



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

20 August 2024

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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, 20 AUGUST 2024 AT 6.00PM**

PRESENT:	<p>Mayor Alison Xamon Cr Alex Castle Cr Ron Alexander Cr Suzanne Worner Cr Nicole Woolf Cr Jonathan Hallett Cr Ashley Wallace Cr Sophie Greer Cr Ashlee La Fontaine</p>	<p>Presiding Member North Ward North Ward North Ward North Ward South Ward South Ward South Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan</p>	<p>Chief Executive Officer (left at 7.36pm after Item 12.1)</p>
Environment (left at 7.36pm)	<p>Peter Varris Rhys Taylor</p>	<p>Executive Director Infrastructure & after Item 12.1) A/Executive Director Community & Business Services (left at 6.59pm before Item 9.2)</p>
	<p>Jay Naidoo</p>	<p>A/Executive Director Strategy & Development (left at 7.36pm after Item 12.1)</p>
	<p>Karsen Reynolds</p>	<p>A/Manager Development & Design (left at 6.59pm before Item 9.2)</p>
	<p>Mitchell Hoad</p>	<p>A/Manager Strategic Planning (left at 7.36pm after Item 12.1)</p>
	<p>Chris Dixon</p>	<p>Senior Projects & Strategy Officer (left at 6.59pm before Item 9.2)</p>
	<p>Paul Morrice</p>	<p>Manager Ranger Services (left at 6.59pm before Item 9.2)</p>
	<p>Dale Morrissey</p>	<p>Manager Community Facilities (left at 7.19pm after Item 10.2)</p>
	<p>Wendy Barnard Joslin Colli</p>	<p>Council Liaison Officer Executive Manager Corporate Strategy & Governance</p>
Public:	<p>Approximately 22 members of the public.</p>	

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, and acknowledge that as a Council the City of Vincent has a role to play in working towards reconciliation and justice for First Nations people.”

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

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 Sally Baker of North Perth – Item 9.2

Full statement can be found [here](#).

3.2 Paul O'Brien of North Perth – Item 9.2

Full statement can be found [here](#).

3.3 Lesley Florey of Mt Hawthorn

Full statement can be found [here](#).

Questions

- Will Council raise and list this important matter for audit with the Audit Committee?
- From 10 April 2024 to date, how many pipes have been UV lined?
- A formal complaint has been raised against a City decision maker. Please confirm if I will be advised of the outcome of the complaint, and which regulatory body oversees the complaint process within the City of Vincent, particularly when it involves a decision maker?

3.4 Wayne Bayliss of North Perth – Item 9.2

Full statement can be found [here](#).

3.5 Johanna Willis of North Perth – Item 9.2

Full statement can be found [here](#).

3.6 Nik Hidding of Subiaco – Item 9.2

Full statement can be found [here](#).

Submitted the following statement in writing and spoke to it

Thank you for the opportunity to make a public statement at tonight's Council Meeting (20/08/2024). I act for OTR 208 Pty Ltd in the application for proposed alterations and additions to the existing Service Station at 41-43 Angove Street, North Perth (Item 9.2).

We note the recommendation for refusal in the agenda papers tonight, however we do not agree with the reasons for refusal outlined. Last week I presented and responded to the reasons for refusal. Tonight, I want to expand on a couple of points.

PROPOSAL

Firstly, our client has a desire to improve the condition of their property and should be allowed to do so. Our client wants to simply:

1. Replace the fuel canopy
2. Put some new windows in to create a shopfront, rather than leave existing roller doors in place;
3. Paint and clad exterior walls that are currently in poor condition and vandalized;
4. Replace fuel infrastructure including fuel tanks and new fuel bowsers.

I ask the question of the Council – how is all of this unacceptable? In our view, these relatively simple items being proposed do not warrant the Council's refusal and should be approved.

The matter before you is a proposal to upgrade an existing building and infrastructure.

EXISTING USE RIGHTS

The land use approval is in place already and if the building was in a suitable condition to operate, our client would have simply entered the premises and continued trading. However, the building is in need of some improvements in order to do so. We have attempted to this, even before the Scheme was amended, demonstrating an intent to continue the use.

These improvements should not be refused on the basis of land use matters, as these are not within the scope of the application, which is for improvement works only.

The property clearly has existing use rights afforded to it (as set out in legal advice previously provided), so all we seek the Council's approval for are building improvements to an otherwise already authorised use.

We do not agree with the City's administration's view on the use rights issue. Based on advice we have received, it is clear to us that there are existing use rights. And I hope that the Council has carefully considered that. Flowing on from that, the Council is reminded that if the application is refused on the basis that the Scheme now prohibits the previously approved use, our client will have grounds to seek compensation from the City for injurious affection, pursuant to the terms in the Planning & Development Act. I am not putting this forward as a threat, I am simply informing the Council, as the City's administration should have, as to the effects of decision-making on this issue. I would ask that the Council consider this very carefully.

The City's very brief response in the Reports with Discussion document that has been updated since the Briefing Session simply suggests that it is unlikely that there could be a claim for compensation. That is not backed whatsoever with any legal advice and in my view, is not sufficient for the Council to follow.

I don't have too much time to talk further on this matter, except to say that we are confident and comfortable on the issue of existing use rights, and will defend these to the full extent possible.

TRAFFIC GENERATION AND FUEL TANKER ISSUE

In response to matters raised last week in respect of fuel tanker movements and traffic generation, I attach a Technical Note prepared by expert traffic consultant, Transcore which deals with the issues raised. It is clear from this document that fuel tankers (13.9m vehicle maximum) are able to access the site, and will only do so 2-3 times per week as required.

CONSISTENCY IN DECISION-MAKING

At this point, I would like to remind the Council that it supported our client's other renovation proposal for a service station at 17-19 Brisbane Street, Perth, approved by this Council in November 2021. There now operates a very neat and tidy OTR service station. That property too required an upgrade to an old service station including removing the motor vehicle workshop component, building a new shopfront, new façade, new fuel canopy and new fuel infrastructure. That proposal too relied on a historic service station approval which was granted 38 years ago (1986), administered by the (then) City of Perth. That proposal too had variations to landscaping, car parking, façade design (in terms of policy requirements) and Environmental Sustainability Design, but this again was because it was a renovation project to an existing building, and the City's policy was departed from.

In respect of considering the operation of the previously approved Service Station at the Brisbane Street site, the City in its Report to Council in 2021 advised:

"A service station is classified as an industrial land use under the EPA Guidance Statement, but the application is for the upgrade of and additions to an existing service station. The proposal is not for a new industrial land uses or for a new sensitive development. For this reason SPP 4.1 and the EPA Guidance Statement are not relevant to the proposal and in the determination of the application."

All we seek is for the Council's consideration in the **same way** as it has done before, in respect of recognising the historic approval, recognising that variations to the City's policy is acceptable in the circumstances of renovating an existing building, and that the operational standards in respect of SPP4.1 and the EPA Guidance Statement should not be enlivened, because the proposal is not for a new use.

