



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**12 December 2023**



## Table of Contents

1	Declaration of Opening / Acknowledgement of Country.....	5
2	Apologies / Members on Leave of Absence .....	5
3	(A) Public Question Time and Receiving of Public Statements .....	5
	(B) Response to Previous Public Questions Taken On Notice.....	7
4	Applications for Leave of Absence .....	11
5	The Receiving of Petitions, Deputations and Presentations .....	11
6	Confirmation of Minutes .....	11
7	Announcements by the Presiding Member (Without Discussion) .....	12
	7.1 Local Laws .....	12
	7.2 Festive Season .....	12
8	Declarations of Interest .....	13
	Reports .....	13
	Items Approved "En Bloc": .....	14
	9.2 No. 276 (Lot: 63; D/P: 97776) Newcastle Street, Perth - Proposed Office and Showroom (Amendment to Approved) (Unauthorised Existing Development) .....	15
	10.3 Outcome of Advertising and Adoption of Amendments to Asset Management Policy .....	17
	11.1 Financial Statements as at 31 October 2023.....	18
	11.2 Authorisation of Expenditure for the Period 01 October 2023 to 31 October 2023 .....	19
	11.3 Investment Report as at 31 October 2023.....	20
	11.4 Outcome of Advertising and Adoption of New Child Safe Awareness Policy .....	21
	11.5 Outcome of Advertising and Adoption of Amendments to Diversity Access and Inclusion Policy .....	22
	Reports with Discussion:.....	23
	9.1 No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth - Proposed Change of Use from Restaurant/Cafe to Restaurant/Cafe and Small Bar .....	23
	12.4 Report and Minutes of the Audit Committee Meeting held on 7 December 2023 .....	25
	9.3 Mount Hawthorn Youth Skate Space Revised Location .....	26
	9.4 RFT PP272/2023 Robertson Park Redevelopment - Stage 1 - Separable Portion A Construction – WITHDRAWN BY ADMINISTRATION .....	27
	9.5 Licence to Broadway Unit Trust (trading as Spritz Spizzicheria Italiana) on road reserve adjacent to No. 148 (Lot: 600) Scarborough Beach Road, Mount Hawthorn .....	28
	10.1 Response To Petition - Corner Scarborough Beach Road and Killarney Street - Maintenance and Infrastructure .....	30
	10.2 Response to Petition - Ellesmere Street, North Perth Parking .....	31
	10.4 Kyilla Community Farmers Market - Waiver of Fees [ABSOLUTE MAJORITY DECISION REQUIRED].....	32
	12.1 Council Recess Period 2023-24 - Delegated Authority to the Chief Executive Officer [ABSOLUTE MAJORITY DECISION REQUIRED] .....	33
	11.6 Annual Report 2022/23 [ABSOLUTE MAJORITY DECISION REQUIRED].....	34
	12.2 Appointment of Council Members and Community Representatives to Advisory Groups .....	35
	12.3 Information Bulletin .....	38
13	Motions of Which Previous Notice Has Been Given.....	39

14 Questions by Members of Which Due Notice Has Been Given (Without Discussion).....39

15 Representation on Committees and Public Bodies .....39

16 Urgent Business .....39

17 Confidential Items/Matters For Which the Meeting May be Closed .....39

18 Closure .....39

**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, 12 DECEMBER 2023 AT 6.00PM**

<b>PRESENT:</b>	<p><b>Mayor Alison Xamon</b> <b>Cr Alex Castle</b> <b>Cr Ron Alexander</b> <b>Cr Suzanne Worner</b> <b>Cr Jonathan Hallett</b> <b>Cr Sophie Greer</b> <b>Cr Ashlee La Fontaine</b></p>	<p><b>Presiding Member</b> <b>North Ward</b> <b>North Ward</b> <b>North Ward</b> <b>South Ward</b> <b>South Ward</b> <b>South Ward</b></p>
<b>IN ATTENDANCE:</b>	<p><b>David MacLennan</b> <b>John Corbellini</b></p> <p><b>Peter Varris</b></p> <p><b>Rhys Taylor</b> <b>Jay Naidoo</b></p> <p><b>Luke McQuirk</b> <b>Joslin Colli</b></p> <p><b>Mark Ambrose</b></p> <p><b>Jayde Robbins</b></p> <p><b>Wendy Barnard</b></p>	<p><b>Chief Executive Officer</b> <b>Executive Director Strategy &amp; Development</b> <b>Executive Director Infrastructure &amp; Environment</b> <b>Chief Financial Officer</b> <b>Manager Development &amp; Design &amp; Strategic Planning</b> <b>Manager Engineering</b> <b>Executive Manager Corporate Strategy &amp; Governance</b> <b>Senior Director Financial Audit OAG (Item 12.4 only)</b> <b>Manager City Buildings and Asset Management (left at 6:22pm after Item 10.3)</b> <b>Council Liaison Officer</b></p>
<b>Public:</b>	Approximately 7 members of the public.	

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

The Presiding Member, Mayor Alison Xamon declared the meeting open at 6:00pm and read the following Acknowledgement of Country statement:

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

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

An apology was received from Cr Nicole Woolf.

An apology was received from Cr Ashley Wallace.

## **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.

### **Lesley Florey of Mt Hawthorn**

- Spoke to the 900mm stormwater pipe which runs through her property
- Mentioned that \$425k was allocated to drainage data in the December Council Meeting 2022 and queried why this data has not been passed to Council and ratepayers?

- Mentioned that she is on the distribution list for consultation for Mt Hawthorn and North Perth community groups, and queried why she has not been consulted or informed over the last 12 months?
- Queried why has the City not been transparent in addressing the lack of mapping, aging and deteriorating end of year pipes at Council Meetings and in the Annual Report?
- The Annual Report notes that the City is in compliance with the Record Keeping plan, first time in three years. How many times has the City not been compliant over the years?
- Queried what Council Members had done to fulfil their responsibilities under the Asset Management and Sustainability Strategy, which is "...act as stewards for key assets" and "promote and raise awareness of asset management to the community" for the major asset of the stormwater pipe?
- What is the definition of a Council Member and who does this include?
- Urged Council Members to step up and represent her in this adverse situation affecting her property.
- Full statement can be heard [here](#)

*The Presiding Member, Alison Xamon, thanked Ms Florey for her comment.*

The following statements were submitted prior to the Meeting.

