

# MINUTES

# **Ordinary Council Meeting**

## 14 February 2023

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#### MINUTES OF CITY OF VINCENT ORDINARY COUNCIL MEETING HELD AS E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE, 244 VINCENT STREET, LEEDERVILLE ON TUESDAY, 14 FEBRUARY 2023 AT 6.00PM

IN ATTENDANCE: David MacLennan Peter Varris Rhys Taylor Joslin Colli Jay Naidoo Tara Gloster Luka MaCuirk NATTENDANCE: David MacLennan Peter Varris Chief Executive Officer A/Executive Director Infrastructure & Environment Chief Financial Officer (left at 7.00pm during Item 10.1) A/Executive Manager Corporate Strategy & Governance Manager Development & Design Manager Policy & Place (Left at 6.52pm during Item 10.1) Lisa Williams (left at 7.10pm, during Item 9.1)	PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander Cr Alex Castle Cr Jonathan Hallett Cr Ross loppolo Cr Ashley Wallace	Presiding Member South Ward North Ward South Ward South Ward South Ward (arrived at 6.01pm during Item 2) South Ward (arrived at 6.11pm during Item 3A)
during Item 10.1)Joslin ColliA/Executive Manager Corporate Strategy & GovernanceJay NaidooManager Development & Design Tara GlosterTara GlosterManager Policy & Place (Left at 6.52pm during Item 10.1)Lisa WilliamsManager Marketing & Partnerships (left at 7.10pm, during Item 9.1)	IN ATTENDANCE:		A/Executive Director Infrastructure &
Jay Naidoo& GovernanceJay NaidooManager Development & DesignTara GlosterManager Policy & Place (Left at 6.52pm during Item 10.1)Lisa WilliamsManager Marketing & Partnerships (left at 7.10pm, during Item 9.1)		Rhys Taylor	
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(left at 7.10pm, during Item 9.1)		Tara Gloster	
Luke McCuirk Menager Engineering		Lisa Williams	
Luke McGuirk Manager Engineering		Luke McGuirk	Manager Engineering
Wendy Barnard Council Liaison Officer		Wendy Barnard	Council Liaison Officer

Public: Approximately seven members of the public.

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

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.00pm and read the following Acknowledgement of Country statement:

"The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past and present".

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

Cr Dan Loden was an apology for this meeting.

Cr Suzanne Worner was an apology for this meeting.

#### 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 Glenn Christie OAM of Mt Lawley – Item 10.1

Expressed support for petition tabled at item 5 and read the following statement:

Vincent Street from Beaufort Street through to the Mitchell Freeway is a Main Roads distributor road. However the residential section between Beaufort Street and Throssell Street is only single lane, contains speed humps at Norfolk Street and center plantings of now maturing trees, the remaining sections are all four lanes.

My first question is - why is the section between Beaufort and William, that is identical to the section adjacent to Hyde Park, still a 60km/h zone and not mentioned in the agenda item?

I have contacted both the Office of the Minister for Transport, the Hon Rita Saffioti and the Member for Perth, the Hon John Carey who have both indicated support for a reduction in speed from 60km/h to 40km/h subject to the City's support.

My second question - Can the City please review the current anomaly that exists with this section where a speed limit has not been consistently applied when compared to other distributor roads, such as Bulwer and Oxford Streets (both 40km/h), and request an expansion of the 40km/h limit to include all residential sections of Vincent Street that are single lane?

I ask the Councilor's to consider an amendment to Agenda item 10.1 tonight to include an additional recommendation to MRWA to reduce the limit of Vincent Street from Beaufort to William Streets to 40km/h.

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

#### 3.2 Louise Schneider of Mt Lawley - Item 5

• Spoke in support of the petitions tabled at Item 5, in relation to Harold Street Mount Lawley (between Beaufort and Vincent Streets)

#### **First Petition**

- Mentioned that this section of Harold Street is a 24/7 two hour free parking zone, and is quite unique compared to surrounding residential streets in that it is narrow with no intersecting side streets and has no laneway access to the rear of the residential properties
- Stated that some residents have limited or no off street parking so rely on street bays
- Mentioned that following the opening of the Beaufort entertainment venue and the ongoing construction of Challis mixed use developments, it is difficult if not impossible for residents to find parking, as during weekdays construction workers from the Challis development take all the parking and at nights and weekends the Beaufort employees and patrons use the street as long term free parking
- Stated that residents are often forced to park on other residential streets or illegally on private property
- Mentioned that enforcement by Rangers is insufficient to be a deterrent
- Stated that the Beaufort was approved with zero parking for staff or patrons, forcing both to find parking on adjoining streets
- Mentioned that completion of the Challis development will replace the constructions workers with office workers, residents and their visitors, who will compete for parking
- Stated that the parking issues are not unique, and precedence has been set as adjacent Mary Street has restrictions in place to support residential parking
- Mentioned that the parking permit will create a reasonable sharing of parking and ensure availability for residents