To use the City's administration's previous words, these are "not relevant to the proposal and in the determination of the application".

Council should be following their previous decision-making process for a proposal which is very much similar.

COMMUNITY OPPOSITION – WEIGHT TO BE APPLIED

The fact that there is community opposition against this proposal should not be a major basis for the Council's decision. As outlined in case law, in particular *Tempora Pty Ltd v Shire of Kalamunda* (1994) 10SR(WA) 299, this case confirms that decision-makers should consider public concerns with proper discernment and notes at [303]: "... it is possible that opinions have been distorted by an emotional issue... or the most vocal residents are more sensitive to their environment and the process of choosing the neighbourhood champion is self-selecting."

Further, in *Woolworths Ltd and City of Joondalup* [2009] WASAT 31 and [76] and [77] reference was made to the decision in *Self Help Addiction Resource Centre Inc. v Glen Eira City Council* (2005) 145 LGERA 124, where the Victorian Civil and Administrative Tribunal, stated at [56]: "While we can appreciate the concern expressed by the resident objectors on these matters, in any assessment of amenity impacts of this proposal, a distinction must be drawn between what people perceive the impacts of this use will be, and the reality of those impacts. It is perfectly reasonable for residents to hold the fears that they do, but from the Tribunal's perspective we must be satisfied that there is a factual or realistic basis for those fears in order for us to conclude that this use will result in amenity impacts alleged by the residents. In the present case, the Tribunal is not on the evidence before it able to conclude that there is a factual or realistic basis to the fears of the residents."

Whilst acknowledging the relevance of public submissions, the relevant issues raised by the public submissions have been addressed. Only the planning concerns that are relevant to the proposal (and confined to the matter of the proposed improvements) should be considered by the Council.

We thank the Council for its consideration of this matter

3.7 Craig Willis of North Perth – Item 9.2

Full statement can be found [here](#).

3.8 Ellah Ben-Pelech from North Perth – Item 5.3

Full statement can be found [here](#).

3.9 Doran from North Perth – Item 5.3

Full statement can be found [here](#).

3.10 Tad Krysiak of Mt Hawthorn – Item 9.4

Full statement can be found [here](#).

3.11 Dudley Maier of Highgate – Item 10.2 and Item 5.3

Full statement can be found [here](#)

The following statements were submitted prior to the Meeting.

Paul and Amanda Connell of North Perth – Item 9.2

I, Paul Connell and my wife, Amanda Connell, are writing to lodge my objection to the proposed Development Application for a Petrol Station at 41 - 43 Angove Street and my objection to the proposed refurbishment of the existing structure.

I have been a resident of Pennant Street North Perth and a rate payer of the Town of Vincent for 36 years and in that time I have seen the many and varied changes that have occurred in the local area over those years.

North Perth, Mt Hawthorn and Leederville have changed significantly in that time in relation to the population demographic, building regulations, greening of the locale and other progressive issues.

When my wife and I bought our house in 1988 we were possibly amongst the younger residents of our street. We now happily observe the much younger residents walking our street with their prams, toddlers and dogs of all shapes and sizes. This demographic shift has seen North Perth and its sister suburbs take on a friendly and welcoming small village feeling.

A prime example of this is the Angove Street “cafe strip” that I have seen change and develop into a dining & meeting place for local residents and visitors alike. One only has to look at the Saturday & Sunday mornings breakfast brigades to realise what an asset the Angove St strip is to the community and suburb.

That friendly and relaxed ambiance and welcoming village feel should never be surrendered to inappropriate developments and that is exactly what the re-establishment of a 24/7 petrol station and outlet at 41 - 43 Angove Street would be.

There is no need for an additional petrol outlet given the fact that there are at least 6 outlets within a couple of kilometres of the proposed site. Petrol stations should only ever be located on major/main roads and never residential streets.

There are health risks associated with fumes and vapours from such outlets and the proposed site is within very close proximity to child care and aged care facilities as well as the local school.

There would be significant detrimental impacts on traffic and parking within the area - both vehicle and pedestrian - with the abutting streets being narrow and Angove Street itself not an overly wide street. The increase in traffic would be considerable and the ability for large petrol tankers to service the site would be extremely challenging and potentially dangerous.

This development of a 24/7 petrol station is not needed, is not wanted and will destroy the feel and ambiance of the cafe culture developed by hard working local businesses on the Angove Street strip.

The Vincent Council has, commendably, done much work over our many years here in North Perth in the way of greening the area, traffic calming and building diversity and all that good work and banked social capital should not and cannot be risked on the development of a 24/7 Petrol Station on a totally inappropriate site.

Dudley Maier of Highgate

1. In April 2024 the City’s web site indicated that the conversion to underground power in Area 3 (Perth Highgate – Western Power Project 348) would commence in ‘late 2025’. The city’s web site currently shows the commencement date for this area as ‘late 2026’.
 - 1.1. Why has the commencement date slipped again?
 - 1.2. Was the change of commencement date initiated by the city or by Western Power?
 - 1.3. How many FTEs are employed on the Underground Power program? What percentage of their time is spent in that program?
 - 1.4. Can you confirm that the Business Case for underground power presented to Council on 13 December 2022 indicated that construction would commence in October 2023, April 2024 and January 2025 for areas 1, 2 and 3 respectively?

2. At the beginning of August I was informed by a member of the administration that the City has over 200m³ of stormwater storage and infiltration installed at the City's Administrations Centre, and that the installation was done 7 years ago (circ 2017). I was also informed that the city has over 400m³ of stormwater storage and infiltration capacity installed (i.e. about half of all storage is located at the Administration Centre).

When the Loftus Centre was redeveloped in 2007-2008 stormwater storage and infiltration system(s) were installed as part of the redevelopment.

- 2.1. How much extra capacity was created about 7 years ago, and how much previously existed (from the redevelopment)?
 - 2.2. What was the cost of the extra storage added about 7 years ago?
 - 2.3. What precipitated the decision to add extra storage at the Administration Centre – what areas had become vulnerable to potential flooding?
 - 2.4. Why was this prioritised over other areas of the city that had experienced localised flooding?
3. In answer to a question I asked at the last meeting, the administration have said that an adjustment of the budget for the Business Enhancement Grants from \$32,500 to approximately \$114,000 was reflected in the mid-year budget review (19 March 2024).
- 3.1. Was this change to the budget explicitly identified for council or was it buried in the line item relating to Policy and Place Services?
 - 3.2. Were council members explicitly informed that the budget for Business Improvement Grants was to be increased – if so, when?
 - 3.3. Did the administration approve the grants totalling approximately \$114,000 prior to getting Council approval to significantly increase the budget for the grants?

Administrations' responses will be provided in the Agenda for the 17 September 2024 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.31pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Glenn Christie of Mt Lawley

As the recent reduction to 50km/h appears to have had no effect on driver behaviour, can the City please provide an update on;

- A) What advocating has been undertaken since April 2023, with whom and the outcome?

