



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

26 July 2022

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**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AS E-MEETING AND AT THE
ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 26 JULY 2022 AT 6.00PM**

| | | |
|-----------------------|---|---|
| PRESENT: | Cr Susan Gontaszewski | South Ward (Presiding Member) |
| | Cr Ron Alexander | North Ward |
| | Cr Alex Castle | North Ward |
| | Cr Dan Loden | North Ward (arrived at 6.03pm) |
| | Cr Suzanne Worner | North Ward |
| | Cr Jonathan Hallett | South Ward |
| | Cr Ross Ioppolo | South Ward |
| | Cr Ashley Wallace | South Ward |
| IN ATTENDANCE: | David MacLennan | Chief Executive Officer |
| | John Corbellini | Executive Director Strategy & Development |
| | Andrew Murphy | Executive Director Infrastructure & Environment |
| | Virginia Miltrup | Executive Director Community & Business Services |
| | Mark Fallows | Manager Built Form & Environment (left at 8.04pm) |
| | Gemma Carter | Manager Marketing and Partnerships (Left at 7.00pm) |
| | Jayde Robbins | Manager City Buildings & Asset Management (left at 8.20pm) |
| | Tara Gloster | Manager Policy & Place (left at 7.48pm) |
| | Joslin Colli | A/Manager Development & Design (left at 6.45pm) |
| | Peter Varris | Executive Manager Corporate Strategy & Governance |
| | Wendy Barnard | Council Liaison Officer |
| Public: | Approximately nine members of the public. | |

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Cr Susan Gontaszewski, declared the meeting open at 6.02pm 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”.

Minute Silence – Aunty Margaret Colbung

The Presiding Member, Cr Susan Gontaszewski acknowledged Aunty Margaret Culbong, a member of the Bridyas Elders Advisory Group, who passed away on 8 July 2022. Aunty Margaret Culbong was a respected Aboriginal leader for Western Australia and a fierce advocate for Aboriginal rights and recognition. She was a founding member of the Bridyas Elders Advisory Group for the City of Vincent and also the City of Perth. She made an enormous contribution to the City of Vincent’s draft Innovate Reconciliation Action Plan. She was never afraid to speak her mind, challenge and question, while also enjoying a joke and sharing a yarn.

Aunty Margaret was born and raised on the outskirts of Narrogin. Her mother’s nickname for her was Moogedy. She was very smart and good at maths - which led to a scholarship through the Country Women’s Association to study business management in Perth. Her first job was for the Department of Native Welfare

in Narrogin. She also tells the story of helping Aboriginal organisations and communities set up their accounting systems.

She experienced a great deal of racism during her time and was a fierce defender for her community. It was due to her experiences receiving health care, she decided to become a nurse and then a community health worker. She was instrumental in establishing the first Aboriginal-controlled medical services in Western Australia. In 2021 she was awarded an Honorary Doctorate of Science by Curtin University for her contributions to health care.

She was incredibly active in her local community and was passionate about teaching younger generations, working with a Noongar kids choir and teaching knitting to young folks among her many other activities. She was also well known for her reconciliation beanies that she would bring to meetings as gifts.

Aunty Margaret passed away during NAIDOC Week. Her passion, dedication and sharp wit will be greatly missed. We thank her family for allowing us to honour her name today and send our deepest condolences to them and to everyone whose lives she touched.

The Presiding Member, Cr Susan Gontaszewski, called for a minute's silence in honour of Aunty Margaret, her extraordinary life and contribution to the City of Vincent and community. The meeting was silent for a minute.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Mayor Emma Cole was an apology for this meeting, as she is on a site visit with the WA Planning Commission.

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 John Viska of North Perth – Item 9.7

- Stated that he lives in Chelmsford Road and he was not included in any consultation, and traffic is going to be channelled into Chelmsford Road
- Mentioned that the cost of the trial is \$114,000, and considered this is inappropriate given the rates have been increased so much

The Presiding Member, Cr Susan Gontaszewski, thanked Mr Viska for his comments.

3.2 Shawn Offer of Perth – Item 9.7

- Stated he is from Fresh Provisions
- Queried the consultation process and asked who the Beaufort Street Network Group is. They apparently represent the business network, but he has not heard from them for many years
- Stated that he is concerned about the loss of parking, there are five fifteen minute bays, which is twenty movements an hour
- Mentioned that the decision not to do a detailed traffic study in favour of the trial will cost businesses in the area due to disruption
- Stated that Management agrees that ingress and egress is important from Grosvenor Road and the impact it has on the car parks
- Mentioned that between Walcott and Beaufort there are no pedestrian zebra crossings, only controlled traffic light crossings
- Stated that Management test for larger vehicles is one vehicle, early in the morning and not a reflection of what occurs
- Mentioned pedestrianisation may increase anti-social behaviour
- Stated that data collected for this trial does not mention data being collected from businesses.

The Presiding Member, Cr Susan Gontaszewski, thanked Mr Offer for his comments.

Shawn Offer also submitted the following statement in writing prior to the meeting:

At the Briefing session there was discussion about the bluntness of the consultation by the CoV Management. I had previously forwarded my contact details to the Place Planner for Beaufort Street. I received an email back asking to complete a survey, to quote "I would appreciate your input to inform the early planning of this project and advise Council of the best approach". After completing this survey, I was followed up for a meeting. To which I was told a trial would be occurring regardless of the feedback received by this consultation. As much as the Management rephrased my perceptions last week, the fact remains that I was told the trial would proceed regardless. As my message from last week said "**it became clear that we had to manage the situation without being oppositional.**" So yes I had to adapt to the changing landscape. It now seems the trial is yet to be approved.

The statement that further traffic studies would cost \$25k for the City. It will cost many business in the area much more collectively. This trial is not just two phases. It is three in a two month period:

1. Total closure during the 16 days to build it – the most disruptive as the council works take up twice the work area
2. Phase one – total closure trial
3. Phase two – one way trial for one month.

Are council aware that via the Main Roads data that Beaufort Street is busiest north of Chelmsford's Road than any other part of the strip north of Bulwer Street. Thousands of cars come into it from Vincent Street. Did Management use the same Main Roads data to ensure they did their testing at peak periods? I know that April, when the first testing was done, is a shoulder time as is October. When the trial will be. School holidays are also quiet traffic times. The peak periods are when the problems will occur and when businesses draw their most business from this arterial road. Not everyone accesses Mt Lawley from Walcott Street. Traffic out of the City is a vital feed to this area. Look at the data.

How are other malls in the suburbs going – North Perth Piazza, never used. Mary Street rarely used. High Street Freo – do you want that in Mt Lawley?

There is one business that activates on to this section of Grosvenor Road – I don't understand the logic? Why do we need to lose over five car parking bays?

I do not support this plan. It is going to create drama in the carparks.

3.3 Caroline Bat of Perth - 6.12pm

- Spoke regarding the petition submitted at Item 5
- Stated that the petition only ran from 26 – 30 June and has 41 signatures. If it had run longer there would have been more signatures
- Urged Council to reject this development

The Presiding Member, Cr Susan Gontaszewski, thanked Ms Bat for her comments and advised that the petition would be discussion at Item 5 - The Receiving of Petitions, Deputations and Presentations.

3.4 Alex Hamilton – Item 9.3

- Spoke against the recommendation
- Queried the results, as there seems to be duplication of emails, actually 60% of the street is against the recommendation
- Stated that the residents are not supportive of the updated plans and they have not been consulted on them
- Mentioned that they are concerned that this would be the only street with additional requirements and restrictions
- Urged Council to reject this recommendation and request further consultation

The Presiding Member, Cr Susan Gontaszewski, thanked Ms Hamilton for her comments.

3.5 Tina Ly of Mt Hawthorn – Item 9.3

- Spoke against the recommendation
- Stated that the consultation process was not well handled, and the questions were very vague
- Stated that guidelines are not required, everyone on the street has observed the building guidelines
- Mentioned that she is concerned about future generations, as 70% street support is required to reverse this decision
- Urged Council to note that the majority of the street is not in support of the policy

The Presiding Member, Cr Susan Gontaszewski, thanked Ms Ly for her comments.

3.6 Marie Dewitt of Mt Hawthorn – Item 9.3

- Spoke against the recommendation
- Stated she has sent an email to Council Members
- Urges Council to allow further consultation with residents, as 52% of residents voted against the guideline
- Stated that she does not support the introduction of any instrument that would restrict the development and improvement of Wilberforce Street

The Presiding Member, Cr Susan Gontaszewski, thanked Ms DeWitt for her comments.

The following statements were submitted prior to the Meeting.

Andrew Main of North Perth – Item 6

At the budget meeting held on 5 July 2022, Cr Ioppolo sought council's approval to adjourn the meeting so that further detailed information about capital works expenditure could be provided to council by the administration. In response to this suggestion, the Mayor made the following statement to council.

"We can't adjourn the meeting because we've already started the new financial year, we have to send out rate notices. We've got deadlines from our printer in order to issue rates notices. I'm just saying deferral is not an option given we've already commenced, we've already pushed the budget as far as we could. We've had extra workshops and we've had additional information provided, but we can't defer tonight because we commenced the new financial year."

However, section 6.2(1) of the local government act 1995 prescribes that budgets can be adopted by a council no later than 31 August each year.

My questions are as follows:

- Were the comments made by the mayor about the adoption date of the budget incorrect or misleading?
- Did the mayor know that her comments may have been incorrect or misleading?
- Were members of council influenced by her statements and therefore they rejected out of hand the suggestion by Cr Ioppolo to adjourn discussion of the budget until more detailed information was available to council?
- Why didn't the CEO or other senior executive staff present at the 5 July meeting intervene and provide accurate advice about the date by which a local government is able to adopt its budget?

Shawn Offer of Mt Lawley – Item 9.7

Dudley Maier of Highgate – Item 11.6 and others

1. Can you confirm that the 2019/2020 capital budget had \$225,000 for "*Co-location of reception to library*", plus \$35,000 for "*Library - Reception Desk Fit-out Renewal*"; and the 2020/2021 capital budget had \$50,000 for "*Upgrade Library counter to enhance customer service delivery*"
2. How much was actually spent on moving the Customer Service hub to the library?