#### Second Petition

- Mentioned that as a narrow inner city street this section of Harold Street was not designed to support current traffic volumes
- Stated that when occupied with parking on both sides of the street it becomes a single lane street, impeding traffic flow
- Stated that Ubers and party buses use the street as collection or drop off points and block the street
- Mentioned that as a shortcut between two main roads, it is also a rat run, with speeds often appearing to exceed 40km/h

- Requested that Council makes the street one way exiting onto Beaufort Street, as Mary Street is the same
- Stated that the resident's group feels that their life has been negatively impacted and hopes that implementing the suggested actions will also help to reduce anti-social behaviour in the area

The Presiding Member, Mayor Emma Cole, thanked Ms Schneider for her comments and advised that she is happy to meet with residents to discuss this matter.

#### 3.3 Linda Harris of Leederville

- Stated that she is concerned about the lack of signage for pedestrian only paths in Britannia Reserve, which is becoming an issue with increasing numbers of e-scooters and bicycles
- Stated that a number of elderly people, women with prams and children use the pathway and it is not safe at the moment

The Presiding Member, Mayor Emma Cole, thanked Ms Harris for her comments and mentioned that a response to her AGM motion to the same effect would be dealt with at the March Council Meeting.

#### 3.4 Lesley Florey of Mt Hawthorn

- Stated that a major piece of City infrastructure runs through her property
- Mentioned that the main stormwater pipes are eight decades old and require replacing, maintenance and repair
- Stated that investigation of the area around the stormwater pipe revealed that the ground around the pipe has not been compacted, so the pipes move and in winter they swim in the water table. Movement leads to a significant risk of cracking and leaks
- Expressed concern on the number of cracks and joints in the pipe on her property
- Stated that the joints are the weakest points on the pipes, and queried what the joints are made of? Is it rubber rings or deteriorating cement, and what is the service life?
- As noted in the GHD drainage memorandum, risk management is high.
- The GHD memorandum states there is a large number of drainage infrastructure which runs through private property across the City, some of which are not accessible and failure of these pipes or maintenance issues may result in significant damage to property
- Requests the City deliver a 900mm by 2.4m stormwater pipe with a flange to be delivered to her property, to a position marked by her surveyors and the City
- Stated that this issue has become urgent, and is investigating a solution
- Stated that the ageing pipes are deteriorating, are past their service life, and are not coping with the capacity of water
- Mentioned that the City has a duty of care to residents and their property, and that this matter needs to be addressed urgently, before underground power is installed<sup>1</sup>

Ms Florey also submitted written questions, below, which she spoke to:

- 1. What is the infrastructure on the corner of Brady and Bonnievale St, Mt Hawthorn? Is it a pumping station? Please provide a detailed explanation of the infrastructure, purpose and how it works?
- 2. As in the article in Perth Now dated 12.1.2023 what are the upgrades that will start in Lynton, East and Sasse Ave in Mt Hawthorn which have been identified as priority projects. What are the upgrades?

The Presiding Member, Mayor Emma Cole, thanked Ms Florey for her comments and advised she would be happy to meet with her.

<sup>&</sup>lt;sup>1</sup> Lesley Florey comments updated for clarity

#### 3.4 Dudley Maier of Highgate – Item 10.1

Mr Maier read the statement below:

You do trials to see if things will work or don't work. As I said last week, if the intention of this trial was to produce a noticeable reduction in traffic speed, it has been an abject failure. But that's why you do trials – to see what works and what doesn't. So what did we learn?

- The GHD report said that the mean speed and the 85<sup>th</sup> percentile speeds dropped by about 1 km/h.
- The first recommendation from the PJA report is to implement a 30km/h speed zones on all local roads.
- The Stantec report says "the trial had little to no effect on reducing rat-running" and "vulnerable road users (children and the elderly) would require further interventions to reducing speed limits by 10 km/h to feel more confident walking, cycling or using mobility aids".
- It also says that there was a perception that local areas are more liveable. And that is the crux of the move to 40km/h it's all about perceptions and not actually about making the area much safer.
- The Accessible City Strategy says that one of the opportunities is to go to 30km/h on residential streets to allow for significantly improving road safety outcomes. And that's residential streets, not the distributors.
- Safe Active Streets are all 30 kp/h which implies that 40kp/h and above isn't safe, otherwise why would they choose 30 kp/h as the limit rather than 40kp/h.
- Overseas experience has shown that the trend is to 30 km/h in local roads and higher speeds on distributor roads.
- Joondalup implemented a trial which showed that 30km/h had a minimal impact on journey times, but offered significant improvements on road safety and pedestrian amenity. So why can't we?

You should look at the results of the trial and see what can be improved, rather than just keep on doing the same old, same old.