### **Dudley Maier of Highgate**

#### **Local Laws**

At the 21 November Council meeting I asked a series of questions about the number of local law proposals that the Joint Standing Committee had rejected or required undertakings. I specifically asked how many proposals had been rejected or required amendment in the 15-year period 2004 to 2018, and 5-year period 2019 to 2023. The time frames were selected to roughly represent the period of the current CEO and the current administration (approximately 5 years), and the 15 years prior to that.

The response to the questions only dealt with periods 2013 to 2023, it neglected the period 2004 to 2012, and was incorrect in that it omitted the fact that the Animal Local Law 2023 and the Parking Local Law 2023 have been requested to be modified.

The incomplete answers, plus the review of the Parking Law 2023 and the Animal Local Law 2023, indicates that there have been 5 occasions where local laws that have been rejected or required amendment in the last 5 years.

1. Why did the answers to my previous questions omit the fact that the Animal Local Law 2023 and the Parking Local Law 2023 were required to be amended?
2. Do you agree that the omission of these two local laws from the answer looks as if the administration is either being evasive and is not acknowledging that there have been 5 occasions in recent years where local laws have required amendment, or that they have not been thorough in developing the answer?
3. Since the beginning of 2019 how many local laws have been accepted by the Joint Standing Committee without requiring amendments and what were they – basically, what is the success rate?
4. Again, how many local laws were rejected or required amendment in the 15-year period 2004-2018?
5. Do you agree that there have been a significant decline in the technical quality of the proposed local laws in the last 5 years?

#### **Opening Balance**

The 2023-2024 Annual Budget was based on the premise that the carried forward surplus at the start of the financial year (1 July 2023) would be \$4,098,614.

The preliminary financial statement for the period ending 30 June 2023, which was presented to Council on 22 August 2023, indicated that the likely actual carried forward surplus for 2023-2024 would be \$8,004,126. The audited financial statement for the period ending 30 June 2023 shows that the actual carried forward surplus is \$9,050,809 – nearly \$5 million more than the initial estimate provided to Council on 20 June 2023, some 10 days before the end of the financial year.

There are a number of significant discrepancies between the figures provided as part of the development of the 2023-2024 Budget, and the final audited figures.

Question: For each of the following line items in the budget and final audited figures, can you please provide an explanation as to why there was such a significant discrepancy, particularly as the budget figures were provided approximately 10 days before the end of the financial year:

- Fees and charges – discrepancy of \$1,313,920
- Employee costs – discrepancy of \$355,916
- Materials and Contracts – discrepancy of \$433,335
- Capital Grants, subsidies and contributions – discrepancy of \$418,257

- Purchase of property, plant and equipment – discrepancy of \$2,690,885
- Purchase and construction of infrastructure – discrepancy of \$1,583,593

Question: What would have been the impact on the 2023-2024 rates if the actual carried forward surplus of \$9,050,809 had been used when setting the 2023-2024 Budget?

Administrations' responses will be provided in the Agenda for the 13 February 2024 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6:05pm.

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

### **Tracey and Neil Gray of Perth – Item 5.2**

We are the owners of Unit 9/117 Lake Street but we are unfortunately unable to attend the Briefing as we are currently overseas. We will attempt to watch the live stream of the proceedings if possible. Our unit is only 3-4 m from the new development.

As stated in the Briefing Agenda the development was granted conditions to be built in breach of the applicable Building Codes. Unfortunately the developer has not installed the privacy screening as shown in the original proposal drawings and is now seeking to obtain a retrospective modification to the conditions of the DA to allow approval of a solution that we believe is unacceptable.

#### **Administration Response:**

*The development at No. 276 Newcastle Street did not breach building codes. The development proposed setbacks to the rear boundary that did not meet the then-applicable Acceptable Outcome standard of the Built Form Policy.*

*The Built Form Policy did not include specific visual privacy standards or objectives when the original development application was considered.*

*The original application was assessed against Element Objectives of the Built Form Policy relating to setbacks and satisfied these objectives.*

We have a number of issues with the responses from the Developer as detailed in the Council Briefing Agenda

- The shared garden and courtyard area does constitute a private place as it used by the occupants in a number of ways and forms an important part of the amenity of the entire complex. For example our daughter used to sunbake and read in the garden area. It also gives the occupants the opportunity to spend time in the gardens. Any green space in an urban area like this is very important to the welfare of the occupants.
- Only the option of a permanently affixed structure gives a guarantee of privacy into the future. It would also guarantee that there are no privacy issues with view lines into either our bedroom or main living areas. While there is some screening afforded by plants on our property they are deciduous so not a guarantee of year round privacy.
- Our experiences with this project to date has not given us great confidence in the reassurances by the developer that the bamboo planting option will be adequately maintained into the future. Furthermore it is likely that any future disputes regarding privacy will be time consuming and difficult to resolve. What happens if the bamboo does not provide an adequate screen? Surely it makes more sense for everyone to implement the screening as originally approved and fix the situation now.
- We have experience using this bamboo in another of our properties where we found it quite difficult to maintain a lush enough screening while staying within the Perth watering restrictions. After several years we removed the bamboo and installed a fence to provide adequate screening.

Frankly we have been disappointed that a company with the reputation and depth of experience of the developer would not meet the requirements of the DA and would propose a clearly inadequate solution. It would be interesting to see their response if a similar privacy issue arose in their "backyard". We can see no reason why this development should not meet planning regulations.

In summary we believe that the amenity of our property has been severely compromised through the loss of privacy. The developer has chosen not to implement the relaxed conditions of the DA and is seeking to obtain retrospective approval using a solution that we believe is inferior to the original proposal.