Since April 2023, the City of Vincent has actively advocated for a reduction in the speed limit on a specific section of road from 60 km/h to 40 km/h. Despite our efforts, this request was declined by Main Roads WA. The refusal was based on the classification of the road as a District Distributor A Road, which accommodates over 8,000 vehicles per day and has a Recommended Operating Speed of 60-80 km/h

However, we successfully advocated for a reduced speed limit of 50 km/h, which was approved by Main Roads WA. This new speed limit became effective on June 3, 2024. As this change is recent, we have not yet gathered additional traffic data. We will continue to monitor the impact of the new speed limit and assess its effectiveness over time. Any further reduction in the speed limit will need the approval of Main Roads WA.

- B) What traffic calming treatments are being considered and what is the scheduled date for implementing said treatments?

At present, the City of Vincent is not planning to implement any traffic calming measures. We will first collect and analyse relevant traffic data to assess the need for such measures. Based on this analysis, we will determine the appropriate traffic calming strategies and their implementation schedule, if necessary. Any physical traffic calming measure will require the approval of Main Roads WA prior to installation.

Dudley Maier of Highgate

1. The list of expenditure for May 2024 shows expenditure of \$5,720 to A* C* for the storage of artwork. There is another payment of \$1,207.80 for the transport of art work to the same payee.

How much in total has the City paid to this payee for the storage of artwork? Why couldn't the artwork be stored at the City's depot?

The City has paid the payee \$1,098 ex GST for transport of the public artwork and \$5,600 incl GST for storage of the public artwork.

The public artwork is not able to be stored at the depot. This is because there is not sufficient space for the public artwork at the City's depot and the City does not want to assume liability for potential damage to the public artwork prior to installation.

2. What was the Business Enhancement Grant of \$5,000 to Cartolo Pty Ltd paid for? What was the Business Enhancement Grant of \$5,000 to Trust Account Strata Plan 68006 paid for? Why aren't these payments included in the Community Funding Grants Register given that these payments were made nearly two months ago?

The Business Enhancement Grants application period was between Monday 23 October 2023 and Friday 24 November 2023 with Administration assessing applications and awarding funding in December 2023.

Administration updated the Community Funding Grants Register in June 2024 with the 'Name' column updated as per the 'Entity name' associated with their Australian Business Number (ABN) from their Business Enhancement Grant application form.

Applicants were paid upon completion of the project and acquittal of the grant with all payments being made in May and June 2024.

On occasions, the 'entity name' (associated with their ABN from their application form) was not the same as the name associated with their bank account which is detailed on their invoice. The name on their bank account is included on the monthly expenditure reports.

Cartolo Pty Ltd relates to the application from The Trustee for the Charlies Family Trust. Trust Account Strata Plan 68006 relates to the application from The Trustee for Mount Hawthorn Property Trust.

3. The Community Funding Grants Register for 2023-2024 shows 24 Business Enhancement Grants with 'Date Received' in November 2023. When were the payments to the listed businesses actually made (i.e. which monthly expenditure reports contain these payments)?

All payments were made in May and June 2024.

4. The Community Funding Grants Register for 2023-2024 has been updated to include Business Enhancement Grants after questions I asked at the last Council meeting. The answer indicated that the Business Enhancement Grants were identified in the Thriving Places Strategy.

The Thriving Places Strategy indicates an allocation of \$25,000 per annum. How much was paid under this scheme in 2023-2024?

Given that the grant scheme was 'approved' by Council in August 2023, after the 2023-2024 Budget was approved, how much did the administration include in the 2023-2024 budget for this speculative line item? If this amount was greater than \$25,000 why did the Thriving Places Strategy (which was subsequently presented to council) only show an annual amount of \$25,000?

If the actual expenditure exceeded the budgeted line-item amount, was the budgeted amount modified in the first quarter or mid-year budget review?

Council at its meeting 20 June 2023 approved the 2023/24 Annual Budget. An indicative sum of \$32,500 was included in this budget for subscription to an online grants management platform and the Business Enhancement Grant program subject to the approval of the Thriving Places Strategy.

Council at its 22 August 2023 meeting approved the Thriving Places Strategy. Administration subsequently undertook project planning in September and October 2023 with the inaugural grant round open between Monday 23 October 2023 and Friday 24 November 2023.

65 applications representing a far greater response than anticipated on review the assessment panel recommended approval for 26 applications with a total value of \$114,402.48. Administration identified budget savings within the operating budget to fund additional grant applications and this was reflected in the Mid Year Budget adopted by Council 19 March 2024.

At the closure of the 2023/24 round, 21 of the 26 successful applicants completed their projects and acquitted their projects totalling \$86,839.29 of grant funding.

5. How did the recipients find out that they could apply for such grants?

The Business Enhancement Grant program was advertised through the following means:

- *Published on the City of Vincent website and on our social media accounts including LinkedIn*
- *Published in the October 2024 Business E-News*
- *Letters were sent to all commercial land owners*
- *City staff visited as many businesses in the City's town centres as possible to discuss the grant opportunity with business owners and staff.*

6. Will the scheme be continued in 2024-2025, in which case how much has been allocated in the budget?

Council at its 18 June 2024 meeting in approving the annual budget approved \$60,000 in funding for the 2024/25 Business Enhancement Grant.

7. The list of payment for May 2024 have a number of payments for "gratuity payment of event 11.05.2024". What was the event and what was the total payment of gratuities?

The payment was for a Queer DnD (Dungeons & Dragons) event held at the Freedom Centre in on the 11th of May. The event was a partnership with the Freedom Centre and Youth Pride Network targeted to LGBTIQ+ young people aged 12-25. The payments made included \$150 for seven Dungeon Masters during gameplay and \$75 for character creation sessions pre-event totalling \$1,425.

8. At the last Council meeting I asked two questions in relation to the retention of stormwater on a property. I explicitly asked what technical reference (e.g. reference document or software tool) would be used to determine the amount of water that needed to be retained (in cubic metres). The response to my questions did not answer my questions, and just indicated that the amount that must be retained on site would be determined after a Development Application was received.

My question was specific, and was intended to work out if the administration used average recurrence interval data for rainfall or for floods. Providing the answer should not have required any additional work by the staff, simply an indication of what data they use in a technical process that has been in place for a very long time and is unlikely to change in the future – the parameters may change with a change of ARIs, but the source of the reference data would not change.

I therefore repeat my questions:

The Draft Stormwater Drainage Connections policy defines the Average Recurrence Interval (ARI) in terms of flood events rather than rainfall events, and requires residential properties have on-site retention in order to cope with a 1:20 ARI of one hour duration.

I live in Highgate on a 150m² block. If I was to redevelop my property what technical reference would be used to determine the volume of water I needed to retain on-site (i.e. what reference document or software tool would be used to calculate an amount in cubic metres)?