The recommendations in the report are also confusing. It recommends seeking approval for a permanent drop to 40km/h in the trial area, yet there is an attached map, which is at odds with that. It's not referenced anywhere in the report. It shows Bulwer Street and Smith Streets going to 50 kp/h. So is that the intention of the staff?

It also talks about Vincent Street adjacent to Hyde Park going to 60km/h. Is that the intention?

I think this report is very deficient. I think you have two choices, continue along the 'do the minimum and just manage perceptions' or 'you could make a real difference and lead the way". The second option requires you to show some leadership.

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

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

There being no further speakers, Public Question Time closed at approximately 6.18pm.

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

#### 3.1 Sam Fitzpatrick of Perth - Item 6.3

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 understanding 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 wellbeing of the city's cats but their owners 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 ?

There is a clear difference between both the Dog Act and the Cat Act.

The Dog Act articulates three specific environments for a dog being in public. These are:

Dogs on leash (default position) Dogs off leash (exercise area) Dogs Prohibited.

The Cat Act doesn't align with the Dog Act. It does not provide for 'cat exercise areas' or consider the concept of 'cats on leash'.

The Department of Local Government Sport and Cultural Industries (DLGSC) advise "It is suggested that the local law be amended so that cat prohibited areas are restricted to specific portions of land listed in a Schedule rather than all public areas generally. It is also suggested that the City delete the reference to cats being allowed in prohibited areas with approval."

A 'cat prohibited' area, will be aligned with the requirement with a 'dog prohibited' area – meaning a cat (or dog) is not permitted at all (even when on a lead).

The DLGSC notes that there is no head of power in the Cat Act to 'permitting cats on leash' and therefore an exemption of a 'cat on leash' in prohibited areas is unable to be accommodated and would then provide the risk of the local law being disallowed through the Upper House Joint Standing Committee on Delegated Legislation.

#### 3.2 Dudley Maier of Highgate – Item 10.1 and others

#### Item 10.1

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?

A separate meter has not been installed for the kiosk premises which is shared with the toilet block. The meter reading is undertaken by the utility company on their scheduled dates. As per Council's approval on 14 December 2021, the rent for the kiosk includes water and electricity in the first five years of the term of the lease. For subsequent terms, utilities may be estimated or metered separately.

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?

The document was provided by GHD for the City of Vincent conditioning that it is not intended for circulation or for incorporation into other documents.

3. Is it because it may indicate that the City may be culpable for some damage caused by stormwater?

No, the document does not address culpability.

4. Isn't the confidentiality contrary to the proposition that Vincent is open and accountable?

The document provides advice that will contribute to a procurement process, and it would be inappropriate to release that information at this preliminary stage.

5. 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?

The work to be undertaken for the proposed drainage strategy will contribute to work already commenced in assessing the risk and legal environment related to the City's own drainage infrastructure and responsibilities in respect to flooding. The drainage system within the City of Vincent is part of a greater system used and managed by other stakeholders including Water Corporation, Main Roads WA and other local governments. This work will determine whether the City's responsibilities (in respect to drainage) would be best defined within a policy or within the overarching strategy.

6. What is the expected timeframe for this request to be satisfied?

The timeframe will align with those of the proposed drainage strategy.

7. When did the City provide the Auditor General with the financial information required to do the annual audit?

The City provided the OAG with information both before and during the annual audit. The first information request provided to the OAG was on 15 September 2022 prior to the deadline set by the OAG and the audit commencing on 31 October 2022. All subsequent information requests were provided before the deadline set by the OAG.

#### Item 13.2

Reminded Council that in November 2021 alterations and additions to a service station was approved in a mixed use zone, which would be considered Mixed use under tonight's proposal. It was also very similar to the recent Angove Street proposal service station. The arguments produced by that community at the time were very similar to the current ones produced by the North Perth community yet at that time you dismissed the community. Why did you approve it then yet now consider such a development not permissible at all?

The 'service station' application considered by Council in November 2021 was for 'alteration and additions to an existing service station' in the Mixed Use zone. It did not proposed to expand the 'service station' use on to other adjoining land, increase the number of pumps or increase the hours of operation.

The proposed Scheme Amendment would prohibit new or replacement 'service stations' in the Mixed Use zone, among other things.

Existing 'service stations' would be granted non-conforming use rights under the Scheme.

'Alteration and additions' to non-conforming uses are permitted with development approval from the City.

The proposed 'alteration and additions to an existing service station' considered by Council in November 2021 would not be prohibited by the proposed Scheme Amendment and would be considered under the Changes to non-conforming use provisions of the Scheme in a similar way to the consideration given to the application in November 2021.

