



**CITY OF VINCENT**

# **NOTES**

**Council Briefing**

**10 October 2023**



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**NOTES OF CITY OF VINCENT  
COUNCIL BRIEFING  
HELD AT THE ADMINISTRATION AND CIVIC CENTRE,  
244 VINCENT STREET, LEEDERVILLE  
ON TUESDAY, 10 OCTOBER 2023 AT 6.00PM**

<b>PRESENT:</b>	<b>Mayor Emma Cole</b> <b>Cr Susan Gontaszewski</b> <b>Cr Alex Castle</b> <b>Cr Jonathan Hallett</b> <b>Cr Ron Alexander</b>	<b>Presiding Member</b> <b>South Ward</b> <b>North Ward</b> <b>South Ward</b> <b>North Ward</b>
<b>IN ATTENDANCE:</b>	<b>David MacLennan</b> <b>Peter Varris</b>  <b>Rhys Taylor</b> <b>Jay Naidoo</b> <b>Joslin Colli</b>  <b>Wendy Barnard</b>	<b>Chief Executive Officer</b> <b>Executive Director Infrastructure &amp; Environment</b> <b>Chief Financial Officer</b> <b>Manager Development &amp; Design</b> <b>Executive Manager Corporate Strategy &amp; Governance</b> <b>Council Liaison Officer</b>
<b>Public:</b>	No members of the public.	

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

The Presiding Member, 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 and present.”

## **2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE**

An apology was received from Cr Ross Ioppolo.

An apology was received from Cr Suzanne Worner.

An apology was received from Cr Dan Loden.

An apology was received from Cr Ashley Wallace.

## **3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

As no questions or statements were submitted in writing, and there were no speakers, Public Question Time closed at approximately 6.02pm.







## **4 DECLARATIONS OF INTEREST**

Mayor Emma Cole declared a financial Interest in Item 5.2 Amendment to the Municipal Heritage Inventory: 40 Guildford Road, Mount Lawley. The extent of her interest is that the land is owned by the Western Australian Planning Commission (WAPC) and she is a paid Commission Member and also sits on the Executive, Finance and Property Committee that deal with WAPC property matters. She is not seeking approval to participate in the debate or remain in Chambers or vote on the matter.

## 5 STRATEGY & DEVELOPMENT

### 5.1 NO. 54 (LOT: 7; PLAN: 4387) LINCOLN STREET HIGHGATE – PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE

Ward: South

- Attachments:
1. Consultation and Location Map 
  2. Development Plans 
  3. Determination Advice Notes 
  4. Summary of Submissions - Administration's Response 
  5. Summary of Submissions - Applicant's Response 
  6. Streetscape Perspectives 

#### 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 and Alterations and Additions to Single House at No. 54 (Lot: 7; Plan: 4387) Lincoln Street, Highgate, 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 Alterations and Additions to Single House as shown on the approved plans dated 15 August 2023. No other development forms part of this approval;

#### 2. Amended Plans

Prior to the lodgement of a building permit, amended plans shall be submitted to and approved by the City that show the retention of a frame of brickwork across the ceiling and down the sides of the walls in the demolition of the internal wall between the living and dining rooms. Development and demolition works must be undertaken in accordance with the amended plans approved by the City and prior to use of the approved development, to the satisfaction of the City;

#### 3. 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 boundary walls shall be finished in accordance with the as shown on the approved schedule of materials, or material as otherwise approved, to the satisfaction of the City;

#### 4. Colours and Materials

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;

#### 5. 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;

#### 6. 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; and

**7. Photographic Record of Works**

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.

**NO QUESTIONS**

At 6:04 pm, Mayor Emma Cole left the meeting due to a previously declared proximity interest.

Cr Gontaszewski assumed the chair.

## 5.2 AMENDMENT TO THE MUNICIPAL HERITAGE INVENTORY: 40 GUILDFORD ROAD, MOUNT LAWLEY

- Attachments:
1. Submission Letter 
  2. Main Roads Approved Land Dealings Plan - Guildford Road and East Parade 
  3. Applicant's Heritage Impact Statement 
  4. Photographic Archival Record 
  5. Applicant's Response to Design Review Panel's Comments 
  6. Applicant's Response to Administration Comments 
  7. Summary of Submissions 

### RECOMMENDATION:

That Council:

1. RESOLVES that No. 40 (Lots 254 and 403) Guildford Road, Mount Lawley be removed from the City's Municipal Heritage Inventory (MHI) pursuant to Schedule 2, Part 3, Clause 8(3)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. NOTES that Administration will notify the Heritage Council of Western Australia and the owner of the place of this decision pursuant to Schedule 2, Part 3, Clause 8(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### CR CASTLE:

How can the City stop/enforce owners of heritage listed properties from neglecting to an extent that demolition is required?

