

**RECOMMENDATION:**

That Council APPROVES the draft Youth Action Plan 2023-2026 for the purpose of community consultation.

**COUNCIL DECISION ITEM 11.5**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**12.1 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDED RISK MANAGEMENT POLICY**

- Attachments:
1. Risk Management Policy (clean copy) 
  2. Risk Management Policy (marked up) 
  3. Risk Appetite and Tolerance Statements 

**RECOMMENDATION:**

That Council APPROVES the amended Risk Management Policy at Attachment 1.


**COUNCIL DECISION ITEM 12.1**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**12.3 VINCENT UNDERGROUND POWER PROJECT - FIVE ADDITIONAL PROJECT AREAS**

- Attachments:
1. Undergrounding Invitation No. 2 - five additional project areas 
  2. Preliminary Business Case - five additional project areas 
  3. MoU No.2 - five additional project areas 

**RECOMMENDATION:**

That Council:

1. **NOTES** the invitation from Western Power for the City of Vincent to participate in the Network Renewal Underground Program (NRUP) – now changed to Targeted Underground Power Program (TUPP) and the Retrospective Undergrounding Projects (RUP) program (Attachment 1).
2. **NOTES** the proposed project areas would underground power at 10,482 electricity service meters in Leederville, Mount Hawthorn, West Perth, and North Perth as per the boundaries identified in the maps in Attachments 2 and 3.
3. **NOTES** that when combined with existing undergrounded areas and the first three project areas under NRUP-T2, these five project areas complete the undergrounding of all residential areas and town centres within Vincent.
4. **NOTES** the poles and wires would be replaced like for like with an expected serviceable life of 40-50 years in the event the City does not co-partner in an underground power project.
5. **NOTES** the preliminary business case on participation in TUPP and RUP at Attachment 2.
6. **AUTHORISES** the CEO to sign the Memorandum of Understanding at Attachment 3 to enable Western Power to commence detailed design of the project.
7. **NOTES** these projects will be included in the Corporate Business Plan 2023/24-2027/28.

**COUNCIL DECISION ITEM 12.3**



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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

NOTE: Advice from the Department of Local Government, Sport and Cultural Industries confirmed that Mayor Cole, Cr Ioppolo, Cr Castle and Cr Loden had an interest in common with a significant number of City ratepayers and therefore their previously declared interest is exempt. Mayor Cole, Cr Ioppolo, Cr Castle and Cr Loden were therefore able to participate in the decision-making on this item.

**12.4 WALGA BEST PRACTICE GOVERNANCE REVIEW**

- Attachments:
1. WALGA Governance review background paper 
  2. WALGA best practice governance review consultation paper 

**RECOMMENDATION:**

That Council:

1. **SUPPORTS** the Western Australian Local Government Association's best practice governance review consultation paper.
2. **NOTES** that Administration will forward a submission in support of 'option four' to the Western Australian Local Government Association.

**COUNCIL DECISION ITEM 12.4**














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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**



**12.5 INFORMATION BULLETIN**

- Attachments:
1. Unconfirmed Minutes of the Arts Advisory Group Meeting - 2 November 2022 
  2. Unconfirmed Minutes of the Mindarie Regional Council Meeting - 24 November 2022 
  3. Minutes Children and Young Peoples Advisory Group 12 October 2022 
  4. Statistics for Development Services Applications as at the end of December 2022 
  5. Register of Legal Action and Prosecutions Monthly - Confidential
  6. Register of Legal Action - Orders and Notices Quarterly - Confidential
  7. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 24 November 2022 
  8. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
  9. Register of Applications Referred to the Design Review Panel - Current 
  10. Register of Petitions - Progress Report - November 2022 
  11. Register of Notices of Motion - Progress Report - November 2022 
  12. Register of Reports to be Actioned - Progress Report - November 2022 
  13. Council Workshop Items since 25 October 2022 
  14. Council Meeting Statistics 
  15. Council Briefing Notes - 8 November 2022 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated December 2022.

**COUNCIL DECISION ITEM 12.5**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**REPORTS WITH DISCUSSION****11.6 DRAFT ANNUAL REPORT 2021/2022**

Attachments: 1. Draft Annual Report 2021/2022   
2. CEO KIPs 2022 

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2021/2022 Financial Year, included as Attachment 1;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** an Annual Meeting of Electors of the City of Vincent to be held on Thursday 2 February 2023 at 5:30pm at the Mount Hawthorn Town Hall, to present the City of Vincent Annual Report for the 2021/2022 Financial Year; and
3. **NOTES** that:
  - 3.1 the City of Vincent Annual Report may be subject to further formatting and styling, to be determined by the Chief Executive Officer prior to publication. The 2021/22 Financial Statements will be presented to Council as part of the recommendations of the Audit Committee and will be included in the Annual Report following adoption by Council;
  - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the Annual Meeting of Electors to be held on 2 February 2023, and of the availability of the City of Vincent Annual Report for the 2021/2022 financial year, and will make the report available on the City of Vincent website within fourteen days; and
  - 3.3 pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2021/2022 Financial Year, inclusive of the Annual Financial Report for the same period, and the associated Auditor's Report.

