



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**13 February 2024**



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**MINUTES OF CITY OF VINCENT  
ORDINARY COUNCIL MEETING  
HELD AT THE E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,  
244 VINCENT STREET, LEEDERVILLE  
ON TUESDAY, 13 FEBRUARY 2024 AT 6.00PM**

<b>PRESENT:</b>	<p>Mayor Alison Xamon Cr Alex Castle 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 South Ward South Ward South Ward South Ward</p>
<b>IN ATTENDANCE:</b>	<p>David MacLennan Peter Varris  Karsen Reynolds  Mitchell Hoad  Dale Morrissy  Lisa Williams  Jay Naidoo  Carrie Miller  Joslin Colli</p>	<p>Chief Executive Officer Executive Director Infrastructure &amp; Environment A/Manager Development &amp; Design (left at 6:55pm after Item 9.7) A/Manager Strategic Planning &amp; Specialist Planner (left at 6:55pm after Item 9.7) Manager Community Facilities (left at 7:13pm after Item 10.1) Executive Manager Communications &amp; Engagement (left at 7:08pm during item 10.1) A/Executive Manager Strategy &amp; Development Corporate Strategy and Governance Officer Executive Manager Corporate Strategy &amp; Governance</p>
<b>Public:</b>	Approximately four 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 Ron Alexander.

## **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 an ongoing issue with a stormwater pipe on her property so as to inform new Mayor and Council Members

Property has a 900mm stormwater pipe of the City of Vincent's running through my property. It is a large storm water pipe, the size of the CY O'Connor pipe that runs from Mundaring Weir to Kalgoorlie. The main

stormwater pipe was discovered by myself, it is an active pipe, a major asset of the City of Vincent, which runs through my property to Lake Monger.

Spoke to recent attempt to sell the property which was unsuccessful due to the presence of the stormwater pipe. Disputes comments from independent valuation undertaken by the City which inferred there was no negative impact from the easement.

Seven months ago I asked the City of Vincent if they have notified other City of Vincent residents who are impacted by the storm water pipes running through their property. At that time the City of Vincent had not notified them.

Raised the following questions:

1. I again ask, has the City of Vincent notified the other residents within the City of Vincent of the storm water pipes running through their properties? A straight forward yes or no answer is required. It is essential that the City of Vincent be transparent and accountable and inform the residents and ratepayers of how serious this matter is.
2. Does the City of Vincent have the responsibility and duty of care to notify these residents and ratepayers? A straight forward yes or no answer is required.
3. Why is the City of Vincent not being transparent and accountable?
4. The WAPC and the Department of Planning Lands and Heritage, both abide by the private property rights charter. Does the City of Vincent abide by the private property rights charter for Western Australia? Please provide a clear response with a yes or no answer.

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

#### **John Viska of North Perth**

Raised the following questions in regards to the shot hole borer (PSBH) and Hyde Park.

1. Now that a plan of action has been announced, how much control does the City of Vincent have in the process?
2. What has been planned to ameliorate the park in regard to the conditions set out in the 2003 conservation Management Plan?

Mentioned that he spoke at the recent AGM and put forward a motion.

Highlighted the importance of his first question and mentioned that the rate-payers need to know the answer as the outcome will have a dire effect on Vincent.

*The Presiding Member, Alison Xamon, thanked Mr Viska for his comment.*

#### **Dudley Maier of Highgate – Item 11.7**

Emphasised the importance of making clear what the preference is of the Elders group, do they prefer the stand alone name or do they prefer co-naming. The group should have been presented with both options and a response made in writing in case anyone wanted to put in an FOI request.

Referenced an email to the Councillors, which stated that the preference of his friend, who is an aboriginal man who has lived in Vincent for some time, was for the park to be co-named as he doesn't believe in re-writing history. He was involved in the installation of the Warndoolier plaque that is in the park and was put there at about 2012 which was initiated by the Vincent reconciliation group.

Stated that there was a large response in support of renaming but asked how much of that was just virtue signalling basically in benefit of the signaller.