We would ask that the Council not approve the modifications to the DA and instruct the Developer to either implement the permanent external screening (11.2 (b)) or offer an equivalent solution.

### **Paula Babic of North Perth – Item 5.1**

I am a residential property owner directly affected by this development.

Since this cafe opened it has caused car parking and traffic safety issues in Venn Street, and these problems are still existing today.

Since its opening the cafe staff and patron cars have been taking up street and verge parking that residents of Venn Street use and need.

And have been parking in the 'no-park' areas, causing danger for residents trying to access/egress between Venn & Fitzgerald Streets.

The vehicle access gate to the development was installed in Sept 2020 without authorization or approval.

It was only last month, over 3 years later, that this gate was retrospectively approved.

However the gate is still closed during the cafe business hours.

During these 3 years of restricted access to the carparking, the 8 bays which are proposed to be designated for use by cafe staff/patrons, have been occupied by the residential tenants and/or their visitors.

So I ask the question what will happen now to ensure these bays, which have been used and occupied by the residents cars for over 3 years now, are actually always available for the cars of cafe staff/patrons? There is no guarantee that a simple sign marking the bays will stop the residents from using the bays. Who will be responsible for ensuring the carboys are not used by the residents?

### **Administration Response:**

*It is the operator and landowner's responsibility to ensure that the development is in compliance with the terms of the development approval. This includes the requirement for car parking bays allocated for exclusive use by the commercial tenancy being set aside for that purpose.*

And the next question is where will the cars that have been utilizing these 8 bays for the past 3 years now park? Will those residents and visitors cars now also park on Venn Street to again cause parking and safe access/egress for cars in Venn Street?

*There are 20 resident bays and two residential visitor bays provided on-site. This is as per previous approvals issued for the site and was considered adequate to meet the demands of the residential component of the development. This allocation of parking is not changing as part of this application. Residents and residential visitors would park in these bays.*

Since the applicant submitted for the change of use, the problems of carpeting problems and dangers have been raised by concerned residents.

But at no time during this process has the applicant shown any affirmative action to resolve these problems.

So the residents of Venn Street have no assurance that anything will change, all we are been given in the Planning Departments Recommendations, is a proposal that the vehicle access gate is kept open during the cafe operational hours, which is not sufficient given the problems we have been having since the cafe opened.



In my previous submission on this matter I commented that a trial period should be held, to test and determine:

1. If the vehicle access gate will in reality be open during the entire cafe operation hours
2. If the 8 designated commercial carboys will actually be vacant and available for the use of the cafe staff/patrons
3. If there is continued parking problems or issues from this development affecting Venn Street residents

This trial period should be required prior to any new approvals given on this application change of use or increase in patron numbers.

It would be a mis-use of Council's privilege to grant a discretion for this application, without the above proposed trial period been done.

I ask Council to insist on this action before any approval for change of use, or increase in patron numbers is granted.

**Question: Request for trial period to be undertaken prior to determination of application.**

**Administration Response:**

*A trial period or time-limited approval would not be appropriate in this circumstance.*

*Car parking provided for the proposed change of use complies with the car parking standard prescribed in the City's Non-Residential Parking Requirements Policy. This means that adequate car parking is provided.*

*Compliance with conditions of approval, including ensuring that the allocated car parking bays are made available for use by the commercial tenancy, is not a matter to be addressed via a time-limited condition. A time-limited condition imposed on this basis would not be reasonable.*

*The City has a Development Compliance Enforcement Policy that sets out mechanisms and enforcement action available to the City to ensure compliance with the terms of development approval. This would be the appropriate response to deal with any alleged non-compliance that arises.*

**Dudley Maier of Highgate – Item 9.7 and 17.1**

1. The recommendation for Item 9.7 (Concrete Batching Plants Relocation) seeks approval for the CEO to accept a Management Order even though the recommendation further authorises the production of a Business Plan for the relocation of the City's depot.

- Why isn't the recommendation to 'accept in principle' at this stage given that, as a result of considering a further Business Plan, the City may decide not to relocate the depot?

*The authorisation for the CEO to accept a Management Order is based on the preparedness of the Minister for Lands to grant the Order subject to conditions outlined in his letter. The 'offer and acceptance' are consequentially 'in principle'.*

*The City of Vincent would have the ability to relinquish a Management Order over the Western Power Depot site at any time after it has accepted this.*

- Why isn't the acceptance of the Management Order required to be made by an absolute majority?

*The acceptance of a Management Order from the State Government does not require an absolute majority decision of Council. Local Governments routinely accept Management Orders resulting from subdivisions and other land development transactions.*

2. The “Key Terms” for the Leederville Car Parks redevelopment states that the buyer will construct a car park on the Frame Court site with an estimated cost of \$20.4 million.
- Did the City obtain an estimated likely cost of such a car park from an independent, qualified quantity surveyor prior to releasing the Business Plan? If so, who was the quantity surveyor and when was the estimate provided, and what plan was used as a basis for making such an estimate?

*A quantity survey (QS) of the car park was carried out by Rider Levett Bucknall on behalf of the proponent. The City’s commercial advisor and qualified valuers, Cygnet West, independently assessed the car park proposed and confirmed that the value of the car park would be \$21,700,000, which exceeds the estimated QS value.*

3. Item 17.1 (Undertakings relating to the Parking Local Law 2023) has been made confidential because it contains legal advice.
- If legal advice has been given, why didn’t the Administration simply make that advice confidential rather than make the whole item confidential?
  - Would the legal advice that was given affect the City’s position in any current legal proceedings if it was made public (i.e. would it be prejudicial to release the advice)?
  - In the last 5 years (2019 to 2023) how many times has a Local Law been either rejected or required undertakings to amend it?
  - How many times has the Joint Standing Committee required such an amendment in the previous 15 years (2004 to 2018)?
  - Is the Administration simply using the ‘legal advice’ as an excuse to hide the fact that the Joint Standing Committee has once again found fault with a Local Law?