#### Item 12.6

- Stated that he had performed an analysis of the budget figures to the final audited figures. Mentioned that operating expenditure was overstated by \$1.5m in the budget, employee costs were understated by \$350,000.
- Stated that in total there was a \$1m discrepancy in the figures.
- Queried why the exit brief and management letters were made confidential and if this meant that something is seriously wrong
- Stated that if flaws have been identified they should be addressed immediately

The confidentiality of the Audit Findings and Exit Brief does not suggest there is anything seriously wrong. All Audit Findings are included in the Audit Log and are reviewed by the Audit Committee. The non-confidential findings (and progress to address these) are included in the public Audit Committee minutes.

#### 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 Sass 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 purpose of the proposed drainage strategy 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.

In respect to Sasse Avenue/Linton Street the City does not have information at hand of the age, size and condition of the drainage in that location. It is understood that the drainage could be around 60 years old. Reinforced concrete pipe has an expected life of 100 years, other materials of around 60 years and more. Data pick up and analysis is expected to be completed in March/April 2023.

#### 4 APPLICATIONS FOR LEAVE OF ABSENCE

#### LEAVE OF ABSENCE

#### **COUNCIL DECISION**

Moved: Cr Alexander, Seconded: Cr Wallace

That Cr Castle's request for leave of absence from 7 April 2023 to 23 April 2023 be approved.

That Mayor Cole's request for leave of absence from 28 March 2023 to 24 April 2023 be approved.

That Cr Worner's request for leave of absence from 15 February 2023 to 28 March 2023 be approved.

**CARRIED UNANIMOUSLY (7-0)** 

(Cr Loden was an apology for the Meeting.)

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

5.1 A petition with 26 signatures was submitted by Louise Schneider of Mt Lawley, requesting that Council investigate and resolve to the residents/owners satisfaction the issues identified by, and of ongoing concerns to, the residents/owners of Harold Street Mount Lawley (between Beaufort and Vincent Streets) regarding traffic management. Specifically congestion, safety including dangerous driving, lack of adherence to the 40km/h speed zone and potential risk to children living in the street and students attending Sacred Heart Primary School. The development application variation by the Challis Apartments, 539 Beaufort Street, to revoke onsite/internal visitors bays may also add additional stress to traffic flow and may adversely impact the already difficult resident parking concerns.

#### PETITION

#### COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Hallett

That the petition be received and a report be prepared.

#### CARRIED UNANIMOUSLY (7-0)

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

5.2 A petition with 26 signatures was submitted by Louise Schneider of Mt Lawley, requesting that Council investigate and resolve to the residents/owners satisfaction the parking issues identified by, and of ongoing concerns to the residents/owners of Harold Street Mount Lawley (between Beaufort and Vincent Streets) by implementing a residential only permit zone from 5:00pm to 9:00am daily.

#### PETITION

#### **COUNCIL DECISION**

Moved: Cr Castle, Seconded: Cr Hallett

That the petition be received and a report be prepared, noting that it would be added to the report for Item 5.1 above.

CARRIED UNANIMOUSLY (7-0)

(Cr Loden was an apology for the Meeting.)

#### 6 CONFIRMATION OF MINUTES

#### **COUNCIL DECISION**

#### Moved: Cr Wallace, Seconded: Cr Castle

That the minutes of the Ordinary Meeting held on 13 December 2022 be confirmed.

#### CARRIED (7-0)

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

Against: Nil

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

#### 7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

#### 7.1 YEAR IN SUMMARY

The City has been meeting with the Department regarding Heritage matters at Litis Stadium and preparing for mini world cup proposed by Perth Soccer Club for local school students. We are extremely excited that the St Patrick's Day celebration is back, after missing three years in a row due to COVID. The Hyde Park Fair and Neon Picnic are coming back.

The shot-hole borer has been found in Vincent, and has been found in Hyde Park, the City is working closely with Department of Primary Industries and Regional Development. Communication with residents regarding what to look for and which species are at risk is ongoing, specifically concentrating on the trees of significance on Mary Street. The City has undertaken quite significant pruning of the exotic species at Hyde Park, which is the only way to treat the shot-hole borer.

#### 8 DECLARATIONS OF INTEREST

8.1 Cr Ross loppolo declared a potential proximity interest in Item 11.1 Financial Statements as at 30 November 2022, Item 11.2 Financial Statements as at 31 December 2022, Item 11.3 Authorisation of Expenditure for the Period 1 November 2022 to 30 November 2022 and Item 11.4 Authorisation Of Expenditure For The Period 1 December 2022 To 31 December 2022.

The interest is to the extent these items include expenditure constituting development, maintenance or management of land or facilities on land relating to the City of Vincent Administration Building and/or Leederville Early Childhood Centre at 244 Vincent Street. To the extent these items are included and recognised during discussion and not identified by Administration in advance, Cr loppolo will declare an actual proximity interest and excuse himself while those aspects are discussed, unless the majority of Council is content for Cr loppolo to remain in Chamber but not participate in such discussion."