For the convenience of the Meeting the Mayor brought forward Item 11.6 and 12.6 and invited the representative from the Officer of the Auditor General to speak to the results of the Annual Audit of the City.

Mark Ambrose from the OAG addressed Council.

**COUNCIL DECISION ITEM 11.6**

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




**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 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 7 DECEMBER 2022**

- Attachments:**
1. **Audit Committee Minutes - 7 December 2022** 
  2. **Financial Statements 2022-23** 
  3. **Audit Final Management Letter - Financial Audit - Confidential**
  4. **Audit Management Letter - Information Systems - Confidential**
  5. **Annual Financial Audit - Exit brief - Confidential**
  6. **Auditor's Opinion - for the year ended 30 June 2022** 

**RECOMMENDATION:**

That Council –

1. **RECEIVES** the minutes of the Audit Committee Meeting of 7 December 2022, as at Attachment 1;
2. **RECEIVES** the Auditor's management letters (Financial Audit and Information System Audit) and exit brief, prepared for the year ending 30 June 2022 at Attachment 3, 4 and 5;
3. **RECEIVES** the Audit Opinion for the year ended 30 June 2022 at Attachment 6;
4. **ADOPTS** the Audited Annual Financial Statements for the year ended 30 June 2022 at Attachment 2; and
5. **ENDORSES** the remaining recommendations contained within the Audit Committee minutes of 7 December 2022.

**COUNCIL DECISION ITEM 12.6**

**Moved:** Cr Worner, **Seconded:** Cr Ioppolo

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**











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

**Against:** Nil

At 6:43 pm, Mark Ambrose of OAG left the meeting and did not return.

9.1 NO. 107 - 109 (LOTS: 1 - 2; S/P 1896) SUMMERS STREET, PERTH - SECTION 31 STATE ADMINISTRATIVE TRIBUNAL RECONSIDERATION - PROPOSED SIX GROUPED DWELLINGS

Ward: South

- Attachments:
1. Consultation and Location Map 
  2. Development Plans for Reconsideration 
  3. 3D Perspectives 
  4. Applicant's Written Response to Refusal Reasons 
  5. 20 September 2022 Council Minutes and Refused Plans 
  6. Summary of Submissions - Administration's Response 
  7. Summary of Submissions - Applicant's Response 
  8. Urban Design Study 
  9. Environmentally Sustainable Design Report 
  10. Determination Advice Notes 

**RECOMMENDATION:**

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision dated 20 September 2022 and SUBSTITUTES its new decision to, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVE the application for Six Grouped Dwellings at No. 107-109 (Lots: 1 – 2; S/P: 1896) Summers Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Development Plans

This approval is for Six Grouped Dwellings as shown on the approved plans dated 16 November 2022. 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

4.1 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; and

4.2 Prior to occupancy or use of the development, permanent fixed cabinetry no less than 600 millimetres in width shall be provided against the western wall of the 'Kitchen' of Unit 6, to the satisfaction of the City;

5. Colours and Materials

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

satisfaction of the City; and

- 5.2 The metre boxes are to be painted the same colour as the wall they are attached so as to not be visually obtrusive, to the satisfaction of the City;

## 6. Landscaping

- 6.1 An updated landscaping plan including deep soil and planting areas that are consistent with the development plans dated 16 November 2022 shall be submitted to and approved by the City prior to the issuing of a building permit;
- 6.2 All landscaping works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City;
- 6.3 Prior to the first occupation of the development, the redundant or “blind” crossovers shall be removed, the verge area landscaped and the kerb made good to the City’s specifications and to the satisfaction of the City, at the applicant/owner’s full expense; and
- 6.4 Prior to first occupation of the development, one additional tree shall be provided along the eastern boundary of the site where they do not provide conflict with vehicle manoeuvring to the City’s satisfaction. Evergreen species shall be provided and should seek to maximise canopy cover;

## 7. Stormwater

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

## 8. Sight Lines

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

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

Unless otherwise approved by the City of Vincent;

## 9. Car Parking and Access

- 9.1 The layout and dimensions of all driveways and parking areas shall be in accordance with AS2890.1;
- 9.2 All driveways, car parking and manoeuvring areas which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City;
- 9.3 Prior to the occupation or use of the development, one visitor parking bay shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City; and
- 9.4 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided;

**10. Construction Management Plan**

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

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

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

**11. Noise Attenuation Requirements**

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

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

**COUNCIL DECISION ITEM 9.1**

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






That the recommendation be adopted.