*In its 2022 [Annual Report](#) the Joint Standing Committee on Delegated Legislation observed:*

**“Public disclosure of confidential Committee correspondence**

- 4.1 *All Committee correspondence to the Mayor or President of local government councils contains the following confidentiality warning:*

*This correspondence including any attachments is confidential and privileged. Your local government may only discuss the content of this letter and any attachments with the Western Australian Local Government Association, the Department of Local Government and the Shire’s legal advisors to the extent necessary to obtain information the Committee seeks. Each person to whom you distribute this material must be made aware of its confidential and privileged status.*

- 4.2 *There have been a number of instances where the publicly available minutes of council meetings have included passages from Committee correspondence and/or attached them to the meeting agenda.*
- 4.3 *The unauthorised public disclosure of confidential Committee correspondence is a breach of parliamentary privilege and may amount to a contempt of the Legislative Council. Schedule 4 of the Standing Orders of the Legislative Council sets out the criteria that is taken into account when determining whether a contempt has been committed. One criterion is (emphasis in italics added):*

**14. Unauthorised Disclosure**

*A person shall not, without the authority of the Council or a Committee, disclose or publish:*

- (a) *a document submitted to the Council, where the Council has ordered that document not be made public;*
  - (b) *any private or in camera evidence received by a Committee;*
  - (c) *any material produced by a Committee; or*
  - (d) *any deliberation of a Committee.*
- 4.4 *Committee material is any correspondence, draft report or information produced by a Committee.*
- 4.5 *Breaches of parliamentary privilege are serious matters which may give rise to significant penalties.*
- 4.6 *The Committee considers local government councils should close meetings when Committee correspondence is discussed. This is an effective method for ensuring confidentiality is maintained and minimises the risk of breaching parliamentary privilege. Committee correspondence should not be disclosed without the Committee’s consent.”*

According to the Parliamentary website addressing JSCDL undertakings the following is noted:  
[Current \(2021 to 2023\)](#) – Total of 96 required undertaking of which two related to the City of Vincent

- Animal Local Law – not disallowed – required amendment
- Local Government Property Local Law – not disallowed – required amendment

[2017 to 2020](#) – Total of 115 required undertaking of which one related to the City of Vincent

- Parking Amendment local law – disallowed – based on the number of previous amendments, also recommended by DLGSC.

[2013 to 2016](#) – Total 70 required undertaking of which none related to the City of Vincent

#### 4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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

Nil

#### 6 CONFIRMATION OF MINUTES

##### COUNCIL DECISION

Moved: Cr Worner, Seconded: Cr Hallett

That the minutes of the Ordinary Meeting held on 21 November 2023 be confirmed.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

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

The Presiding Member Alison Xamon made the following announcement:

### **7.1 LOCAL LAWS**

The Mayor expressed concerns about the current way Local Laws are created. The Mayor explained that the committee who deals with delegated legislation, which includes local laws, is called the Joint Standing Committee on Delegated Legislation. This committee checks that Local Laws are properly constructed and consistent with the parent acts.

The Mayor is concerned that the advice sought from a number of local councils early in the process of establishing local laws by the legislative council, in particular the committee chambers, is not being given. The Mayor explained that local councils pay lawyers to construct legislation and if the early feedback is not given, there is a chance that a particular interpretation applied by the Committee could be avoided.

The Mayor does not believe this is the orderly way to construct legislation. The Mayor wants to make sure that the process is functioning as well as possible and that ratepayers money is not being wasted.

The Mayor will write to the speaker of the Legislative Assembly, the president of the Legislative Council, and to WALGA, asking if this issue can be addressed and asking if Councils across the board can have early input to ensure ratepayers money is not needed to review entire local laws.

The Mayor noted that she wanted to raise this concern as it impacts rates and the sound construction of law which is something that everyone should take very seriously.

### **7.2 FESTIVE SEASON**

The Mayor noted that the City of Vincent is celebrating Christmas and that there are a number of events happening that the Mayor has enjoyed attending.

Current events include the Christmas Markets at Kyilla Park and the ongoing Mt Hawthorn Hawkers Market at Axford Park.

The Mayor noted that she loved attending the 'Arty Farty Christmas Party' at Leederville on Sunday and thanked Leederville Connect for their help with the event. The Mayor attended the Mt Hawthorn Community Church and Mt Hawthorn Baptist Church candles by candlelight event at Braithwaite Park and noted that there will be more carols in Hyde Park on Sunday at 6:30pm. Further on Saturday from 5:00pm – 8:30pm there will be the Beaufort Street Christmas Twilight Markets.

The Mayor has also enjoyed visiting many of the Primary Schools to acknowledge the spirit of Christmas banner awards. The Mayor is looking forward to having the children's art posted up in the City of Vincent's main town squares.

The Mayor commented on the decorations in the town centres and supports the approach to distribute the Christmas decorations across the City of Vincent.

The Mayor mentioned that she has received disappointing correspondence that the tree at Braithwaite Park was not lit up. The Mayor notes that there was every intention to light the tree, however, the lights had broken and there was not enough time to fix them. The Mayor notes that there will be an opportunity for the community to give feedback on the Christmas decorations this year and that council will make sure that next year the decorations are equitable across the City of Vincent and that the rate payers receive value for money.

The Mayor wanted to note that Christmas is an important time to remember the call for peace. The Mayor notes that many people are torn from loved ones due to war and that closer to home there are people in our community without a home or who cannot afford to enjoy Christmas. The Mayor notes that there are many people less fortunate and that we should extend love and grace to all in the community.

The Mayor also wanted to wish the Jewish community a Happy Hanukkah and thanked everyone in attendance.

The Mayor's full statement can be listened to [here](#).

## 8 DECLARATIONS OF INTEREST

- 8.1 Cr Ashlee La Fontaine declared an impartiality interest in Item 12.2 Appointment of Council Members and Community Representatives to Advisory Groups. The extent of her interest is that she has social contact with two of the applicants.
- 8.2 Cr Ashlee La Fontaine declared an impartiality Interest in Item 12.3 Information Bulletin. The extent of her interest is that she owns and resides at a property on Forrest Street, North Perth, which is referred to in the Infobulletin.