#### REPORTS

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

(a) Items which are the subject of a question, comment or deputation from Members of the Public, being:

Item 10.1

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

Nil

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

Nil

The Presiding Member, Mayor Emma Cole, requested Council Members to indicate:

(d) Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Hallett	9.1
Cr loppolo	9.2

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

(e) Unopposed items which will be moved "En Bloc", being:

Items 9.3, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 12.1 and 12.2

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

#### ITEMS APPROVED "EN BLOC":

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

#### COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Hallett

That the following unopposed items be adopted "En Bloc", as recommended: Items 9.3, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 12.1 and 12.2

#### CARRIED (7-0)

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

Against: Nil

(Cr Loden was an apology for the Meeting.)

OUTCOME OF ADVERTISING: LOCAL PLANNING POLICY - PERCENT FOR ART 9.3

Attachments: 1. Local Planning Policy - Percent for Art 2.

Summary of Submissions

#### **RECOMMENDATION:**

That Council PROCEEDS with Local Planning Policy No. 7.5.13 - Percent for Art, pursuant to Clause 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 included as Attachment 1.

#### **COUNCIL DECISION ITEM 9.3**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

#### 11.1 FINANCIAL STATEMENTS AS AT 30 NOVEMBER 2022

Attachments: 1. Financial Statement as at 30 November 2022 🔀 RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 30 November 2022 as shown in Attachment 1.

#### COUNCIL DECISION ITEM 11.1

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

#### 11.2 FINANCIAL STATEMENTS AS AT 31 DECEMBER 2022

Attachments: 1. Financial Statements as at 31 December 2022 🛣 RECOMMENDATION:

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

#### **COUNCIL DECISION ITEM 11.2**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 NOVEMBER 2022 TO 30 NOVEMBER 2022

Attachments:

- Payments by EFT, BPAY and Payroll November 22 1. 2.
  - Payments by Cheque November 22
- Payments by Direct Debit November 22 3.

**RECOMMENDATION:** 

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 November 2022 to 30 November 2022 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$6,194,258.97
Cheques	\$913.76
Direct debits, including credit cards	\$132,840.23

**Total payments for November 2022** 

\$6,328,012.96

#### **COUNCIL DECISION ITEM 11.3**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

#### CARRIED UNANIMOUSLY "EN BLOC" (7-0)

1.

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 DECEMBER 2022 TO 31 DECEMBER 2022

Attachments:

- Payments by EFT and Payroll December 22
- 2. Payments by Cheque December 22
- 3. Payments by Direct Debit December 22 🛣

**RECOMMENDATION:** 

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

<b>Cheques</b> \$522.20	Total payments for December 2022	\$8,565,357.04
	Direct debits, including credit cards	\$189.415.73
<b>EFT payments, including payroll</b> \$8,375,419.11	Cheques	\$522.20
	EFT payments, including payroll	\$8,375,419.11

#### **COUNCIL DECISION ITEM 11.4**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

#### CARRIED UNANIMOUSLY "EN BLOC" (7-0)

#### 11.5 INVESTMENT REPORT AS AT 30 NOVEMBER 2022

Attachments: 1. Investment Statistics as at 30 November 2022 🛣 RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 30 November 2022 as detailed in Attachment 1.

#### **COUNCIL DECISION ITEM 11.5**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

#### 11.6 INVESTMENT REPORT AS AT 31 DECEMBER 2022

Attachments: 1. Investment Statistics as at 31 December 2022

**RECOMMENDATION:** 

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

#### **COUNCIL DECISION ITEM 11.6**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

#### CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

#### 11.7 OUTCOME OF ADVERTISING - SPONSORSHIP TO THE CITY POLICY

Attachments:1.Sponsorship to the City Policy 2.Original Sponsorship to the City Policy 2010

**RECOMMENDATION:** 

That Council ADOPTS the Sponsorship to the City Policy at Attachment 1.

#### **COUNCIL DECISION ITEM 11.7**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

#### CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

#### 12.1 INFORMATION BULLETIN

Attachments:

- 1. Minutes of the Tamala Park Regional Council Meeting held on 8 December 2022
- 2. Minutes of the Tamala Park Regional Council Special Meeting held on 15 December 2022
- 3. Unconfirmed Minutes of the Mindarie Regional Council meeting held on 15 December 2022
- 4. Public Open Space Update
- 5. Statistics for Development Services Applications as at the end of December 2022
- 6. Register of Legal Action and Prosecutions Monthly Confidential
- 7. Register of State Administrative Tribunal (SAT) Appeals Progress report as at 25 January 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 January 2023
- 11. Register of Notices of Motion Progress Report January 2023
- 12. Register of Reports to be Actioned Progress Report January 2023
- 13. Strategic Projects Update January 2023 🛣
- 14. Council Workshop Items since 30 November 2022
- 15. Council Meeting Statistics
- 16. Council Briefing Notes 6 December 2022
- 17. Council Recess Period 2022-2023 Receiving Of Items Dealt With Under Delegated Authority Between 14 December 2022 And 6 February 2023

