



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**17 May 2022**

## Table of Contents

<b>1</b>	<b><i>Declaration of Opening / Acknowledgement of Country</i></b> .....	<b>4</b>
<b>2</b>	<b><i>Apologies / Members on Leave of Absence</i></b> .....	<b>4</b>
<b>3</b>	<b><i>(A) Public Question Time and Receiving of Public Statements</i></b> .....	<b>4</b>
	<b><i>(B) Response to Previous Public Questions Taken On Notice</i></b> .....	<b>10</b>
<b>4</b>	<b><i>Applications for Leave of Absence</i></b> .....	<b>18</b>
<b>5</b>	<b><i>The Receiving of Petitions, Deputations and Presentations</i></b> .....	<b>18</b>
<b>6</b>	<b><i>Confirmation of Minutes</i></b> .....	<b>18</b>
<b>7</b>	<b><i>Announcements by the Presiding Member (Without Discussion)</i></b> .....	<b>19</b>
	7.1 IDAHOBIT Day.....	19
	7.2 Imagine Vincent The Sequel.....	19
	7.3 Petition from Residents of Fairfield Street .....	19
<b>8</b>	<b><i>Declarations of Interest</i></b> .....	<b>19</b>
	<b>REPORTS</b> .....	<b>20</b>
	<b><i>Items Approved "En Bloc":</i></b> .....	<b>21</b>
	9.2 Local Planning Strategy and Scheme Report of Review and Amendment No. 10 to the Local Planning Scheme .....	22
	9.3 Accessible City Strategy - Implementation Update.....	23
	10.1 Waste Strategy Project 8 - Commercial Waste Collections (Update).....	24
	10.2 Tender IE164/2021 Menzies Park Pavilion and Ablutions Refurbishment .....	25
	11.1 Investment Report as at 31 March 2022.....	26
	11.2 Financial Statements as at 31 March 2022 .....	27
	11.3 Authorisation of Expenditure for the Period 1 March 2022 to 31 March 2022.....	28
	11.4 Terms of Reference - Children and Young People Advisory Group.....	29
	11.6 Draft Access and Inclusion Plan 2022-2027 - Approval for Public Consultation .....	30
	12.2 Approval to Advertise Draft Local Government Property Amendment Local Law 2022 .....	30
	12.4 Outcome of Advertising Amended Council Members – Allowances, Fees and Reimbursement of Expenses Policy and Proposed Repeal of Civic Functions Policy .....	33
	12.5 Proposed Repeal of Local Government Elections Policy .....	34
	12.8 Vincent Underground Power Project (VUPP) .....	35
	12.9 Information Bulletin .....	36
	12.11 Appointment of a CEO Performance Review Consultant .....	37
	17.1 Appointment of the Design Review Panel .....	38
	11.5 Sportsground Allocation - Hire and Use Policy – WITHDRAWN BY ADMINISTRATION .....	39
	<b>Reports With Discussion</b> .....	<b>40</b>
	9.1 Nos. 596-598 (Lot: 116; D/P: 2360) Newcastle Street, West Perth - Proposed Amendment to Previous Approval: Billboard Signs (Unlisted Use) .....	40
	9.4 Sale of No. 25 (Lot 93) Sydney Street, North Perth [ABSOLUTE MAJORITY DECISION REQUIRED].....	41
	12.1 Annual Review of Council Delegations [ABSOLUTE MAJORITY DECISION REQUIRED].....	44
	12.3 Outcome of Advertising new Temporary Employment or Appointment of CEO Policy [ABSOLUTE MAJORITY DECISION REQUIRED] .....	47

---

12.6	Outcome of Advertising amended Council Members Continuing Professional Development Policy [ABSOLUTE MAJORITY DECISION REQUIRED] .....	48
12.7	Advertising of Amended Policy - Councill Member Contact with Developers .....	49
12.10	Report and Minutes of the Audit Committee Meeting held on 3 May 2022 .....	51
<b>13</b>	<b><i>Motions of Which Previous Notice Has Been Given</i></b> .....	<b>52</b>
<b>14</b>	<b><i>Questions by Members of Which Due Notice Has Been Given (Without Discussion)</i></b> .....	<b>52</b>
<b>15</b>	<b><i>Representation on Committees and Public Bodies</i></b> .....	<b>52</b>
<b>16</b>	<b><i>Urgent Business</i></b> .....	<b>52</b>
<b>17</b>	<b><i>Confidential Items/Matters For Which the Meeting May be Closed</i></b> .....	<b>52</b>
<b>18</b>	<b><i>Closure</i></b> .....	<b>52</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, 17 MAY 2022 AT 6.00PM**

<b>PRESENT:</b>	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander Cr Alex Castle Cr Dan Loden</p> <p>Cr Suzanne Worner Cr Jonathan Hallett Cr Ross Ioppolo</p>	<p>Presiding Member South Ward North Ward (electronically) North Ward North Ward (arrived at 6.03pm during Item 3A) North Ward South Ward South Ward</p>
<b>IN ATTENDANCE:</b>	<p>David MacLennan John Corbellini</p> <p>Andrew Murphy</p> <p>Virginia Miltrup</p> <p>Jay Naidoo</p> <p>Mitchell Hoad</p> <p>Tara Gloster</p> <p>Peter Varris</p> <p>Wendy Barnard</p>	<p>Chief Executive Officer (electronically) Executive Director Strategy &amp; Development (electronically) Executive Director Infrastructure &amp; Environment (electronically) Executive Director Community &amp; Business Services Manager Development &amp; Design (electronically) Specialist Planner (electronically) (Left at 7.26pm. after Item 12.1) Manager Policy &amp; Place (electronically) (Left at 7.09pm after Item 9.4) Executive Manager Corporate Strategy &amp; Governance Council Liaison Officer</p>
<b>Public:</b>	One member of the public.	

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

The Presiding Member, Emma Cole, declared the meeting open at 6.01pm and read the following Acknowledgement of Country statement:

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

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

Cr Ashley Wallace 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 Andrew Main of North Perth – attended the meeting and spoke to the below statement**

- In reference to his statement submitted in writing (noted below) regarding paving of a street verge in Claverton Street, North Perth Mr Main referred to the Greening Plan and Accessible City Strategy,

which state that the streets should have trees and are shady and comfortable and enjoyable to walk on and contribute to minimising urban heat island effect.

- Queried if Administration is aware of the above policies, and if so have they chosen not to comply with them?
- Stated that no approval was obtained for the paving, if it is allowed to stay what precedence does that set?
- Stated that the paving means a tree can never be planted there.
- Mentioned that the response from Administration that it is up to the resident if they wish to plant a tree on the verge is not right, as that is public land.
- Mentioned that the Norfolk Safe Active Street policy is out for community consultation, and that no feedback is being sought on the route.
- Mentioned that a route straight down Norfolk Street is preferable and asks if consultation could be undertaken on the route.

### **Statement submitted in writing**

The purpose of my message is to bring to your attention:

Unauthorised paving of a verge on Claverton Street North Perth (corner Leake) by the owner of the adjacent property.

How this action will have a negative impact on the amenity of Claverton Street if not removed, and  
How the paving is in conflict with a range of City of Vincent strategies and policies.

I would like council to request that the administration require the property owner to remove the paving and that a suitable location be found where the requirements of other City policies and strategies can be achieved, yet still provide the property owner with paving as desired.

The paving has been placed in a location where up until three years ago a large bottlebrush street tree existed. Unfortunately this tree died and was removed by council. I understood that a replacement tree was to be planted in this year's tree planting program. (See photo).

The new verge paving, along with the double width vehicle crossover and the paving on the adjoining property at number 6 Claverton St, there is now a continuous stretch of 20m of concrete paving. (See photos).

In my view the paving conflicts with provisions of other important and overarching strategies and policies approved and adopted by the Council. These are detailed below.

I understand that there is a policy in relation to property owners paving their verge, however they require approval and one of the reasons for this application and approval process is to ensure that it is not placed in an area which is in conflict with other laws and policies of the City, and that it does not have a detrimental impact on the community.

I would like to remind you that Claverton Street is already a street with a significant deficiency of street trees. During summer, I measured that less than 10% of the footpath length is shaded by street trees. The condition of many trees on the street should be embarrassing to the City. You would definitely not be featuring photographs of Claverton Street in your publications, website or social media as a desirable location.

I have requested the administration on many occasions, to seriously address this issue by planting more trees and have had limited success. It is very disappointing that the administration seems to be comfortable with this new paving. In my view this is going in the completely opposite direction of creating a street that is desirable and enjoyable for pedestrians and bike riders to use and in clear conflict with the policies are outlined above.

Happy to discuss further and/or meet you on the street to show you the issue in person.

The Greening Plan 2018–2023 has the high level objectives to:

- Increase tree canopy cover on public land
- Increasing tree canopy cover on land managed by the City of Vincent.
- Implementation will provide numerous environmental, social and economic benefits, including:





*The Presiding Member, Mayor Emma Cole, thanked Mr Main for his comments and advised that she would ask the Project Officer to call him regarding the route. The Presiding Member, Emma Cole advised that she is unsure of the arrangement with the Department of Transport or what the funding agreement stipulates, but will find out and let him know.*

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

### **3.2 Brayden Kennedy of Perth – Item 12.8**

1. In reviewing the Vincent Underground Power Project proposed project areas, please advise how the small section of Randell Street, being a street that already has part of the infrastructure underground on both the Palmerston Street and Fitzgerald Street ends, has been excluded from the project areas?
2. Please advise the process involved to have the project areas reviewed for Randell Street's inclusion to the project areas.
3. Given the council's goals of improved tree canopies along our streets, the City is proposing to spend \$3.6m upgrading Robertson Park, of which the south side of Randell Street is proposed to be a native landscaped stop. Has the council assessed the proposed project areas with the City's other planned works in the City to achieve substantially improved outcomes for residents and our environment.