## REPORTS

The Presiding Member, Mayor Alison Xamon, advised the meeting of:

- (a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**  
Nil
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 10.4, 11.6 and 12.1
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Nil

The Presiding Member, Mayor Alison Xamon, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Castle	9.5 and 12.3
Cr Hallett	12.2
Cr La Fontaine	9.1, 9.3, 10.2 and 10.3

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**  
Items 9.2, 10.3, 11.1, 11.2, 11.3, 11.4 and 11.5
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Nil

**ITEMS APPROVED "EN BLOC":**

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

**COUNCIL DECISION**

**Moved: Cr Worner, Seconded: Cr Castle**

**That the following unopposed items be adopted "En Bloc", as recommended:  
Items 9.2, 10.3, 11.1, 11.2, 11.3, 11.4 and 11.5**

**CARRIED (7-0)**






**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

**9.2 NO. 276 (LOT: 63; D/P: 97776) NEWCASTLE STREET, PERTH - PROPOSED OFFICE AND SHOWROOM (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)****Ward:** South

- Attachments:**
1. Consultation and Location Plan 
  2. Development Plans 
  3. Existing Development Approval Notices and Approved Plans 
  4. Summary of Submissions - Administration Response 
  5. Summary of Submissions - Applicant Response 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for Office and Showroom (Amendment to Approved) (Unauthorised Existing Development) at No. 276 (Lot: 63; D/P: 97776) Newcastle Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2020.57.1 granted on 14 April 2020 and 5.2021.486.1 granted on 10 January 2022 continue to apply to this approval except as follows:

- 1.1 Condition 10 is deleted and replaced as follows:

10. All landscaping works shown in the approved plans dated 9 November 2023 shall be undertaken within 28 days of the date of this approval and maintained thereafter at the expense of the owners/occupiers, to the satisfaction of the City.

- 1.2 Condition 11 is deleted and replaced as follows:

- 11.1 The obscure glazing privacy screen to the north east elevation of the first floor, as indicated on the approved plans dated 9 November 2023, shall be durable and visually impermeable to a minimum height of 1.6 metres above the first-floor finished floor level, to the satisfaction of the City.

- 11.2 The north-east elevation of the ground floor shall be screened by either:

- (a) The provision of bamboo planting along the north east lot boundary, as shown on the approved plans dated 9 November 2023. The bamboo shall be maintained to a minimum height of 1.6 metres above the ground floor finished floor level to restrict views of the adjoining property; or
- (b) The installation of privacy screening to the portion of the north-east elevation of the ground floor indicated in red on the approved plans dated 9 November 2023. The screening shall be fixed, durable and visually impermeable to restrict views of the adjoining property;

The privacy screening and/or bamboo planting are to be maintained at all times from the date of the issue of this decision, to the satisfaction of the City.

**COUNCIL DECISION ITEM 9.2**

**Moved: Cr Worner, Seconded: Cr Castle**

That the recommendation be adopted.



**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)



**10.3 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO ASSET MANAGEMENT POLICY**

- Attachments:
1. DRAFT - Asset Management Policy review 2023 
  2. Policy 2.2.12 - Asset Management 

**RECOMMENDATION:**

That Council

1. NOTES that at the conclusion of the local public notice period, no public submissions were received in relation to the Asset Management Policy, at Attachment 1;
2. ADOPTS the Asset Management Policy at Attachment 1; and
3. REPEALS Policy 2.2.12 Asset Management Policy at Attachment 2.

**COUNCIL DECISION ITEM 10.3**

**Moved: Cr Worner, Seconded: Cr Castle**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

At 6:22pm Manager City Buildings and Asset Management left the meeting and did not return.

**11.1 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2023****Attachments: 1. Financial Statements as at 31 October 2023** **RECOMMENDATION:**

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

That Council **BY ABSOLUTE MAJORITY APPROVES** the purchase of a rubbish truck for \$520,000 to be funded from the 2024/2025 annual budget.

**COUNCIL DECISION ITEM 11.1****Moved: Cr Worner, Seconded: Cr Castle**




That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

**11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 OCTOBER 2023 TO 31 OCTOBER 2023**

- Attachments:
1. October 2023 Payments by EFT and Payroll 
  2. October 2023 Payments by Direct Debit 
  3. October 2023 Payments by Cheques 

**RECOMMENDATION:**

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

EFT payments, including payroll	\$5,513,607.25
Cheques	\$689.55
Direct debits, including credit cards	\$139,208.30
Total payments for August 2023	<b>\$5,653,505.10</b>

**COUNCIL DECISION ITEM 11.2**

**Moved: Cr Worner, Seconded: Cr Castle**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

**11.3 INVESTMENT REPORT AS AT 31 OCTOBER 2023****Attachments:** 1. Investment Statistics as at 31 October 2023 **RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 11.3****Moved: Cr Worner, Seconded: Cr Castle**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

11.4 OUTCOME OF ADVERTISING AND ADOPTION OF NEW CHILD SAFE AWARENESS POLICY

Attachments: 1. Child Safe Awareness Policy 

RECOMMENDATION:

That Council ADOPTS the Child Safe Awareness Policy at Attachment 1.

**COUNCIL DECISION ITEM 11.4**

**Moved:** Cr Worner, **Seconded:** Cr Castle

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

**11.5 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO DIVERSITY ACCESS AND INCLUSION POLICY**

- Attachments:
1. Diversity Access and Inclusion Policy 
  2. Community Consultation Comments 
  3. Diversity Access and Inclusion Policy - Marked Up 

**RECOMMENDATION:**

That Council **ADOPTS** the amended Diversity Access and Inclusion Policy at Attachment 1.