Noted that a number of years ago he spoke with an aboriginal woman who was a part of cultural awareness training and she raised the issue of virtue signalling and said that it really affected the outcome. She said that it was well meaning and she accepted it as she wanted to keep people on side.

Stated that renaming parks is not going to create any jobs, its not going to get any more kids to school, its not going to improve anyone's health and its not going to reduce domestic violence or solve any other problems.

Stated that renaming is symbolic and that is why he supports co-naming, that it symbolises two cultures recognising each other. He said that he uses the word cultures in the loosest sense as he would not dare to presume there is not a single aboriginal culture just as he wouldn't presume that there isn't just one non-aboriginal culture.

*The Presiding Member, Alison Xamon, thanked Mr Maier for his comment.*

The following statements were submitted prior to the Meeting.

### **Dudley Maier of Highgate**

1. The current Information Bulletin has an item about the Street Tree Quarterly Report (page 412) but has no data listed. However, the individual agenda item document does show a list of over 60 trees that need to be replaced.

The vast majority of the 'replacement species' are listed as TBD. Given that the City has a Tree Selection Tool, and that the Guidelines clearly state that replacement trees will be selected to "ensure consistency of street tree species in the applicable street", why haven't the replacement species been identified and reported? Is it the intention of the staff to wait until the Guidelines are no longer in the public domain and then change them to allow a mixture of species in a street, or is there a delay because the intention is to change the species in an entire street and consultation is intended in accordance with the Guidelines?

2. Why did the City pay Axxx Cxxxxxxxxk \$3,735.93 for storage of public artwork and similar descriptions on 20 October 2023, \$924 on 3 November 2023, \$3025 on 17 November 2023, and \$814 on 1 December 2023? Are there any further ongoing costs of this nature.

3. Why is the payment of \$2,310 (\$2,100 excluding GST) to V Mxxxxxx on 3 November 2023 for "Citizenship Ceremony welcome to country 29 October 23" so high? What is the average payment for 'welcome to country' in 2023?

4. For each of the identified underground power areas what is the latest estimated total cost to be payable by owners in that area; the date of the latest estimate; and the number of properties to be served?

### **Roy Burton of Mt Hawthorn**

Dear Mayor and Councillors

I refer to the application for a new building at 139 Buxton Street, replacing some existing sheds. I am the owner of the property.

The report by the City Administration covers the proposal very well and it is noted that the recommendation is for approval. The City report mentions two tenancies at the address, Salvos and the Jazz Cellar.

There is also a third tenancy, Great Southern Truffles, who have been our tenants since starting the business. The business has expanded and their products are now available at supermarkets both in Perth and interstate. They have recently started to export.

Great Southern Truffles business has expanded and they are running out of space. The proposed new building will be for them only. The new building will give them room for expansion and will satisfy their projections for the next five years. I hope that Council approves the proposal.

Yours sincerely

Roy Burton

Administrations' responses will be provided in the Agenda for the 19 March 2024 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6:09pm.

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

**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?

*The response provided to your previous question was as follows*

“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.”

The Animal Local Law 2023 is noted as requiring amendment. At the time of responding to your previous questions Council had yet to receive advice from the Joint Standing Committee whether Council’s undertakings (resolved at the 21 November 2023 meeting) were acceptable (which includes an undertaking to amend the local law).

For the period 2009 to 2012 the JSCDL required 79 local government undertakings, none relating to the City of Vincent. The JSCDL online records do not extend earlier than 2009.

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?

*No. Please refer to response to Q1. The City notes four undertakings in the period – Parking & Parking Facilities Amendment 2020 (repealed); Local Government Property 2021 (amendment), Animal Local Law 2022 (amendment), and Parking Local Law 2023 (amendment).*

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?