3. Did the administration involve the council before making the decision to transfer the customer service centre?
4. Can you confirm that the customer service desk will be moved back to the Admin Centre in order to deliver a better customer service experience, commensurate to the one experienced prior to the move to the library?
5. Which member of the Executive Team takes responsibility for the ill-fated movement of the customer service centre which represents a significant waste of ratepayer's money?
6. At the 21 June meeting asked why the City did not consider taking out short term loans to cover the bridging costs of underground power (Question 4). I asked 'why', but no reason was given in the answer provided, just that this could be an option in the future. Again, I ask why the City did not recommend this option? And further, what options were considered in order to cover the bridging costs, why weren't these included in the report to Council?
7. The approval for the underground project included an area of 144 metres covering approximately 80 properties in the Mt Hawthorn Town Centre without providing any map or clear details. What area does this encompass (either street numbers or map)?
8. Can you confirm that the dates shown in the Project on a Page for the Underground Power Project are incorrect and are out by a year (e.g. the MoU was supposed to be signed by March 2022 and not March 2023 as shown)?
9. Given that Clause 5 (b) of the MoU with Western Power said that the MoU was to remain confidential, did the City obtain permission from Western Power to make the MoU public before it was included in the Agenda documents? For the avoidance of doubt, I congratulate the City for making the document public.
10. Does the CEO think it is reasonable that somebody who just wants to see answers to Questions on Notice in the agenda must download a 367MB document in order to see those answers?
11. Does he accept that the agendas developed by Vincent's original CEO, and which contained all reports and links to all attachments were generally 1 to 2 MB in size, even though the agendas contained more items per meeting?

Ben Farrell of Perth

On 5 July 2022, after viewing [Attachment 2 - Capital Budget 2022/23](#) of Item 5.1 Adoption of the Annual Budget 2022/23, I asked questions regarding the following Stuart Street Reserve line item in the Capital Budget 2022/23 (page 57):

| Parks - Playground/Exercise Equipment Renewal Program | | Carry Forward 2022/23 | New Capital 2022/23 | Total Budget 2022/23 |
|---|------------------|-----------------------|---------------------|----------------------|
| Stuart Street Reserve – remove playground and reinstate reserve | Renewal, Renewal | \$60,000 | \$10,000 | \$70,000 |

The reference to remove the playground came as a disappointing surprise. The playground is well utilised by locals and to my knowledge no community consultation or user analysis was undertaken to justify its removal. As such, I asked the following questions and on 25 July 2022 was provided the response below in blue italics.

1. When was the decision to remove the Stuart Street Reserve playground made and was there any consultation with the surrounding community?
2. Is there an opportunity to reconsider the playground removal?

The decision to remove this playground comes from an asset management perspective and is supported by the City Asset Management and Sustainability Strategy (AMSS) and also the City's Public Open Space (POS) Strategy. It was made as part of the budget adoption process where Council considers assets that are end of life and require replacement or removal. (The budget is actually incorrect and should read \$10,000. This will be reduced at mid-year budget review as the remaining \$40,000 relates to another project and has been entered on the incorrect line).

The rationale behind this decision is the playground is end of life and is not considered safe to remain in use. Its removal has actually already been deferred from previous years but now requires to be removed. The decision not to replace it is because of the proximity to other (and more substantial) playgrounds including one a very short distance away in Robinson Park. Hyde Park with all its fantastic play equipment is also close to this reserve. The reserve is classified as a Local Public Open Space and the City's POS Strategy list play spaces as optional for this type of space. In addition the City's AMSS recognises that the City is struggling to meet the financial demand for the replacement of existing assets and that sometimes it is appropriate for assets to be removed and not replaced.

Taking all these factors into consideration, the City has made the decision to remove and not replace the playground in Stuart St Reserve. There will be a public engagement exercise to engage local residents on what will be placed in this space once the playground is removed. The Council can reconsider this decision at any point in time. Please note that the small playground in Keith frame Reserve is also scheduled for removal this year for similar reasons.

Since receiving this response, I've spoken to neighbours who use the playground equipment frequently. They have expressed equal surprise and disappointment with the response and lack of engagement, which is uncharacteristic of the City's usual practices. I have also read the City's POS Strategy and AMSS and do not agree with the stated opinion that the decision to remove the playground is supported by these strategies. The POS Strategy includes:

- Objective 1 - *Maximise the value of open spaces for the community through improved amenity and functionality;*
- Objective 2 - *Identify and respond to the impacts of development, population growth and demographic change on the open space network;* and
- Key Action 13 - *Prepare and implement a Playspace Strategy/Policy to ensure infrastructure provision aligns with community demographics.*

The AMSS includes:

- Key Objective 4 - *Making sure our assets meet current and emerging community needs;* and
- defines the ways an asset is managed including:
 - *Dispose (including demolish, sell, remove, mothball an asset);* and
 - *Renew (including rehabilitate, resurface and refurbish an asset).*

1. Given the Stuart Street Reserve item in the Capital Budget 2022/23 incorrectly noted renewal and was attributed the incorrect budget amount of \$70,000, did Council actually consider the removal of the playground? and has a legitimate decision on this item been made?
2. The playground is used by the local community on a daily basis and does not appear to be unsafe, is there a condition report available documenting the state of the playground and the need to remove it?
3. POS Strategy Key Action 13 (*Prepare and implement a Playspace Strategy/Policy to ensure infrastructure provision aligns with community demographics*) includes the following tasks:
 - Undertake detailed audit of all playspace infrastructure including both condition and functionality.
 - Prepare a Playspace Strategy aligned with the POS hierarchy and levels of service, and local community demographics/profiles.
 - Undertake a strategic playspace replacement, rationalisation and upgrade program.
 - Directly engage with local children and young people and other relevant stakeholders to ensure POS functionality and amenity aligns with community needs.

Has the Playspace Strategy been prepared? If so, where is it available? If not, shouldn't the future of the Stuart Street Reserve playground be determined through the development of the Playspace Strategy to ensure it aligns with community needs?

Given the playground is still usable and currently open and accessible to the community, would it be prudent to retain the playground as is until the Playspace Strategy is complete?

4. The adopted \$70,000 budget is comparable to the other playground renewal items listed in the Capital Budget 2022/23 (eg. Local POS – Ivy Park), could the \$70,000 funding be retained until user and needs analysis and consultation have been undertaken?
5. Understanding the City's financial difficulties regarding the replacement of assets, the decision to remove and not renew the playground seems to have been made without the correct information at

hand, based on little or no analysis, and without consultation, communication or justification. To simply suggest there are other playgrounds within proximity, without accompanying analysis and prior to the completion of the Playspace Strategy, is not proper planning and contrary to the City's existing strategies.

Can the City please reconsider the future of the playground with consideration to the development of the Playspace Strategy?

If a petition is required to demonstrate community support for the reconsideration of the future of the asset, this is something local residents would be happy to arrange.

Executive Director Infrastructure & Environment advised that there will be public consultation on the removal of the playground, and these results will be referred to Council. The Presiding Member, Cr Susan Gontaszewski queried if there would be a sign in the playground advising of when the consultation is taking place and Executive Director Infrastructure & Environment confirmed that there would be .

Administrations' responses will be provided in the Agenda for the 23 August Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.21pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Dudley Maier of Highgate

The Administration is proposing increasing everybody's rates by 2.1% in order to establish an "underground power rolling fund" to provide longer payback periods for ratepayers.

1. Was any such fund required when the Highgate East power was put underground?

The Highgate East State Underground Power Project (SUPP) commenced in October 2006 and was completed in September 2008. The actual cost was \$7,008,726.82. Vincent's share of the expenditure was 50% or \$3,504,363. The City borrowed \$843,000 to fund the Highgate East. The Highgate East underground power project was part of the State Government Underground Power Program. The Vincent Underground Power Program will be undertaken via Western Power's Network Renewal Underground Program.

Each new underground power project requires its own cash flow model. This cash flow model is prepared based on the best available information and experience gained in similar projects.

2. How many ratepayers in the Highgate East underground power area chose to take the extended payment option, and how many paid the full cost up front?

This project involved 1401 properties in Highgate East. 671 property owners chose to pay in full and 730 took up the instalment option.

A survey was undertaken by affected property owners in the Town of Vincent in 2006 regarding the undergrounding of power in Highgate East. Just over half of the respondents (50.4 per cent) would prefer to make an upfront payment for the underground power, with no interest fee. A three year payment option was the second most popular payment preference (18.2 per cent), while a five year payment option was the third most popular payment. The least popular payment option was a seven year payment option.

3. Will the administration be recommending that those ratepayers who choose an extended payback period be charged an interest payment to cover the extra costs incurred by the City?

Yes.

4. Assuming that ratepayers who choose for an extended payback period are charged an interest component on the amount they owe, why doesn't the City simply take out short term loans to cover any bridging costs?

The City of Vincent is not recommending the Vincent Underground Power Program is supported via new debt at this stage but this could be an option.

5. Given that the Administration previously stated that they hope to raise \$1-2 million for the 'rolling fund', and given that the City's debt levels will decrease by \$1.6 million in 2022/2023, is there scope for the City to borrow the money without exceeding any notional borrowing cap?

Our FY23 budget includes repayment of debt of \$1.6 million. As this represents normal loan repayments these amounts will not be available to draw down again. Any new loan would be subject to a new application.

6. When does the City expect to have to make the first payment to Western Power? Is this required before the work is complete in an area or after?

The first payment to Western Power is required 2 months after signing the co-funding agreement. There will be 3 separate co-funding contracts for each project area under ENRUPP T2. The first payment will be required before construction starts next year.

7. Does the Administration consider it equitable to charge ratepayers in the Highgate East area an extra 2.1% in rates for something that they previously paid for themselves?

The underground power's service charges applicable to rate payers has two components :

- 1. Network services charge (or network infrastructure costs); and*
- 2. Consumer mains charge.*

Only the affected property owner will pay this charge.

The 2.1% in rates next financial year will help build the cash flow funds to make the payments to Western Power prior to us being able to recoup the monies from the property owners.