**CARRIED (8-1)**

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

**Against:** Cr Ioppolo

**10.3 FINAL ADOPTION OF CITY OF VINCENT ANIMAL LOCAL LAW 2021**

- Attachments:
1. City of Vincent Animal Local Law 2022 Final version for adoption 
  2. Animal Local Law 2021 - Advertised Version 
  3. Summary of feedback from the Department of Local Government, Sport and Cultural Industries (DLGSC) 
  4. Graphical summary of survey responses - draft Animal Local Law 2021 
  5. Summary of written comments from respondents, draft Animal Local Law 2021 

**RECOMMENDATION:**

That Council:

1. **GIVES NOTICE** that the purpose of the Animal Local Law 2021 is to:
  - 1.1 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;
  - 1.2 effectively control and manage cats, consistent with the State Government review findings from November 2019 of the Statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013*; and
  - 1.3 to effectively deter failing to comply with select provisions of the proposed Animal Local Law 2021;
2. **GIVES NOTICE** that the effect of the Animal Local Law 2021 is to:
  - 2.1 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;
  - 2.2 introduce a regulatory framework for the control and management of cats; and
  - 2.3 introduce modified penalties for failing to comply with select provisions of the proposed Animal Local Law 2021;
3. **MAKES BY ABSOLUTE MAJORITY**, the Animal Local Law 2022 at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer.

**COUNCIL DECISION ITEM 10.3**

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

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

At 6.53pm Manager Built Environment & Wellbeing left the meeting and did not return.

**10.1 STORMWATER DRAINAGE**

- Attachments:
1. Drainage Technical memorandum - Confidential
  2. Ordinary Council Meeting Minutes 5 April 2022 
  3. Flooding Hotspot Areas 

**RECOMMENDATION:**

That Council **SUPPORTS** the City's approach to develop a stormwater drainage strategy over the next three (3) financial years predicated on the following –

**1. Engineering Design**

- 1.1 Current capital budget provision of \$425K is allocated to drainage data capture and the balance directed to minor drainage capital work upgrades throughout the City of Vincent, commencing within the Mount Hawthorn precinct;
- 1.2 Hydraulic modelling to be undertaken in 2023 – 2024 financial year (estimated cost of \$80,000 - \$160,000) to be included for Council deliberation in the 2023 -2024 Annual Budget preparations;
- 1.3 Climate Change scenario to be assessed based on the current drainage system anticipated be undertaken during the 2023 - 2024 financial year (funded through the above modelling project); and
- 1.4 Cost for drainage design and construction over a 10-year period to be prepared for Council consideration in the Long Term Financial Plan and Capital Works Program from 2024 - 2025 financial year onwards.

**2. Engineering Operations**

- 2.1 Current operational budget provision for 2022 - 2023 financial year of \$160,000, allocated to external contractors for cleaning out stormwater drainage systems limited to the two hundred (200) hotspot flooding areas; and
- 2.2 An increase in the Level of Service for cleaning out the stormwater drainage system using internal resources to mitigate the risk and severity of flooding (subject to the finalisation and approval of a business case) be included for Council deliberation in the 2023 - 2024 Annual Budget preparations.

**COUNCIL DECISION ITEM 10.1**

**Moved:** Cr Wallace, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

At 6.59pm Manager Engineering left the meeting and did not return.

At 6.59pm Manager Marketing & Partnerships left the meeting and did not return.



**10.2 NEW PARKING LOCAL LAW 2023**

Attachments: 1. Attachment 1 - Parking Local Law 2023 - Advertised copy 

**RECOMMENDATION:**

That Council:

1. **GIVES** statewide and local public notice, in accordance with section 3.12 of the *Local Government Act 1995* stating that:
  - 1.1 It is proposed to repeal the *City of Vincent Parking and Parking Facilities Local Law 2007* and replace it with the *City of Vincent Parking Local Law 2023* at Attachment 1;
  - 1.2 The purpose of the *City of Vincent Parking Local Law 2023* is to provide for the regulation, control and management of parking and vehicles within the local government;
  - 1.3 The effect of this local law is to ensure that any person parking a vehicle within the City of Vincent is to comply with these provisions;
  - 1.4 Copies of the proposed local law are available for inspection at the City's Administration & Civic Centre, Library and Local History Centre and on its website; and
  - 1.5 Submissions on the proposed local law may be made to the City within a period of not less than six weeks after public notice is given;
2. **NOTES** that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local laws and public notice will be provided to the Minister for Local Government; and
3. **NOTES** that any submissions received as a result of the public notice provided as set out in 1. Above will be presented to Council for consideration.

**COUNCIL DECISION ITEM 10.2**

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

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

At 7.00pm Project and Strategy Officer, Ranger Services and Jade Olynyk from Jackson McDonald left the meeting and did not return.

**9.9 REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF LEEDERVILLE CARPARKS: STAGE 2**

- Attachments:**
1. **Redevelopment Proposals Process** 
  2. **Redevelopment Proposals Selection Criteria** 
  3. **Stage 2 Request for Detailed Proposals** 
  4. **Probity Certificate** 

**RECOMMENDATION**

**That Council:**

1. **APPROVES** the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville; and
2. **AUTHORISES** the Chief Executive Officer to engage an independent external accounting firm to conduct due diligence on the commercial and financial assessment undertaken relating to the Stage Two proponent submissions, prior to presenting the preferred proposal to Council for approval to advertise.