*Excluding Amendment Local Laws, none. 0%. For context the City has compiled the following table to show the data for the whole of local government during this period. It shows that for the years 2019 to 2022 almost 25% of local laws / amendments reviewed by the Joint Standing Committee required an undertaking by the relevant local government -*

<b>Year</b>	<b>No. Local Laws Reviewed</b>	<b>No. of Undertakings</b>	<b>Percentage of Undertakings</b>
2023	unknown	37 (as at 6/12/2023)	Not applicable
2022	99	24	24.2%
2021	118	36	30.5%
2020	80	19	23.7%
2019	99	18	18.2%
Total	396	97 (134 inc. 2023)	24.5% (exc. 2023)

4. Again, how many local laws were rejected or required amendment in the 15-year period 2004-2018?  
*The following table identifies local laws and amendments by year according to the Department of Local Government's Local Law Register for the City of Vincent –*

<b>Local Law</b>	<b>Published</b>
Parking Local Law 2023	10/9/2023
Animal Amendment 2023	8/11/2023
Animal Local Law 2022	3/2/2023
Local Government Property Amendment 2022	9/8/2022
Local Government Property 2021	30/11/2021
Parking & Parking Facilities Repeal 2021	8/4/2021
Parking & Parking Facilities Amendment 2020	4/6/2020
Fencing Amendment 2018	26/7/2018
Standing Orders Amendment 2017	20/4/2018
Fencing Amendment 2018	9/3/2018
Parking & Parking Facilities Amendment 2017	9/1/2018
Dogs Amendment 2017	12/12/2017
Parking & Parking Facilities Amendment No.1 2013	26/7/2013
Standing Orders No.1 2013	5/7/2013
Property No.1 2013	21/5/2013
Dog Amendment 2012	24/2/2012
Dogs Amendment No.2 2012	11/1/2013
Parking & Parking Facilities Amendment No.1 2012	30/10/2012

Parking & Parking Facilities Amendment 2011	19/7/2011
Parking & Parking Facilities Amendment 2009	27/2/2009
Trading in Public Places Amendment 2009	27/2/2009
Standing Orders 2008	14/10/2008
Local Government Property Amendment 2008	7/10/2008
Trading in Public Places 2008	7/10/2008
Parking & Parking Facilities Amendment 2008	5/8/2008
Local Government Property 2008	15/4/2008
Fencing 2008	15/4/2008
Parking & Parking Facilities 2007	21/11/2007
Dogs 2007	21/11/2007
Parking Facilities Amendment No.1 2005	19/8/2005
Dogs 2005	6/5/2005
Standing Orders 2005	14/1/2005
Parking Facilities Amendment No.2 2004	14/1/2005
Health Local Law 2004	8/12/2004
Health Eating House 2004	8/12/2004
Parking Facilities Amendment 2004	24/8/2004
Standing Orders 2004	25/6/2004
Parks and Public Reserves 2004	8/4/2004

*According to research of the Joint Standing Committee's online records and the City's records, of 31 local laws and local law amendments for the period 2004 to 2018, two undertakings were required (Dogs 2005, Standing Orders 2004) and one disallowance (Dogs 2012).*

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?

*No. Draft local laws have been prepared with the guidance of legal advice, advice from the Department of Local Government and industry bodies, as well as research on current local laws adopted by other local governments and previously consented to by the Joint Standing Committee.*

*Reference is also made to item 7.1 of the Announcements by the Presiding Member at Council's 12 December 2023 meeting in respect to the local law process.*

### **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.

6. 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

*While estimates for the opening surplus position were provided to Council at the OCM on 20 June 2023, these estimates were calculated at a much earlier date to allow the City time to develop the Annual Budget.*

*The estimates used make assumptions on anticipated spend, timing of invoices, revenue recognition and the impact of various annual accounting adjustments required under the AASB Accounting Standards.*

*The largest impact to the opening surplus variance was the 100% brought forward payment for the Financial Assistance Grants of \$1.4m. This has resulted in a reduction in revenue in the 2023/24 Annual Budget.*

*The higher fees & charges revenue was the result of higher Beatty Park, car parking and infringement revenue as the post Covid recovery continued. Previous estimates factored in uncertainty around the recovery and impact of cost-of-living pressures.*

*The variances to employee costs and materials and contracts when combined represented approximately 1% of the City's total expenditure budget for 2023/24. These differences are within acceptable tolerance levels and relate predominantly to lower employee costs, lower waste costs and the impact of annual accounting adjustments.*

*In total, the purchase of PPE and Infrastructure assets were \$1.1m different to the initial estimate due to the timing of works and invoices. The variance in capital grants relates to timing of works and revenue recognition adjustments. These have been included in the First Quarter Budget Review carry forward adjustments.*

7. 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?