Underground power delivers lower operating and maintenance costs, improved network reliability and security, better public safety, an improved street appearance and reduced street tree maintenance costs for LGAs, improved LED street lighting with an opportunity for future smart streetlights and enhanced opportunities for emerging technologies.

Undergrounding power provides benefits not only to the affected property owner, but to the street, the suburb and the entire community.

8. Does the administration consider it equitable to charge commercial ratepayers an extra 2.1% in rates for something that they will not benefit from (i.e. commercial subsidising residential)?

The Vincent Underground Power Program will include some commercial areas.

9. For how many years do the Administration intend to collect the extra 'underground levy' or will it just become 'normalised' in the annual budget in the same way that the \$500,000 FOGO levy was (i.e. there was no obvious reduction in rates after the \$1 million for FOGO was collected).

This will be decided by Council during the Annual Budget process.

I previously asked if Regulation 10 of the Local Government (Administration) Regulations 1996 had been breached because the prerequisites for rescinding a council decision had not been met. The response was that Section 5.41 of the Local Government Act allowed the CEO to recommend revoking a previous decision of council.

1. Given that the decision I was referring to (Item 10.4 of the OMC of 5 April 2022) clearly stated that the council was rescinding a previous decision, and the Regulation clearly relates to the revocation or changing of a previous decision, does the CEO still maintain that Section 5.41 of the Act allows him to ignore that Regulation?

Regulation 10 of the Local Government (Administration) Regulations 1996 is predicated on a revocation motion being initiated by a Council Member. The requirement for a 'Notice of Motion' to revoke in subclause (1a) underscores this.

2. Which exact sub-clause of Section 5.41 [(a) to (i)] directly relates to the ability of the CEO to ignore the Regulation?

Section 5.41(b) of the Local Government Act 1995 provides that one of the CEO's functions is to "ensure that advice and information is available to the council so that informed decisions can be made".

The CEO is required to provide advice and information to Council in response to the changing environment affecting local government functions. This does not necessitate the CEO to produce a Notice of Motion, gain the prior support of the requisite number of Council Members, etc. to recommend a change to a past decision of Council.

Elio Amato of North Perth

CONTEXT

This submission raises questions regarding an evolving trend in which projects executed by the City of Vincent are circumventing the Community Consultation process, public and council oversight on the pretext of not meeting the criteria for consultation.

Projects of inherent public interest and in some instances, directly impacting residential properties, are being undertaken without notice.

Furthermore, works that are capital improvement in nature are being funded by maintenance/operational budgets intended for the maintenance of existing assets. Typically, these projects have been funded on the premise that they are "maintenance" or "like for like" when it is clear that they are upgrades and improvements therefore should be funded from a dedicated budget approved by the City's council at the commencement of the fiscal year.

The submission raises questions about the manner in which projects are justified and the delegated authority of various departments to carry out capital projects without oversight from either council or community. Finally, the submission raises questions about the integrity of the Council's processes and procedures. In particular whether sufficient oversight operates to ensure that conflicts of interest, bribery or corruption do not influence council employee behaviors and decisions.

BACKGROUND

On Friday 27th June 2022 the City posted a number of signs around the perimeter of Charles Veryard Reserve advertising the commencement of works to upgrade of the Sports floodlighting. The signs directed readers to the City's website for further details.

In spite of the direction contained on the signage no information was found on the City's web site and searches of previous council meeting minutes and community consultations found no reference of the lighting upgrade project.

Contact was finally made with an Officer from the City's engineering department. The City Officer was initially very helpful and provided a good deal of relevant information regarding the project however, he was unable to provide any explanation as to the reasons for the project not having been advertised for Community Consultation.

The City Officer advised that he had been employed by the City specifically to deliver the Sports Lighting Upgrade. A contract had been let for the installation of the lighting upgrade of a value just below the funding grant amount of \$100,000. That the contract awarded was for the installation only and did not include the cost of enabling works, hardware or engineering consultancy fees. That works were scheduled to commence on the Monday 30th June 2022 (two days after the signage is posted) but had been delayed due to high winds.

The City Officer initially offered to provide details of the project including plans, specs of the new lighting fixtures and the scope of the works to be undertaken and that he intended to consult with internal colleagues regarding the absence of information about the project on the City's web site.

In a follow up telephone conversation the City Officer completely reversed his earlier position, instead refusing to release any of the promised information claiming instead that public access to the information was prohibited for the reason that “*the public might use the information to steal the copper*”. By email the City Officer later stated information regarding details of the project would only be released on a “*need to know*” basis.

In follow up correspondence the City ultimately provided a single layout drawing (see attached) showing the site plan with only the 4 existing light tower locations identified. No other information originally promised was made available for review or comment.

It is the opinion of the author that City employees actively engaged in a campaign to block and frustrate attempts to obtain relevant information about the project.

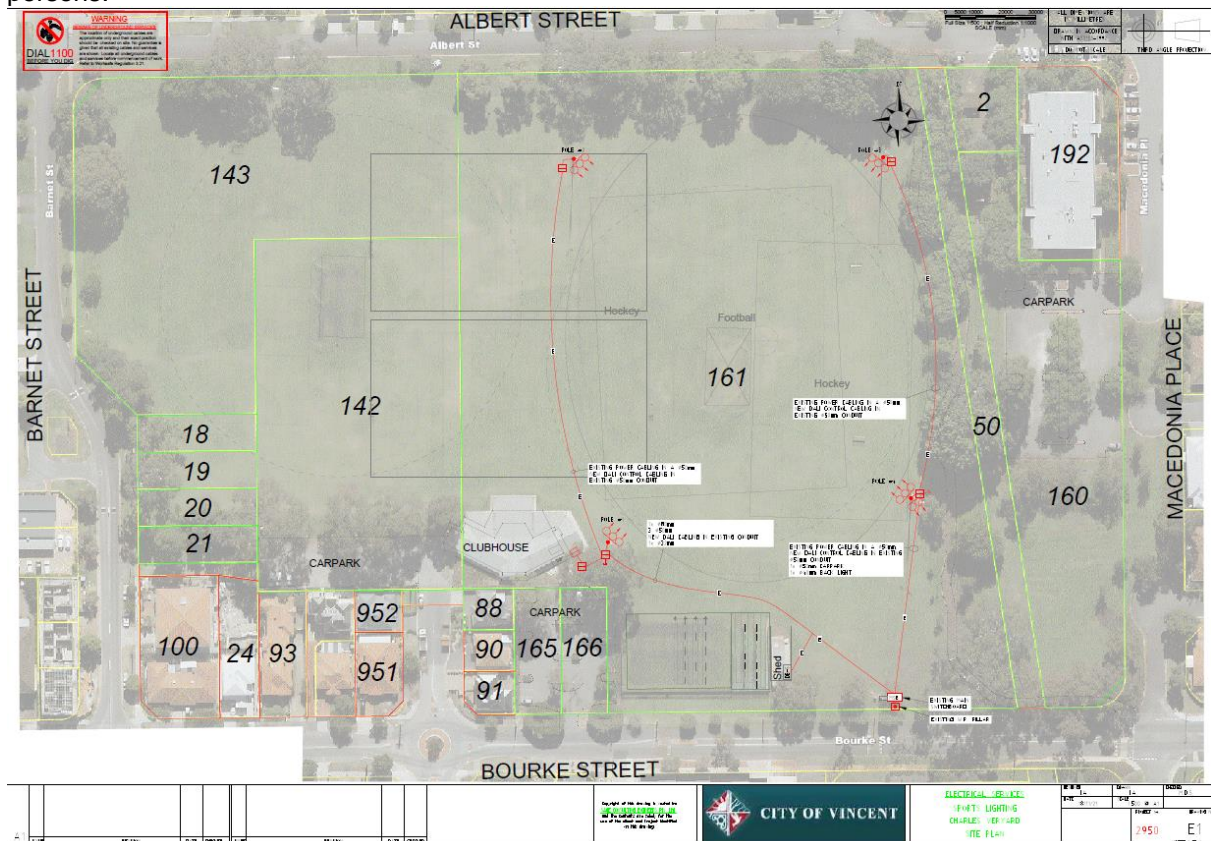
The project was fast-tracked using the pretext of being maintenance work to avoid the approvals that would otherwise have been needed. The City’s own signage and web site refers to a lighting “upgrade” as distinct to a replacement.

The project also required the engagement of consulting design engineers to design the supporting electrical infrastructure, control system and luminaries layout and specification which points to the project being a substantial upgrade/improvement on the existing installation.

It is abundantly clear that this project is not a maintenance activity but a update and replacement with a entirely different system and it follows the project should be vetted and approved by council.

Funds appear to have been appropriated from maintenance/operating budgets or other projects which were not specifically approved or set-aside for the lighting upgrade project.

Process and procedures designed to facilitate the City’s commitment to community engagement and transparency in its operations have been circumvented to the benefit of a specific community group and/or persons.



QUESTIONS

1. Please advise which person(s) or group fall into the category of “need to know” in relation to details about the proposed upgrade

Discussions have been held with the clubs using the lights on the timing of the installation. Local residents were informed when on site works were due to commence.

2. Please detail the reasons why the proposed sports lighting upgrade did not undergo community consultation particularly in light of the proposed increased lighting output and the associated change in usage of the reserve as a venue of night time football games.

Renewal of existing lights to improve lighting standards is an infrastructure renewal project that does not require broad community consultation. The project involves replacing existing metal halide lights with LED lights on existing poles. The driver for the renewal was to improve the quality of the lighting by upgrading from 50 to 100 lux, accepting that this would allow older age groups to play games on Friday evenings (50 lux allows games for younger groups only). The increase in activity as a result of this renewal project was not seen as significant as it would result in an expansion of the existing schedule but no additional days of usage.

3. Please advise why ratepayers, affected residents and member of the public are prohibited from obtaining relevant information regarding the project.

They are not prohibited from obtaining relevant information. The request to provide the detailed designs was not agreed but the lux levels and the type of light to be used (LED) was provided.

4. Please advise why public notification of the project was carried out only 1 business day before the scheduled commencement of works

That was deemed sufficient as the works would have little or no impact on local residents. The notification was provided for information only for residents who would have noticed works taking place in the park.