### EXECUTIVE MANAGER DEVELOPMENT & DESIGN AND STRATEGIC PLANNING:

*The City can issue a Heritage Conservation Notice to property owners who have neglected their property. The notice is issued under the Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations).*

*The notice can be issued to the owner or occupier where the City is of the view that a heritage place is not being properly maintained. Properly maintained is defined as relating to ensuring that there is no actual or imminent loss or deterioration of the structural integrity of the heritage place or to the integral elements in the statement of significance for the heritage place.*

*The notice is to require the person carry out specified repairs to the heritage place in a timeframe that is not less than 60 days after the notice is given. The City has the ability to carry out the repairs itself if the person fails to comply with the notice and the costs of carrying out those works recovered by the City in court.*

*Council has delegated to the CEO the power to issue a Heritage Conservation Notice in the [Register of Delegations, Authorisations and Appointments](#).*

*The City has sought to enshrine Heritage Conservation Notices in Local Planning Scheme No. 2 and make it an offence under section 218(a) of the Planning and Development Act 2005 if a property owner fails to comply with the notice. This was included as part of Omnibus Amendment 10 to the Scheme that was supported by Council at its Ordinary Meeting dated [18 October 2022](#).*

At 6:13 pm, Mayor Emma Cole returned to the meeting and resumed the chair.

**5.3 ADVERTISING OF PROPOSED REVOCATION - LOCAL PLANNING POLICY NO. 7.4.9 - ENCROACHMENTS OVER CROWN LANDS**

- Attachments:
1. Local Planning Policy No. 7.4.9 - Encroachments Over Crown Lands 
  2. Local Planning Policy No. 7.4.9 - Encroachments Over Crown Lands - Comparison Table 

**RECOMMENDATION****That Council:**

1. **PREPARES** a notice of revocation of Local Planning Policy No. 7.4.9 – Encroachments Over Crown Lands, included in Attachment 1, for the purpose of community consultation, pursuant to Schedule 2, Part 3, Clause 6(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **AUTHORISES** the Chief Executive Officer to carry out community consultation on the proposed revocation in accordance with Schedule 2, Part 3, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. **PUBLISHES** the notice of revocation in accordance with Schedule 2, Part 3, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if no submissions are received during the community consultation period; and
4. **NOTES** that if any submissions are received during the community consultation period, that these would be presented to Council for consideration.

<b>NO QUESTIONS</b>
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## 6 INFRASTRUCTURE & ENVIRONMENT

### 6.1 ADOPTION OF THE ANIMAL AMENDMENT LOCAL LAW 2023

- Attachments:
1. Animal Amendment Local Law 2023 
  2. Animal Amendment Local Law 2023 - modified advertised copy 
  3. Animal Amendment Local Law 2023 - DLGSC comments 
  4. Animal Amendment Local Law 2023 - public comments 

#### RECOMMENDATION:

##### That Council:

1. **GIVES NOTICE** that the purpose of the Animal Amendment Local Law 2023 is to amend certain provisions of the City of Vincent Animal Local Law 2022;
2. **GIVES NOTICE** that the effect of the Animal Amendment Local Law 2023 is to provide further clarity of the requirements with which owners and occupiers of premises must comply with in order to keep cats;
3. **MAKES BY ABSOLUTE MAJORITY** the Animal Amendment Local Law 2023 at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer;
  - 3.1 publishing the *Animal Amendment Local Law 2023* in the Government Gazette in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and
  - 3.2 following Gazettal, providing local public notice in accordance with s3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

#### **MAYOR COLE:**

Can the report be updated to better reflect that the purpose of the amendment is to ensure that the substantive Animal local law is compliant with the provisions of the Cat Act 2011?