*The nature and process by which Local Government budgets are prepared will always rely on conservative estimates when forecasting future positions. It is common across the industry for estimates to vary from the actual position once the audited financial statements are complete.*

*The opening surplus forms the basis for the next year's budget and is used to reduce the impact on future rate increases. Further information on the opening surplus will be provided as part of the Mid-Year Budget Review after carry forwards and 2023/24 budget adjustments are taken into consideration.*

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

- Spoke to the 900mm stormwater pipe which runs through her property
- Mentioned that \$425k was allocated to drainage data capture in the December 2022 Council meeting
- Urged Council Members to step up and represent her in this adverse situation affecting her property.
- Full statement can be heard [here](#)

1. Queried where this data is and why has the information not been passed to Council and ratepayers?

*The drainage data collection is on-going, the Mount Hawthorn area is expected to be completed by 30 June 2024. The current publicly accessible Intramap system does not show any drainage information, this is only accessible through the City of Vincent staff Intramap log on.*

2. 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?

*The City's community engagement website, Imagine Vincent, is used to display and collate feedback on community consultation opportunities. These opportunities are advertised in the local newspapers, via the City's website, on our social media channels and via our enewsletter.*

*Where appropriate, consultation that directly impacts specific residents is also communicated via letter.*

*If a community member contributes to consultation on a specific project, they have the opportunity to sign up for updates about that specific project. These people will then receive ongoing emails as the project progresses through to completion.*

*We don't have a distribution list for consultation related to Mt Hawthorn or North Perth.*

*The Manager Engineering has been providing updates to community groups within the Mount Hawthorn area which includes the owner of 79 Sasse Ave, and has been having one to one meetings with the owner providing information and updating the owner on the progress of drainage works within the area. The Engineering team will continue to provide updates to community groups as works progress.*

3. 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 the Annual Report

*The City of Vincent has provided all requested information to the owner of 79 Sasse Ave.*

4. 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?

*In accordance with regulation 14 of the Local Government (Audit) Regulations 1996 local governments are required to carry out a Compliance Audit Return (CAR) for the period of 1 January to 31 December of each year.*

*The City's Audit and Risk Committee is required to review the CAR and to report the results of that review to Council.*

*The CEO KPI report 2023 notes that the CAR for 2022 was 100 per cent compliant for the first time in three years. The report and responses to the 2022 CAR were presented to Council at its 8 March 2022 meeting – Item 12.3. The full report, along with the minutes and agenda, is available on the City's website and linked [here](#).*

*The 2021 CAR identified one area of non-compliance in relation to an optional question. The report and responses to the 2021 CAR were presented to Council at its 8 March 2022 meeting – Item 12.9. The full report, along with the minutes and agenda, is available on the City's website and linked [here](#).*

*The 2020 CAR identified two areas of non-compliance as follows:*

- section 3.58 (disposal of property); and
- an optional question.

*The report and responses to the 2020 CAR were presented to Council at its 23 March 2021 meeting – Item 12.9. The full report, within the agenda, is available on the City's website and linked [here](#).*

*The 2019 CAR identified three areas of non-compliance as follows:*

- section 5.75 (primary returns),

- *section 7.12a(4) (duties of local government with respect to audits); and*
- *an optional question.*

*The report and responses to the 2019 CAR were presented to Council at its 17 March 2020 meeting – Item 12.11. The full report, within the agenda, is available on the City’s website and linked [here](#).*

5. 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?

*Council have adopted the 2023-2024 financial year budget which allocated Capital Works funds to address the need for drainage renewal and upgrade works.*

6. What is the definition of a Council Member and who does this include?

*The Local Government Act defines a Councillor as ‘a person who holds the office of councillor on a council’ the role of a councillors is defined under section 2.10 as being:*

*A councillor —*

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government’s decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.*

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Nil

**6 CONFIRMATION OF MINUTES****COUNCIL DECISION****Moved: Cr Hallett, Seconded: Cr Castle**

That the minutes of the Ordinary Meeting held on 12 December 2023 be confirmed.