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

**That the recommendation be adopted.**

**AMENDMENT 1**

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

**That an additional Recommendation 3 be inserted as follows:**

3. **INSTRUCTS AND AUTHORISES** the Chief Executive Officer to, prior to seeking Council endorsement on the preferred proposal (EOI process Stage 2 Step 8), request further advice on the property valuations previously received for The Avenue and Frame Court land including:
  - **Consideration and commentary of any additional encumbrances on the land not previously included, such as the Primary Regional Road reservation, which impacts the north-western portion of The Avenue Car Park.**
  - **Valuation on an 'as is basis' (as opposed to an 'as if complete' basis) for the subject land, both individually and together.**
  - **Consideration of whether an appropriate subdivision and sale of the land is likely to generate more than the 'as is' valuation for The Avenue and Frame Court parcels.**
  - **Value of land when including a condition of providing 400 public car parking bays.**
  - **Any consequential effect on the valuations in the Valuation report as mentioned above.**

**REASON:**

The market valuation of the subject land is a material consideration for Council and the current valuation, being valued on an 'as if complete' basis, does not inform Council as to the alternate proposition of selling it 'as is'. This may generate higher financial returns and still generate desirable qualitative build aspects and community amenity through reliance placed on the Leederville Structure Plan.

The current scope of the valuation report procured by Administration doesn't provide the full picture for permitting Council to make an informed decision on the options and likely financial outcomes.

**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

NOTE: During debate on the above Amendment the following occurred –  
7:37pm Cr Loden left the meeting.  
7:38pm Cr Loden returned to the meeting.

## **AMENDMENT 2**

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

That Recommendation 1 be amended as follows:

1. **APPROVES** the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville **with the following amendments:**
  - 1.1 **After the first mentioned reference to “public car bays”, insert the following “Defined as parking bays available to the general public, whether or not owned or controlled by the City of Vincent, and provided 24 hours a day, 7 days per week at casual rates without condition as to the establishment or business to be visited and excluding bays available on a fixed tenancy basis.”**
  - 1.2 **Replace “Provision of an ‘as if complete’ market value of the public car parks returned to the City, with a supporting valuation, inclusive of relevant market evidence, rationale, input assumptions and valuation calculations that include a 10-year discounted cashflow approach.” with “Provision of a market valuation of any public car parking facilities built and returned (specifying in what form e.g. retained, or returned by way of lease or freehold transfer) to the City of Vincent using a discounted cash flow basis, with supporting valuation, inclusive of relevant market evidence, rationale, input assumptions and valuation calculations that include a 10-year discounted cashflow approach with an appropriate terminal value and including all maintenance and operating cash outflows associated with its operation.”**
  - 1.3 **Insert “including life of asset maintenance” following “Provide an order of magnitude cost” and prior to “plan for the public car parks prepared by a reputable and experienced quantity surveyor.”**
  - 1.4 **Add additional point “For completeness and for the avoidance of doubt, in relation to the number of public car bays, specify the number of ground floor parking bays within each facility or within the subject land, with a separate breakdown between The Avenue and Frame Court land parcels.”**
  - 1.5 **Replace “equity partners” with “equity and debt partners”**
  - 1.6 **Insert “(as defined above)” at end of “The ‘as if complete’ market value of the public car parks returned to the City”**

## **REASON:**

1. The City of Vincent currently provides approximately 470 public parking bays for the general public without condition, and it is useful to understand that the Proponents understanding and use of the term ‘public car bays’ approximates a similar definition ascribed to the current parking provided at the subject sites to the general public because it relates to the public amenity of any proposed development.
2. The market valuation of any car parking facility that is effectively to be acquired by the City of Vincent is a material component of the underlying transaction. Given that this is replacing an existing cash flow stream that does not incur significant maintenance costs to administer, the market valuation of any replacement car parking facility needs to include maintenance and operating costs in the DCF modelling so that the City understand the true value of asset to be acquired. Clarity is also the meaning of returned is not clear as this could be retained, or returned by way of lease or freehold transfer. For the sake of clarity and completeness, this distinguishment may affect the evaluation between proponents.

3. All capital assets typically have a trade-off between upfront capital spend and the ongoing maintenance requirements over the useful life of the asset. For example, a car park could be built at a lower capital cost range but in exchange, would require higher maintenance costs or lower associated effective life of component parts. In terms of understanding the asset to be acquired and the assessment of cash foregone versus ongoing maintenance, the City of Vincent requires assumptions about the estimated maintenance costs of the assets over the useful life.
4. This is important for accessibility, particularly mobility impaired and elderly visitors.
5. Some partners may take the form of debt or quasi or mezzanine debt instead of equity and this ought to be disclosed.
6. To align the definition of market value for the NPV to the changes made above.