**COUNCIL DECISION ITEM 11.5**

**Moved:** Cr Worner, **Seconded:** Cr Castle








That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

**REPORTS WITH DISCUSSION:****9.1 NO. 500 (LOT: 41; D/P: 418433) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM RESTAURANT/CAFE TO RESTAURANT/CAFE AND SMALL BAR****Ward:** South**Attachments:**

1. Consultation and Location Plan 
2. Development Plans 
3. Parking Management Plan 
4. Previous Joint Development Assessment Panel Approval 
5. Summary of Submissions - Applicant's Response 
6. Summary of Submissions - Administration's Response 
7. Determination Advice Notes 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the development application for a proposed Change of Use from Restaurant/Café to Restaurant/Café and Small Bar at No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

**1. Development Approval**

This approval is for a Change of Use from Restaurant/Café to Restaurant/Café and Small Bar as shown on the approved plans dated 18 August 2023. No other development forms part of this approval;

**2. Use of Premises**

**2.1** This approval is for a Restaurant/Café and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;

**2.2** The total number of persons attending the Restaurant/Cafe and Small Bar at any one time, including staff and customers, shall be limited to 32 persons; and

**2.3** The Restaurant/Café and Small Bar shall be limited to the following hours of operation:

- Monday to Sunday: 8:00am to 5:00pm; and
- All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday; and

**3. Venue Management**

**3.1** Prior to commencement of the approved development, a Venue Management Plan shall be submitted to and approved by the City. The Venue Management Plan shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises, to the satisfaction of the City (refer advice note 8); and

**3.2** The premises shall operate in accordance with the approved Venue Management Plan, to the satisfaction of the City;

**4. Waste Management**

The approved development shall operate in accordance with the approved Waste Management Plan dated 28 September 2018 at all times, to the satisfaction of the City;

**5. Façade Design**

**5.1** Doors and windows and adjacent floor areas fronting Fitzgerald Street and Venn Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;

- 5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City; and
- 5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;

6. Car Parking

Prior to operation of the approved development, eight parking bays on-site shall be line marked for the exclusive use of the Restaurant/Café and Small Bar;

7. Bicycle Facilities

A minimum of two short-term bicycle bays shall be provided in the Venn Street verge adjacent to the subject site, in a location approved by the City. These bicycle bays shall be designed in accordance with AS2890.3 prior to the use of the approved development, to the satisfaction of the City (refer Advice Note 11); and

8. Parking Management

8.1 Prior to commencement of the approved development, a revised Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall include the following, to the satisfaction of the City:

- The revised parking bay numbers available to the proposed development, being eight bays;
- The revised customer and staff numbers, being a maximum total number of persons attending the venue of 32 persons;
- Details of Parking Management Strategies that include:
  - The promotion for customers to use the rear car parking bays; and
  - The vehicle access gate remaining open during the operating and delivery hours of the tenancy; and

8.2 The premises shall operate in accordance with the approved Parking Management Plan at all times, to the satisfaction of the City.

**COUNCIL DECISION ITEM 9.1**

**Moved:** Cr La Fontaine, **Seconded:** Cr Worner

That the recommendation be adopted.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine




**Against:** Nil

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)



**12.4 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 7 DECEMBER 2023**

- Attachments:**
1. **Audit Committee Minutes - 7 December 2023** 
  2. **Audit Committee Attachments - Confidential**
  3. **Financial Statements for the year ended 30 June 2023** 
  4. **Audit Interim Management Letter - Financial Audit - Confidential**
  5. **Audit Management Letter - Information Systems - Confidential**
  6. **Annual Financial Audit - Exit brief - Confidential**
  7. **Auditor's Opinion - for the year ended 30 June 2023** 

**RECOMMENDATION:**

**That Council:**

1. **RECEIVES** the minutes of the Audit Committee Meeting of 7 December 2023, as at Attachment 1;
2. **RECEIVES** the Auditor's management letters (Financial Audit and Information System Audit) and exit brief, prepared for the year ending 30 June 2023 at Attachment 3, 4 and 5;
3. **RECEIVES** the Audit Opinion for the year ended 30 June 2023 at Attachment 6;
4. **ADOPTS** the Audited Annual Financial Statements for the year ended 30 June 2023 at Attachment 2; and
5. **ENDORSES** the remaining recommendations contained within the Audit Committee minutes of 7 December 2023.

Mark Ambrose from OAG made a presentation to Council.

**COUNCIL DECISION ITEM 12.4**

**Moved: Cr Worner, Seconded: Cr Alexander**

**That the recommendation be adopted.**

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

At 6:30pm Senior Director Financial Audit OAG left the meeting and did not return.

**9.3 MOUNT HAWTHORN YOUTH SKATE SPACE REVISED LOCATION**

- Attachments:
1. Mount Hawthorn Youth Skate Space - Revised Location Plan 
  2. Mount Hawthorn Youth Skate Space - Alternate Locations Map 
  3. Britannia Rd Reserve North West - Amended Development Plan 

**RECOMMENDATION:**

That Council:

**1. NOTES:**

- 1.1 the findings and advice on the previously endorsed location; and
- 1.2 that Administration will inform and engage the local community in relation to the new location; and

**2. ENDORSES the:**

- 2.1 revised location at Attachment 1 for the purpose of varying the current project contract; and
- 2.2 revised Britannia Rd Reserve North West Development Plan at Attachment 3.

**COUNCIL DECISION ITEM 9.3**

**Moved: Cr La Fontaine, Seconded: Cr Castle**

That the recommendation be adopted.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

**9.4 RFT PP272/2023 ROBERTSON PARK REDEVELOPMENT - STAGE 1 - SEPARABLE PORTION  
A CONSTRUCTION – WITHDRAWN BY ADMINISTRATION**

**WITHDRAWN BY ADMINISTRATION**

**9.5 LICENCE TO BROADWAY UNIT TRUST (TRADING AS SPRITZ SPIZZICHERIA ITALIANA) ON ROAD RESERVE ADJACENT TO NO. 148 (LOT: 600) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN**

- Attachments:**
1. Plan of Licence Area 
  2. Structure Plan 
  3. 2018 Development Application Approval 
  4. 2023 Development Approval Application 
  5. Market Valuation - Confidential