#### **EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:**

*The Report has been updated accordingly.*

**7 COMMUNITY & BUSINESS SERVICES**

**7.1 FINANCIAL STATEMENTS AS AT 31 AUGUST 2023**

**Attachments:** 1. **Financial Statements as at 31 August 2023** 

**RECOMMENDATION:**

**That Council RECEIVES the Financial Statements for the month ended 31 August 2023 as shown in Attachment 1.**

<b>NO QUESTIONS</b>
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## 7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 AUGUST 2023 TO 31 AUGUST 2023

- Attachments:
1. August 2023 - Payments by EFT 
  2. August 2023 - Payments by Cheques 
  3. August 2023 - Payments by Direct Debit 

### RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 August 2023 to 31 August 2023 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$5,833,887.04
Cheques	\$643.50
Direct debits, including credit cards	\$643,504.82
<b>Total payments for August 2023</b>	<b>\$6,478,035.36</b>

### MAYOR COLE:

Leederville wifi service – can data be provided on how many people are using the service?

### EXECUTIVE MANAGER INFORMATION AND COMMUNICATION TECHNOLOGY:

*Usage data for the last 6 months:*

	<i>Apr-23</i>	<i>May-23</i>	<i>Jun-23</i>	<i>Jul-23</i>	<i>Aug-23</i>	<i>Sep-23</i>
<b>Connections</b>	395	330	233	302	278	331
<b>Hours connected</b>	549.6	479.55	336.98	462.62	406.12	539.22

### MAYOR COLE:

YMCA community budget grant of \$55k, have they acquitted the last years' community grant funding against the program delivery they were required to provide? Specifically in relation to CoV service.

### EXECUTIVE MANAGER COMMUNICATIONS & ENGAGEMENT:

*Year one of the multi-year collaborative funding with the YMCA concluded 30 June 2023. The acquittal was finalised on 28 July 2023 following a meeting with representatives from the Y and YMCA HQ to discuss some of the outcomes contained in the report.*

*The acquittal highlighted an underspent funding amount of \$1,346 to be carried over into Year two for banners to acknowledge the City's support at events and workshops.*

#### Measurable outcomes from year one

*Support the Youth Squad to deliver four events/workshops for young people in City of Vincent*

- *7 events were delivered including clash of the bands and open mic night*
- *22% attendees were CoV residents*

*Deliver four programs targeted at mental health for at least 30 City of Vincent young people*

- *4 workshops delivered at Mt Lawley & Churchlands High Schools*

*Deliver eight employability, life and soft skills workshops to City of Vincent young people*

- *8 workshops delivered (4 barista courses)*
- *42% attendees were CoV residents*

*In response to the Year one acquittal report, a meeting was held with representatives from the Y, YMCA and City of Vincent to further define measurable outcomes to ensure delivery of a greater variety of workshops.*

*The Year 2 funding agreement was signed on 18th August 2023.*

**7.3 INVESTMENT REPORT AS AT 31 AUGUST 2023**

**Attachments:** 1. Investment Statistics as at 31 August 2023 

**RECOMMENDATION:**

That Council **NOTES** the Investment Statistics for the month ended 31 August 2023 as detailed in Attachment 1.

**NO QUESTIONS**

**7.4 ADVERTISING OF AMENDED POLICY - DIVERSITY ACCESS AND INCLUSION**

Attachments: 1. DRAFT Diversity, Access and Inclusion Policy 

**RECOMMENDATION**

That Council **APPROVES** the proposed amendments to the Diversity, Access and Inclusion Policy, at Attachment 1, for the purpose of community consultation.

<b>NO QUESTIONS</b>
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## 7.5 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO CUSTOMER SERVICE COMPLAINTS MANAGEMENT POLICY

- Attachments:
1. Customer Service Complaints Policy 
  2. Complaint Management Policy - DRAFT 

### RECOMMENDATION:

That Council **ADOPTS** the amended Customer Service Complaints Management Policy (to be renamed Complaint Management Policy) at Attachment 2.

#### MAYOR COLE:

Can the use of language be investigated, particularly could there be stronger alignment between the definitions of habitual/obsessive/unreasonable conduct and clause 6?