The Presiding Member, Mayor Cole, ruled in accordance with clause 5.7 of the Meeting Procedures Local Law 2008 that the motion be dealt with in two parts as follows -

### **AMENDMENT 2 PART A**

1. **APPROVES** the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville **with the following amendments:**

- 1.1 **After the first mentioned reference to “public car bays”, insert the following “Defined as parking bays available to the general public, whether or not owned or controlled by the City of Vincent, and provided 24 hours a day, 7 days per week at casual rates without condition as to the establishment or business to be visited and excluding bays available on a fixed tenancy basis.”**

**LOST (2-7)**

**For:** Cr Alexander and Cr Ioppolo

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

NOTE: During debate on the above Amendment the following occurred –  
 At 7:41 pm, Executive Director Strategy & Development left the meeting.  
 At 7:42 pm, Executive Director Strategy & Development returned to the meeting.

### **AMENDMENT 2 PART B**

1. **APPROVES** the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville **with the following amendments:**

- 1.2 **Replace “Provision of an ‘as if complete’ market value of the public car parks returned to the City, with a supporting valuation, inclusive of relevant market evidence, rationale, input assumptions and valuation calculations that include a 10-year discounted cashflow approach.” with “Provision of a market valuation of any public car parking facilities built and returned (specifying in what form e.g. retained, or returned by way of lease or freehold transfer) to the City of Vincent using a discounted cash flow basis, with supporting valuation, inclusive of relevant market evidence, rationale, input assumptions and valuation calculations that include a 10-year discounted cashflow approach with an appropriate terminal value and including all maintenance and operating cash outflows associated with its operation.”**
- 1.3 **Insert “including life of asset maintenance” following “Provide an order of magnitude cost” and prior to “plan for the public car parks prepared by a reputable and experienced quantity surveyor.”**
- 1.4 **Add additional point “For completeness and for the avoidance of doubt, in relation to the**

number of public car bays, specify the number of ground floor parking bays within each facility or within the subject land, with a separate breakdown between The Avenue and Frame Court land parcels.”

1.5 Replace “equity partners” with “equity and debt partners”

1.6 Insert “(as defined above)” at end of “The ‘as if complete’ market value of the public car parks returned to the City”

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

NOTE: During debate on the above Amendment the following occurred –  
7:49pm Cr Wallace left the meeting.  
7:51pm Cr Wallace returned to the meeting.

### **AMENDMENT 2 PART C**

**Moved:** Cr Ioppolo, **Seconded:** Cr Worner

That Recommendation 1 be amended as follows:

1. APPROVES the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville **with the following amendments:**

1.1 **After the heading “car park” insert the following “outline if and when the public car bays would be available to the general public (i.e. Owned or controlled by the City of Vincent and provided 24 hours a day, 7 days per week at casual rates or another option)”.**

**CARRIED UNANIMOUSLY (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 Castle

That the recommendation be amended as follows:

2. AUTHORISES the Chief Executive Officer to engage an independent external **‘Big 4’ accounting firm or a second-tier national accounting firm that is a current member of the Chartered Accountants in Australia & New Zealand and that has the relevant experience for the scope,** to conduct due diligence on the commercial and financial assessment undertaken relating to the Stage Two proponent submissions, prior to presenting the preferred proposal to Council for approval to advertise.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

NOTE: During debate on the above Amendment the following occurred –

At 8:02 pm, Cr Jonathan Hallett left the meeting.

At 8:03 pm, Cr Jonathan Hallett returned to the meeting.

At 8:03 pm, Manager Development & Design left the meeting.

At 8:04 pm, Manager Development & Design returned to the meeting.

### **COUNCIL DECISION ITEM 9.9**

**That Council:**

- 1. APPROVES the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville; with the following amendments:**
  - 1.1 After the heading “car park” insert the following “outline if and when the public car bays would be available to the general public (i.e. Owned or controlled by the City of Vincent and provided 24 hours a day, 7 days per week at casual rates or another option)”**
  - 1.2 Replace “Provision of an ‘as if complete’ market value of the public car parks returned to the City, with a supporting valuation, inclusive of relevant market evidence, rationale, input assumptions and valuation calculations that include a 10-year discounted cashflow approach.” with “Provision of a market valuation of any public car parking facilities built and returned (specifying in what form e.g. retained, or returned by way of lease or freehold transfer) to the City of Vincent using a discounted cash flow basis, with supporting valuation, inclusive of relevant market evidence, rationale, input assumptions and valuation calculations that include a 10-year discounted cashflow approach with an appropriate terminal value and including all maintenance and operating cash outflows associated with its operation.”**
  - 1.3 Insert “including life of asset maintenance” following “Provide an order of magnitude cost” and prior to “plan for the public car parks prepared by a reputable and experienced quantity surveyor.”**
  - 1.4 Add additional point “For completeness and for the avoidance of doubt, in relation to the number of public car bays, specify the number of ground floor parking bays within each facility or within the subject land, with a separate breakdown between The Avenue and Frame Court land parcels.”**
  - 1.5 Replace “equity partners” with “equity and debt partners”**
  - 1.6 Insert “(as defined above)” at end of “The ‘as if complete’ market value of the public car parks returned to the City”**
- 2. AUTHORISES the Chief Executive Officer to engage an independent external ‘Big 4’ accounting firm or a second-tier national accounting firm that is a current member of the Chartered Accountants in Australia & New Zealand and that has the relevant experience for the scope, to conduct due diligence on the commercial and financial assessment undertaken relating to the Stage Two proponent submissions, prior to presenting the preferred proposal to Council for approval to advertise.**
- 3. INSTRUCTS AND AUTHORISES the Chief Executive Officer to, prior to seeking Council endorsement on the preferred proposal (EOI process Stage 2 Step 8), request further advice on the property valuations previously received for The Avenue and Frame Court land including:**
  - Consideration and commentary of any additional encumbrances on the land not previously included, such as the Primary Regional Road reservation, which impacts the north-western portion of The Avenue Car Park.**
  - Valuation on an ‘as is basis’ (as opposed to an ‘as if complete’ basis) for the subject land, both individually and together.**
  - Consideration of whether an appropriate subdivision and sale of the land is likely to generate more than the ‘as is’ valuation for The Avenue and Frame Court parcels.**