5. Please outline the justification for supporting this project when underutilized day time capacity already exists within the City's sports reserves and parks for women's football without needing additional expenditure

This project was conceived to improve the current lighting levels on an existing reserve that is already used at night. Training and play takes place during the evening when lights are required due to the daytime commitments of users. Daytime capacity at other reserves is not relevant in this situation.

6. Please detail the results of the legal, safety and environment assessments carried out by the CoV in relation the lighting upgrade and the change of use of the reserve for night time football games.

None were considered necessary for a simple renewal of existing lights.

7. Please provide details of the proposed night time reserve usage by the CJFC and/or any other sporting groups intending to use the grounds for match play at night.

Facility bookings have advised that the Cardinals will be using Charles Veryard for junior games on a Friday night. The schedule of usage is subject to change depending on the sport and the season.

8. Please advise the total cost of the Lighting Upgrade project including all labour, contracts, consultants, materials and associated enabling works.

\$136,000.

9. Please advise if a competitive tender process employed to select the proposed installation contractor and what selection process was used to select the successful supplier.

Procurement was carried out through a competitive Request for Quotes. The selection process considered the capacity, skills and experience of each submission along with price. The cheapest quote received was selected.

10. Please advise the value of the lighting upgrade works contract and to whom was it awarded.

\$100,219. Stiles Electrical.

11. Please provide details of the scope of the lighting upgrade installation works contract.

The scope was to supply and install LED lights with the breakdown as follows:

Site mobilisation

Disconnection and removal of redundant equipment

Supply and installation of new LED luminaires including cabling

Modification to existing switchboard and control system

Inspection, testing and commissioning

Manuals and drawings

Maintenance during the defects period

12. Please provide details of the sources of funding for the project including any monies appropriated from approved maintenance budgets and/or approved capital projects

\$100,000 – state Government grant for supply and install of lights

\$10,862 – consultancy budget used for design works

\$25,000 – further capital budget requested to stabilise the pole footings

PUBLIC QUESTIONS - SPECIAL COUNCIL MEETING 5 JULY 2022

Fiona Rose of Mt Hawthorn

I would like to submit some questions for the special council meeting on the rate increase as I will not be able to attend in person, they are as follows.

Since the previous meeting minutes and communications have been a little unclear in regards to who pays for what, and how much the project will cost residents within the proposed area and outside the proposed area, there are a few questions that might be able to be answered by the Project Manager.

If not, could you please table the following questions about the 2.1% rate increase to fund the replacement of Western Power assets.

1. Typically under NRUPP programs, Western Power will cover all costs associated with replacing existing network except for the property owners asset, however in this program it is requested that the City of Vincent provide the gap between replacing Western Power assets with overhead assets to underground assets.

NRUPP is funded by Western Power and Local Government Authorities (LGAs). NRUP projects are driven by Western Power to target areas with a high proportion of aging distribution overhead network assets that are coming to the end of their service life. Western Power contributes their net benefit (part of replacement and maintenance costs avoided) with the remainder met by LGAs and properties owners. The cost that property owners are required to pay varies between areas as explained below:

The initial ENRUP pilot projects were selected because they had a high proportion of aging assets that were due for replacement. This meant Western Power's contribution was high, as it included the full replacement cost plus all overhead network maintenance costs avoided over the remaining life of the overhead assets.

The next round of projects, which includes City of Vincent NRUPP T2 has fewer aging assets as some assets (e.g. poles) have been replaced more recently, which means Western Power's contribution is not as high compared to the first pilot projects. Under this round of projects the avoided overhead network maintenance costs are included, but only a portion of the asset replacement costs are included, as they are not all due for replacement

- a. How much of the \$17.4million is to cover the gap and how much is to cover the cost to replace property owners assets?

Cost of replacing property owner's asset is estimated at approximately 32% of the total City of Vincent contribution for ENRUPP T2.

- b. Will the 2.1% increase from all residents pay the cost of the gap with residents in the area paying 2.1% plus the cost for replacement of assets in their property boundary? or will the 2.1% be just to fund a rolling budget, and residents in the proposed area will be required to pay back the full \$17.4million?

The purpose of increasing rates by 2.1% this year is to create rolling fund for City of Vincent Underground Power. It will help to build the cash flow funds to make the payments to Western Power prior to City being able to recoup the monies from the property owners. Property owners will be required to contribute into City of Vincent Underground Power Project with two charges components:

- 1. Network services charge (or network infrastructure costs); and*
- 2. Consumer mains charge.*

Only the affected property owners will pay those charges.

- c. If costs will be recouped solely from residents in the area, why was this decided given Western Power can pick and choose how they cover the cost of replacing their assets, and future programs might not require co-contribution to upgrade Western Power assets?

NRUP projects are driven by Western Power to target areas with a high proportion of aging distribution overhead network assets that are coming to the end of their service life. Western Power contributes their net benefit (part of replacement and maintenance costs avoided) with the remainder met by LGAs and properties owners, which is a great economical benefit to all included in the scheme.

It is expected that future programs will require contribution from property owners, as explained above in Q&A 1.

2. Under the Victoria Park NRUPP Program - Properties with an existing underground power line on their property paid a small fee just to reconnect and did not have to cover the cost of works twice. Will this be the case for residents in the current area? And if so, how much will residents pay if their power is already underground to the pole?

Property owners will be required to contribute into City of Vincent Underground Power Project with two charges components:

- 1. Network services charge (or network infrastructure costs); and*
- 2. Consumer mains charge.*

Property owners with already undergrounded consumer mains will pay only Network services charges.

The Council decision about service charges is expected sometimes next year.

3. City of Vincent has agreed to pay \$17.4 million, what is the risk to City of Vincent and Rate Payers if the cost of construction increases during the negotiation or construction period? Will any additional costs be passed on to City of Vincent to pay?

The risk of construction cost increase is low and mainly related to unforeseen circumstances.

4. The survey results show that 70% of property owners would happily pay the cost upfront, will this be an option provided? Is there any financial benefit to City of Vincent or Shire Residents to pay upfront?

Yes, interest will be charged for deferred repayment terms.

5. The agenda for this meeting suggests Western Power has identified another 5 areas for replacing existing assets with underground power. Will these sections fall under the same NRUPP program, how much of the replacement cost of Western Power assets (not within residential boundaries) will the Shire be responsible to subsidise? Will there be an increase to the 2.1% rate increase to accommodate these projects too?

City of Vincent signed Memorandum of Understanding with Western Power for ENRUPP Tranche 2. Recently Western Power advised City of Vincent about possible inclusion of remaining 5 areas for underground power under NRUPP Tranche 3. Details are yet to be provided, however as explained in Q1 replacement cost vary between ENRUP's tranches.

6. The Shire identified benefits included reduce street pruning in these areas, how much vegetation funding will be moved from vegetation maintenance to the project budget?
The tree pruning savings will only be realised once the underground power program is completed. But if we are able to underground power throughout the City of Vincent we could save around \$400,000 per annum.

7. Given Western Power will be reducing their operating and maintenance costs by implementing this program, how much of their operating and maintenance budget will be allocated to their contribution to the project costs?

Western Power contributes 100% of the maintenance costs avoided (the Net present cost of 50 years of maintenance costs) as a result of having the underground network in place instead of an overhead network.

8. Was there consideration in charging Commercial Rate payers more % increase to assist with covering more cost of the gap, as they typically require more substantial infrastructure to be installed and have a greater capacity to pay? What was the reason for not charging Commercial Rate payers more?

2.1% rates increase was designed to create rolling fund to manage cash flow, see Q&A 1.b. Reasons for not charging Commercial ratepayers more are related to the fact that not all Commercial properties will be connected to underground power network. ENRUPP T2 network design didn't start yet, hence its full details about network's connections will not be known until sometimes next year.

9. Given the construction industry is currently over inflated, pushing both labour and resources costs up significantly, has the City of Vincent and Western Power investigated whether it is the best time to implement the program?

As explained in Q&A #1 the ENRUP project is driven by Western Power needs to address an aging distribution network asset. If we do not contribute to their program Western Power will replace it like-for-like (overhead) regardless and our community will miss an opportunity to have better infrastructure for next 50 years. Western Power considers the contracting industry capacity and resource availability in their planning process for NRUPP execution, subsequently delivery of underground power for entire City will take many years to come.

10. At what point will Western Power provide a forward program which covers the entire CoV shire? Will they always require City of Vincent Residents to cover the gap?

Western Power is at an early stage of development of NRUPP T3 plan which is designed with some exceptions for big commercial property owners to cover entire City of Vincent. It is expected that City of Vincent property owners will continue to contribute into underground power.

Ben Farrell of Perth

Firstly, I want to confirm my support for the proposed residential rate increase. Although this may not be a popular decision, addressing historical financial management issues now rather than continuing to ignore them seems like the right approach.

Secondly, the annual budget report drew my attention to a \$60,000 Capital Budget carry forward for - *Stuart Street Reserve - remove playground and reinstate reserve* (refer report excerpt below) with \$70,000 proposed in Attachment 2 - Capital Budget 2022/23 (refer attached highlighted excerpt).

| Description | Carry Forward Budget |
|---|----------------------|
| Stuart Street Reserve - remove playground and reinstate reserve | 60,000 |

As a resident of Orange Avenue, which abuts Stuart Street Reserve, this came as a disappointing surprise. The playground is well utilised by locals and to my knowledge no community consultation has been undertaken to justify its removal. It also appears to be the only playground the City is proposing to remove and not replace/renew. The attached excerpt lists the project as 'renewal' but removal is not renewal and it should state 'removal' if that's the intent.

I was unable to find the \$60,000 budget amount or project reference in any publicly available documents including the City's [Annual Budget 2021/22](#) or [Corporate Business Plan 2021/22 \(including Four Year Capital Works Program 2021/22 – 2024/45\)](#).

| THE OUTCOMES WE WILL WORK TOWARDS | WHAT WE'LL DO |
|---|---|
| <ul style="list-style-type: none"> • Our parks and reserves are maintained, enhanced and well utilised | <i>Invest in our parks and reserves which may include increased planting, improving or establishing playgrounds or skate parks and providing improved infrastructure such as water fountains and seats.</i> |

My questions in relation to tonight's annual budget report are:

1. When was the decision to remove the Stuart Street Reserve playground made and was there any consultation with the surrounding community?
2. Is there an opportunity to reconsider the playground removal?