The State Planning Framework Planning Guidelines – [Local Government Guidelines for Subdivisional Development \(www.wa.gov.au\)](http://www.wa.gov.au) and the [Stormwater management manual of Western Australia \(www.wa.gov.au\)](http://www.wa.gov.au) will both be used in conjunction with the Stormwater Drainage Connections Policy to assess the volume of retention required.

The foundation of Council's Policy is that all stormwater generated from a development should be retained onsite and connection to the City's stormwater drainage system is only permitted in exceptional circumstances. This to preserve and manage the capacity of the City's existing stormwater drainage system that is connected to systems controlled by other entities such as the Water Corporation, Main Roads WA and neighbouring local governments.

Would it be on the basis of rainfall or some flood related measure?

The basis of on-site retention is the average recurrence interval for rainfall / storm event. Other measures will be taken into the assessment such as geological and hydrological conditions.

Lesley Florey of Mt Hawthorn

1. Requesting a detailed and comprehensive explanation from the City of Vincent to the exact condition of the pipe, any defects and detailed reasons why the City UV lined the pipe when there was nothing wrong with it.

The City has provided information previously to Ms Florey in respect to the pipe condition. The decision to UV line the pipe was based on a combination of factors including the pipe's age, condition, and the challenges associated with accessing and replacing it. UV lining provides a durable and cost-effective solution to extend the pipe's service life, mitigating the risk of future failures and the need for disruptive repairs.

In summary, while the pipe may not have shown immediate issues, the City of Vincent's decision to re-line it was a strategic choice to ensure continued reliability and to manage the infrastructure proactively. This approach helps avoid the risks and costs associated with unexpected failures and significant repairs.

2. From 1 April to 30 June 2024, how many properties with stormwater pipes have been relined and at what cost?

One. The cost has previously been detailed.

3. How many stormwater pipes in the City of Vincent are planned to be UV lined in the 2024/25 financial year??

The exact number of pipes planned for UV lining will be determined based on ongoing assessments and the condition of the infrastructure in these identified areas. The City can provide more detailed information regarding the specific number of pipes as the assessment process progresses.

4. The CEO agreed at the December 2022 Council Meeting to investigate the cost of hiring a qualified consultant to assist with the City's drainage network. Can the City provide the total expenditure for employing this consultant over a 12 month period?

As previously advised (OCM 19/09/2023) Talis consultants were commissioned to undertake the drainage data capture and assessment. Cost for the 2022/2023 financial year was approximately \$239,000 (inc. GST).

5. How many pages in total are there in the drainage technical memorandum, as per the details from the Council Meeting on 13 December 2022?

Eight pages.

6. If any of the 40 houses sustain damage as a result of the City's stormwater pipes, will be affected owner's be able to claim compensation under the provision of the Local Government Act 1997?

Any claim for damages would be subject to legal and insurance advice.

7. Has the City investigated a storm solution in regards to flood risk management, such as flood mitigation infrastructure to control the flow that would be installed along the stormwater drainage pipes in problem areas?

Yes. The installation of the retention and recharge cells in Lynton Street is an example of this, as is the commitment of taking in-house the cleaning and maintenance of over 8,000 City drainage pits and acquiring a dedicated drainage truck for this service. The effectiveness of the City's drainage system is influenced by systems managed by other agencies, including Water Corporation, Main Roads WA and neighbouring local governments. The City continues to advocate for a collaborative approach to addressing future stormwater drainage needs.

8. The City is increasing vacant land rates 8% this year, which is double that for residential rates. I take great care to keep my property clean and tidy and I do not require bins for weekly collection. My situation is unique, with exceptional circumstances, where I have a large, active stormwater pipe on my property, a major asset of the City of Vincent which I am protecting. In addition, I have easements and restrictions and am unable to sell my property. Given these unique circumstances, I request that the rates increase be aligned with the 4% rate applied to other residential properties.

The differential rating strategy for vacant residential properties is designed to encourage the development of vacant properties, improving the City's streetscape and stimulate growth and development in the community.

While individual properties have unique characteristics, the differential rating increases are applied to all ratepayers to ensure consistency and fairness.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Deputations/Presentations

- 5.1 Jimmy Thompson of Allarding & Associates made a presentation to Council on item 9.3.
- 5.2 Hessom Razavi of North Perth made a presentation to Council on item 9.2.

Petitions

- 5.3 A petition with 46 signatures received from Ellah Ben-Pelech, requesting that Council refrain from any considerations or resolution on any foreign matters.

Doing so will only:

- 1) Undermine social cohesion within our diverse and harmonious community
- 2) Take valuable time away from addressing local matters which ARE the real responsibility of this Council
- 3) Put into question the Council's vision and goals of improving our community and the lives of its residents.

PETITION**COUNCIL DECISION**

Moved: Mayor Xamon, Seconded: Cr Castle

That the petition be received.

CARRIED UNANIMOUSLY (9-0)

- 5.4 A petition with 16 signatures was received from Trent Negus of Mt Lawley, requesting that Council install a 3 hour parking limit at the intersection of Joel Terrace and Mitchell Street and surrounding area, due to the fact that Mercy Hospital employees are taking up all the parking in the area all day. The intersection and street are now dangerously overcrowded and there has already been an accident last week because of the parking of hospital employees, patients and visitors.

PETITION**COUNCIL DECISION**

Moved: Mayor Xamon, Seconded: Cr Castle

That the petition be received.

CARRIED UNANIMOUSLY (9-0)

6 CONFIRMATION OF MINUTES**COUNCIL DECISION**

Moved: Cr Hallett, Seconded: Cr La Fontaine

That the minutes of the Ordinary Meeting held on 23 July 2024 be confirmed.

CARRIED (9-0)

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

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Alison Xamon made the following announcement, full statement can be found [here](#):

7.1 LOCAL LAWS

A few months ago I commented on my concerns around the way the Joint Standing Committee on Delegated Legislation (JSCDL) were responding to a number of concerns from Councils about their rejection of bylaws which were being put forward.

The concerns I raised at the time were that, even when Councils are getting clear legal advice in terms of amendments to regulations proposed, that advice is being conflicted with at the Parliamentary Council level and as a result Councils are consistently being told they have to go back and start again from scratch.

The problem with this process is that it means that Councils end up incurring considerable costs having to redraft the proposed laws, these costs are ultimately borne by the ratepayers and that is a less than optimal situation.

This is not a situation that is limited to the City of Vincent, this is a problem which occurring to Councils across Western Australia.

As I said I would, I raised my concerns directly with JSCDL and I also brought my concerns to the attention of WALGA. I have received a reply from JSCDL, in which they say they hold a different view in terms of their capacity to provide early feedback to Councils on whether laws are likely to be deemed to be ultra vires or not, and as such would not be looking at providing that early advice.

I have subsequently raised this with WALGA again and we will be meeting to talk about how we can potentially progress this matter.

It isn't acceptable for Parliament to decide to knock back Local Government proposed laws which have been through diligent legal processes simply because there is a different interpretation, without actually enabling that initial feedback in the first instance.