- Value of land when including a condition of providing 400 public car parking bays.
- Any consequential effect on the valuations in the Valuation report as mentioned above.

**CARRIED (8-1)**






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

**Against:** Cr Ioppolo

At 8:07 pm, Manager Development & Design left the meeting and did not return.

At 8.07 Ian Mickle and John Del Dosso of Cygnet West left the meeting and did not return.

**9.3 NO. 21A (LOT: 25; D/P: 2422) VIEW STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO COMMERCIAL PREMISES (SIGNAGE)****Ward:** South

- Attachments:**
1. Consultation and Location Plan 
  2. Development Plans 
  3. Applicant's Heritage Impact Statement 
  4. Historical Image of Signage 
  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 application for Alterations and Additions to Commercial Premises (Signage) at No. 21A (Lot: 25; D/P: 2422) View Street, North Perth, in accordance with the plans shown 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 Commercial Premises (Signage) as shown on the approved plans dated 22 November 2022. No other development forms part of this approval;

**2. 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; and

**3. Signage**

**3.1 All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained;**

**3.2 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;**

**3.3 The signage shall not be illuminated: and**

**3.4 All signage shall advertise the business operating, or products or services that are available on the site, for the duration of its display on-site and to the satisfaction of the City.**

At 8:08 pm, Mayor Emma Cole left the meeting. Deputy Mayor Susan Gontaszewski assumed the Chair.

**COUNCIL DECISION ITEM 9.3**

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

**That the recommendation be adopted.**




**CARRIED (8-0)**

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

**Against:** Nil

**(Mayor Cole was absent from the Council Chamber and did not vote.)**



**9.4 NO. 138B (LOT: 1; STR: 12047) OXFORD STREET, LEEDERVILLE - PROPOSED SIGNAGE ADDITION TO ELECTRIC LANE****Ward: South****Attachments:**  
1. Consultation and Location Map   
2. Development Plans   
3. 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 Unlisted Use (Signage Addition to Electric Lane) at No. 138B (Lot: 1; STR: 12047) Oxford Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 3:

**1. Development Plans**

This approval is for Unlisted Use (Signage Addition to Electric Lane) as shown on the approved plans dated 15 November 2022, 22 November 2022 and 7 December 2022. No other development forms part of this approval;

**2. Signs and Advertising Policy**

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained;

**3. Signage Illumination**

Illuminated signage shall:

- 3.1 not cause a nuisance, by way of light spillage, to abutting sites;
- 3.2 not comprise flashing, intermittent or running lights, or images that change more than once in any five minute period; and
- 3.3 not interfere with or be likely to be confused with, traffic control signals;

**4. Maintenance**

All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and

**5. Access and Indemnity**

Prior to the lodgement of a Building Permit for the proposed development on No. 138B Oxford Street, Leederville ("the land"):

- 5.1 the applicant shall enter into an agreement for access and indemnity (Agreement) with the City of Vincent ("the City") whereby the applicant:
  - 5.1.1 Indemnifies the City against any loss or damage to any property or thing or death or injury to any person in accordance with the terms of the Agreement;
  - 5.1.2 Agrees to take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the City; and
- 5.2 The applicant shall maintain at its cost the development constructed over the road reserve to the satisfaction of the City.

**COUNCIL DECISION ITEM 9.4**

**Moved: Cr Ioppolo, Seconded: Cr Alexander**

**That the recommendation be adopted.**






**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

NOTE: During debate on the above item the following occurred –  
At 8:16 pm Mayor Emma Cole returned to the meeting and resumed the Chair.