The decision to remove this playground comes from an asset management perspective and is supported by the City Asset Management and Sustainability Strategy (AMSS) and also the City's Public Open Space (POS) Strategy. It was made as part of the budget adoption process where Council considers assets that are end of life and require replacement or removal. (The budget is actually incorrect and should read \$10,000. This will be reduced at mid-year budget review as the remaining \$40,000 relates to another project and has been entered on the incorrect line).

The rationale behind this decision is the playground is end of life and is not considered safe to remain in use. Its removal has actually already been deferred from previous years but now requires to be removed. The decision not to replace it is because of the proximity to other (and more substantial) playgrounds including one a very short distance away in Robinson Park. Hyde Park with all its fantastic play equipment is also close to this reserve. The reserve is classified as a Local Public Open Space and the City's POS Strategy list play spaces as optional for this type of space. In addition the City's AMSS recognises that the City is struggling to meet the financial demand for the replacement of existing assets and that sometimes it is appropriate for assets to be removed and not replaced.

Taking all these factors into consideration, the City has made the decision to remove and not replace the playground in Stuart St Reserve. There will be a public engagement exercise to engage local residents on what will be placed in this space once the playground is removed. The Council can reconsider this decision at any point in time. Please note that the small playground in Keith frame Reserve is also scheduled for removal this year for similar reasons.

4 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

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

That Cr Ashley Wallace's request for leave from 27 August to 18 September 2022 be approved.

CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

A petition with 41 signatures was received from Yen Kha of Perth. The petition requests that Council DISAPPROVE the development application for 469 William Street, Perth on the grounds:

- The application proposes 8 storeys. William St Guidelines permit a maximum height of 6 storeys.
- There is a 5 car bay shortfall (23.8% shortfall) – exacerbating scarce car parking at present.
- The development provides for NIL bicycle parking for visitors.
- The layout of the development results in bins being presented along Brisbane Street – **this is unacceptable:**
- Obstruction to traffic along Brisbane/William Street intersections (both vehicular and pedestrian)
- Poor/awful aesthetics
- Health concerns given next to restaurants, cafes and other food businesses (especially given COVID 19)
- Smell emission – bins awaiting emptying and during process of emptying

PETITION

COUNCIL DECISION

Moved: Cr Wallace, Seconded: Cr Hallett

That the petition be received and included as a formal submission as part of the public consultation process for this development application which will be determined by the Joint Development Assessment Panel.

CARRIED UNANIMOUSLY (8-0)

(Mayor Cole was an apology for the Meeting.)

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Alexander

That the minutes of the Ordinary Meeting held on 21 June 2022 be confirmed.

CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Castle

That the minutes of the Special Council Meeting held on 5 July 2022 be confirmed.

CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

NOTE: DECISION CHANGED – REFER PAGE 40

SUBSEQUENT DECISION CARRIED (6/2)

For: Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace

Against: Cr Ioppolo and Cr Alexander

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Susan Gontaszewski made the following announcement:

7.1 ACKNOWLEDGEMENT OF STAFF

The Presiding Member announced that tonight is the last Council Meeting for the Executive Director Infrastructure & Environment and Manager Marketing and Partnerships, as they are leaving the City, the Executive Director to the City of Stirling and the Manager to the City of Belmont. She noted their contribution to Vincent and wished them well in their future endeavours.

8 DECLARATIONS OF INTEREST

- 8.1** Cr Susan Gontaszewski declared an impartiality interest in Item 9.9 New Lease to Jigsaw Search & Contact Inc Portion of Robertson Park No. 176 (Lot 1) Fitzgerald Street, Perth (Lee Hops Cottage). The extent of her interest is that she has had some engagement with Jigsaw through her work at the Department of Health.
- 8.2** Cr Susan Gontaszewski declared an proximity interest in Item 9.4 Review of Design Guidelines and Minor Amendment to Community Engagement Policy. The extent of her interest is that her property is directly adjacent to the boundary of the Highgate Design Guideline area. **THIS ITEM HAS BEEN WITHDRAWN.**
- 8.3** Cr Alex Castle declared an proximity interest in Item 9.3 Character Areas And Heritage Areas: For Wilberforce And Kalgoorlie Streets Mount Hawthorn. The extent of her interest is that her residence is adjoining the section of Kalgoorlie Street being considered in this item.
- 8.4** Cr Suzanne Worner declared a financial interest in Item 9.7 Beaufort Street and Grosvenor Road Pedestrian Improvement Projects. The extent of her interest is that the report identifies proposed activities for the Grosvenor Road project, one of which is to project short films, which were produced in partnership with Revelation Perth International Film Festival. She is General Manager of the Film Festival.

REPORTS

The Presiding Member, Cr Susan Gontaszewski, advised the meeting of:

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**
Items 9.3 and 9.7.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 9.10 and 11.1.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 9.3 and 9.7.

The Presiding Member, Cr Susan Gontaszewski, requested Council Members to indicate:

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

| COUNCIL MEMBER | ITEMS TO BE DISCUSSED |
|-----------------|-----------------------|
| Cr Gontaszewski | 9.11, 9.12 |
| Cr Worner | 9.3 |
| Cr Ioppolo | 10.1 and 11.7 |

The Presiding Member, Cr Susan Gontaszewski therefore requested the Chief Executive Officer, David MacLennan, to advise the meeting of:

- (e) **Unopposed items which will be moved "En Bloc", being:**
Items 9.1, 9.2, 9.5, 9.6, 9.8, 9.9, 11.2, 11.3, 11.4, 11.5, 11.6, 12.1, 12.2 and 12.3
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Nil
- (g) **NOTE:** Item 9.4 Review of Design Guidelines and Minor Amendment to Community Engagement Policy withdrawn by Administration

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Wallace, Seconded: Cr Loden

**That the following unopposed items be adopted "En Bloc", as recommended:
Items 9.1, 9.2, 9.5, 9.6, 9.8, 9.9, 11.2, 11.3, 11.4, 11.5, 11.6, 12.1, 12.2 and 12.3**

CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

9.1 NO. 10 (LOT: 2545; D/P: 143599; RES: 12965) FARMER STREET, NORTH PERTH - TWO OUTBUILDINGS (SHIPPING CONTAINERS) ADDITION TO MEN'S SHED (AMENDMENT TO APPROVED - UNAUTHORISED EXISTING DEVELOPMENT)

Ward: North

Attachments:

1. Location Map 
2. Development Plans 
3. Previous Delegated Approval Notice and Approved Plans 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Two Outbuildings (Shipping Containers) Addition to Men's Shed (Amendment to Approved – Unauthorised Existing Development) at No. 10 (Lot: 2545; D/P: 143599; RES: 12965) Farmer Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following condition:

1. All other conditions, requirements and advice notes detailed on the development approval 5.2020.180.1 granted on 9 June 2020 continue to apply to this approval.

COUNCIL DECISION ITEM 9.1

Moved: Cr Wallace, Seconded: Cr Loden








That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Mayor Cole was an apology for the Meeting.)

9.2 NO. 12A (LOT: 62 ; D/P: 90521) HIGHLANDS ROAD, NORTH PERTH: CHANGE OF USE FROM SINGLE HOUSE TO HOLIDAY HOUSE

Ward: North

- Attachments:**
1. Consultation and Location Map 
 2. Development Plans 
 3. Code of Conduct 
 4. Management Plan 
 5. Applicant Justification 
 6. Summary of Submissions - Applicant Response 
 7. Summary of Submissions - Administration Response 

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 Change of Use from Single House to Holiday House at No. 12A (Lot: 62; D/P: 90521) Highlands Road, North Perth in accordance with the plans shown in Attachment 2 for the following reasons:

1. As a consequence of the intensity of the proposed Holiday House and the mid-block battleaxe location of the subject site, the development would result in noise and amenity impacts on an established residential area that:
 - 1.1 Would not be compatible or complimentary with the adjoining residential development and would be contrary to the objectives of the Residential zone under Local Planning Scheme No. 2;
 - 1.2 Would not enhance the amenity of the existing neighbours and its location and setting is not compatible with the established residential amenity and character of the North Perth locality in accordance with Clause 67(m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - 1.3 Does not meet the Acceptable Development Criteria and Objectives of the City's Local Planning Policy – Short Term Accommodation and would not operate in a manner which protects the established residential context and would have an undue impact on the amenity of the area and surrounding residential properties.

COUNCIL DECISION ITEM 9.2

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

9.5 OUTCOME OF ADVERTISING - AMENDMENT 8 TO LOCAL PLANNING SCHEME NO. 2 (NO. 26 BRENTHAM STREET, LEEDERVILLE)

- Attachments:**
1. **Form 2A - Amendment 8 to Local Planning Scheme No. 2** 
 2. **Map Showing Nearby Public Open Space** 
 3. **Map Showing Private Landholdings** 
 4. **Summary of Submissions - Amendment 8** 

RECOMMENDATION:

That Council **SUPPORTS** Amendment 8 to Local Planning Scheme No. 2, included as Attachment 1, without modification for submission to the Western Australian Planning Commission, pursuant to section 75 of the *Planning and Development Act 2005*.

COUNCIL DECISION ITEM 9.5

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

9.6 VINCENT REBOUND PLAN CLOSURE REPORT

- Attachments:**
1. Implementation Framework 
 2. COVID-19 Summary 

RECOMMENDATION:

That Council NOTES the final update on the Vincent Rebound Plan – Implementation Framework at Attachment 1 and the cessation of the Rebound Roundtable.