Why this is of particular concern at the moment is because of the way the JSCDL is choosing to treat a number of proposed changes to local laws, from a number of Councils, around cat laws. I am aware that a number of residents, and a number of Councillors, in Vincent care deeply about this issue, and this needs to be firmly addressed.

This is an issue that Council debated in October 2023, and the local laws were subsequently gazetted in November 2023. The City is planning to finally implement the changes to the cat laws, which have been passed by the Council. One of the things that will be happening is that five of Vincent's largest parks will be prohibited to cats for the first time, as part of the new Animal Amendment Local Law.

The Local Law is more comprehensive and deals with the management, control and regulation of dogs, cats, poultry, bees and other animals, but importantly tonight, Vincent has introduced these cat prohibited areas around some of the larger reserves that have a lot of wildlife and local nesting places.

I am very supportive of having cat prohibited areas, it is important to ensure that local cats are safe from health and safety risks. I note that the Cat Haven consistently calls for cat containment legislation.

This is also essential to ensure that local fauna and environment is better protected. I have been disappointed to hear that some local children, as well as one of my neighbours, have recently been attacked by a cat. My neighbour has had to undergo some nasty medical treatment because of the attack.

The City needs to start looking at how we can better contain cats in Vincent, but as Local Government we have not been able to look at determining the full extent of the laws we need in Vincent. This is partly because there is a difference of opinion around the scope of the authority that exists for local Councils to make their own laws, as legal advice is contrary to that which the JSCDL is operating from. In addition, there are specific limitation in the Cat Act which need to be reviewed, in my opinion. Not advocating uniform cat laws across the State, but at the very least local Councils should have the capacity to determine what is best for their residents.

I am hoping we can get some progress in this area, but at least we know that signs will be going up in the next few months, and residents should know that cats should be kept out of largest parks.

8 DECLARATIONS OF INTEREST

- 8.1 Cr Nicole Woolf declared an impartiality interest in Item 9.2 Nos. 41-43 (Lots: 18 and 701; DP: 302447 and P: 1874) Angove Street, North Perth - Alterations and Additions to Service Station. The extent of her interest is that she is a former member of the Stop the Station group.
- 8.2 Cr Alex Castle declared an impartiality interest in Item 9.1 Nos. 293 and 295 (Lots: 8 and 4; D/P: 1221 and 5184) Oxford Street, Leederville - Proposed Grouped Dwellings (6). The extent of her interest is that she is friends with one of the landowners of this property.
- 8.3 The CEO, David MacLennan, declared a financial interest in item 17.1 Annual CEO Performance Review 2023-2024 and Key Performance Indicators 2024-2025. The extent of his interest is that the item includes the annual review of his remuneration package.

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:**
Items 9.2, 9.3, 9.4 and 10.2.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 12.1 and 17.1.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
17.1

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:**
Nil

The Presiding Member, Mayor Alison Xamon therefore requested the Executive Manager Corporate Strategy and Governance to advise the meeting of:

- (e) **Unopposed items which will be moved "En Bloc", being:**
Items 9.1, 9.5, 9.6, 10.1, 11.1, 11.2, 11.3 and 12.2
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Items 17.1.

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Woolf

**That the following unopposed items be adopted "En Bloc", as recommended:
Items 9.1, 9.5, 9.6, 10.1, 11.1, 11.2, 11.3 and 12.2**

CARRIED (9-0)

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







Against: Nil

At 6.59pm A/Manager Development & Design left the meeting and did not return.

At 6.59pm Senior Projects & Strategy Officer left the meeting and did not return.

At 6.59pm Manager Ranger Services left the meeting and did not return.

9.1 NOS. 293 AND 295 (LOTS: 8 AND 4; D/P: 1221 AND 5184) OXFORD STREET, LEEDERVILLE - PROPOSED GROUPED DWELLINGS (6)**Ward:** North

- Attachments:**
1. Consultation and Location Map 
 2. Development Plans 
 3. Applicant Supporting Information 
 4. Summary of Submissions - Administration Response 
 5. Summary of Submissions - Applicant Response 
 6. 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 application for Grouped Dwellings (6) at Nos. 293 and 295 (Lots: 8 and 4; D/P: 1221 and 5184) Oxford Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Development Plans

This approval is for Grouped Dwellings (6) as shown on the approved plans dated 26 June 2024. No other development forms part of this approval;

2. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

3. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street, are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City;

4. Colours and Materials

4.1 The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development;

4.2 The distribution board and metre boxes shall be painted the same colour as the wall they are attached or adjacent to, so as to not be visually obtrusive, to the satisfaction of the City;

5. Landscaping

5.1 All landscaping works shall be undertaken in accordance with the approved plans dated 26 June 2024, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City;

5.2 The existing trees identified for relocation shall be protected and replanted in the locations shown on the approved landscaping plan dated 26 June 2024, to the satisfaction of the City. Each existing tree that does not survive the relocation shall be replaced with a new mature tree, provided at the below mentioned pot sizes and with a species approved by the City's Parks team, which shall be thereafter maintained, to the

satisfaction of the City:

- The existing tree located on Lot 8 would require a replacement tree with a minimum 200 litre pot size tree;
- The existing trees located on Lot 4 would require a replacement tree/s with a minimum 500 litre pot size tree;

5.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City;

6. Visual Privacy

Prior to occupancy or use of the development, all obscured windows shown on the approved plans shall be installed to be permanently fixed and a minimum of 75 percent obscure, to comply with the Visual Privacy requirements of the Residential Design Codes – Part C, to the satisfaction of the City;

7. Car Parking and Access

7.1 The layout and dimensions of all driveways and parking areas shall be in accordance with AS2890.1;

7.2 All driveways, car parking and manoeuvring areas which form part of this approval shall be sealed, drained and paved in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier, to the satisfaction of the City;

7.3 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage areas, to the satisfaction of the City;

7.4 Prior to the first occupation of the development, the redundant crossover fronting No. 293 Oxford Street shall be removed, the verge area landscaped, and the kerb made good to the City's specifications and to the satisfaction of the City, at the applicant/owner's full expense;

7.5 Prior to occupation or use of the development, lighting shall be installed throughout the pedestrian pathways, communal street and car parking areas in accordance with the Residential Design Codes, to the satisfaction of the City;

8. Amalgamation

Prior to occupation of the development, the subject land (Lots 8 and 4) shall be amalgamated into a single lot on the Certificate of Title, to the satisfaction of the City;

9. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to the issue of a building permit. This plan is to detail how construction (including demolition and/or forward works) will be managed to minimise disruption in the area and shall include:

- Storage of materials and equipment on site;
- Parking arrangements for contractors and sub-contractors;
- Notification to affected landowners;
- Construction times;
- Impact on traffic movement; and
- Dilapidation reports of adjacent properties, including but not limited to, Nos. 291 and 297 Oxford Street.