**9.5 LOCAL PLANNING POLICY: RESTRICTED PREMISES - SMOKING**

- Attachments:
1. Advertised Draft Local Planning Policy: Restricted Premises - Smoking 
  2. Summary of Submissions (Redacted) 
  3. Local Planning Policy: Restricted Premises - Smoking (Tracked) 
  4. Local Planning Policy: Restricted Premises - Smoking 
  5. Full Submissions (Redacted) 

**RECOMMENDATION:**

That Council **PROCEEDS** with Local Planning Policy: Restricted Premises – Smoking, pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* at Attachment 4.

**COUNCIL DECISION ITEM 9.5**

**Moved:** Cr Hallett, **Seconded:** Cr Wallace

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**9.8 MOUNT HAWTHORN YOUTH SKATE SPACE**

- Attachments:**
1. **Mount Hawthorn Youth Skate Space - Preliminary Consultation Summary**
  2. **Mount Hawthorn Youth Skate Space - Concept Plan**
  3. **Mount Hawthorn Youth Skate Space - Concept Perspectives**
  4. **Mount Hawthorn Youth Skate Space - Consultation Summary**

**RECOMMENDATION:**

That Council **ENDORSES** the Mount Hawthorn Youth Skate Space Concept Plan at Attachment 2.

**Moved:** Cr Castle, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.



**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

At 8:25 pm, Cr Suzanne Worner left the meeting due to a previously declared financial interest.

## 11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 OCTOBER 2022 TO 31 OCTOBER 2022

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

### RECOMMENDATION:

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

EFT payments, including payroll	\$4,889,139.72
Cheques	\$351.90
Direct debits, including credit cards	\$167,792.80
<b>Total payments for October 2022</b>	<b>\$5,057,284.42</b>

### COUNCIL DECISION ITEM 11.2

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

**CARRIED (8-0)**

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

**Against:** Nil

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

At 8:27 pm, Cr Suzanne Worner returned to the meeting.

**12.2 COUNCIL RECESS PERIOD 2022-23 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**

Attachments: Nil

**RECOMMENDATION:**

That Council DELEGATES BY ABSOLUTE MAJORITY, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise between 14 December 2022 and 6 February 2023, and which are not the subject of delegated authority already granted by Council, subject to:

1. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
2. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 14 February 2023; and
4. A Register of Items Approved under this Delegated Authority is being kept and made available for public inspection on the City's website during the period that the delegation applies.

**COUNCIL DECISION ITEM 12.2**

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

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

**13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****13.1 NOTICE OF MOTION - CR DAN LODEN - COMPULSORY CITIZENSHIP CEREMONIES**

That Council:

1. **ACKNOWLEDGES** the City of Vincent's long-standing commitment to work in partnership with Aboriginal and Torres Strait Islander peoples to address disadvantage and close the gap between Aboriginal and non-Aboriginal Australians;
2. **RECOGNISES** that:
  - 2.1 **Australia Day on 26 January celebrates the establishment of the first permanent European settlement on the continent of Australia, when Arthur Phillip sailed onto Sydney Cove and hoisted the British flag at the site and that under Australian Citizenship Ceremonies Code local councils are required to host Citizenship ceremonies for new citizens every year on 26 January; and**
  - 2.2 **the arrival of the first fleet and raising of the British flag was the point at which Aboriginal people were dispossessed of their land and celebrations on this date are considered disrespectful by many Aboriginal and Torres Strait Islander peoples particularly to their prior 65,000 years of continuous civilisation; and**
3. **ACKNOWLEDGES** the City of Vincent Elder's group support for the City of Vincent to seek to change the date of our Citizenship Ceremony in January.
4. **REQUESTS** that the Mayor writes to the relevant federal Minister and departments to request that the decision of the previous Federal government for 'compulsory Citizenship Ceremonies' to be held on Australia Day cease. Further that this decision making be returned to each local government to decide as was previously the case.

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

**That the motion be adopted.**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**13.2 NOTICE OF MOTION - CR ASHLEY WALLACE - LOCAL PLANNING SCHEME NO. 2 AMENDMENT REGARDING SERVICE STATIONS**

That Council:

1. PREPARES an amendment to Local Planning Scheme No. 2 pursuant to section 75 of the Planning and Development Act 2005 (as amended) to:
  - 1.1 Reclassify the permissibility of the use class 'Service station' from 'A' in the Mixed Use Zone; and 'D' in the Local Centre, District Centre and Regional Centre Zone, to 'X' in 'Table 1 – Zoning table';
  - 1.2 Amend Clause 32, 'Additional site and development requirements' to include: 'Use class Service station is not permitted where the lot on which the service station is located is adjoining or adjacent to a Residential or Mixed use zone'; and
2. CONSIDERS Amendment No. 12 to Local Planning Scheme No. 2 as a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
  - 2.1 It is consistent with the City's Local Planning Strategy, objective (a) – To promote and safeguard the health, safety and convenience and general welfare of the inhabitants of the City and Clause 1.4.4 – Traffic and Transport, *provide for a more efficient use of existing transportation infrastructure within the City to ensure the vitality of the businesses and activity centres in the City and protection of residential amenity;*
  - 2.2 It is consistent with the intent of the Urban zone under the Metropolitan Region Scheme to provide for a range of commercial activities;
  - 2.3 It is consistent with the objectives of the zones of the Scheme Mixed Use, Local Centre, District Centre and Regional Centre Zones as it would prohibit a commercial land uses ( 'service station') which is not compatible with residential uses and would be detrimental to the amenity of adjoining owners or residential properties in the locality;
  - 2.4 It does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - 2.5 It is not a complex or basic amendment.