**CARRIED (8-0)****For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf, Cr Hallett, Cr Wallace, Cr Greer and Cr La Fontaine**Against:** Nil**(Cr Alexander was an apology for the Meeting.)****COUNCIL DECISION****Moved: Cr Woolf, Seconded: Cr Worner**

That the minutes of the Annual General Meeting held on 1 February 2024 be confirmed.

**CARRIED (8-0)****For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf, Cr Hallett, Cr Wallace, Cr Greer and Cr La Fontaine**Against:** Nil**(Cr Alexander 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 STIRLING TOWERS**

I am pleased to see that the derelict Stirling Towers, which was vacated of all its social housing quite some time ago, is finally looking to get redeveloped. As someone who lives in that local area I want to say what a relief it is not only for myself and my family but for I think everyone around there. It is very unfortunate that since Stirling Towers was cleared out, it has effectively become a hub of antisocial behaviour and vandalism, which continues to cause considerable distress for local residents around that area. It is also a lost opportunity to ensure that we have social and affordable housing in what should be a high density area.

There have been some discussions between the Council and the Department of Communities about what the redevelopment might look like, noting that the decision is not coming back to Council. One of the things that I have been advocating for quite strongly with the Department of Communities is that priority should be given to people with disability, most notably people with physical disability.

People with physical disability often need to be located centrally as it is easier to access services and affordable transport. I have been calling on the Department of Communities to see if they can prioritise a special build that will ensure that there is a large amount of accommodation options available for people with physical disability.

I also want to point out that this is an important move in terms of addressing questions of density. People who are less likely to have cars, means the reinvestment of money that would otherwise go into additional parking spots can go into upgrades of those particular apartments. This will also help in decreasing congestion issues.

Moving forward the City of Vincent has communicated a very strong commitment to ensure that our areas are as accessible as possible and we want to see the Department of Communities also recognising the importance of this.

I look forward to continuing productive discussions with the Department of Communities to try and ensure that we get these outcomes as I think it is positive for our City but importantly a very positive development for people with physical disability who otherwise may not be able to live so central.

### **7.2 POLYPHAGOUS SHOT HOLE BORER (PSHB)**

We have received information that the Polyphagous shot hole borer (PSHB) has spread even further than we had originally thought. We have known about the borer for a while in the City of Vincent, but we received the news fairly recently that it has infected a number of old, mature, much loved trees, and that as part of an attempt to eradicate this particularly invasive species, these trees will be heavily lobbed and in some cases removed.

I think that it is fair to say that the communities response to this is one of devastation and I know that from talking with other Councillors that the devastation is very much shared. We love our iconic parks, we are already way down in regards to tree canopy compared to other states. This is devastating news and sends us entirely in the wrong direction in terms of what we want to see regarding trees.

I think it is important to note that this is now a national response and the decisions around how to respond to this biosecurity threat are now being made nationally. So as a Council we are not in a position to overturn any of those decisions.

I want to acknowledge our parks and gardens team who have been doing a formidably good job of trying to stay on top of the threats and working with the departments to ensure that we are keeping up to speed with what are the best replacement trees to plant and how we can best respond as a Council.

I also want to give a shout out to our communications team who even before we received the devastating news about the trees in Hyde Park being removed had already taken it upon themselves to engage in quite extensive development of communications to our residents.

This is a situation that will dominate what we need to be responding to as a Council over the next few years and it is really important that we ensure that we are working collaboratively and taking a science based approach to how we are going to deal with this issue.

This has affected 25 local government areas and it is devastating that we are one of them. There will be a community meeting which is being held by the State Member for Perth, the Honourable John Carey, which will be held on Monday the 19<sup>th</sup> of February at 6:00pm at the Perth Soccer Club.

I intend to be there and I understand that a number of the Council members and a number of the parks and gardens team will intend to be there also. This Council shares the heartbreak with the community about what is going to happen with our trees and we will be desperately hoping that we can look to eradicate and minimise any of the damage that is going to result from this invasive pest.