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** the City granting a licence to Broadway Unit Trust trading as Spritz Spizzicheria Italiana (ABN 87 196 418 066) tenant of Lot: 600 on Deposited Plan: 47025, Certificate of Title Volume 2598, Folio 388, known as No. 148 Scarborough Beach Road, Mount Hawthorn, for a portion of the road reserve adjacent to No. 148 Scarborough Beach Road, Mount Hawthorn, as shown in Attachment 1, on the following key terms:
  - 1.1 **Term:** 5 years
  - 1.2 **Licence Area:** 48m<sup>2</sup> (3.9m x 13m) of Scarborough Beach road reserve (verge area);
  - 1.3 **Licence fee:** \$1,680 per annum plus GST, indexed by CPI annually on 1 July;
  - 1.4 **Permitted use:** non exclusive right to use the Licence Area as an outdoor dining area and liquor consumption in connection with the operation of Spritz Spizzicheria Italian restaurant;
  - 1.5 **Removal of furniture:** All furniture used (unless affixed to the ground) within the Licence Area must be removed by the Applicant at the close of each business
  - 1.6 **Cleaning:** Applicant must, keep the Licence Area clean and tidy at all times, at its cost;
  - 1.7 **Insurance:** Applicant must effect and maintain public liability insurance to a minimum value of \$20,000,000 (per claim);
  - 1.8 **Indemnity:** Applicant will indemnify the City and the Minister for Lands against loss or damage to property or persons occurring as a result of the structure and use of the Licence Area;
  - 1.9 **Assignment** Applicant may not assign or transfer its right under this Licence;
  - 1.10 **Maintenance:** Applicant must, at its cost, keep the Licence Area in good repair including repairing damage to structures, fittings or fixtures and the road reserve on the Licence Area;
  - 1.11 **Outdoor Eating Area Permit:** Applicant must (for the duration of the Licence) maintain a valid Outdoor Eating Permit for the Licence;
  - 1.12 **Liquor Licence** Applicant must (for the duration of the Licence) maintain a current liquor licence for the Licence Area in order to serve alcohol in this area;
  - 1.13 **Access** the City, State and public utilities may access the Licence Area at any time in connection with its respective services, and no compensation is payable to the Applicant for any resultant loss;

- 1.14 **Make Good:** Upon expiry or termination of licence to remove any Structure and make good the Licence Area, at Applicant's cost, to the satisfaction of the City; and
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 licence in recommendation 1. above.

**COUNCIL DECISION ITEM 9.5**

**Moved: Cr Worner, Seconded: Cr Castle**

That the recommendation be adopted.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

**10.1 RESPONSE TO PETITION - CORNER SCARBOROUGH BEACH ROAD AND KILLARNEY STREET - MAINTENANCE AND INFRASTRUCTURE**

**Attachments:** 1. Petition - Cnr Scarborough Beach Rd & Killarney Str. - Maintenance & Infrastructure - Confidential

**RECOMMENDATION:**

That in response to a petition received by the Council on 21 November 2023 in relation to maintenance and infrastructure issues on the corner of Scarborough Beach Road and Killarney Street, Mount Hawthorn, Council:

1. **NOTES** that Administration is required to liaise with Main Roads WA to explore options regarding improved signage, line marking around and approaching the corner of Scarborough Beach Road and Killarney Street; and
2. **REQUESTS** administration to complete a review of the location of Scarborough Beach Road and Killarney Street for improved and additional signage and if warranted, provide a concept design on road infrastructure improvements to address road safety concerns which will be included in the wider precinct wide traffic modelling for the Mount Hawthorn area.

**COUNCIL DECISION ITEM 10.1**

**Moved:** Cr La Fontaine, **Seconded:** Cr Castle

That the recommendation be adopted.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

**10.2 RESPONSE TO PETITION - ELLESMERE STREET, NORTH PERTH PARKING**

Attachments: 1. Petition - Parking on Ellesmere Street, North Perth - Confidential

**RECOMMENDATION:**

That in response to a petition received by the Council on 21 November 2023 in relation to parking issues on Ellesmere Street, North Perth, Council:

1. NOTES the specific requests of the residents of Ellesmere Street and Highlands Road, between London Street and Charles Street, North Perth, as presented by the lead petitioners;
2. NOTES Administration's comments in respect to the residents list of requests;
3. REQUESTS Administration to investigate further traffic related issues along Ellesmere Street from Charles Street to London Street in conjunction with the new development proposal on the Charles Hotel site;
4. CONSULTS with the residents on the potential 'No Right Turn' sign at the Charles Street intersection; and
5. RECEIVES a further report at the conclusion of the collection of traffic data and public consultation.

**COUNCIL DECISION ITEM 10.2**

**Moved:** Cr La Fontaine, **Seconded:** Cr Greer

That the recommendation be adopted.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

(Cr Woolf was an apology for the Meeting.)

(Cr Wallace was an apology for the Meeting.)

**10.4 KYILLA COMMUNITY FARMERS MARKET - WAIVER OF FEES****Attachments: Nil****RECOMMENDATION:****That Council:**

- 1. ACKNOWLEDGES the success of the Kyilla Community Farmers Market, and the efforts of the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. to operate the Market over the last ten year period;**
- 2. APPROVES BY ABSOLUTE MAJORITY a waiver of the following fees and charges:**
  - 2.1 Reserve hire fees of \$8,788 per annum totalling \$43,940 over a five (5) year period;**
  - 2.2 Waste service fees of \$1,971 per annum totalling \$9,855 over a five (5) year period**

**COUNCIL DECISION ITEM 10.4****Moved: Cr Castle, Seconded: Cr Worner****That the recommendation be adopted.****CARRIED BY ABSOLUTE MAJORITY (7-0)****For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine**Against:** Nil**(Cr Woolf was an apology for the Meeting.)****(Cr Wallace was an apology for the Meeting.)**



**12.1 COUNCIL RECESS PERIOD 2023-24 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER****Attachments: Nil****RECOMMENDATION:**

That Council **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise between 13 December 2023 and 5 February 2024, and which are not the subject of delegated authority already granted by Council, subject to:

1. Reports being issued to all Council Members for a period of three business days with Council Members notified by phone prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
2. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 13 February 2024; and
4. A Register of Items Approved under this Delegated Authority is being kept and made available for public inspection on the City's website during the period that the delegation applies.