#### EXECUTIVE MANAGER COMMUNICATIONS & ENGAGEMENT:

Definitions in the policy have been updated to more closely align with the wording contained in clause 6 as follows:

**Unreasonable Complainant** - ~~Someone who engages in bad behaviour, but generally believes that their complaint is real and has a legitimate basis.~~ An individual who habitually or obsessively expresses their concern(s) in a rude, angry, aggressive or harassing manner. This may be due to the nature or frequency of the complaint or because it raises health, safety, resource or equity issues for the City, its staff or customers.

**Vexatious Complainant** - ~~Someone whose primary objective is to distress or harass rather than having their complaint addressed.~~ Someone who communicates or complains in a repetitive, burdensome or unwarranted manner with the intention of harassing or subduing the City or its staff.

Clause 6 (for reference – no changes to policy wording):

#### 6. Unreasonable and Vexatious Complainant Conduct

As defined by the Ombudsman Western Australia, Unreasonable Complainant Conduct (UCC) tends to fall into the following three groupings:

##### 6.1. Habitual or obsessive conduct

This includes behaviour by a person who:

- o Can't 'let go' of their complaint;
- o can't be satisfied despite the best efforts of the agency; and
- o makes unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)

##### 6.2. Rude, angry and harassing conduct

##### 6.3. Aggressive conduct

Vexatious means a complaint brought solely to harass or subdue. Vexatious complaints may take the form of repetitive, burdensome or unwarranted communication with one or more City employees over matters that are considered resolved or responded to in previous communication with the complainant.

**8 CHIEF EXECUTIVE OFFICER**

**8.1 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO THE CITY'S ADVISORY GROUPS POLICY**

**RECOMMENDATION:**

That Council APPROVES the amended Advisory Groups Policy at Attachment 1.

<b>NO QUESTIONS</b>
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## 8.2 INFORMATION BULLETIN

- Attachments:**
1. **Minutes of the Mindarie Regional Council meeting held on 21 September 2023** 
  2. **Unrecoverable Parking Infringements Write-Off** 
  3. **Minutes of the Catalina Regional Council - Special Council Meeting held on 21 September 2023** 
  4. **Minutes of Arts Advisory Group Meeting held on 30 August 2023** 
  5. **Statistics for Development Services Applications as at the end of September 2023** 
  6. **Register of Legal Action and Prosecutions Monthly - Confidential**
  7. **Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 2 October 2023** 
  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 - September 2023** 
  11. **Register of Notices of Motion - Progress Report - September 2023** 
  12. **Register of Reports to be Actioned - Progress Report - September 2023** 
  13. **Council Workshop Items since 6 September 2023** 
  14. **Council Meeting Statistics** 
  15. **Council Briefing Notes - 12 September 2023** 

### RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated October 2023.

#### MAYOR COLE:

In relation to Council resolution of 14 September 2021, has there been any recent advice from the Department of Planning, Lands and Heritage on when the Statutory Planning Committee will consider the Leederville Precinct Structure Plan? The last update received was that it would be quarter 3 of this year that we are coming to the end of.

#### MANAGER DEVELOPMENT & DESIGN

*The Department's officers anticipate that the Leederville Precinct Structure Plan will be presented to the Statutory Planning Committee before the end of this year.*

*The Register of Reports to be Actioned in the Information Bulletin reflects this update.*

#### CR LODEN (IN WRITING):

Was curious why only 15 development applications were processed in September. The value of the applications didn't seem high so wanted to understand the difference here? Not having a go at the staff here was just the lowest volume of assessments I've seen.

#### MANAGER DEVELOPMENT & DESIGN:

*The lower volume of development application determinations for September is reflective of the following:*

- *The need to undertake assessments of a higher volume of developments applications received in recent months. There was approximately twice the volume of new applications lodged for both August and September compared to July. Early assessment of applications supports timely determinations of applications within statutory timeframes (60 or 90 days).*
- *The time spent in dealing with Development Assessment Panel (DAP) applications and State Administrative Tribunal (SAT) appeal reconsiderations that are scheduled to be determined in the coming months.*
- *Managing changes within the team relating to staffing and onboarding. This means that greater amounts of time have been spent on mentoring and supporting team members.*

*Administration will continue to aim to balance between application determination output and the assessment of newer applications. This will ensure determination volumes are kept high while ensuring applications yet to be determined are continuing to progress through the assessment process.*



**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**11 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**12 CLOSURE**

There being no further business the briefing closed at 6.23pm.