### **3.3 Dudley Maier of Highgate**

1. In June 2020 GHD provided a review of the interim results of the 40km/h trial. The trial was proposed to run for 2 years from April 2019 until April 2021. The GHD report indicated that the change from 50km/h to 40km/h only resulted in mean speed reduction of 1km/h; that the change was not as large as results seen overseas; and that support for the change appeared to be lukewarm. Nowhere in the report did it state that change in speed was 'statistically significant'. The trial was proposed to be completed over a year ago (April 2021) yet no public report has been forthcoming.

What were the findings of the trial? When can the community expect the results to be released?  
Did the trial show any statistically significant change in mean speed?

If the study did not show any statistically significant change will the City continue with implementing changes to 40km/h in other areas even though it does not result in a statistically significant change in speed?

How many fines were issued by the Police for exceeding the 40 km/h limit during the two-year trial?

Will the City consider a further trial based on the 30 km/h standard adopted by many European countries for residential streets, and adopted by the City itself for Safe Active Streets?

Why has the City adopted a 40km/h speed for some residential streets, yet adopted a 30km/h limit for other streets it characterises as 'safe'? Is this confirmation that the speed needs to be dropped to 30km/h for the street to be considered safe?

Is the reason that the City and/or the Road Safety Commission have not released results of the trial because the trial did not produce the expected or desired results?

2. The decision on the North Perth Traffic Calming of 5 April 2022 (item 10.4) contained a clause which rescinded a previous Council decision. Can you confirm that this decision breaches Regulation 10 of the Local Government (Administration) Regulations 1996? Who takes responsibility for this breach of the regulations?
3. The recommendations of the 16 March Audit Committee were presented to Council for consideration at the Council meeting of 5 April. Item 5.4 of the Committee meeting recommends that the Council approves proposed completion dates for items on the Audit Log. Why didn't the recommendation to the 5 April Council meeting seek approval for the dates in line with the Audit Committee recommendation?
4. Given that answer to a previous question about capital expenditure budgets was that the capex budgets for February to June were not available, how have you been able to provide a YTD capex budget for March – are they made up, after the fact, each month? Given that the answer to a previous



question was that the graphs 'suggested that capex spend is evenly distributed across the year' why are the monthly budgets for the months of June to March significantly different for each month?

## STATEMENTS

### 3.4 Laurie Curro of Mt Hawthorn – Item 12.8

Vincent needs to commit to this for future growth through amenity improvement.

I have had many discussions in the past with both John Carey (when he was mayor) and the then CEO. Many residents in my street do support it and while we are not in the current zone it would be good to start the process within the city.

I believe the council should vote in favour because power line undergrounding

- Improves amenity
- Improves property values
- Improves green landscape by letting trees grow (most important aspect)
- Improves power system reliability
- Improves safety from an electrical network perspective

The costs can be funded through financial arrangements through models used by other councils that can be used as a guide. These include accounting for

- Increased value of properties and rates
- Increase demand for properties
- Long term benefit

I have been (and am still) involved with the industry and am willing to assist in any way.

I have been a ratepayer of Vincent since 1999 and am keen to support for a better community

I therefore urge you to vote in favour of this agenda item

### 3.5 Jessica Reid of Mt Hawthorn on behalf of residents of Federation Street – Item 12.8

We, residents of Federation Street in Mount Hawthorn, are contacting you as our council representatives, about underground power in Mount Hawthorn.

We are aware that underground power is being considered for our suburb, and strongly urge you, as our council leaders, to support and implement this important piece of progress for our suburb, to remove existing powerlines in the suburb and house our power underground.

This is a big chance to do something that will really transform our suburb, position us well into the future, and have a strong legacy, showing the vision and progressiveness of our council for years to come.

If it doesn't go ahead, we understand it may be 2 generations before we have a chance to do this again which will be extremely disappointing for us, as residents.

We believe underground power is absolutely vital for our suburb because:

- It will aesthetically enhance our streetscapes, adding to the beauty that makes our suburb the unique and wonderful place it is to live in.
- It will increase the greenery of the suburb, with considerable environmental benefits.
- It is progressive and important for a modern suburb that is inner-city.
- It will save costs, and the risks associated, with updating old infrastructure.
- It will minimise the potential for powerlines to cause a fire risk in a suburb with so many large leafy trees on verges and properties.
- It will add value and have positive benefits for our suburb's reputation.

We understand there is a council meeting today, **Tuesday 17 May at 6pm**. We would welcome the opportunity to discuss this important initiative with you. Could you please let us know if this would be possible and details for those of us that would like to attend today's meeting, or see the minutes from it? We look forward to hearing from you and hope that you will strongly advocate for our interests at today's council meeting, and in general for this important initiative for our suburb.

Administrations' responses will be provided in the Agenda for the 1 June 2022 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.06pm.

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

The following questions were submitted to the 5 April 2022 Ordinary Council Meeting:

**1. Dudley Maier of Highgate**

1. Will the City publish the full minutes of the Rebound Roundtable meetings so that businesses can actually see what is said on their behalf by Town Team members who purport to represent the interests of businesses in the City's Town Centres?

2. *The Rebound Roundtable meeting minutes will be published on the City's website in April 2022. Town Teams, which include community and business representatives, as well as local business representatives, not affiliated with a Town Team, are welcome and able to attend Rebound Roundtable meetings. To participate, local business representatives can express their interest to Council Members, Town Teams and/or City staff and their attendance will be confirmed with the meeting Chair prior to being invited to an upcoming meeting.*

3. How often has the Community Reference Committee met, on what dates, what issues were considered, and how many members attended each meeting?

4. *The Community Panel met three times on 3 August, 18 August and 25 August 2021 to discuss the Asset Management Sustainability Strategy. From our records it appears 29 people attended the first workshop, 19 the second and 17 the third.*

*Some members of the community panel were also invited to participate in a smaller focus group on 3 December 2021 to discuss ways to improve Customer Experience. This was not a meeting of the full panel but a small focus group of people who had a recent customer experience they would like to share. Nine panel members attended.*

5. Given that the Administration have stated that a small sub-meter will be installed as part of the Hyde Park Kiosk distribution board, is there any opportunity for the City to charge the tenant the actual cost of power? Given that the installation of a sub-meter is a minor cost why didn't the Administration recommend full electricity cost recovery?

*It was unknown at the time of preparing the lease whether a sub-meter could be installed. The City took the view that full electricity cost recovery will be considered at the time of rental review for the optional term.*

6. What exactly will the \$1-2million proposed to be put into the Underground Power Reserve be spent on? If it is collected via general rates does it indicate that the Administration are not recommending a user pays-method of funding underground power?

7. *Administration will be recommending a user pays method of funding underground power. The City of Vincent will be responsible for meeting the local government contribution to the project of around \$17 million.*

*Western Power would typically issue the first cash call to the local government within two months after the co-funding agreement has been executed. There are normally 3 cash calls, every two months based on a 12 month construction timeframe.*

*The City will therefore need to be able to meet the first series of cash calls prior to receiving the contribution from the responsible property owner.*

*Administration will also consider options for staged repayment for the property owner's contribution over, for instance, two years.*

*The City of Vincent therefore needs to be in a financial position to meet the upfront payment obligations to Western Power given the delay we will have in recouping the property owner's contribution.*

8. Item 12.6 identifies three areas for underground power and indicates that this covers 5,336 service meters, plus that the preliminary estimated cost is \$17,600,000. What is the preliminary cost for each of the areas, and how many service meters are in each area (i.e. what is the split up of the 5,336 and \$17,600,000 by area)

North Perth/Mount Lawley:	\$6,280,000	1841 meters
North Perth/Mount Hawthorn:	\$6,400,000	1599 meters
Perth/Highgate:	\$4,683,000	1896 meters
Total:	\$17,363,000	5336 meters

9. Can you confirm that Vincent employees get 5 weeks annual leave with one of those weeks called 'special leave'?

Yes.

*Annual leave for employees covered under the City of Vincent Enterprise Agreement 2017 are set out and provided for in the National Employment Standards and the Local Government Industry Award 2020.*

*An Employee, other than a casual employee, is entitled to 1 week paid special leave per year (pro rata for part-time employees).*

What is 'special leave – is it a benefit that can be taken as either time off or as 'pay'?

*Time off with pay. No leave loading applies.*

*An employees' entitlement to paid special leave accrues progressively during a year of service according to the employees' ordinary hours of work and accumulates from year to year. Over each 12-month period, an employee is entitled to cash out their special leave entitlement in minimum of one (1) day increments.*

Did Vincent employees get 4 days 'special leave' in 2020-2021 in lieu of an across the board pay rise?

*Yes. They were entitled to 4 days off with pay. This assisted the City to retain staff during 2020-2021 without impacting the salary budget. This benefit had no impact on the salary budget and could not be cashed out.*

Did Vincent employees receive an across the board 1.5% pay rise this financial year as foreshadowed in the budget report to council on 22 June 2021 (Item 11.7 - page 555)?

*Yes, this was paid on 1 January 2022.*

What was the meaning of 'salary benchmarking increase for all City of Vincent Staff' as shown on page 7 of the January Monthly Financial Statements?

*This is the 1.5% pay raise referred to above, paid from 1 January 2022. This comment refers to the fact that the pay raise was also supported by industry data indicating that Vincent pay rates were below industry standards (ie salary benchmarking).*

10. Given that the Administration has stopped including CAPEX Actual vs Budget graphs in the monthly financial statements because they were incorrect and misleading, and that the YTD CAPEX budgets for February to June are not available, how will the City provide accurate information in reports such as the 'Statement of Financial Activity by Program', and other such reports?