**COUNCIL DECISION ITEM 12.1****Moved: Cr Hallett, Seconded: Cr Alexander****That the recommendation be adopted.****CARRIED BY ABSOLUTE MAJORITY (7-0)****For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine**Against:** Nil**(Cr Woolf was an apology for the Meeting.)****(Cr Wallace was an apology for the Meeting.)**

**11.6 ANNUAL REPORT 2022/23**

- Attachments:
1. Annual Report 2022/23 
  2. CEO KPI report 2023 

**RECOMMENDATION:**

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2022/23 Financial Year included as Attachment 1;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** an Annual Meeting of Electors of the City of Vincent to be held at 7pm on Thursday 1 February 2024 at the City of Vincent Administration and Civic Centre, to present the City of Vincent Annual Report for the 2022/23 Financial Year; and
3. **NOTES** that:
  - 3.1 the City of Vincent Annual Report may be subject to further formatting and styling, to be determined by the Chief Executive Officer prior to publication. The 2022/23 Financial Statements will be presented to Council as part of the recommendations of the Audit Committee and will be included in the Annual Report following adoption by Council;
  - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the Annual Meeting of Electors to be held on 1 February 2024, and of the availability of the City of Vincent Annual Report for the 2022/23 financial year, and will make the report available on the City of Vincent website within 14 days.

**COUNCIL DECISION ITEM 11.6**

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

That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

**12.2 APPOINTMENT OF COUNCIL MEMBERS AND COMMUNITY REPRESENTATIVES TO ADVISORY GROUPS**

- Attachments:
1. DRAFT Sustainability & Transport Advisory Group Terms of Reference 
  2. Sustainability and Transport Advisory Group nominations - November 2023 - Confidential

**RECOMMENDATION:**

That Council:

1. **APPROVES** the Terms of Reference for the Sustainability and Transport Advisory Group, as at Attachment 1; and

- 1.1 **APPOINTS** the following Council Members as Council's representatives Sustainability and Transport Advisory Group for a term expiring on 18 October 2025;

**Members:**

1. Cr La Fontaine;
2. Cr Wallace

and the Chair of the Advisory Group will be Cr \_\_\_\_\_; and

- 1.2 **APPOINTS** the following community members to the Sustainability and Transport Advisory Group, as detailed in Confidential Attachment 2;

1. Applicant 1;
    2. Applicant 2;
    3. Applicant 3;
    4. Applicant 4;
    5. Applicant 5;
    6. Applicant 6;

**Moved:** Cr Hallett, **Seconded:** Cr Greer

That the recommendation be adopted.

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

That the recommendation be amended as follows:

- 1.1 **APPOINTS** the following Council Members as Council's representatives Sustainability and Transport Advisory Group for a term expiring on 18 October 2025;

Members:

1. Cr La Fontaine;
2. Cr Wallace

and the Chair of the Advisory Group will be **shared between Cr Wallace and Cr La Fontaine;** and

**AMENDMENT CARRIED (7-0)****For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine**Against:** Nil**(Cr Woolf was an apology for the Meeting.)****(Cr Wallace was an apology for the Meeting.)**

That Council:

1. APPROVES the Terms of Reference for the Sustainability and Transport Advisory Group, as at Attachment 1; and

1.1 APPOINTS the following Council Members as Council's representatives Sustainability and Transport Advisory Group for a term expiring on 18 October 2025;

Members:

1. Cr La Fontaine;
2. Cr Wallace

and the Chair of the Advisory Group will be shared between Cr Wallace and Cr La Fontaine; and

1.2 APPOINTS the following community members to the Sustainability and Transport Advisory Group, as detailed in Confidential Attachment 2;

1. Applicant 1;
2. Applicant 2;
3. Applicant 3;
4. Applicant 4;
5. Applicant 5;
6. Applicant 6;

**CARRIED (7-0)**










**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

**12.3 INFORMATION BULLETIN**

- Attachments:
1. Minutes of the Catalina Regional Council - Special Meeting held on 16 November 2023 
  2. Statistics for Development Services Applications as at the end of November 2023 
  3. Register of Legal Action and Prosecutions Monthly - Confidential
  4. Register of Legal Action - Orders and Notices Quarterly - Confidential
  5. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 28 November 2023 
  6. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
  7. Register of Applications Referred to the Design Review Panel - Current 
  8. Register of Petitions - Progress Report - November 2023 
  9. Register of Notices of Motion - Progress Report - November 2023 
  10. Register of Reports to be Actioned - Progress Report - November 2023 
  11. Council Workshop Items since 18 October 2023 
  12. Council Briefing Notes - 14 November 2023 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated December 2023.

**COUNCIL DECISION ITEM 12.3**

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

That the recommendation be adopted.

**CARRIED (7-0)**

**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Hallett, Cr Greer and Cr La Fontaine

**Against:** Nil

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

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

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

Nil

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

Nil

**15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**16 URGENT BUSINESS**

Nil

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

Nil

**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Alison Xamon, declared the meeting closed at 6:51pm with the following persons present:

<b>PRESENT:</b>	Mayor Alison Xamon Cr Alex Castle Cr Ron Alexander Cr Suzanne Worner Cr Jonathan Hallett Cr Sophie Greer Cr Ashlee La Fontaine	Presiding Member North Ward North Ward North Ward South Ward South Ward South Ward
<b>IN ATTENDANCE:</b>	David MacLennan John Corbellini  Peter Varris  Rhys Taylor Jay Naidoo  Joslin Colli  Wendy Barnard	Chief Executive Officer Executive Director Strategy & Development Executive Director Infrastructure & Environment Chief Financial Officer Manager Development & Design & Strategic Planning Executive Manager Corporate Strategy & Governance Council Liaison Officer

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

These Minutes were confirmed at the 13 February 2024 meeting of Council as a true and accurate record of the Council Meeting held on 12 December 2023.

Signed: Mayor Alison Xamon

Dated