The approved management plan shall be complied with for the duration of the construction of the development; and

10. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

COUNCIL DECISION ITEM 9.1

Moved: Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.5 ANNUAL REVIEW 2023/24 - PLACE PLANS

- Attachments:
1. Leederville Town Centre Place Plan - Annual Review III 
 2. Beaufort Street Town Centre Place Plan - Annual Review III 
 3. North Claisebrook Place Plan - Annual Review I 
 4. Pickle District Place Plan - Annual Review I 

RECOMMENDATION:

That Council RECEIVES the Leederville Town Centre Place Plan – Annual Review III; Beaufort Street Town Centre Place Plan – Annual Review III; North Claisebrook Place Plan – Annual Review I; and Pickle District Place Plan – Annual Review I.

COUNCIL DECISION ITEM 9.5

Moved: Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.6 NEW LEASE TO KIDZ GALORE PTY LTD - NO. 15 HAYNES STREET, NORTH PERTH

Attachments: 1. Attorney General Approval - 6 June 2024 

RECOMMENDATION

That Council

1. APPROVES giving public notice and inviting submissions under the provisions of section 3.58(3) of the *Local Government Act 1995* for the proposed lease to Kidz Galore Pty Ltd (ACN 069 285 472) for the childcare premises located at No. 15 (Lot 9) Haynes Street, North Perth (Premises) on the following key terms:

1.1. Term: Two (2) years, commencing 1 January 2026 and expiring 31 December 2027.

1.2. Option Term: Nil.
The Tenant acknowledges that following the lease expiry, the City will not permit any holding over or monthly tenancy.

1.3. Rent: Current rent for FY24/25: \$42,542.72 per annum plus GST

1 Jan 2026 – 30 June 2026	\$44,669.86 per annum exc. GST
1 July 2026 – 30 June 2027	\$46,903.35 per annum exc. GST
1 July 2027 – 31 Dec 2027	\$49,248.52 per annum exc. GST

1.4. Rent Review: Fixed increase of 5% annually on 1 July each year of the lease commencing from 1 July 2026.

1.5. Outgoings: Tenant will pay:

- (a) ESL charges applicable to the premises;
- (b) rubbish and recycling bin charges for the premises;
- (c) utilities (including scheme water, electricity and gas); and
- (d) minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).

1.6. Insurance: Tenant to hold and maintain a public liability insurance policy for not less than \$20 million per one claim, in respect of the Tenant's use and occupation of the Premises.

1.7. Repair/maintenance: As per the maintenance obligations prescribed by the Property Management Framework.

1.8. Permitted Use: The business of providing childcare services.

1.9. Special conditions

1.9.1. Transition plan (a) The Tenant acknowledges that the City is required to transition the use of the Premises away from childcare services in order to comply with the Deed of Trust dated 2 October 1941;

- (b) In accordance with paragraph (a) above, the Tenant acknowledges and agrees that:
- (i) by 30 June 2026, the Tenant will submit to the City a relocation or business plan (Business Plan) outlining:
 - the Tenant’s planned transition from the Premises; or
 - how the Tenant will scale down its business operations at the Premises by the end of the Lease term; and
 - (ii) by 1 January 2027, the Tenant will submit to the City a closure plan (Closure Plan) which will demonstrate:
 - the proposed timeline for the closure of the Tenant’s business at the Premises; and
 - the removal of the Tenant’s buildings (including the demountable building) and property from the Premises; and
 - (iii) the Tenant must completely vacate the Premises by no later than midnight on 31 December 2027.
- (c) If the City is not satisfied with the information contained in either or both the Business Plan or the Closure Plan, the City may provide the Tenant with notice:
- (i) specifying what additional information is required by the City; and
 - (ii) the timeframe within which the Tenant must provide that information to the City.
- (d) If the Tenant fails to provide the City with:
- (i) the Business Plan or Closure Plan within the time specified in paragraph (b)(i) or (b)(ii) (respectively); or
 - (ii) any additional information requested by the City in accordance with paragraph (c),

the City may terminate the Lease and the Tenant must vacate the Premises within one month of being notified of that termination

1.9.2. Termination for convenience

The Tenant may terminate the Lease by providing no less than three (3) months’ written notice of termination to the City.

1.9.3. Removal of demountable building and play equipment

The Tenant acknowledges and agrees that prior to the lease expiry it is required to remove the demountable building and play equipment from the Premises and make good any damage caused by that removal.

2. If no submissions are received as a result of public notice period in Recommendation 1. above, **AUTHORISES** the:
- 2.1 Chief Executive Officer to negotiate and enter into the lease in Recommendation 1. above, and
 - 2.2 Mayor and Chief Executive Officer to affix the common seal and execute the lease in accordance with the Execution of Documents Policy.
3. **NOTES** that if any submissions are received as a result of the public notice period in Recommendation 1. above, the Chief Executive Officer will provide the submissions to Council for consideration and Council will determine whether to proceed with the proposed lease to the Tenant.

COUNCIL DECISION ITEM 9.6

Moved: Cr Castle, Seconded: Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

10.1 LOCAL EMERGENCY MANAGEMENT PLAN UPDATE

Attachments: 1. Western Central Local Emergency Management Arrangements 2024 

RECOMMENDATION:

That Council **ADOPTS** the Western Central Local Emergency Management Arrangements 2024 in accordance with Part 3, Division 2 of the *Emergency Management Act 2005*.

COUNCIL DECISION ITEM 10.1

Moved: Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.1 PRELIMINARY FINANCIAL STATEMENTS AS AT 30 JUNE 2024

Attachments: 1. Preliminary Financial Statements as at 30 June 2024 

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 30 June 2024 as shown in Attachment 1.





COUNCIL DECISION ITEM 11.1

Moved: Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 JUNE 2024 TO 30 JUNE 2024

- Attachments:
1. June 2024 - Payments by EFT and Payroll 
 2. June 2024 - Payments by Direct Debit 
 3. June 2024 - Payments by Cheques 
 4. June 2024 - Payments by Fuel Cards 

Recommendation:

That Council RECEIVES the list of accounts paid under delegated authority for the period 01 June 2024 to 30 June 2024 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll		\$8,500,184.41
Cheques	82774 - 82777	\$496.58
Direct debits, including credit cards		\$236,641.36
Total payments for June 2024		\$8,737,295.35

COUNCIL DECISION ITEM 11.2

Moved: Cr Castle, Seconded: Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.3 INVESTMENT REPORT AS AT 30 JUNE 2024

Attachments: 1. Investment Statistics as at 30 June 2024 

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 30 June 2024 as detailed in Attachment 1.