*The waterfall chart of Capital expenditure Actual vs Budget YTD variance is a more accurate view of this information.*

*For actual expenditure the City provides additional commentary on a monthly basis to advise material variances.*

*The budget was recast at mid-year and provides a guide as to where we expect to finish the financial year given the status of projects.*

11. Given that the design for the Hyde Park Toilet Block West does not adhere to CPTED principles what mechanisms will the Administration put in place to protect the community, including vulnerable homeless people, once the construction is complete? Given the significant nature of the changes proposed was a Development Application submitted and advertised for community comment?

The proposed works address CPTED principles as detailed below and comments in line in green where met, and comments in blue where improvement opportunity.

**Principle 1: Surveillance**

- Passive surveillance provided by adjacent land uses – The existing location of the kiosk and toilet block provides opportunities for passive surveillance from the nearby playgrounds,
- Clear sightlines provided through landscaping – There are relatively clear sightlines of the kiosk and toilet block, which have been achieved by the provision of a verandah to open up the façade around the toilet block. Although there is a number of large mature trees, the kiosk would be clearly visible from both nearby playgrounds, as well as the path network. There are also openings around the perimeter of Hyde Park which would provide visibility from Throssell Street.
- Provision of street, walkway and park lighting encourages day and night-time use – The opening hours are limited to 4pm (in the lease) which wouldn't encourage night time activity. Notwithstanding there is existing lighting within the park along the footpath. The kiosk would also be lit 24 hours a day (based on Andrew's advice)
- Footpaths are legible, have good surveillance and are free from entrapments – Around the south-east there is heavy vegetation. Unclear on the extent of lighting but the dense vegetation could provide an opportunity for concealment, when combined with the retention of the brickwork to form the corners of the verandah. The verandahs contribute towards sense of surveillance, noting that there is no actual surveillance with no windows and only the toilet doors. 24 hours lighting also assists to contribute to perceived surveillance.

**Principle 2: Territorial definition**

- Clear signage and wayfinding. Couldn't see a reference to signage anywhere? – Verandah element and new concrete path help to clearly define the space, and its current location at the end of an existing path assists with wayfinding.

**Principle 3: Access control**

- Multiple exit and entry points are easy to navigate – verandah creates different points to access the toilet facilities. Access points to service areas are limited and secure to prevent unauthorised access. Single entry point to café is clearly distinguished.
- Designed for diversity – upgrades will provide for a facility which accommodates different functions, being for toilets and the kiosk space.

**Principle 4: Space management**

- Adjacent active uses such as a café provide additional activity and surveillance – Kiosk use will contribute activity, which will bring with it passive surveillance by patrons. Retention of existing façade design doesn't contribute activity, with there being one access point along the east. The windows to the north are remaining unchanged and are highlight windows with security screens, and don't offer opportunities for surveillance or activation.
- Facilities and landscaping is of a high quality and well maintained – The refurbished will be an upgrade on the existing appearance, and would maintained by the City. Hyde Park which features high quality and maintained landscaping.

The changes to the external nature of the building are not considered significant and appropriate approvals for the works have been obtained.

12. In reference to the IAP2 engagement spectrum, what level of community engagement will take place for the proposed blocking of Grosvenor Road (i.e. Inform, Consult, Involve or Collaborate)? Why did the community have to find out about this through the RAC member magazine?

At its [22 June 2021 Ordinary Meeting \(Item 12.1\)](#), Council noted the results of community consultation for the Barlee Street Car Park Options project that indicated a desire by some members of the community to have additional public space for people within the Beaufort Street Town Centre. As part of the same decision, Council requested the Chief Executive Officer to provide a further report to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street.

Action 2.3 Trial Pedestrian Streets was subsequently included within the [Beaufort Street Town Centre Place Plan](#) (BSTCPP) to 'trial pedestrian spaces at Grosvenor Road or Barlee Street'.

Administration has been in consultation with adjacent property owners and businesses to inform project scoping, traffic management planning and to identify possible collaboration opportunities. Administration has also met with RTRFM General Manager and members of the Beaufort Street Network to provide information about the project and scope possible activation initiatives. Administration intends to pursue an 'involve' engagement approach for the planning of the trial and in its delivery. A key aim of the engagement will be to establish regular networking across the town centre businesses and leverage this project as a platform to attract locals to visit following months of COVID-19 restrictions. Other planned community initiatives include online project forums to inform local businesses of the project updates and invite involvement.

The draft project scope is to be presented at the 12 April 2022 Council Workshop for Council Member feedback. Pending Council Member feedback on the draft trial details and length, residents adjacent Raglan Road, Hutt Street, Arnold Lane, Grosvenor Road, Danker Lane, Boodja Lane and Chelmsford Road, between Hutt Street and Beaufort Street, will be contacted during April/May 2022 to provide feedback in relation to any proposed traffic management to be implemented during the trial. Residents will also be notified regarding the timing of when the report to Council, prepared in response to the 22 June 2021 Council decision, will progress to an Ordinary Council Meeting. The report will confirm the proposed details of the trial, seek Council support for the proposed trial initiatives and length, and include an engagement plan, to be implemented as part of the trial.

Administration will actively engage during the trial to receive ideas and feedback from residents, businesses and visitors. The trial findings, feedback and outcomes will be reported to Council following the conclusion of the trial.

13. The last sentence of the Minutes of the AGM states that each person who moved a motion will be contacted and advised when the response is going to a Council Meeting. Did this ever happen, if so when? If not, why not?
14. None of the proponents of motions were contacted individually in response to the statement made by the Mayor at the Annual Meeting of Electors. This was an administrative oversight and the City apologises for the error. The timeframes were clearly outlined at the 8 March 2022 Council meeting.
15. Did the City get a refund of the \$16,500 paid to the Rotary Club of North Perth for the cancelled Hyde Park Fair?

No. The City's sponsorship agreement provides support for not-for-profit organisations if an event is cancelled due to COVID-19 restrictions. The organisation must provide an acquittal, reflecting money already spent on preparing to hold the event.

This has been a consistent policy for the past 2 years and ensures not-for-profit organisations remain financially stable and able to resume events the following year.

## 2. Thomas Young of Highgate – Item 10.3

Questions were raised at the Council meeting in July 2014, as to the kiosk's commercial viability and long term sustainability and queried what has changed that Council now believe this is viable?

### **Response at the meeting:**

The Presiding Member, Emma Cole, advised that the fitout is basic works to the storage shed, this includes tiling the floor, providing a sink and putting in a ceiling. The lessee will still need to do a fitout and have contracted an architect to design this. Mayor Cole suggested that the use of the word "fitout" is misleading.

### **Further response:**

There is a strong and clear demand from the community for a high-quality food and beverage offering at Hyde Park.

*This is demonstrated by the high level of interest by mobile food van operators to locate in Hyde Park over recent years and the high level of interest in the kiosk EOI process from commercial food business. The commercial viability of the kiosk is a business consideration for the operator.*

### **3. Greg Johnson of Mt Hawthorn**

Within 1km of the retail precinct there are 25 licences premises, 9 liquor outlets within 5km. How is the demand for this category shown?

Requested Council to establish criteria for retail diversity, and what is sustainable?

#### **Response at the meeting:**

*The Presiding Member, Emma Cole, asked Mr Johnson if he was referring to the Copper & Oak applications, and he confirmed that he was. Mayor Cole advised that information will be provided on what consultation occurred at that time and information on changes of use generally, and what has happened in that space from a State Government perspective.*

#### **Further response:**

*The development application referenced is for a change of use from Shop to Tavern with associated alterations and additions at Nos. 169-173 Scarborough Beach Road and Nos. 60-62 Coogee Street, Mount Hawthorn. The application was approved by Council at its Ordinary Meeting on 14 December 2021. The site is zoned District Centre under the City's Planning Scheme No. 2 and is located within the Mount Hawthorn Town Centre area. A tavern is a contemplated land use in the District Centre zone.*

*In dealing with the development application, community consultation was required to be undertaken. Community consultation was undertaken in accordance with the City's Community and Stakeholder Engagement Policy that prescribes the method and length of advertising for a proposed tavern land use in a District Centre zone. This included 28 letters sent to owners and occupiers of adjoining properties, a sign displayed on site and a notice displayed on the City's website. The proposal was advertised for a period of 14 days.*

*Advertising of this application as prescribed under the City's Policy is adequate to inform and allow participation from owners and occupiers immediately surrounding the site, within the Mount Hawthorn Town Centre area and more widespread.*

*The presence of other similar venues that are licensed premises in the Mount Hawthorn Town Centre area is reflective of their popularity, the market demand and their contribution towards a thriving day and night time economy.*

*Small liquor stores and small bars are examples of licensed premises venues that are exempt from the need to submit a development application and obtain development approval if they are located in a Town Centre area. This is a State Government exemption that applies State-wide under the Planning and Development (Local Planning Schemes) Regulations 2015 and is reflective of the appropriateness of these types of land uses in a Town Centre setting from a planning perspective. There is no restriction on the number of these types of licensed premises venues permitted in an area under planning legislation. The market forces of supply and demand effectively inform the quantity of land uses in any given area. The threat of economic competition to existing businesses is also not a relevant planning consideration.*

*It is the responsibility of the operator to separately obtain a liquor license under the Liquor Control Act 1988 from the State Government's Racing, Gaming and Liquor. A public interest assessment forms part of this separate application process. The public interest test is based on the principle that licensed premises must operate within the interests of the local community and factors in the number and location of all existing licensed premises in the area. In considering this, it is at the State Government's discretion as to whether the liquor license will be issued.*