COUNCIL DECISION ITEM 9.6





Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

9.8 CREATION OF MALL RESERVE - WASHING LANE, PERTH

- Attachments:
1. Plan Showing Portion of Road Proposed to be Mall Reserve 
 2. Consultation Responses - EHQ and Email 
 3. Consultation Responses Diagrams 
 4. Key Themes and Administration Response 

RECOMMENDATION:

That Council:

1. NOTES the:
 - 1.1 City advertised its proposal to create a mall reserve on Washing Lane, Perth, pursuant to section 59(2) of the *Land Administration Act 1997*;
 - 1.2 submissions received as a result of public notice given on the potential creation of a mall reserve and road closure of the portion of public road on Washing Lane, as at Attachment 2; and
 - 1.3 portion of land will continue to be Crown land, under the care, control, and management of the City of Vincent; and
2. REQUESTS the Minister for Lands to reserve the portion of Washing Lane shown in Attachment 1, as a mall reserve, pursuant to section 59 of the *Land Administration Act 1997*.

COUNCIL DECISION ITEM 9.8

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

9.9 NEW LEASE TO JIGSAW SEARCH & CONTACT INC - PORTION OF ROBERTSON PARK, NO. 176 (LOT 1) FITZGERALD STREET, PERTH LEE HOPS COTTAGE)

- Attachments:**
1. **Plan - Lee Hops Cottage** 
 2. **Maintenance Obligation Schedule** 

RECOMMENDATION:

That Council

1. **APPROVES a new lease of a portion of Robertson Park, No. 176 (Lot 1) Fitzgerald Street, Perth (known as the Lee Hop's Cottage) to Jigsaw Search & Contact Inc (ABN 12 451 584 318) on the following key terms:**

- 1.1. **Term:** Three (3) years
- 1.2. **Option:** Two (2) years
- 1.3. **Rent** \$12,416.70 per annum indexed to CPI
- 1.4. **Rent Review:** CPI on 1 July each year of the term, commencing on 1 July 2023
- 1.5. **Premises area:** Approximately 380m² (subject to survey).
- 1.6. **Outgoings:** Tenant responsibility including rates and taxes, ESL, rubbish and recycling bin charges, utilities (including scheme water, electricity and gas) and minimum level of services statutory compliance testing (including RCD, DFES and pest inspection fees and charges), building insurance applicable to the Premises.
- 1.7. **Public Liability Insurance:** Tenant responsibility – minimum of \$20 million per one claim.
- 1.8. **Building Insurance** Tenant to reimburse the City for the building insurance premium payable in respect of the Premises. If the Tenant requests the City to make a claim on the Tenant's behalf (under the building insurance policy) the City may require the Tenant to pay any excess payable in respect to that claim.
- 1.9. **Repair/maintenance:** As per maintenance schedule at **Attachment 2**.
- 1.10. **Permitted Use:** Conducting community and office activities related to the search and contact centre. The Premises is not to be used for illegal or immoral purposes.
- 1.11. **Special conditions:** **Premises condition:**
 - a) The Tenant leases the Premises from the City on an 'as is, where is' condition.
 - b) The Tenant acknowledges that the Premises is in a condition that commensurate with its age and the City does not anticipate making any capital upgrades or improvements to the Premises or its surrounds.
- 1.12. **Redevelopment or demolition:**

If:

 - a) the City wishes to redevelop the Premises or its surrounds; or
 - b) the City determines that it can no longer maintain the Premises in a safe and occupiable condition,

the City may, upon providing the tenant with a minimum of 12 months' prior notice, require the tenant to surrender its lease of the Premises.

1.13.

Quiet enjoyment

Tenant acknowledges that its quiet enjoyment of the Premises may be affected from time to time by works that the City or its agents may reasonably undertake or facilitate in the vicinity of the Premises that may include but are not limited to:

- Disruption or closure of roads, reserves and road reserves;
- Pedestrian movement and access;
- Vehicle movement, access and parking;
- Vibration and noise; and
- Dust and dirt.

The City will not be liable to compensate the Tenant in the event that the above affects the Tenant's quiet enjoyment of the Premises.

2. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the lease in accordance with the Execution of Documents Policy.**

COUNCIL DECISION ITEM 9.9

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

11.2 INVESTMENT REPORT AS AT 31 MAY 2022

Attachments: 1. Investment Statistics as at 31 May 2022 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.2

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 MAY 2022 TO 31 MAY 2022

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

RECOMMENDATION:

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

| | |
|---------------------------------------|-----------------------|
| EFT payments, including payroll | \$5,768,866.33 |
| Cheques | \$947.55 |
| Direct debits, including credit cards | \$135,180.39 |
| | |
| Total payments for May 2022 | \$5,904,994.27 |

COUNCIL DECISION ITEM 11.3

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

11.4 APPROVAL TO INCREASE NUMBER OF STALLHOLDERS FOR KYILLA FARMERS MARKET PERMIT

Attachments: Nil

RECOMMENDATION:

That Council:

1. APPROVES, pursuant to the City of Vincent Local Government Property Local Law 2008, a change to the Permit for the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. to operate the Kyilla Community Farmers Market at Kyilla Park as follows:

- 1.1 Increase the number of stalls permitted to 50 stalls, whilst maintaining all other conditions of the existing permit, as approved by council at the Ordinary Meeting of Council on 16 October 2018.**

COUNCIL DECISION ITEM 11.4

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

11.5 OUTCOME OF PUBLIC CONSULTATION AND ADOPTION OF ACCESS AND INCLUSION PLAN 2022-2027

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

RECOMMENDATION:

That Council

- 1. NOTES the outcome of the public consultation period for the draft Access and Inclusion Plan 2022-2027;**
- 2. RECEIVES the amended draft Access and Inclusion Plan 2022-2027; and**
- 3. ADOPTS the draft Access and Inclusion Plan 2022-2027 and NOTES that the Plan will be subject to the addition of the Mayor's foreword, graphic design, formatting, styling and accessibility checks as determined by the Chief Executive Officer, prior to publication.**

COUNCIL DECISION ITEM 11.5

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Mayor Cole was an apology for the Meeting.)

11.6 ADVERTISING OF AMENDED CUSTOMER SERVICE CHARTER

Attachments: 1. Draft Customer Service Charter 2022 

RECOMMENDATION

That Council APPROVES proposed Customer Service Charter at Attachment 1, which replaces the previous Customer Service Charter, for the purpose of community consultation.

COUNCIL DECISION ITEM 11.6



Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

12.1 OUTCOME OF ADVERTISING AMENDED POLICY - FLYING AND DISPLAYING OF FLAGS AND BANNERS POLICY

- Attachments:
1. Flying and Displaying of Flags and Banners Policy (clean copy) 
 2. Flying and Displaying of Flags and Banners Policy (marked up) 

RECOMMENDATION:

That Council **ADOPTS** the Flying and Displaying of Flags and Banners at Attachment 1.

COUNCIL DECISION ITEM 12.1


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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

12.2 OUTCOME OF ADVERTISING OF AMENDED POLICY - CEO ANNUAL PERFORMANCE REVIEW POLICY

- Attachments:**
1. CEO Annual Performance Review Policy - (clean copy) 
 2. CEO Annual Performance Review Policy - (marked up) 

RECOMMENDATION:

That Council ADOPTS the CEO Annual Performance Review Policy at Attachment 1.

COUNCIL DECISION ITEM 12.2



















Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

12.3 INFORMATION BULLETIN

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

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated July 2022.

COUNCIL DECISION ITEM 12.3

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Mayor Cole was an apology for the Meeting.)

9.4 REVIEW OF DESIGN GUIDELINES AND MINOR AMENDMENT TO COMMUNITY ENGAGEMENT POLICY - WITHDRAWN BY ADMINISTRATION**Attachments: Nil**

This report has been withdrawn by Administration in order to further review the potential impact of the changes proposed; the provisions of the draft local planning policies; and inclusion of the Janet Street Heritage Area.

9 CONFIRMATION OF MINUTES

Cr Ioppolo noted that he had a motion per clause 2.18(4) of the City of Vincent Meeting Procedure Local Law 2008 as he was dissatisfied with the accuracy of the minutes.

Discussion took place around proposing an amendment to the minutes, as they had already been approved. Executive Manager Corporate Strategy & Governance confirmed that clause 10.1 of the Meeting Procedures Local Law enabled the Council to change a decision should all Council Members still be present.

Moved: Cr Hallett, Seconded: Cr Castle

That the minutes of the Special Council Meeting held on 5 July 2022 be confirmed.

AMENDMENT 1

Moved: Cr Ioppolo, Seconded: Cr Alexander

That the recommendation be amended as follows:

That the minutes of the Special Council Meeting held on 5 July 2022 be confirmed, subject to the following inclusion on page 21, before the record of the vote for Amendment 3:

NOTE: Cr Ioppolo sought to move a procedural motion to defer consideration of Item 5.1 Adoption of the Annual Budget 2022/23 for the purpose of clarifying potential changes to the Capital Works Program should Amendment 3 be supported.

The Mayor advised "We can't adjourn the meeting because we've already started the new financial year, we have to send out rate notices. We've got deadlines from our printer in order to issue rates notices. I'm just saying deferral is not an option given we've already commenced, we've already pushed the budget as far as we could. We've had extra workshops and we've had additional information provided, but we can't defer tonight because we commenced the new financial year."

REASON:

My proposed motion to:

Defer capex by \$1,145,664 so the total capital budget reduces from \$20,484,528 to \$19,338,864, but importantly deferred capex must come from the \$7,089,044 of unfunded capex to be funded by ratepayers from FY23 municipal rates so that the rate increase reduces from 7.6% to 4.5%.

In debate, questions were asked by Cr Loden and others regarding what specific capital expenditure should be deferred and I agreed this was a good question and that Administration did not provide any information on the likely timing of capital project expenditure. Director Murphy also stated that there were commitments on certain capital projects needed to be taken into account in answering that question. This information was not provided by Administration either.

I therefore attempted to move a procedural motion to adjourn the meeting so that Administration could provide the likely timing of capital projects in the FY22 Budget of \$20,484,528 by quarter as well as the proportion of these projects to be funded from municipal rates (\$7,089,044 of the proposed \$20,484,528) so this information was available before Council could make an informed decision on what likely capital expenditure should be deferred and therefore whether to support my motion.

I am requesting Mayor Cole's exact reasoning for not allowing the adjournment to be reflected in the minutes.