COUNCIL DECISION ITEM 11.3

Moved: Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

12.2 INFORMATION BULLETIN

- Attachments:
1. Unconfirmed Minutes Arts Advisory Group 29 May 2024 
 2. Unconfirmed Minutes Sustainability and Transport Advisory Group 4 July 2024 
 3. Unconfirmed Minutes of the Mindarie Regional Council meeting held on 18 July 2024 
 4. Statistics for Development Services Applications as at the end of July 2024 
 5. Register of Legal Action and Prosecutions Monthly - Confidential
 6. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 6 August 2024 
 7. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
 8. Register of Applications Referred to the Design Review Panel - Current 
 9. Unrecoverable Parking Infringements Write-Off 
 10. Register of Petitions - Progress Report - August 2024 
 11. Register of Notices of Motion - Progress Report - August 2024 
 12. Register of Reports to be Actioned - Progress Report - August 2024 
 13. Council Workshop Items since 26 June 2024 
 14. Council Briefing Notes - 16 July 2024 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated August 2024.

COUNCIL DECISION ITEM 12.2

Moved: Cr Castle, **Seconded:** Cr Woolf

That the recommendation be adopted.







CARRIED UNANIMOUSLY “EN BLOC” (9-0)

REPORTS WITH DISCUSSION

9.2 NOS. 41-43 (LOTS: 18 AND 701; DP: 302447 AND P: 1874) ANGOVE STREET, NORTH PERTH - ALTERATIONS AND ADDITIONS TO SERVICE STATION

Ward: North

Attachments:

1. Location and Consultation Plan 
2. Proposed Plans 
3. Applicant Cover Letters 
4. March 2002 Approval 
5. Summary of Submissions - Administration Response 
6. Design Review Panel Minutes 

RECOMMENDATION:

That Council:

In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2) and the Metropolitan Region Scheme, REFUSES the application for Alterations and Additions to Service Station at Nos. 41-43 (Lot: 18; and 701; Plan: DP: 302447 and P: 1874) Angove Street, North Perth, in accordance with the plans provided in Attachment 2, for the following reasons:

1. Pursuant to Clause 67(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 the development would be contrary to the principles of orderly and proper planning. This is because:
 - (a) It has not been demonstrated that the proposal would have any pre-existing use rights either as a non-conforming use or that it would be consistent with any previous development approval; and
 - (b) It would not be orderly and proper to determine the works without consideration of the associated land use.

This is noting the scope of the application submitted that is for works only, and the use permissibility of Service Station pursuant to Clause 18 of LPS2

The use would not be capable of approval and would be contrary to the aims, objectives and provisions of LPS2 in accordance with Clause 67(2)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015. These include:

- The aims of LPS2 as set out in Clause 9;
 - The District Centre zone objectives as set out in Clause 16, and
 - The provisions including the Zoning Table, Interpreting the Zoning Table, and Non-Conforming Uses as set out in Clauses 17, 18 and 22 respectively. This is because the Service Station land use is prohibited in the District Centre zone and the application has not demonstrated that there would be non-conforming use rights;
2. Pursuant to Clauses 67(2)(g), 67(2)(m), and 67(2)(zc) of the Planning and Development (Local Planning Schemes) Regulations 2015 the proposal would be inconsistent with the objectives of the City's Policy No. 7.1.1 – Built Form Policy and incompatible with its setting in considering the advice from the City's Design Review Panel . This is because:
 - a) The extent and location of proposed landscaping would be inadequate to offset the visual impacts associated with the extent of hardstand areas on the street frontages. The landscaping would not provide for adequate tree planting to make an effective and demonstrated contribution towards the City's green canopy or reduce the impact of the

urban heat island effect (Clause 1.5 – Tree Canopy and Deep Soil Areas and Clause 1.15 – Landscape Design);

- b) The proposed modifications would not provide for an appropriate landscape design to enhance the amenity of the streetscape or the provision of shade, and the colours, materials and finishes proposed to the existing building, roof and fuel canopy, would be inconsistent with the desired future character streetscape of Angove Street.

The proposed modifications to the existing building would not adequately provide for passive surveillance or activation of Woodville Street. This is because the proposed window is located above eye level for staff and customers within the building and for pedestrians, and would not express the internal building function and would be inconsistent with the desired streetscape character of Woodville Street (Clause 1.7 – Public Domain Interface, Clause 1.13 – Façade Design, and Clause 1.14 – Roof Design); and

3. Having regard to Reasons 1 and 2 and the matters of Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the application has not demonstrated that the proposal:

- a) Would not have an adverse impact on the amenity of the locality, including from noise (Clause 67(2)(n));
- b) Would provide for the adequate provision of landscaping (Clause 67(2)(p));
- c) Would not have an adverse risk to human health or impact on the community (Clauses 67(2)(r) and (x)); and
- d) Would provide for adequate vehicle manoeuvring on-site and would not adversely impact on the flow or safety of traffic on the surrounding road network including pedestrian safety (Clauses 67(2)(s)(ii) and (t));

2. INSTRUCTS Administration to write to:

- The Department of Water & Environmental Regulation in accordance with Clause 11 of the *Contaminated Sites Act 2003* and Clause 6 of the *Contaminated Sites Regulations 2006* in relation to the contamination status of the site; and
- The Department of Energy, Mines, Industry Regulation & Safety in accordance with Clause 63 of the *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007* in relation to the decommissioning of existing storage tanks.

The purpose of this is to:

- (a) Advise that to the best of the City's knowledge fuel tanks are still underground on the subject site. The fuel tanks have the potential to be leaking and causing site contamination which would impact on the health and welfare of the community;
- (b) Reiterate that the site is located prominently within the North Perth town centre area with high volumes of pedestrians and is in close proximity to sensitive uses including residential homes, cafes/restaurants and shops, and the North Perth Primary School;
- (c) Request an investigation into the current contamination status of the site and condition of the fuel tanks, that the ongoing risk presented by this issue is addressed by the land owner as required by the applicable legislation, and for any required remediation to be undertaken in accordance with the relevant standards and requirements; and
- (d) Request that the City be advised at the commencement of the investigation, updated as the investigation progresses, and notified of the outcome and findings at the completion of the investigation; and

3. **INSTRUCTS** Administration to write to the landowner to request the implementation of adequate security measures to prevent unauthorised access to the subject site and to minimise antisocial behaviour from occurring.

COUNCIL DECISION ITEM 9.2

Moved: Cr Woolf, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED (9-0)

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

Against: Nil

10.2 ADVERTISING OF AMENDED POLICY LIBRARY AND LOCAL HISTORY COLLECTION POLICY

- Attachments:
1. Library and Local History Collection Policy 2024 Review 
 2. Library and Local History Collection Policy Adopted OMC 27 April 2021 
 3. July 2024 Library and Local History Centre Collection Management Policy DRAFT 

RECOMMENDATION

That Council APPROVES the proposed amendments to the Library and Local History Collection Policy, at Attachment 1, for the purpose of community consultation.

COUNCIL DECISION ITEM 10.2

Moved: Cr Hallett, **Seconded:** Cr Woolf

That the recommendation be adopted.

CARRIED (9-0)

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

Against: Nil

At 7.19pm Manager Community Facilities left the meeting and did not return.