*The City identifies Thriving Places as a key priority in its Strategic Community Plan. This is supported by outcomes that we will work towards such as being recognised as a City that supports local and small business. We are doing this through increasing our role and influence in attracting, retaining and growing independent businesses in the City through economic development initiatives and support for town teams. This is achieved through the actions being delivered within the Mount Hawthorn Town Centre Place Plan.*

*We are also working towards this priority through encouraging innovation in business, social enterprise and imaginative uses of space, both public and private. We are doing this by encouraging business growth and community interaction in smaller neighbourhood centres across the City, through inclusion in business support initiatives. This is achieved through the actions being delivered in the Vincent Rebound Plan in response to the COVID-19 pandemic and the City's participation in the Small Business Friendly Approvals Program with the Small Business Development Corporation.*

*We are also doing this by streamlining systems and policies to reduce red tape and barriers for business. Retail diversity is largely market driven, the City recognises this and promotes market diversity by enabling innovative and new business concepts to be realised throughout Vincent by working with these proponents throughout the approval process.*

*The City has identified the need to capture more data around the economic and business performance of our town centres and surrounding areas. This is being achieved through engaging experts to undertake comprehensive commercial and place analysis so that we understand current performance in relation to economic development and place and its sustainability and diversity. This allows for a baseline to measure change and a set of criteria to be built to measure this change and success. This will allow the City to better understand the key commercial and market drivers that influence the economic and place performance of the area.*

#### **4. Steve Burke – North Perth – Item 12.5**

- Queried why a report was commissioned, money allocated for the solution and then no action taken. Who decided to remove it and on what basis?
- Stated that he believes the Councillors are taking advice, and would like to know if the person offering advice is qualified, do they have indemnity insurance, are they the right person to override the expert advice in the report?
- What modelling has taken place?
- Queried why do the requirements for the development application on this agenda specify water must be contained, but the Council does not have to comply with the same rules.

*The drainage is regularly cleaned by contractors every year, gullies and soak wells in priority low points are suctioned clean to the bottom or to below the lowest invert of the storm water pipe outlet. This works is done at the commencement of March/April prior to the winter and the first expected rainfalls.*

*The City takes all reasonable measures to alleviate the leaf build up on road by using the street sweeper to sweep the roads prior to any forecast large storm event. The cleaning of the drainage that the residents would undertake is the removal of the build-up of debris that washes down and sits on top of the gullies during a storm event and while not ideal is unfortunately necessary as council cannot always be there immediately when this occurs.*

*The money allocated originally was spent and included many of the recommendations as well as partial building of the retaining wall, when the first report was commissioned, and study completed. Discussion commenced as to whether to remove or maintain the pavilion and due to this it was determined that no action in regard to the remainder of the wall be taken as predicting the impact to drainage would not be possible. Based on continuing community concern of perceived flooding risk and alleged flow of storm water, although no notable flooding has been reported since the large-scale storm event of 2010, funds have been allocated by Council to continue with the installation of the retaining wall. Officers have approached the consultant to undertake new modelling to determine the extent and height of wall required since the removal of the pavilion. It is important to have an accurate requirement of the wall so as to alleviate concerns that may arise over the effectiveness of the retaining.*

*Officers have requested that the consultants undertake the study and reporting requirements for the wall as soon as possible, and although funds have been placed on budget for construction this financial year it will not be possible as there is a minimum of 6-8 weeks lead in to provide the required limestone. It is the hope that construction can commence early within the next financial year and will be based on the new recommendation from the study.*

*Developments are requested to maintain storm water on site to reduce the strain placed on existing drainage infrastructure. In the event that it is established that this is not possible then a system is requested to hold the storm water on site during a rainfall event and then allowed to be released into the council network at a specified flow rate, again this is to alleviate the demand placed onto a networks capacity.*

*The City of Vincent has insurance to cover loss or damage to property or persons should a claim be made against The City and it be found liable for the incident.*

The following questions were submitted to the 29 March 2022 Council Briefing:

**5. Rob Goulding of North Perth – Item 6.4**

With reference to ongoing heightened levels of traffic on Alma Road (including ongoing Cole's HGV delivery trucks) in addition to the expected increase of traffic attributable to the Fitzgerald Street development, we would like the Council to respond to the following questions:

- Further to previous correspondence from the Council, when will a trial period to block access to Alma Road commence and for how long?

*In the Council Minutes of its Meeting on the 5<sup>th</sup> April:*

[http://vincent.infocouncil.biz/Open/2022/04/CO\\_20220405\\_MIN\\_7443.PDF](http://vincent.infocouncil.biz/Open/2022/04/CO_20220405_MIN_7443.PDF)

*It decided that:*

**4. CONSULTS with the residents and businesses about:**

**4.1 a 12 month trial of a 'diagonal diversion' at the intersection of Alma Road and Leake Street, as shown on Plan 3715-CP-0, Attachment 8; and**

**4.2 reducing the speed limit to 40 kph on local roads within the area bounded by Charles, Fitzgerald, Angove and Vincent Streets.**

**5. RECEIVES a further report on the results of the consultation in August 2022;**

*The City Administration will be working on undertaking the consultation for the trial 'diagonal closure' in July and, if approved August, implementation of the trial in the 2022/23 FY.*

- Will the Council consider a local traffic management system identical to the one in Mt Lawley that also has traffic management on the **same** streets around a busy retail district similar to the North Perth Shopping Plaza (Alma Road, Raglan Road and Grosvenor Road)?

*Engineering officers will be in contact with Mr Goulding to obtain further information on what traffic system/which location in Mt Lawley is referred to so we can provide sufficient/relevant information.*

- Will the council publicly share the data collected for traffic (quantity of vehicles) recorded on Alma Road, Claverton Street, Leake Street and View Street?

*Yes - traffic data on these streets has been included in previous council reports related to North Perth traffic.*

- Where variances in data sets exist between Alma Road and Claverton Street (a street parallel to Alma Road not typically used as a short cut between Charles Street and North Perth Shopping Plaza), what are the Council's conclusions to the variances in traffic volume between Alma Road and Claverton Street?

*Alma Road has a shopping complex on one end. This will naturally attract more traffic.*

- CLAVERTON ST      09-Dec-20      ALFONSO - CAMELIA    874 vpd
- ALMA RD            15-May-19      GLEBE-FITZGERALD   2738 vpd

- Does the council consider the volume in Alma Road traffic (heavy goods and regular vehicles) a health and safety risk managed to ALARP (As Low as Reasonably Practicable) for local residents and their children?

*The traffic carried by this road is typical of local roads in the metropolitan region and within the MRWA design criteria for the road*

*From Liveable Neighbourhoods, Local Roads (Access streets) can have an indicative traffic volume of up to 3000 vpd.*

<https://www.wa.gov.au/government/publications/liveable-neighbourhoods>



**6. Vern Gardam of Mt Lawley – Item**

- Complained that the Grosvenor Road pedestrian street trial has not been dealt with in the normal manner
- The street trial was for business to better utilise public spaces, improve outdoor dining areas and street closures
- The last update was in March 2020 and was not clear
- Concerned that changes to the loop will result in increased times to exit the loop safely in the direction he wishes to travel
- Mentioned danger from trucks making deliveries and collecting garbage, there is not enough space for trucks to turn
- Stated that a 12 month trial road closure
- Queried who authorised this and by what authority and what are the terms of the agreement with RAC and why was Grosvenor Road chosen ahead of Barlee Street?
- Mentioned that the word “resident” does not appear in the quarterly update on the Vincent Rebound plan.
- Mentioned that the closure did not appear on the News portion of the City website, and asked that the ratepayers and residents are kept informed and to survey what they want.

**Response at the meeting:**

*The Presiding Member, Emma Cole, thanked Mr Gardam for his comments and offered to meet with him to discuss this. Mayor Cole mentioned that the City is holding a short trial for some street events. No works or infrastructure works are planned.*

*Manager Policy & Place advised that this action is in the Beaufort Street Place Plan. Grosvenor Road was deemed less disruptive to traffic and drop off zones. The timing of the trial has not been confirmed, but a six week period is being considered. This will be workshopped with Council before a decision is made. Mayor Cole enquired about community advertising and awareness.*

*Comments were received on the Beaufort Street Place Plan, as this action was included in it. Considerable engagement with the Beaufort Street community has taken place to understand what they would like to see from this trial. Once the timing is confirmed further consultation will take place with the residents of those streets and the wider community.*

*Mayor Cole noted that Mr Gardam had significantly exceeded his 3 minute allocated time to ask his question and requested that he take his seat. Mr Gardam thanked Mayor Cole for the offer to speak with him, but advised that the public are caught by what is to happen and the scope of this item.*

*Mayor Cole advised that not all City documents are detailed, this is a forecast for the future, which doesn't necessarily mean the communication plan is in place, that the dates are in place, all of that will follow. There will be consultation on this and she again offered to meet with Mr Gardam to discuss this in more detail with Manager Policy & Place who could give an indication of what the project would look like and what activities are intended to happen in that space.*

**Further response:**

*These questions were answered on the night and the Mayor has offered to meet with Mr Gardam.*

#### 4 APPLICATIONS FOR LEAVE OF ABSENCE

##### LEAVE OF ABSENCE

##### COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Castle

That Cr Alexander's request for leave of absence be approved for the following dates –  
28 May and 15 June 2022.

CARRIED UNANIMOUSLY (8-0)

##### LEAVE OF ABSENCE

##### COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Castle

That Cr Gontaszewski's request for leave of absence be approved for the following dates -  
7 – 10 June 2022 and 15 – 30 June 2022.