To hear the full statement click [here](#).

## 8 DECLARATIONS OF INTEREST

- 8.1 Cr Ashley Wallace declared a financial interest in relation to Item 9.5 Review of Local Planning Policies – Policy Nos. 7.6.1 – 7.6.9 – Heritage Management. The extent of his interest is that his residential home is included on the City's Heritage List and this decision may impact the value of his property. He is not seeking approval to participate in the debate or to remain in Chambers or vote on the matter.
- 8.2 Cr Ashley Wallace declared a proximity interest on Item 10.1 License to Minister for Education – Use of Birdwood Square by Highgate Primary School as he lives on Grant Street which is directly between Highgate Primary School and Birdwood Square.
- 8.3 The CEO, David MacLennan declared an impartiality interest on Item 9.7 Request to Excise, Sell and Amalgamate Portion of Reserve 25675 (Adjacent to No. 404 Bulwer Street, West Perth). The extent of his interest is that the applicant is a former colleague. He was not involved with the preparation of the report, and it was approved by the Acting CEO.
- 8.4 The Executive Director Infrastructure and Environment, Peter Varris declared an impartiality interest on Item 10.1 License to Minister for Education – Use of Birdwood Square by Highgate Primary School. The extent of his interest is that his wife is employed by the Department of Education. Her employment is not at the Highgate Primary School.
- 8.5 Cr Alex Castle declared an impartiality interest on Item 10.1 License to Minister for Education – Use of Birdwood Square by Highgate Primary School. The extent of her interest is that she is employed by the Department of Education. Her employment is not at the Highgate Primary School.
- 8.6 Cr Ashlee La Fontaine declared an impartiality interest on Item 10.1 License to Minister for Education – Use of Birdwood Square by Highgate Primary School. The extent of her interest is that she is employed by the Department of Education. Her employment is not at the Highgate Primary School.



## 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:**  
Item 11.7
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Nil
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items 9.5 and 10.1.

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:**

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Castle	10.1, 11.7
Cr Woolf	9.4, 9.6
Cr Wallace	12.1, 9.7

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 9.1, 9.2, 9.3, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 12.2, 12.3, 17.1.
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Nil.

## ITEMS APPROVED “EN BLOC”:

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

### COUNCIL DECISION

**Moved: Cr Castle, Seconded: Cr Wallace**

**That the following unopposed items be adopted “En Bloc”, as recommended:  
Items 9.1, 9.2, 9.3, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 12.2, 12.3 and 17.1**



**CARRIED (8-0)**

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

**Against:** Nil

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

**REPORTS WITH NO DISCUSSION****9.1 NO. 476 (LOT: 50; D/P: 29193) BEAUFORT STREET, HIGHGATE - PROPOSED ALTERATIONS TO COMMERCIAL DEVELOPMENT (PARTIAL DEMOLITION - HERITAGE)****Ward:** South

- Attachments:**
1. Location Plan 
  2. Demolition Plans 
  3. Heritage Impact Statement 
  4. Structural Inspection Report 
  5. 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 Proposed Alterations to Commercial Development (Partial Demolition – Heritage) at No. 476 (Lot: 50; D/P: 29193) Beaufort Street, Highgate, in accordance with the plans shown in Attachment 2 and the Heritage Impact Statement in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 5:

**1. Demolition Plans**

This approval is for Partial Demolition (Heritage) as shown on the approved demolition plans dated 1 November 2023 and 6 November 2023. No other development forms part of this approval; and

**2. Heritage Impact Statement**

The demolition works shall be undertaken in accordance with the approved Heritage Impact Statement, dated 1 November 2023. This includes the manual separation of the lean-to and outhouse from the retained portion of the existing heritage building to ensure the protection of the retained building, to the satisfaction of the City.