#### **RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated February 2023.

#### **COUNCIL DECISION ITEM 12.1**

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

#### CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

12.2 MINUTES AND MOTIONS FROM THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 2 FEBRUARY 2023

Attachments: 1. Minutes of the Annual Meeting of Electors Held on 2 February 2023 A RECOMMENDATION:

That Council:

- 1. RECEIVES the Minutes of the Annual General Meeting of Electors (AGME) held on Thursday 2 February 2023, included at Attachment 1; and
- 2. NOTES that due to the short turnaround responses to the General Business motions carried at the Annual General Meeting of Electors will be presented to the Ordinary Council Meeting to be held 14 March 2023.

**COUNCIL DECISION ITEM 12.2** 

Moved: Cr Castle, Seconded: Cr Hallett

That the recommendation be adopted.

#### CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Loden was an apology for the Meeting.)

#### **REPORTS WITH DISCUSSION**

#### 10.1 UPDATE ON EXPANDING 40KM/H SPEED ZONES WITHIN CITY OF VINCENT

Attachments:

- Proposed 40kph Area Wide Speed Zone Trial South Vincent Progress Report No 1 (2016)
- Proposed 40kph Area Wide Speed Zone Trial South Vincent Progress Report No 2 (2016)
- 3. Proposed 40Km/h Area Wide Speed Zone Trial Results of Consultation (2018)
- 4. Road Safety Commission Report (GHD)
- 5. Evaluation Survey September 2022
- 6. Safe Speed Trial Evaluation Report
- 7. 3741-CP-D Speed Plan 🛣

#### **RECOMMENDATION:**

That Council:

- 1. NOTES the Safe Speed Trial Evaluation Report (Attachment 6); and
- 2. APPROVES progression of formal applications to Main Roads Western Australia (MRWA) for the approval of permanent 40km/h speed zones within areas bounded by Newcastle, Vincent and Charles Streets and the Swan River; and
- 3. APPROVES progression of formal applications to MRWA to trial 40km/h speeds over a period of 18-months on all Local Roads which are currently posted 50km/h.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

#### AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That the recommendation be amended as follows:

2. APPROVES progression of formal applications to Main Roads Western Australia (MRWA) for the approval of permanent 40km/h speed zones on all local access and local distributor roads included in the trial area within areas bounded by Newcastle, Vincent and Charles Streets and the Swan River, without change;

#### AMENDMENT CARRIED (7-0)

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

Against: Nil

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

#### **COUNCIL DECISION ITEM 10.1**

#### AMENDMENT 2

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be amended as follows:

That Council:

- 1. NOTES the Safe Speed Trial Evaluation Report (Attachment 6);
- 2. APPROVES progression of formal applications to Main Roads Western Australia (MRWA) for the approval of permanent 40km/h speed zones within areas bounded by Newcastle, Vincent and Charles Streets and the Swan River;
- 3. APPROVES progression of formal applications to MRWA to progress permanent trial 40km/h speeds over a period of 18-months on all Local Roads which are currently posted 50km/h with implementation scheduled in 2023/2024; and
- 4. APPROVES progression of formal applications to MRWA to trial 40km/h speeds over a period of 18-months on all Local Roads which are currently posted 50km/h (implementation scheduled 2023/2024) if applications for permanent changes are not approved by MRWA.

#### **REASON:**

To expedite the implementation of a 40km/h zone in all residential areas of the City of Vincent by 2023, meeting objective 4.1.1 of the Accessible City Strategy.

#### CARRIED (7-0)

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

Against: Nil

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

At 6.52pm Manager Policy & Place left the meeting and did not return.

At 7.00pm Chief Financial Officer left the meeting and did not return.

#### AMENDMENT 3

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be amended as follows:

5. REQUESTS Administration to consult with owner/occupiers on Vincent Street between William and Beaufort Streets to determine if they support the inclusion of that section of Vincent Street in the 40km/h zone.

#### AMENDMENT CARRIED (7-0)

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

Against: Nil

(Cr Loden was an apology for the Meeting.)

#### **COUNCIL DECISION ITEM 10.1**

That Council:

- 1. NOTES the Safe Speed Trial Evaluation Report (Attachment 6); and
- 2. APPROVES progression of formal applications to Main Roads Western Australia (MRWA) for the approval of permanent 40km/h speed zones on all local access and local distributor roads included in the trial area bounded by Newcastle, Vincent and Charles Streets and the Swan River, without change;
- 3. APPROVES progression of formal applications to MRWA to progress permanent 40km/h speeds on all Local Roads which are currently posted 50km/h with implementation scheduled in 2023/2024; and
- 4. APPROVES progression of formal applications to MRWA to trial 40km/h speeds over a period of 18-months on all Local Roads which are currently posted 50km/h (implementation scheduled 2023/2024) if applications for permanent changes are not approved by MRWA.
- 5. REQUESTS Administration to consult with owner/occupiers on Vincent Street between William and Beaufort Streets to determine if they support the inclusion of that section of Vincent Street in the 40km/h zone.