The transcript of Mayor Cole's response is as follows:

"We can't adjourn the meeting because we've already started the new financial year, we have to send out rate notices. We've got deadlines from our printer in order to issue rates notices. I'm just saying deferral is not an option given we've already commenced, we've already pushed the budget as far as we could. We've had extra workshops and we've had additional information provided, but we can't defer tonight because we

commenced the new financial year.”

ADMINISTRATION’S COMMENT:

The City of Vincent Meeting Procedures Local Laws 2008 provides in subclause (4) of 2.18 Minutes if a member is dissatisfied with the accuracy of the minutes, then he or she is to –

- (a) State the item or items with which he or she is dissatisfied; and
- (b) Propose a motion clearly outlining the alternative wording to amend the minutes.

Preparation of City of Vincent Council minutes is undertaken in accordance with the Local Government Act 1995 and relevant regulations.

Regulation 11 of the Local Government (Administration) Regulations 1996 provides the minimum content requirements –

- the names of the members present at the meeting (regulation 11(a));
- where a member enters or leaves the meeting during proceedings, the time of that member’s entry or departure in the chronological sequence of the business of the meeting (regulation 11(b));
- details of each motion moved at the meeting, the mover and the outcome of the motion (regulation 11(c));
- details of each decision made at the meeting (regulation 11(d));
- a written reason for each decision made that is significantly different from a relevant written recommendation of a committee or an employee (except a decision to note a matter, or to return a recommendation to the appropriate committee or employee for further consideration) (regulation 11(da));
- a summary of each question raised by members of the public at the meeting and a summary of the response to the question (regulation 11(e));
- in relation to each disclosure of a financial interest by a member or employee, where the extent of the interest has also been disclosed, the extent of the interest (regulation 11(f));
- each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of a meeting to which the document refers is closed to members of the public (regulation 11(g)).

Minutes of a meeting do not need to be ‘verbatim’ and the retention of livestream recordings provides the opportunity for the public to obtain context and rationale behind decision-making (beyond that contained in the Council Reports).

This is supported by the Department of Local Government publication ‘A Guide to the Preparation of Agenda and Minutes’ in 6.1.10 Recording discussions in the meeting -

“Local government meetings are not generally recorded verbatim. The only legislative requirement is that the principal aspects of the decision making process that are prescribed in the Act and its Regulations, such as those who disclose financial or impartiality interests in matters, those who are present for decisions, and the details of the decisions that are ultimately made, must be recorded in the minutes. Of course, this does not limit the extent to which additional information can be provided in minutes.

For instance, there is no reason why explanatory notes should not be included in the minutes to provide information additional to the report that was before the council for deliberation. The supplementary information may be from an officer or a member, and should only add to the information in the report. It should not be used to record arguments against the recommendation in the report, as that should be dealt with in another form (such as reasons for not accepting recommendations). Explanatory notes should assist in demonstrating the basis for council and committee decisions.

However, the minutes are intended to be a record of the collective decision making of the relevant council or committee, and as such, a request by a member to include particular comments by the member, or by other members, in the minutes of a meeting should be declined.”

It is not intended to record every ruling by the Presiding Member. Some procedural matters will be included in the minutes where it is relevant to the management of the business of Council. Should a motion be formally proposed that motion would be recorded even should it lapse if it fails to be seconded. Discussion (particularly verbatim) around the appropriateness of a procedural motion or similar interaction would not be recorded in the minutes.

LOST (2-6)

For: Cr Alexander and Cr Ioppolo

Against: Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace

(Mayor Cole was an apology for the Meeting.)

AMENDMENT 2

Moved: Cr Ioppolo, Seconded: Cr Loden

That the minutes of the Special Council Meeting held on 5 July 2022 be confirmed, subject to the following inclusion on page 21, before the record of the vote for Amendment 3:

Cr Ioppolo requested a deferment to receive additional information to resolve other Councillor's questions about what items of capital expenditure should be deferred as part of the motion being proposed and the Presiding Member declined that request.

LOST (2-6)

For: Cr Alexander and Cr Ioppolo

Against: Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace

(Mayor Cole was an apology for the Meeting.)

COUNCIL DECISION

Moved: Cr Hallett, Seconded: Cr Castle

That the minutes of the Special Council Meeting held on 5 July 2022 be confirmed.

CARRIED (6-2)

For: Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace







Against: Cr Alexander and Cr Ioppolo

(Mayor Cole was an apology for the Meeting.)

REPORTS WITH DISCUSSION

At 6:56 pm, Cr Suzanne Worner left the meeting, having previously declared a financial interest in this item.

9.7 BEAUFORT STREET AND GROSVENOR ROAD PEDESTRIAN IMPROVEMENT PROJECTS

- Attachments:
1. Inhabit Place Audit Report - Grosvenor Road 
 2. Inhabit Place Audit Report - Beaufort Street (Harold Street to Mary Street) 
 3. Beaufort Street Streetscape Improvement Plan 
 4. Grosvenor Road Footpath Upgrade - Community Engagement Plan 
 5. Grosvenor Road Footpath Upgrade - Final Design 
 6. Grosvenor Road Trial - Community Engagement Plan 
 7. Grosvenor Road Trial Plan

RECOMMENDATION:

That Council:

1. NOTES:

- 1.1 The completion of Action 2.2 Improved Pedestrian & Cyclist Environment of the Beaufort Street Town Centre Place Plan, and its outcome of a Streetscape Improvement Plan for the Beaufort Street Town Centre (St Albans Avenue to Walcott Street); and
- 1.2 Delivery of Improvement Action 9 of the Streetscape Improvement Plan to upgrade the Grosvenor Road crossing as a continuous footpath to improve connectivity and walking experience;

2. APPROVES the Grosvenor Road Trial Plan and Community Engagement Plan; and

3. AUTHORISES Administration to implement the Grosvenor Road Trial from 1 October to 14 November 2022 at Grosvenor Road, Mount Lawley to achieve Action 2.3 Trial Pedestrian Streets of the Beaufort Street Town Centre Place Plan.

Moved: Cr Loden, Seconded: Cr Wallace

That the recommendation be adopted.

PROCEDURAL MOTION

Moved: Cr Alexander, Seconded: Cr Ioppolo

That Council:

1. Defers consideration of Item 9.7 for the purpose of clarity around consultation and further advice in respect to the worth and effectiveness of the project and to enable the CEO to meet with Mr Offer and Mr Shultz to discuss their experience in respect to consultation on the proposed project and their concerns regarding the project impacts.

LOST (2-5)

For: Cr Alexander and Cr Ioppolo

Against: Cr Gontaszewski, Cr Castle, Cr Loden, Cr Hallett and Cr Wallace

(Mayor Cole was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.7

That Council:

1. **NOTES:**

- 1.1 **The completion of Action 2.2 Improved Pedestrian & Cyclist Environment of the Beaufort Street Town Centre Place Plan, and its outcome of a Streetscape Improvement Plan for the Beaufort Street Town Centre (St Albans Avenue to Walcott Street); and**
- 1.2 **Delivery of Improvement Action 9 of the Streetscape Improvement Plan to upgrade the Grosvenor Road crossing as a continuous footpath to improve connectivity and walking experience;**

2. **APPROVES the Grosvenor Road Trial Plan and Community Engagement Plan; and**

3. **AUTHORISES Administration to implement the Grosvenor Road Trial from 1 October to 14 November 2022 at Grosvenor Road, Mount Lawley to achieve Action 2.3 Trial Pedestrian Streets of the Beaufort Street Town Centre Place Plan.**

CARRIED (5-2)

For: Cr Gontaszewski, Cr Castle, Cr Loden, Cr Hallett and Cr Wallace

Against: Cr Alexander and Cr Ioppolo

(Mayor Cole was an apology for the Meeting.)







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

At 7:00 pm, Manager Marketing and Partnerships left the meeting and did not return.

At 7:25 pm, Cr Suzanne Worner returned to the meeting.

At 7:25 pm, Cr Alex Castle left the meeting due to a previously declared proximity interest in this item.

9.3 CHARACTER AREAS AND HERITAGE AREAS: OUTCOMES OF ADVERTISING GUIDELINES FOR WILBERFORCE AND KALGOORLIE STREETS MOUNT HAWTHORN

- Attachments:
1. Community Consultation Survey - Anonymous responses 
 2. Summary of Submissions - Wilberforce Street, Mount Hawthorn 
 3. Summary of Submissions - Kalgoorlie Street, Mount Hawthorn 
 4. Summary of Submissions - Comments from outside advertised character areas 
 5. Amended Character Areas and Heritage Areas Policy 
 6. Appendix 10 - Wilberforce Street Design Guidelines 

RECOMMENDATION:

That Council:

1. NOTES Administration's responses to community feedback, included in the Summary of Submissions and Schedule of Modifications included in Attachment 2, 3 and 4; and
2. PROCEEDS with the amendment to the Character Areas and Heritage Areas Policy with modifications, included in Attachment 5, including the Design Guidelines for Wilberforce Street, included as Attachment 6 pursuant to clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.3

Moved: Cr Loden, Seconded: Cr Worner

That the recommendation be adopted.

CARRIED (5-2)

For: Cr Gontaszewski, Cr Alexander, Cr Loden, Cr Hallett and Cr Wallace

Against: Cr Worner and Cr Ioppolo




(Mayor Cole was an apology for the Meeting.)

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

At 7:48 pm, Cr Alex Castle returned to the meeting.

At 7.48pm Manager Policy & Place left the meeting and did not return.