CARRIED UNANIMOUSLY (8-0)

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

Nil

#### 6 CONFIRMATION OF MINUTES

##### COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Ioppolo

That the minutes of the Ordinary Meeting held on 5 April 2022 be confirmed.

CARRIED (8-0)

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

**Against:** Nil

(Cr Wallace 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 IDAHOBIT DAY**

Today is IDAHOBIT Day, International Day against Homophobia, Biphobia, Interphobia and Transphobia. As a member of the public pointed out, this should include Lesbophobia as well. The City is proud to be flying the Pride flag in support of the LGBTIQ+ community. Today is about acknowledging the importance of inclusivity and equity and that there is ongoing discrimination against people of LGBTIQ+ and that this is something that we need to bring to light.

### **7.2 IMAGINE VINCENT THE SEQUEL**

At midnight on Sunday 22 May 2022 the consultation on Imagine Vincent the Sequel closes. The City encourages as many people as possible to provide feedback. This is the review of the City's ten year strategic plan and an opportunity for residents to provide feedback as to what they think the priorities should be in the future and what they think about it now. There has been a lot of commentary on underground power, which is on the agenda tonight.

### **7.3 PETITION FROM RESIDENTS OF FAIRFIELD STREET**

Regarding the cars queuing for the COVID testing facility, which is causing concern to residents, the City has been working closely with Western Diagnostic to find a resolution. As this is operating under a State Government planning exemption, the City has no enforcement powers, but thanks to the efforts of multiple City teams an alternative solution has been agreed. A holding area for parking at Britannia Reserve has been agreed, so that cars will no longer queue on Fairfield Street. A report will come to Council with further details, but this solution will be in place from Monday. A new traffic management plan is in place and can be enforced by the City.

## **8 DECLARATIONS OF INTEREST**

- 8.1** Cr Jonathan Hallett declared a proximity interest in Item 12.8 Vincent Underground Power Project (VUPP). The extent of his interest is that his partner's property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. He is seeking approval to participate in debate and vote in the matter.
- 8.2** Cr Suzanne Worner declared a proximity interest in Item 12.8 Vincent Underground Power Project (VUPP). The extent of her 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 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. She is seeking approval to participate in debate and vote in the matter.
- 8.3** Cr Ron Alexander declared a proximity interest in Item 12.8 Vincent Underground Power Project (VUPP). The extent of his 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 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. He is seeking approval to participate in debate and vote in the matter.
- 8.4** Cr Ashley Wallace declared a proximity interest in Item 12.8 Vincent Underground Power Project (VUPP). The extent of his 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 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. He is seeking approval to participate in debate and vote in the matter. NOTE: Cr Wallace was an apology for this meeting.

- 8.5** David MacLennan, CEO declared an impartiality interest in Item 17.1 Appointment of the Design Review Panel. The extent of his interest is that he knows one of the applicants through his involvement in AUDRC – including through his position as AUDRC Chair. He was not involved in the assessment process for the DRP applicants.
- 8.6** Cr Susan Gontaszewski declared a proximity interest in Item 11.5 Advertising of new policy - Sportsground Allocation - Use and Hire Policy. The extent of her interest is a section of her property is directly opposite one of the parks mentioned in the policy. She is not seeking approval to participate in debate and vote in the matter. NOTE: Item 11.5 withdrawn by Administration.
- 8.7** Mayor Emma Cole declared an impartiality interest in Item 17.1 Appointment of the Design Review Panel. The extent of her interest is that she is a personal acquaintance of one of the nominees.

*The Executive Manager Corporate Strategy & Governance advised that the Executive Director of Local Government for the Department of Local Government, Sport and Cultural Industries (under delegated authority) has granted approval under section 5.69(3)(b) of the Local Government Act 1995 for Cr Wallace, Cr Hallett, Cr Worner and Cr Alexander to fully participate in the discussion and decision making relating to Item 12.8 Vincent Underground Power Project (VUPP), subject to certain conditions, which are listed in the [letter](#) from the Department. The Chief Executive Officer advised that this approval is only valid for this meeting.*

## 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 12.10
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 9.4, 12.1, 12.3, 12.6.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Note – Item 11.5 withdrawn by Administration.  
Note - Item 12.8 Permission has been granted for Cr Alexander, Cr Hallett, Cr Wallace and Cr Worner to participate in the decision making of this item.

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 Alexander	9.4
Cr Hallett	9.1
Cr Ioppolo	12.7

The Presiding Member, Mayor Emma Cole therefore requested the Executive Manager Corporate Strategy and Governance, Peter Varris, to advise the meeting of:

- (e) **Unopposed items which will be moved “En Bloc”, being:**  
Items 9.2, 9.3, 10.1, 10.2, 11.1, 11.2, 11.3, 11.4, 11.6, 12.2, 12.4, 12.5, 12.8, 12.9, 12.11 and 17.1
- (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 Worner, Seconded: Cr Loden**

**That the following unopposed items be adopted "En Bloc", as recommended:**

**Items 9.2, 9.3, 10.1, 10.2, 11.1, 11.2, 11.3, 11.4, 11.6, 12.2, 12.4, 12.5, 12.8, 12.9, 12.11 and 17.1**




**CARRIED (8-0)**

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

**Against:** Nil

**(Cr Wallace was an apology for the Meeting.)**

**9.2 LOCAL PLANNING STRATEGY AND SCHEME REPORT OF REVIEW AND AMENDMENT NO. 10 TO THE LOCAL PLANNING SCHEME**

- Attachments:
1. City of Vincent Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review 
  2. Amendment No. 10 to Local Planning Scheme No. 2 - Summary of changes 
  3. Amendment No. 10 to Local Planning Scheme No. 2 - Form 2A 

**RECOMMENDATION:**

That Council:

1. **ENDORSES** the City of Vincent Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review contained in Attachment 1;
2. **RECOMMENDS** that the Western Australian Planning Commission agrees to the recommendation in the City of Vincent Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review contained in Attachment 1;
3. **PREPARES** Amendment No. 10 to Local Planning Scheme No. 2 as at Attachment 3, pursuant to Section 75 of the *Planning and Development Act 2005* for the purpose of public advertising, subject to approval of the Environmental Protection Authority; and
4. **CONSIDERS** Amendment No. 10 to Local Planning Scheme No. 2 as a standard amendment under Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment;
  - 4.1 Has minimal impact on land in the scheme area that is not the subject of the amendment, due to the predominately minor text changes proposed;
  - 4.2 The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - 4.3 The amendment is not a complex or basic amendment.

**COUNCIL DECISION ITEM 9.2**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**9.3 ACCESSIBLE CITY STRATEGY - IMPLEMENTATION UPDATE**

Attachments: 1. Accessible City Strategy - Implementation Framework 

**RECOMMENDATION:**

That Council NOTES the Accessible City Strategy implementation update as at Attachment 1.

**COUNCIL DECISION ITEM 9.3**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**10.1 WASTE STRATEGY PROJECT 8 - COMMERCIAL WASTE COLLECTIONS (UPDATE)**

- Attachments:
1. Survey Results 
  2. Commercial Survey - Verbatim 

**RECOMMENDATION:**

That Council NOTES the results of the survey carried out in relation to the discontinuation of commercial waste collection.

**COUNCIL DECISION ITEM 10.1**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)



**10.2 TENDER IE164/2021 MENZIES PARK PAVILION AND ABLUTIONS REFURBISHMENT****Attachments: 1. Tender Evaluation Summary - Confidential****RECOMMENDATION:****That Council:**

- 1. NOTES the outcome of the evaluation process for Tender IE164/2021 Menzies Park Pavilion and Ablutions Refurbishment; and**
- 2. ACCEPTS the tender submission of Devco Holdings for Tender IE164/2021 Menzies Park Pavilion and Ablutions Refurbishment.**

**COUNCIL DECISION ITEM 10.2****Moved: Cr Worner, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (8-0)****(Cr Wallace was an apology for the Meeting.)**

**11.1 INVESTMENT REPORT AS AT 31 MARCH 2022****Attachments:** 1. Investment Statistics as at 31 March 2022 **RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.1****Moved: Cr Worner, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (8-0)****(Cr Wallace was an apology for the Meeting.)**

11.2 FINANCIAL STATEMENTS AS AT 31 MARCH 2022

Attachments: 1. Financial Statements as at 31 March 2022 

RECOMMENDATION:

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

**COUNCIL DECISION ITEM 11.2**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 MARCH 2022 TO 31 MARCH 2022**

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

**RECOMMENDATION:**

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

EFT payments, including payroll	\$7,254,959.65
Cheques	\$884.01
Direct debits, including credit cards	\$138,624.37
Total payments for March 2022	<b>\$7,394,468.03</b>

**COUNCIL DECISION ITEM 11.3**


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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**11.4 TERMS OF REFERENCE - CHILDREN AND YOUNG PEOPLE ADVISORY GROUP**

Attachments: 1. Proposed Terms of Reference - Children and Young People Advisory Group 

**RECOMMENDATION:**

That Council **ADOPTS** the Terms of Reference of the City's Children and Young People Advisory Group (CYPAG) (at Attachment 1).

**COUNCIL DECISION ITEM 11.4**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

(Cr Wallace was an apology for the Meeting.)