CARRIED (7-0)

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

Against: Nil

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

NOTE: Cr Alexander noted Attachment 7 speed plan and requested a report to address the excessive speed in Joel Terrace and other locations identified during this process to Workshop by May 2023

At 7.10pm Manager Marketing & Partnerships left the meeting and did not return.

### 9.1 NOS. 119-133A (LOT: 100; D/P: 29145) OXFORD STREET, LEEDERVILLE - PROPOSED CHANGE OF USE FROM SHOP TO TAVERN INCLUDING ALTERATIONS AND ADDITIONS

Ward:	Sou	th
Attachments:	1.	Consultation and Location Plan 🖺
	2.	Development Plans
	3.	Waste Management Plan
	4	Venue Menegement Dien

- 4. Venue Management Plan
- 5. Parking Management Plan
- 6. Acoustic Report
- 7. 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 a Proposed Change of Use from Shop to Tavern including Alterations and Additions at Nos. 119-133A (Lot: 100; D/P: 29145) 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 7:

1. Development Approval

This approval is for a Change of Use from Shop to Tavern including Alterations and Additions as shown on the approved plans dated 20 September 2022. No other development forms part of this approval;

- 2. Use of Premises
  - 2.1 This approval is for a Tavern as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;
  - 2.2 The Tavern shall be limited to a maximum of 200 patrons at any one time; and
  - 2.3 The Tavern shall be limited to the following hours of operation:
    - Monday to Saturday: 6:00am to 12:00am (midnight);
    - Sunday and Public Holidays: 7:00am to 12:00am (midnight);
    - 31 December (Monday to Saturday): 6:00am to 2:00am (1 January);
    - 31 December (Sunday): 7:00am to 2:00am (1 January);

unless an Extended Trading Permit for alternative hours is issued by the Racing Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries;

- 3. Venue Management
  - 3.1 Prior to commencement of the approved development, an amended Venue Management Plan shall be submitted to and approved by the City. The amended Venue Management Plan shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises and shall incorporate recommendations of the 'Acoustic Report – Environmental Noise Assessment' dated 6 September 2022, prepared by AAP; and
  - 3.2 The premises shall operate in accordance with the approved Venue Management Plan, to the satisfaction of the City;

#### 4. Waste Management

- 4.1 The Waste Management Plan dated 14 November 2022 shall be implemented at all times to the satisfaction of the City; and
- 4.2 Waste collection shall be limited to between 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays;

#### 5. Façade Design

- 5.1 Doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy. Darkened, obscured, mirrored, or tinted glass or other similar materials, as considered by the City, is prohibited; and
- 5.2 Curtains, blinds and other internal treatments that obscure the view of the internal area from Oxford Street are not permitted to be used during the hours of the business operation;

#### 6. Signage

- 6.1 All signage is to be in accordance with the City's Signs and Advertising Policy, unless further development approval is obtained; and
- 6.2 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;
- 7. Car Parking

Prior to operation of the approved development, four parking bays on-site are to be marked for the exclusive use of the Tavern; and

8. Bicycle Facilities

A minimum of two long-term bicycle bays shall be provided on-site and designed in accordance with AS2890.3 prior to the occupation or use of the development the subject of this approval.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

#### AMENDMENT

Moved: Cr loppolo, Seconded: Cr Alexander

That the recommendation be amended as follows:

- 2.3 The Tavern shall be limited to the following hours of operation:
  - Monday to Saturday: 6.00am-7:00am to 12:00am (midnight);
  - Sunday and Public Holidays: 7:00am to 10:00pm 12:00am (midnight);
  - 31 December (Monday to Saturday): 6:00am to 2:00am (1 January);
  - 31 December (Sunday): 7:00am to 2:00am (1 January);

#### **REASON:**

To ensure that changes to hours of operation come before Council for consideration.

#### AMENDMENT LOST (2-5)

For: Cr Alexander and Cr loppolo

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

(Cr Loden was an apology for the Meeting.)

(Cr Worner was an apology for the Meeting.)