9.10 FINAL ADOPTION OF LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

- Attachments:
1. Local Government Property Amendment Local Law 2022 
 2. Amendment Local Law 2022 as Advertised 
 3. Amendment Local Law 2022 Showing Tracked Changes from Advertised Following Advice from DLGSC 

RECOMMENDATION:**That Council:**

1. NOTES that local public notice of the *City of Vincent Local Government Property Amendment Local Law 2022* was provided for the period 21 May 2022 to 3 July 2022 and no submissions were received;
2. NOTES the purpose of the *Local Government Property Amendment Local Law 2022* is to:
 - 2.1 amend clause 1.6 by inserting additional definitions for ‘election day’, ‘election period’, and ‘election sign’;
 - 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;
 - 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;
 - 2.4 amend clause 5.16(c) and (d) to specify that smoke free areas do not include vehicles within thoroughfares;
 - 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;
 - 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;
 - 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
 - 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);
3. NOTES the effect of the *Local Government Property Amendment Local Law 2022* is to:
 - 3.1 note and clarify new definitions used throughout additions to clause 6.8 regarding election signs;
 - 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;
 - 3.3 clarify that owners with properties which have awnings, balconies, and verandahs over thoroughfares have a public safety duty to maintain them;
 - 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;
 - 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;
 - 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;

- 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
 - 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);
4. **MAKES BY ABSOLUTE MAJORITY, the *Local Government Property Amendment Local Law 2022* at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the Chief Executive Officer:**
- 4.1 publishing the *Local Government Property Amendment Local Law 2022* in the Government Gazette in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and
 - 4.2 following Gazettal, providing local public notice in accordance with s3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

COUNCIL DECISION ITEM 9.10

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

That the recommendation be adopted.


CARRIED BY ABSOLUTE MAJORITY (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

9.11 OUTCOME OF ADVERTISING AND APPROVAL OF NEW SMOKE FREE AREAS AND ADOPTION OF SMOKE FREE AREAS - EDUCATION AND ENFORCEMENT POLICY

- Attachments:
1. Smoke Free Areas 
 2. Smoke Free Areas - Education and Enforcement Policy 

RECOMMENDATION:

That Council:

1. NOTES final adoption of the *Local Government Property Amendment Local Law 2022* (addressed in a separate item) allows Council to determine smoke free areas;
2. APPROVES a determination in accordance with Part 5, Division 6 of the *Local Government Property Local Law 2021* (as amended), that the five areas demonstrated in Attachment 1 be smoke free, subject to the Chief Executive Officer providing local public notice in accordance with clause 5.19(3)(a) of the *Local Government Property Local Law 2021* (as amended), noting determination of the five smoke free areas after final scrutiny of the *Amendment Local Law 2022* by the Joint Standing Committee on Delegated Legislation; and
3. ADOPTS the *Smoke Free Areas – Education and Enforcement Policy* at Attachment 2.

COUNCIL DECISION ITEM 9.11

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

That the recommendation be adopted.

CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

9.12 DEVELOPMENT COMPLIANCE ENFORCEMENT POLICY**Attachments:** 1. Development Compliance Enforcement Policy **RECOMMENDATION:**

That Council APPROVES the proposed Development Compliance Enforcement Policy at Attachment 1, for the purpose of community consultation, which is proposed to replace Policy No. 4.1.22 – Prosecution and Enforcement.

COUNCIL DECISION ITEM 9.12**Moved: Cr Wallace, Seconded: Cr Castle**

That the recommendation be adopted.

CARRIED (8-0)**For:** Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil**(Mayor Cole was an apology for the Meeting.)**

10.1 HALVORSEN HALL - TENANT RELOCATION

- Attachments: 1. **Option Analysis** 
2. **Maintenance Obligations** 

RECOMMENDATION:**That Council:**

1. **APPROVES** the relocation of the lessees at Halvorsen Hall comprising of Graham Hay, Frances Dennis, Carol Rowling, Sarah Marchant and Christopher McClelland to the North Perth Community Centre;
2. **APPROVES** reallocation of \$40,000 in the 2022/2023 approved capital budget from Halvorsen Hall to North Perth Community Centre; and
3. **APPROVES** the provision of local public notice pursuant to section 3.58 of the Local Government Act 1995 of the proposed lease to the lessees on the following key terms:

- 1.1. **Term:** Five (5) years
- 1.2. **Rent** \$6,706.70 including GST per annum indexed at CPI.
- 1.3. **Rent Review:** CPI on 1 July each year of the term, commencing on 1 July 2023.
- 1.4. **Premises area:** Approximately 285 m² (subject to survey)
- 1.5. **Outgoings:** Tenant responsibility including rates and taxes, ESL, rubbish and recycling bin charges, utilities (including scheme water, electricity and gas) and minimum level of services statutory compliance testing (including RCD, DFES and pest inspection fees and charges), building insurance applicable to the Premises.
- 1.6. **Public Liability Insurance:** Tenant responsibility – minimum of \$20 million per one claim
- 1.7. **Building Insurance** Tenant to reimburse the City for the building insurance premium payable in respect of the Premises. If the Tenant requests the City to make a claim on the Tenant's behalf (under the building insurance policy) the City may require the Tenant to pay any excess payable in respect to that claim.
- 1.8. **Repair/maintenance:** As per maintenance schedule at **Attachment 2**.
- 1.9. **Permitted Use:** Arts, recreational activities and ancillary purposes. The Premises is not to be used for illegal or immoral purposes.
- 1.10. **Special conditions:** **Premises condition:**
 - a) The Tenant leases the Premises from the City on an 'as is, where is' condition.
 - b) The Tenant acknowledges that the Premises is in a condition that commensurates with its age and the City does not anticipate making any capital upgrades or improvements to the Premises or its surrounds.
- 1.11. **Redevelopment or demolition:**

If:

- a) the City wishes to redevelop the Premises or its surrounds; or
- b) the City determines that it can no longer maintain the Premises in a safe and occupiable condition,

the City may, upon providing the tenant with a minimum of 12 months' prior notice, require the tenant to surrender its lease of the Premises.

1.12.

Quiet enjoyment

Tenant acknowledges that its quiet enjoyment of the Premises may be affected from time to time by works that the City or its agents may reasonably undertake or facilitate in the vicinity of the Premises that may include but are not limited to:

- Disruption or closure of roads, reserves and road reserves;
- Pedestrian movement and access;
- Vehicle movement, access and parking;
- Vibration and noise; and
- Dust and dirt.

The City will not be liable to compensate the Tenant in the event that the above affects the Tenant's quiet enjoyment of the Premises.

4. **DELEGATES authority to the Chief Executive Officer to consider any submissions received and to determine whether to proceed with the lease, ensuring that the reasons for such a decision are recorded;**
5. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer and approval from the Department of Planning, Lands and Heritage, AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the lease in accordance with the Execution of Documents Policy.**
6. **DELEGATES authority to the Chief Executive Officer to approve future variations to the lease as required for the sole purpose of adding or removing joint lessees to the lease.**

COUNCIL DECISION ITEM 10.1

Moved: Cr Ioppolo, Seconded: Cr Loden

That the recommendation be adopted.

At 8:04 pm, Manager Built Form and Wellbeing left the meeting and did not return.

At 8:13 pm, Cr Dan Loden left the meeting.

At 8:14 pm, Cr Dan Loden returned to the meeting.

CARRIED (6-2)

For: Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner and Cr Hallett

Against: Cr Ioppolo and Cr Wallace

(Mayor Cole was an apology for the Meeting.)



At 8.20pm Manager City Buildings & Asset Management left the meeting and did not return.

11.1 FINANCIAL STATEMENTS AS AT 31 MAY 2022**Attachments:** 1. Financial Statements as at 31 May 2022 **RECOMMENDATION:****That Council:**

- **RECEIVES** the Financial Statements for the month ended 31 May 2022 as shown in Attachment 1;
- **APPROVES BY ABSOLUTE MAJORITY** to impose a new fee & charge for the inspection of new pools; and
- **NOTES** an additional \$25k will be required to complete the Charles Veryard Lighting project and that these funds will be sourced through the first quarter budget review.

COUNCIL DECISION ITEM 11.1**Moved:** Cr Loden, **Seconded:** Cr Hallett**That the recommendation be adopted.****CARRIED BY ABSOLUTE MAJORITY (8-0)****For:** Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil**(Mayor Cole was an apology for the Meeting.)**

11.7 EXTENSION OF LEASE AND DEED OF CONTRACT TO BELGRAVIA HEALTH & LEISURE GROUP PTY LTD - LOFTUS RECREATION CENTRE - PORTION LOT 501 (99) LOFTUS STREET, LEEDERVILLE

- Attachments:**
1. Loftus Recreation Centre - Profit and Loss Statement - Confidential
 2. Loftus Recreation Centre - Loan Statement - 31 May 2022 
 3. Loftus Recreation Centre - Loan Repayment Schedule 
 4. DRAFT Deed of Extension of Lease - Belgravia Leisure - Confidential
 5. Belgravia Leisure - Counter Party Credit Report - 13 July 2022 - Confidential

RECOMMENDATION:

That Council:

1. **APPROVES** an extension to Belgravia Health & Leisure Group Pty Ltd (CAN 005 087 463) of the:
 - 1.1 **Deed of Contract, governing the operation and management of the Loftus Centre, for a further five (5) years commencing 1 January 2022 and expiring on 31 December 2027 subject to the following:**
 - 1.1.1 **The annual fee is reduced by an amount equal to 50% of the annual land tax liability on the lease of the Loftus Recreation Centre;**
 - 1.1.2 **All other terms and conditions remaining the same.**
 - 1.2 **Lease (including the Car Parking Licence) for part of the Loftus Centre at Lot 501 (99) Loftus Street, Leederville, for a further term of five (5) years commencing 1 January 2022 and expiring on 31 December 2027 subject to the following:**
 - 1.2.1 **A repayment plan is agreed in writing with the Chief Executive Officer, for the repayment of the Deferred Amount of \$64,900.72, within the term of this contract;**
 - 1.2.2 **The Lessor and Lessee to agree an annual program of capital works, to include the allocation of the Loftus Recreation Fund, for the purpose of facilitating venue improvements and capital purchases to assist in maintaining the facility and improving profitability of the Loftus Recreation Centre; and**
 - 1.2.3 **All other terms and conditions remaining the same.**
 - 1.3 **AUTHORISES** the affixing of the Common Seal of the City of Vincent to the extension of the Deed of Contract and Lease in accordance with the City's Execution of Documents Policy.
 - 1.4 **REQUESTS** the Chief Executive Officer to:
 - 1.4.1 **Prepare a paper for Council considering options for the operating model and management agreement of Loftus Recreation Centre, no later than 31 December 2026 and**
 - 1.4.2 **include the Loftus Recreation Centre Options Paper in the Corporate Business Plan 2022-2026.**

COUNCIL DECISION ITEM 11.7

Moved: Cr Ioppolo, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