9.4 ANNUAL REVIEW 2023/24 - ACCESSIBLE CITY STRATEGY, THRIVING PLACES STRATEGY AND ARTS PLAN

- Attachments:
1. Accessible City Strategy - Annual Review III 
 2. Thriving Places Strategy - Annual Review I 
 3. Arts Plan - Annual Review I 

RECOMMENDATION:

That Council RECEIVES the Accessible City Strategy – Annual Review III; the Thriving Places Strategy – Annual Review I; and the Arts Plan – Annual Review 1.

COUNCIL DECISION ITEM 9.4

Moved: Cr Woolf, **Seconded:** Cr Greer







That the recommendation be adopted.

CARRIED (9-0)

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

Against: Nil

9.3 PROPOSED CHARLES HOTEL LOCAL DEVELOPMENT PLAN**Ward:** North

- Attachments:**
1. Location and Consultation Plan 
 2. Local Development Plan 
 3. Cover Letter & Design Report 
 4. Transport Impact Assessment 
 5. Summary of Submissions - Administration Response 
 6. Summary of Submissions - Applicant Response 
 7. Design Review Panel Minutes 

RECOMMENDATION:**That Council:**

1. Pursuant to Clause 47(d) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS that a Local Development Plan is required over Nos. 501, 503, 503B, 505-509 and 511-513 Charles Street, 4 Carrington Street and 118-122 Eton Street, North Perth (Lots: 91-93, 4, 4091-4093, 2, and 4088-4090), North Perth, for the purposes of orderly and proper planning; and
2. Pursuant to Clause 52(1)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations) 2015* APPROVES the Local Development Plan dated 12 July 2024 for Nos. 501, 503, 503B, 505-509 and 511-513 Charles Street, 4 Carrington Street and 118-122 Eton Street, North Perth (Lots: 91-93, 4, 4091-4093, 2, and 4088-4090), North Perth, included as Attachment 2, subject to the following:

Modifications to Local Development Plan

- 2.1 The applicant modifying the Local Development Plan by deleting the reference to Child Care Premises as a Preferred Land Use for Parcels 1 and 2 within Table 1, and the associated note at the bottom of Table 1.

The modified Local Development shall be resubmitted to the City;

Approval of Western Australian Planning Commission

- 2.2 Obtaining the approval of the Western Australian Planning Commission for:

- Acceptable Outcome 3 (Building Height);
- Acceptable Outcome 5 (Plot Ratio); and
- Acceptable Outcome 7 (Landscape Design);

in relation to Development Parcel 2 only, in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments; and

- 2.3 Obtaining the approval of the Western Australian Planning Commission for Acceptable Outcome 7 (Landscape Design) in relation to Development Parcels 1 and 3 to 6, in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

COUNCIL DECISION ITEM 9.3

Moved: Cr Greer, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED (9-0)

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

Against: Nil

12.1 OUTCOME OF ADVERTISING AND ADOPTION OF COUNCIL MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT POLICY

- Attachments:
1. Council Member Continuing Professional Development Policy - Clean 
 2. Council Members Continuing Professional Development Policy - marked up 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 12.1

Moved: Cr La Fontaine, Seconded: Cr Woolf

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

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

Against: Nil

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****PROCEDURAL MOTION****Moved: Cr Castle, Seconded: Cr Alexander****Pursuant to Section 5.23(2) of the *Local Government Act 1995* and clause 7.6 of the Meeting Procedures Local Law 2008, resolves “that the Council meet behind closed doors”.****CARRIED (9-0)****For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Hallett, Cr Wallace, Cr Greer and Cr La Fontaine**Against:** Nil

At 7.36pm the livestream was paused to consider Item 17.1 Annual CEO Performance Review 2023-2024 and Key Performance Indicators 2024-2025.

At 7.36pm Chief Executive Officer left the meeting and did not return.

At 7.36pm Executive Director Infrastructure & Environment left the meeting and did not return.

At 7.36pm A/Executive Director Strategy & Development left the meeting and did not return.

At 7.36pm Executive Manager Corporate Strategy & Governance left the meeting.

At 7.36pm A/Manager Strategic Planning left the meeting and did not return.

MEETING PROCEDURES LOCAL LAW BE SUSPENDED

PROCEDURAL MOTION

Moved: Cr Castle, Seconded: Cr Hallett

That the Meeting Procedures Local Law be suspended.

CARRIED UNANIMOUSLY (9-0)

RESUMPTION OF MEETING PROCEDURES LOCAL LAW

PROCEDURAL MOTION

Moved: Cr Castle, Seconded: Cr Hallett

A motion was moved that Council resume the Meeting Procedures Local Law.

CARRIED UNANIMOUSLY (9-0)

PROCEDURAL MOTION

Moved: Cr Castle, Seconded: Cr Wallace

That the Council resume an “open meeting.”

CARRIED UNANIMOUSLY (9-0)

At 7.59pm the Executive Manager Corporate Strategy & Governance returned to the meeting.

At 7.59pm after consideration of Item 17.1 the livestream recommenced and the Presiding Member, Mayor Xamon, advised of the below decisions, as carried behind closed doors.

COUNCIL DECISION ITEM 17.1**Moved: Cr Castle, Seconded: Cr Hallett****17.1 ANNUAL CEO PERFORMANCE REVIEW 2023-2024 AND KEY PERFORMANCE INDICATORS 2024-2025****Attachments:** 1. CEO Performance Review 2023-2024 Summary Report
2. KPI Results Report 2023 - 2024**RECOMMENDATION:****THAT COUNCIL BY ABSOLUTE MAJORITY:**

1. **RECEIVES** the Chief Executive Officer's Annual Performance (2023-2024) Report to Council included as Confidential Attachment 1;
2. **ENDORSES** the outcome of the performance review that the Chief Executive Officer has met the performance expectations of the position for the 2023-2024 review period;
3. **APPROVES** the outcome of the remuneration review that the CEO receive an increase of 4.0% to the cash component of his Total Remuneration Package, effective 19 October 2024;
4. **APPROVES** the draft CEO Key Performance Indicators for the 2024-2025 review period contained in Confidential Attachment 1;
5. **REQUESTS** that a six-monthly report is presented to the CEO Performance Review Panel by February 2025; and
6. **APPROVES** the extension of the Chief Executive Officer's contract to 18 October 2028.

CARRIED (9-0)**For:** Mayor Xamon, Cr Castle, Cr Alexander, Cr Worner, Cr Woolf, Cr Hallett, Cr Wallace, Cr Greer and Cr La Fontaine**Against:** Nil

18 CLOSURE

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

PRESENT:	Mayor Alison Xamon	Presiding Member
	Cr Alex Castle	North Ward
	Cr Ron Alexander	North Ward
	Cr Suzanne Worner	North Ward
	Cr Nicole Woolf	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Ashley Wallace	South Ward
	Cr Sophie Greer	South Ward
	Cr Ashlee La Fontaine	South Ward
IN ATTENDANCE:	Joslin Colli	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer
Public:	No members of the public.	

These Minutes were confirmed at the 17 September 2024 meeting of Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 August 2024.

Signed: Mayor Alison Xamon

Dated