**11.6 DRAFT ACCESS AND INCLUSION PLAN 2022-2027 - APPROVAL FOR PUBLIC CONSULTATION**

Attachments: 1. Draft City of Vincent Access and Inclusion Plan 2022-2027 

**RECOMMENDATION:**

That Council:

1. RECEIVES the Draft Access and Inclusion Plan 2022-2027, at Attachment 1: and
2. AUTHORISES the Chief Executive Officer to provide local public notice of the Draft Access and Inclusion Plan 2022-2027 for public comment for a period of 21 days, inviting written submissions in accordance with the City's Community and Stakeholder Engagement Policy

**COUNCIL DECISION ITEM 11.6**

Moved: Cr Worner, Seconded: Cr Loden

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

(Cr Wallace was an apology for the Meeting.)

**12.2 APPROVAL TO ADVERTISE DRAFT LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022**

Attachments: 1. Local Government Property Amendment Local Law 2022   
2. Local Government Property Local Law 2021 - Tracked Changes   
3. Table of Amendments   
4. Final Memorandum of Legal Advice - Confidential

**RECOMMENDATION:**

That Council:

1. AUTHORISES the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the *Local Government Act 1995*, for a period of at least 6 weeks, that:
  - 1.1 it is proposed to make the City of Vincent Local Government Property Amendment Local Law 2022 at Attachment 1;
  - 1.2 The purpose of the City of Vincent Local Government Property Amendment Local Law 2022 is to:
    - 1.2.1 amend clause 1.6 by inserting additional definitions for 'election day', 'election period', and 'election sign';
    - 1.2.2 amend clause 5.3(l) to delete the restriction on mobile phone use in a change room at a community facility, and to insert the restriction on any person taking images or recording of another person without their prior consent in a change room at a community facility;
    - 1.2.3 amend clause 5.14 to specify the responsibility of property owners to maintain awnings, balconies, and verandahs applies to those which are erected over a

thoroughfare;

1.2.4 amend clause 5.16(c) and (d) to specify that smoke free areas do not include vehicles within thoroughfares;

1.2.5 amend clause 6.1(e) to change term from a 'minor nature development' to a 'minor sign' and provide further clarity to the definition;

1.2.6 amend clause 6.8 to align with the City's Election Signs Policy provisions for erection of signs on local government property without requiring a permit and to specify conditions for the City in determining an application for a permit for an election sign;

1.2.7 delete clause 13.2(f) to remove the provision for an approved manager to refuse entry, suspend admission, or direct a person to leave a local government facility due to a person being deemed undesirable by reason of their past conduct; and

1.2.8 amend typographical errors in and further clarify clauses 1.6, 4.4(2), 5.13, 6.2(2)(a), 6.3(1), 6.3(2)(a), 9.3(2), 9.7(1)(f), and 9.11(1);

1.3 The effect of the City of Vincent Local Government Property Amendment Local Law 2022 is to:

1.3.1 note and clarify new definitions used throughout additions to clause 6.8 regarding election signs;

1.3.2 clarify that no images or recording shall be taken of another person in a change room at a community facility without their prior consent;

1.3.3 clarify that owners with properties which have awnings, balconies, and verandahs over thoroughfares have a public safety duty to maintain them;

1.3.4 clarify that persons smoking within their own private property (being a vehicle) situated on a thoroughfare in a smoke free area is not prohibited by the local law;

1.3.5 remove any confusion due to terminology used for signs in local planning policies and the City of Vincent's Local Planning Scheme No. 2;

1.3.6 clarify the conditions under which erection of an election sign on local government property does not require a permit and to provide guidance for the City in determining an application for a permit for an election sign;

1.3.7 remove grounds for discrimination in this manner against any person on local government property or in a community facility by an authorised person or approved manager; and

1.3.8 provide clarity in clauses 1.6, 4.4(2), 5.13, 6.2(2)(a), 6.3(1), 6.3(2)(a), 9.3(2), 9.7(1)(f), and 9.11(1);

1.4 Copies of the proposed amendment local law are available for inspection at the City's office, Library and Local History Centre and on its website;

2. NOTES that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed amendment local law and public notice will be provided to the Minister for Local Government;

3. NOTES that any submissions received as a result of the public notice provided as set out in recommendation 1. above will be presented to Council for consideration; and

4. RESPONDS to the Joint Standing Committee on Delegated Legislation indicating its intention to amend clause 5.3(l), as reflected in Attachment 1.

**COUNCIL DECISION ITEM 12.2**

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




**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Wallace was an apology for the Meeting.)**



**12.4 OUTCOME OF ADVERTISING AMENDED COUNCIL MEMBERS – ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES POLICY AND PROPOSED REPEAL OF CIVIC FUNCTIONS POLICY**

- Attachments:
1. Council Members – Allowances, Fees and Reimbursement of Expenses Policy (clean copy) 
  2. Council Members – Allowances, Fees and Reimbursement of Expenses Policy (marked up) 
  3. Civic Functions, Ceremonies, Receptions and Provision of Hospitality Policy and the use of Council Chamber, Function Room and Committee Room Policy (4.1.29) 

**RECOMMENDATION:**

That the Council:

1. **ADOPTS** the Council Members – Allowances, Fees and Reimbursement of Expenses Policy at Attachment 1; and
2. **REPEALS** Policy No. 4.1.29 – Civic Functions, Ceremonies, Receptions and Provision of Hospitality Policy and the use of Council Chamber, Function Room and Committee Room at Attachment 3.


**COUNCIL DECISION ITEM 12.4**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**12.5 PROPOSED REPEAL OF LOCAL GOVERNMENT ELECTIONS POLICY****Attachments:** 1. Policy No. 4.2.14 - Local Government Elections **RECOMMENDATION:**

That Council REPEAL Policy No. 4.2.14 – Local Government Elections Policy at Attachment 1.





**COUNCIL DECISION ITEM 12.5****Moved: Cr Worner, Seconded: Cr Loden**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**12.8 VINCENT UNDERGROUND POWER PROJECT (VUPP)**

- Attachments:
1. Invitation to participate - Tranche 2 - NRUPP 
  2. NRUPPT2 Presentation 
  3. Memorandum of Understanding 
  4. Project Summary 

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

1. **NOTES** the invitation from Western Power for the City of Vincent to participate in Tranche 2 of the Network Renewal Underground Pilot Program (NRUPP) at Attachment 1.
2. **NOTES** the proposed project areas would underground power at 5,336 electricity service meters in 1) North Perth/Mount Lawley, 2) North Perth/Mount Hawthorn and 3) Perth/Highgate as per the boundaries identified in the maps contained in Attachment 2 plus an additional 144 meters covering approximately 80 Lots to include the Mount Hawthorn Town Centre (Oxford Street, Anzac Road, Hobart Street).
3. **NOTES** Western Power advice that the overhead network assets in these areas are coming to the end of their service life for replacement and renewal. 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.
4. **AUTHORISES** the CEO to sign the Memorandum of Understanding at Attachment 3 to enable Western Power to commence detailed design of the project.
5. **NOTES** the project summary at Attachment 4 will be included as a new Strategic Project in the Corporate Business Plan 2023/24-2027/28.
6. **REQUESTS** Administration to prepare a preliminary business case on participation in NRUPP Tranche 2 as part of the preparation of the Annual Budget and update to the Corporate Business Plan (noting that the final business case would be finalised following 12 months of detailed design by Western Power which will confirm estimated costs for the project).
7. **APPROVE** utilisation of \$216,000 in the Underground Power Reserve to provide for two FTE over 12 months for project management and community engagement work to undertake this significant project.

**COUNCIL DECISION ITEM 12.8**

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
















That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

*NOTE: The Executive Director of Local Government for the Department of Local Government, Sport and Cultural Industries (under delegated authority) granted approval under section 5.69(3)(b) of the Local Government Act 1995 for Cr Wallace, Cr Hallett, Cr Worner and Cr Alexander to fully participate in the discussion and decision making relating to Item 12.8 Vincent Underground Power Project (VUPP), subject to certain conditions, which are listed in the [letter](#) from the Department.*

**12.9 INFORMATION BULLETIN**

- Attachments:
1. Minutes of the Mindarie Regional Council Meeting held on 24 March 2022 
  2. Minutes of the Tamala Park Regional Council Meeting held on 21 April 2022 
  3. Minutes of the Children and Young People Advisory Group (CYPAG) held on 16 March 2022 
  4. Minutes of the Reconciliation Action Plan Working Group (RAPWG) held on 14 March 2022 
  5. Minutes of the Sustainability and Transport Advisory Group held on 24 March 2022 
  6. Statistics for Development Services Applications as at the end of April 2022 
  7. Register of Legal Action and Prosecutions Monthly - Confidential
  8. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 28 April 2022 
  9. Register of Applications Referred to the MetroWest Development Assessment Panel - Current 
  10. Register of Applications Referred to the Design Review Panel - Current 
  11. Register of Petitions - Progress Report - April 2022 
  12. Register of Notices of Motion - Progress Report - April 2022 
  13. Register of Reports to be Actioned - Progress Report - April 2022 
  14. Council Workshop Items since 5 April 2022 
  15. Council Meeting Statistics 
  16. Council Briefing Notes - 29 March 2022 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated May 2022.

**COUNCIL DECISION ITEM 12.9**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**12.11 APPOINTMENT OF A CEO PERFORMANCE REVIEW CONSULTANT**

- Attachments:
1. Price Consulting Pty Ltd Quote - Confidential
  2. Mills Recruitment Quote - Confidential
  3. Summary of Consultant's Fees - Confidential

**RECOMMENDATION:**

That Council APPOINTS Ms Natalie Lincolne of Price Consulting Pty Ltd to assist Council with the Chief Executive Officer's Performance Reviews for 2021/22 and 2022/23 in accordance with Policy No. 4.2.16 – CEO Annual Performance Review.