#### **COUNCIL DECISION ITEM 9.1**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for a Proposed Change of Use from Shop to Tavern including Alterations and Additions at Nos. 119-133A (Lot: 100; D/P: 29145) 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 7:

1. Development Approval

This approval is for a Change of Use from Shop to Tavern including Alterations and Additions as shown on the approved plans dated 20 September 2022. No other development forms part of this approval;

- 2. Use of Premises
  - 2.1 This approval is for a Tavern as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;
  - 2.2 The Tavern shall be limited to a maximum of 200 patrons at any one time; and
  - 2.3 The Tavern shall be limited to the following hours of operation:
    - Monday to Saturday: 6:00am to 12:00am (midnight);
    - Sunday and Public Holidays: 7:00am to 12:00am (midnight);
    - 31 December (Monday to Saturday): 6:00am to 2:00am (1 January);
    - 31 December (Sunday): 7:00am to 2:00am (1 January);

unless an Extended Trading Permit for alternative hours is issued by the Racing Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries;

- 3. Venue Management
  - 3.1 Prior to commencement of the approved development, an amended Venue Management Plan shall be submitted to and approved by the City. The amended Venue Management Plan shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises and shall incorporate recommendations of the 'Acoustic Report – Environmental Noise Assessment' dated 6 September 2022, prepared by AAP; and

- 3.2 The premises shall operate in accordance with the approved Venue Management Plan, to the satisfaction of the City;
- 4. Waste Management
  - 4.1 The Waste Management Plan dated 14 November 2022 shall be implemented at all times to the satisfaction of the City; and
  - 4.2 Waste collection shall be limited to between 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays;
- 5. Façade Design
  - 5.1 Doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy. Darkened, obscured, mirrored, or tinted glass or other similar materials, as considered by the City, is prohibited; and
  - 5.2 Curtains, blinds and other internal treatments that obscure the view of the internal area from Oxford Street are not permitted to be used during the hours of the business operation;
- 6. Signage
  - 6.1 All signage is to be in accordance with the City's Signs and Advertising Policy, unless further development approval is obtained; and
  - 6.2 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;
- 7. Car Parking

Prior to operation of the approved development, four parking bays on-site are to be marked for the exclusive use of the Tavern; and

8. Bicycle Facilities

A minimum of two long-term bicycle bays shall be provided on-site and designed in accordance with AS2890.3 prior to the occupation or use of the development the subject of this approval.

#### CARRIED (7-0)

- For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Hallett, Cr Ioppolo and Cr Wallace
- Against: Nil
- (Cr Loden was an apology for the Meeting.)
- (Cr Worner was an apology for the Meeting.)

9.2 NO. 192 (LOT: 601, D/P: 65807) STIRLING STREET, PERTH - PROPOSED FEE PAYING CAR PARK (RETROSPECTIVE APPROVAL) (AMENDMENT TO APPROVED)

Ward: South

Attachments:

- 1. Consultation and Location Map
- 2. Minutes of 8 May 2012 Ordinary Council Meeting Item 9.1.2 🔀
  - 3. Previous Development Approval
  - 4. Approved Management Plan

#### **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 Proposed Fee Paying Car Park (Retrospective Approval) (Amendment to Approved) at No. 192 (Lot: 601; D/P: 65807) Stirling Street, Perth, subject to the following condition:

- 1. All conditions, requirements, advice notes and plans detailed on the development approval 5.2012.54.1 granted on 8 May 2012 continue to apply to this approval except as follows:
  - 1.1 Condition 3 is modified to read as follows:
    - "3. Land Use

This approval is for Car Park as defined in the City of Vincent Local Planning Scheme No. 2. The use of the land for any other land use may require further development approval subject to the requirements of Local Planning Scheme No. 2."

- 1.2 Condition 3.1 is removed;
- 1.3 The Advice Note is removed; and
- 1.4 Condition 3.2 is removed and added as Advice Note 1:

"Advice Notes:

1. The City of Vincent will not become involved in any enforcement action relating to the use of the land as a private parking facility.".

#### **COUNCIL DECISION ITEM 9.2**

Moved: Cr Gontaszewski, Seconded: Cr Hallett

#### That the recommendation be adopted.

#### CARRIED (7-0)

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

- Against: Nil
- (Cr Loden was an apology for the Meeting.)

#### 13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

#### 15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

#### 16 URGENT BUSINESS

Nil

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

Nil

#### 18 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.37pm with the following persons present:

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander Cr Alex Castle Cr Jonathan Hallett Cr Ross loppolo	Presiding Member South Ward North Ward North Ward South Ward South Ward (arrived at 6.01pm during Item 2)
	Cr Ashley Wallace	South Ward (arrived at 6.11pm during Item 3A)
IN ATTENDANCE:	David MacLennan Peter Varris	Chief Executive Officer A/Executive Director Infrastructure & Environment
	Joslin Colli	A/Executive Manager Corporate Strategy & Governance
	Jay Naidoo	Manager Development & Design
	Luke McGuirk	Manager Engineering
	Wendy Barnard	Council Liaison Officer

Public: Approximately one member of the public.

These Minutes were confirmed at the [date] meeting of Council as a true and accurate record of the Ordinary Meeting of the Council Meeting (Ordinary and Special) held on 14 February 2023.

Signed: Mayor Emma Cole

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Dated 14 March 2023