At 8:55 pm, Chief Financial Officer left the meeting and did not return.

**COUNCIL DECISION ITEM 13.2**

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

That the motion be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil



**13.3 NOTICE OF MOTION - CR ROSS IOPPOLO - LEEDERVILLE OVAL MASTER PLAN**

That Council:

1. **NOTES** the 2019 Leederville Oval Master Plan Report at Attachment 1 (Master Plan);
2. **INSTRUCTS** the Chief Executive Officer (CEO) to form a Project Working Group (Leederville Oval Working Group) to input into the strategic direction of the Master Plan including funding options which is likely to involve preliminary non-binding discussions with the WA Football Commission (WAFC), the Australian Football League (AFL) and the State Government and further that:
  - a. **Update** the Project Plan to include a project that appropriately gives effect to this Motion;
  - b. **Acknowledging** the considerably relevant skills and experience in the related subject matter, appoint Cr Ron Alexander as Chair with the remaining composition of the Leederville Oval Working Group to be determined through consultation between the CEO, Mayor and Cr Ron Alexander;
  - c. **Given** that timing is of the essence with regard to WAFC and AFL funding possibilities, that the composition of the Leederville Oval Working Group be determined prior to 23 December 2022 and that one briefing session be held so that all relevant information may be presented to the Leederville Oval Working Group; and
  - d. **Based** on the deliberations and strategic input of the Leederville Oval Working Group, provide an **UPDATE** on the Master Plan process by 30 April 2023 for Council consideration at its meeting on 16 May 2023.

**COUNCIL DECISION ITEM 13.3**

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

That the motion be adopted.

**CARRIED (7-1)**

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

**Against:** Cr Castle

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

At 9:16 pm Cr Ross Ioppolo left the meeting.

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

Nil

**15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**16 URGENT BUSINESS**

Nil

**17 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED****PROCEDURAL MOTION****Moved: Cr Loden, Seconded: Cr Hallett**

That pursuant to Section 5.23(2) of the *Local Government Act 1995* and clause 2.14 of the Meeting Procedures Local Law 2008, Council proceeds “behind closed doors”, to consider the confidential reports.

**CARRIED (8-0)**

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

**Against:**

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

At 9.18pm the livestream stopped so that discussion could take place on Item 17.1 Employment Contract Renewal – Chief Executive Officer.

At 9.18pm Having earlier made a declaration of interest the Chief Executive Officer left the meeting and did not return. The Executive Director Strategy & Development and Manager Policy & Place left the meeting and did not return.

At 9:22 pm Cr Ross Ioppolo returned to the meeting.

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

**That the Council resume an “open meeting”.**

**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

At 9.26pm the livestream recommenced and the Presiding Member, Emma Cole, read the below decision which was decided behind closed doors.

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

That Council:

1. **APPROVES** the renewal of the employment contract for the City of Vincent Chief Executive Officer, Mr David MacLennan, subject to the following –
  - 1.1 Three (3) year Term commencing commencing 19 October 2023 and ending 18 October 2026.
  - 1.2 Revised employment contract for the above Term (reflecting existing terms and conditions and minor changes for legal and regulatory compliance) detailed in Confidential Attachment 2.
  - 1.3 Proposed Total Remuneration Package from 14 December 2022 as detailed under 'Financial/Budget Implications' *Table 2. Proposed CEO Salary Package from 14/12/2022.*
  - 1.4 Performance criteria effective at commencement of the further Term as determined by agreement between Council and the CEO through the CEO Annual Performance Review process for 2022 – 2023.
2. **AUTHORISES** the Mayor to execute the revised employment contract on behalf of Council.

**CARRIED (8-1)****For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace**Against:** Cr Ioppolo**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 9.28pm with the following persons present:

<b>PRESENT:</b>	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Ron Alexander	North Ward
	Cr Alex Castle	North Ward
	Cr Dan Loden	North Ward
	Cr Suzanne Worner	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Ross Ioppolo	South Ward
	Cr Ashley Wallace	South Ward
<b>IN ATTENDANCE:</b>	Peter Varris	A/Executive Director Infrastructure & Environment
	Wendy Barnard	Council Liaison Officer

**Public:** No members of the public.

These Minutes were confirmed at the 14 February 2023 meeting of Council as a true and accurate record of the Ordinary Meeting of Council held on 13 December 2022.

Signed: Mayor Emma Cole



Dated 14 February 2023