**COUNCIL DECISION ITEM 12.11**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**17.1 APPOINTMENT OF THE DESIGN REVIEW PANEL****RECOMMENDATION:**

That Council:

1. **ADOPTS** the amended Design Review Panel – Terms of Reference included as Attachment 1;
2. **APPOINTS** the following applicants to the City’s Design Review Panel until 17 May 2024:
  - 2.1 James Christou – Architect & Co-Chairperson;
  - 2.2 Simon Venturi – Architect & Co-Chairperson;
  - 2.3 Dominic Snellgrove – Architect & Deputy Chairperson;
  - 2.4 Joe Chindarsi – Architect (Sustainable Design);
  - 2.5 Kieran Ward – Architect (Sustainable Design);
  - 2.6 Munira Mackay – Urban Designer;
  - 2.7 Dr Anthony Duckworth-Smith – Urban Designer;
  - 2.8 Tom Griffiths – Landscape Architect;
  - 2.9 Damien Pericles– Landscape Architect;
  - 2.10 Stephen Carrick – Heritage Architect;
  - 2.11 Marc Beattie – Heritage Specialist; and
3. **NOTES** that:
  - 3.1 The City’s Design Review Panel term expire on 17 May 2024; and
  - 3.2 Administration will notify all applicants of the Design Review Panel appointments and induct the successful applicants onto the Design Review Panel.

**COUNCIL DECISION ITEM 17.1**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Wallace was an apology for the Meeting.)

**11.5 SPORTSGROUND ALLOCATION - HIRE AND USE POLICY – WITHDRAWN BY ADMINISTRATION**

**This report was withdrawn by Administration.**

*For the convenience of those observing the meeting via Livestream, Mayor Cole advised that Council has endorsed Item 12.8 Vincent Underground Power Project, and the entering into a Memorandum of Understanding with Western Power in respect to the potential delivery of underground power in three project areas within the City of Vincent.. Further information, including the plans, will soon be available on the City's webpage.*

**REPORTS WITH DISCUSSION****9.1 NOS. 596-598 (LOT: 116; D/P: 2360) NEWCASTLE STREET, WEST PERTH - PROPOSED AMENDMENT TO PREVIOUS APPROVAL: BILLBOARD SIGNS (UNLISTED USE)****Ward:** South**Attachments:**

1. Consultation and Location Map 
2. Development Plans 
3. Applicant Supporting Information 
4. Road Safety Audit 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for an Amendment to Approved Billboard Signs at Nos. 596-598 (Lot: 116; D/P: 2360) Newcastle Street, West Perth, in accordance with the plans shown in Attachment 2, for the following reasons:

1. The proposed Unlisted Use (Billboard Signs) advertising third party content would be inconsistent with the objectives of the City's Policy No. 7.5.2 – Signs and Advertising, the objectives of the Commercial Zone under the City's Local Planning Scheme No. 2, and Clauses 67(2)(m) and (n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the permanent approval of this signage would be incompatible with the desired future character of and adversely impact on the amenity of the locality; and
2. The proposed Unlisted Use (Billboard Signs) advertising third party content would be inconsistent with Clauses 67(2)(b) and (w) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The permanent approval of this signage would be contrary to the purposes of orderly and proper planning, as:
  - The City is reviewing its planning framework in relation to third party advertising. The permanent approval would have the potential to prejudice this outcome; and
  - The planning framework as it relates to the site has not substantially changed since the previous time limit was approved and would result in inconsistent decision-making.

**COUNCIL DECISION ITEM 9.1****Moved:** Cr Hallett, **Seconded:** Cr Ioppolo

That the recommendation be adopted.

**CARRIED (6-2)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner and Cr Hallett**Against:** Cr Ioppolo and Cr Alexander**(Cr Wallace was an apology for the Meeting.)**



**9.4 SALE OF NO. 25 (LOT 93) SYDNEY STREET, NORTH PERTH**

- Attachments:**
1. 2021 Valuation Report - 25 (Lot 93) Sydney Street, North Perth - 16.04.21 - Confidential
  2. 2022 Valuation figures - 25 (Lot 93) Sydney Street, North Perth - Confidential

**RECOMMENDATION:**

That Council:

**1. APPROVES the:**

- 1.1 disposition of No 25 (Lot 93) Sydney Street, North Perth (Land) in accordance with the *Local Government Act 1995*; and
- 1.2 sale process relating to the disposition of Land to commence after the expiry or termination of the car park licences granted on the Land;

**2. DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the authority to:**

- 2.1 determine the best method of sale i.e. public auction, public tender or private treaty;
- 2.2 appoint a licensed real estate agent to advertise the sale of the Land;
- 2.3 accept offers which are equal to or higher than the market valuation included at Attachment 2;

**2.4 in respect of:****2.4.1 Public auction:**

- (a) determine the reserve price; and
- (b) accept the highest bidder;

**2.4.2 Public Tender:**

- (a) accept the tender in accordance with the City's Purchasing Policy; or

**2.4.3 Private treaty:**

- (a) set the date for sale of the Land;
- (b) provide local public notice;
- (c) consider submissions;
- (d) enter into private treaty negotiations; and
- (e) conclude contract of sale with private treaty entity, and in this respect, determine and vary the settlement date and/or date of satisfaction of any conditions pursuant to the Contract of Sale between the City of Vincent and the prospective buyer;

**3. AUTHORISES that the proceeds from the sale of the Land be applied towards:**

- 3.1 the development of the park on Haynes Street Reserve; and
- 3.2 any excess, after application of funds in recommendation 3.1, the Public Open Space Reserve; and

4. **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Transfer of Land document.

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

That the recommendation be adopted.

#### **AMENDMENT 1**

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

That the recommendation be amended as follows:

- 2.3 accept offers which are equal to or higher than the market valuation **in scenario 1** included at Attachment 2;

#### **AMENDMENT CARRIED (7-1)**

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

**Against:** Cr Alexander

(Cr Wallace was an apology for the Meeting.)

#### **AMENDMENT 2**

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

That Recommendation 3 be amended as follows:

3. **AUTHORISES** that the proceeds from the sale of the Land be applied towards **the repayment of borrowings, as itemised in Note 6a of the Annual Budget for the year ended 30 June 2022; and**

**~~3.1 — the development of the park on Haynes Street Reserve; and~~**

**~~3.2 — any excess, after application of funds in recommendation 3.1, the Public Open Reserve; and~~**

#### **REASON:**

The City of Vincent is significantly in debt. The POS is a discretionary project. I believe we need to reduce the City's/Ratepayers debt levels before we engage in discretionary projects. The POS project is not an essential service.

#### **AMENDMENT LOST (2-6)**

**For:** Cr Alexander and Cr Ioppolo

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

(Cr Wallace was an apology for the Meeting.)

That Council:

1. **APPROVES** the:

1.1 disposition of No 25 (Lot 93) Sydney Street, North Perth (Land) in accordance with the

*Local Government Act 1995; and*

- 1.2 sale process relating to the disposition of Land to commence after the expiry or termination of the car park licences granted on the Land;
2. DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the authority to:
  - 2.1 determine the best method of sale i.e. public auction, public tender or private treaty;
  - 2.2 appoint a licensed real estate agent to advertise the sale of the Land;
  - 2.3 accept offers which are equal to or higher than the market valuation in scenario 1 included at Attachment 2;
  - 2.4 in respect of:
    - 2.4.1 Public auction:
      - (a) determine the reserve price; and
      - (b) accept the highest bidder;
    - 2.4.2 Public Tender:
      - (a) accept the tender in accordance with the City's Purchasing Policy; or
    - 2.4.3 Private treaty:
      - (a) set the date for sale of the Land;
      - (b) provide local public notice;
      - (c) consider submissions;
      - (d) enter into private treaty negotiations; and
      - (e) conclude contract of sale with private treaty entity, and in this respect, determine and vary the settlement date and/or date of satisfaction of any conditions pursuant to the Contract of Sale between the City of Vincent and the prospective buyer;
3. AUTHORISES that the proceeds from the sale of the Land be applied towards:
  - 3.1 the development of the park on Haynes Street Reserve; and
  - 3.2 any excess, after application of funds in recommendation 3.1, the Public Open Space Reserve; and
4. AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the Transfer of Land document.

**CARRIED WITH ABSOLUTE MAJORITY (7-1)**

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

**Against:** Cr Alexander

**(Cr Wallace was an apology for the Meeting.)**

At 7.06pm Manager Policy & Place left the meeting and did not return.

## 12.1 ANNUAL REVIEW OF COUNCIL DELEGATIONS

Attachments: 1. Register of Council Delegations - Marked up for 2022 Review 

### RECOMMENDATION:

That Council:

1. NOTES the annual review of its delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report; and
2. DELEGATES BY ABSOLUTE MAJORITY the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1.

Moved: Cr Loden, Seconded: Cr Ioppolo

That the recommendation be adopted.

### AMENDMENT

Moved: Cr Ioppolo, Seconded: Cr Hallett

That the recommendation be amended as follows:

That Council:

1. NOTES the annual review of its delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report; and
2. DELEGATES BY ABSOLUTE MAJORITY the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1, **with the exception of the following:**
  - **Proposed changes to condition 6 of Delegation 16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme be amended to read as follows:**
    6. ***This delegation does not extend to applications for development approval that propose demolition of any structure/building on a heritage protected place.***

### REASON:

1. Respecting and preserving Heritage within Vincent is an important stated and agreed objective by the City and the community:
  - City of Vincent's Strategic Community Plan 2018-2028 identifies several priorities, based on community feedback, which includes Sensitive Design where a stated outcome we will work toward is "Our built form character and heritage is protected".
  - Moreover relevant comments from the community were specifically referenced in the Strategic Community Plan 2018-2028 on page 31 as:
    - Value our heritage and distinguishing architecture of town centres to avoid generic outputs
    - Ensure planning applications take due consideration
  - As per Vincent's website (<https://www.vincent.wa.gov.au/develop-build/heritage.aspx>) "the heritage of Vincent is unique, vibrant, complex and rich in history, stories, people and places." Moreover, "The City of Vincent has over 20 places registered on the [State Register of Heritage Places](#). Not only are these places important to the City's heritage but their significance has also been recognised at the state level. The State Register is compiled and managed by the Heritage Council of Western Australia."
2. Distinguishing whether or not factors contribute to the heritage significance of the heritage place is not

straight forward and involves subjective assessment from the Heritage Council of WA, Heritage Impact Statements prepared by external consultants and reviews of such materials by the City's Design Review Panel Heritage Architect.

3. Decisions on planning and development applications are quasi-judicial with several legal authorities, statutes and policies required to be considered that include:
  - Planning and Development (Local Planning Schemes) Regulations 2015;
  - The Australia ICOMOS Charter for Places of Cultural Significance, the Burra Charter 2013;
  - State Planning Policy 3.5 - Historic Heritage Conservation;
  - City of Vincent Local Planning Scheme No. 2;
  - Community and Stakeholder Engagement Policy;
  - Policy No. 7.1.1 – Built Form Policy; and
  - Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.
4. The Burra Charter 2013 reflects the subjective assessment involved and as a result, sets a standard of practice for those who provide advice, make decisions about, and undertake work to places of cultural significance. The Burra Charter applies to all types of places of cultural significance, including the subject site. In accordance with Article 22.1 of the Burra Charter, 'new work' is acceptable where it respects the cultural significance of the place. This can be done through consideration of its siting bulk, form, scale, character, colour, texture and material.
5. Removal of the requirement that unless the structure/building does not contribute to the heritage significance of the heritage place weakens the existing process because it removes a key level of oversight over Administration's decision making in an area that is significantly important to the City, the community, the State, our collective heritage and is therefore not supportive of the principles of good governance.

**AMENDMENT CARRIED (7-1)**

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

**Against:** Cr Castle

**(Cr Wallace was an apology for the Meeting.)**

**COUNCIL DECISION ITEM 12.1**

**That Council:**

1. **NOTES** the annual review of its delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report; and
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1, with the exception of the following:
  - **Proposed changes to condition 6 of Delegation 16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme be amended to read as follows:**
    6. ***This delegation does not extend to applications for development approval that propose demolition of any structure/building on a heritage protected place.***

**CARRIED BY ABSOLUTE MAJORITY (8-0)**




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

**Against:** Nil

**(Cr Wallace was an apology for the Meeting.)**

At 7.26pm the Specialist Planner left the meeting and did not return.

**12.3 OUTCOME OF ADVERTISING NEW TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY**

- Attachments:
1. Temporary Employment or Appointment of CEO Policy - (amended clean version for adoption) 
  2. Temporary Employment or Appointment of CEO Policy - (marked up) 
  3. WALGA Template Policy - Temporary Employment or Appointment of CEO 

**RECOMMENDATION:**

That Council **ADOPTS BY ABSOLUTE MAJORITY** the new Temporary Employment or Appointment of CEO Policy at Attachment 1.

**COUNCIL DECISION ITEM 12.3**

**Moved:** Cr Hallett, **Seconded:** Cr Loden

That the recommendation be adopted.




**CARRIED BY ABSOLUTE MAJORITY (8-0)**

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

**Against:** Nil

(Cr Wallace was an apology for the Meeting.)

**12.6 OUTCOME OF ADVERTISING AMENDED COUNCIL MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT POLICY**

- Attachments:
1. Council Member Continuing Professional Development Policy - (clean copy) 
  2. Council Member Continuing Professional Development Policy - (marked up) 
  3. WALGA Template Policy - Council Members Continuing Professional Development 

**RECOMMENDATION:**

That Council **ADOPTS BY ABSOLUTE MAJORITY** the Council Member Continuing Professional Development Policy at Attachment 1.

**COUNCIL DECISION ITEM 12.6**

**Moved:** Cr Hallett, **Seconded:** Cr Loden

That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (8-0)**

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

**Against:** Nil

(Cr Wallace was an apology for the Meeting.)



**12.7 ADVERTISING OF AMENDED POLICY - COUNCILL MEMBER CONTACT WITH DEVELOPERS**

Attachments: 1. Council Member Contact with Developers Policy (Marked Up) 

**RECOMMENDATION:**

That Council APPROVES the proposed amendments to the Council Member Contact with Developers Policy, at Attachment 1, for the purpose of community consultation.

Moved: Cr Hallett, Seconded: Cr Ioppolo

That the recommendation be adopted.

**AMENDMENT**

Moved: Cr Ioppolo, Seconded: Cr Loden

That the recommendation be amended as follows:

That Council APPROVES the proposed amendments to the Council Member Contact with Developers Policy, at Attachment 1, for the purpose of community consultation **subject to the following amendments:**

- “1e Where contact occurs prior to the lodgement of a development application, including during the Design Review Panel assessment, the Council Member shall **disclose record** all contact, **in accordance with the provisions above, for inclusion in the confidential register specified in clause 3a privately and disclose the contact as an interest at the point that the application is presented to Council. At this point such disclosures are to be recorded in the Register of Interests Disclosed at Council Meetings and added to the register of Council Member contact with the Developers.**
3. The Chief Executive Officer shall create and thereafter maintain a:
- a. **confidential register of all Council Member contact with the Developers prior to lodgement of a development application, incorporating the details referred to in sub-clauses 1a and d above; and**
  - b. **public register of all Council Member contact with the Developers, incorporating the details referred to in sub-clauses 1a and d above. Such register shall be made publicly available in an electronic format on the City’s website.**
4. The Chief Executive Officer shall ensure the **public registers referred to in 3 above is are updated on a fortnightly basis.**”

**REASON:**

The purpose of requiring a policy to record Council Member contact with developers is to ensure that all discussions and contact with developers is transparent so as to discourage solicitation by developers to procure favourable support for a future outcome in exchange for any consideration receivable to the Council Member. If this type of behaviour were to occur, it is just as probable that it would occur prior to lodgement of any development application than afterward.

The specification that the register be maintained confidential but still observable to all Council Members is to respect the commercial in confidence requirements of developers for potential developments that may not be disclosed in the public at the time of such discussions

**AMENDMENT CARRIED (8-0)**

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

Against: Nil

(Cr Wallace was an apology for the Meeting.)

**COUNCIL DECISION ITEM 12.7**

That Council APPROVES the proposed amendments to the Council Member Contact with Developers Policy, at Attachment 1, for the purpose of community consultation subject to the following amendments:

- “1e Where contact occurs prior to the lodgement of a development application, including during the Design Review Panel assessment, the Council Member shall disclose all contact, in accordance with the provisions above, for inclusion in the confidential register specified in clause 3a.
3. The Chief Executive Officer shall create and thereafter maintain a:
- a. confidential register of all Council Member contact with the Developers prior to lodgement of a development application, incorporating the details referred to in sub-clauses 1a and d above; and
  - b. public register of all Council Member contact with the Developers, incorporating the details referred to in sub-clauses 1a and d above. Such register shall be made publicly available in an electronic format on the City’s website.
4. The Chief Executive Officer shall ensure the registers referred to in 3 above are updated on a fortnightly basis.”

**CARRIED (8-0)**

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

**Against:** Nil

(Cr Wallace was an apology for the Meeting.)

**12.10 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 3 MAY 2022**

- Attachments:
1. Audit Committee Minutes - 3 May 2022 
  2. Confidential Attachments to Audit Committee Meeting - 3 May 2022 - Confidential

**RECOMMENDATION:**

That Council RECEIVES the minutes of the Audit Committee Meeting of 3 May 2022, as at Attachment 1 and NOTES the recommendations.

**Moved:** Cr Gontaszewski, **Seconded:** Cr Alexander

That the recommendation be adopted.

**AMENDMENT**

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

That the recommendation be amended as follows:

That Council RECEIVES the minutes of the Audit Committee Meeting of 3 May 2022, as at Attachment 1 and **NOTES ENDORSES** the recommendations.

**AMENDMENT CARRIED (8-0)**

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

**Against:** Nil

(Cr Wallace was an apology for the Meeting.)

**COUNCIL DECISION ITEM 12.10**

That Council RECEIVES the minutes of the Audit Committee Meeting of 3 May 2022, as at Attachment 1 and ENDORSES the recommendations.

**CARRIED (8-0)**

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

**Against:** Nil

(Cr Wallace 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****17.1 Appointment of the Design Review Panel**

This item was approved en bloc.

**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 8.01pm with the following persons present:

<b>PRESENT:</b>	Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander Cr Alex Castle Cr Dan Loden Cr Suzanne Worner Cr Jonathan Hallett Cr Ross Ioppolo	Presiding Member South Ward North Ward North Ward North Ward North Ward South Ward South Ward
<b>IN ATTENDANCE:</b>	David MacLennan John Corbellini  Andrew Murphy  Virginia Miltrup Jay Naidoo Peter Varris Wendy Barnard	Chief Executive Officer Executive Director Strategy & Development (electronically) Executive Director Infrastructure & Environment (electronically)  Executive Director Community & Business Services Manager Development & Design (electronically) Executive Manager Corporate Strategy & Governance Council Liaison Officer
<b>Public:</b>	No members of the public.	

These Minutes were confirmed at the 24 June 2022 meeting of Council as a true and accurate record of the Ordinary Meeting of the Council held on 17 May 2022.

Signed: Mayor Emma Cole

Dated