**COUNCIL DECISION ITEM 9.1**

**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)

**9.2 NO. 193 (LOT: 153; D/P 98699) LAKE STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE****Ward:** South

- Attachments:**
1. Location and Consultation Plan 
  2. Development Plans 
  3. 1996 Building Licence Plan 
  4. 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 Alterations and Additions to Single House at No. 193 (Lot: 153; D/P 98699) Lake Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Development Plans**

This approval is for Alterations and Additions to Single House as shown on the approved plans dated 14 November 2023. No other development forms part of this approval;

**2. External Fixtures**

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

**3. Colours and Materials**

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, to the satisfaction of the City;

**4. Boundary Walls**

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

**5. 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 9.2**





**Moved: Cr Castle, Seconded: Cr Wallace**

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)

**9.3 NO. 139 (LOT: 8; D/P: 56031) BUXTON STREET, MOUNT HAWTHORN - ALTERATIONS AND ADDITIONS TO COMMERCIAL DEVELOPMENT (OUTBUILDING)****Ward:** North

- Attachments:**
1. Consultation and Location Plan 
  2. Development Plans 
  3. Summary of Submissions - Administration Response 
  4. 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 and Alterations and Additions to Commercial Development (Outbuilding) at No. 139 (Lot: 8; D/P: 56031) Buxton Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Development Plans**

This approval is for Alterations and Additions to Commercial Development (Outbuilding) as shown on the approved plans dated 17 November 2023. No other development forms part of this approval;

**2. Use of Outbuilding**

The outbuilding shall only be used for storage purposes associated with the property and not for human habitation or for the parking of vehicles, unless further approval is received, to the satisfaction of the City;

**3. External Fixtures**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), 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**

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, to the satisfaction of the City; and

**5. 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 9.3**

**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)

11.1 FINANCIAL STATEMENTS AS AT 30 NOVEMBER 2023

Attachments: 1. Financial Statements as at 30 November 2023 

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 30 November 2023 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.1

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Alexander was an apology for the Meeting.)

11.2 FINANCIAL STATEMENTS AS AT 31 DECEMBER 2023

Attachments: 1. Financial Statements as at 31 December 2023 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.2




Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Alexander was an apology for the Meeting.)

**11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 NOVEMBER 2023 TO 30 NOVEMBER 2023**

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

**RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 November 2023 to 30 November 2023 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$6,334,852.48
Cheques	\$68.93
Direct debits, including credit cards	\$110,498.64
<b>Total payments for November 2023</b>	<b>\$6,445,420.05</b>

**COUNCIL DECISION ITEM 11.3**




**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)

**11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 DECEMBER 2023 TO 31 DECEMBER 2023**

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

**RECOMMENDATION:**

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

EFT payments, including payroll	\$8,574,401.14
Cheques	\$194.20
Direct debits, including credit cards	\$161,836.85
<b>Total payments for December 2023</b>	<b>\$8,736,432.19</b>

**COUNCIL DECISION ITEM 11.4**

**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)



11.5 INVESTMENT REPORT AS AT 30 NOVEMBER 2023

Attachments: 1. Investment Statistics as at 30 November 2023 

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 30 November 2023 as detailed in Attachment 1.

**COUNCIL DECISION ITEM 11.5**

**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)

11.6 INVESTMENT REPORT AS AT 31 DECEMBER 2023

Attachments: 1. Investment Statistics as at 31 December 2023 

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.6

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Alexander was an apology for the Meeting.)

12.2 ADVERTISING OF NEW POLICY - PROPERTY INVESTMENT AND DISPOSAL POLICY

Attachments: 1. Draft Policy Investment and Disposal Policy 

RECOMMENDATION

That Council APPROVES the proposed Property Investment and Disposal Policy, at Attachment 1, for the purpose of community consultation.

COUNCIL DECISION ITEM 12.2

















Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Alexander was an apology for the Meeting.)

**12.3 INFORMATION BULLETIN**

- Attachments:
1. Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 30 November 2023 
  2. Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 14 December 2023 
  3. Minutes of the Catalina Regional Council Meeting held on 7 December 2023 
  4. Minutes of the Catalina Regional Council - Special Meeting held on 20 December 2023 
  5. Statistics for Development Services Applications as at the end of December 2023 
  6. Statistics for Development Services Applications as at the end of January 2024 
  7. Register of Legal Action and Prosecutions Monthly - Confidential
  8. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 7 February 2024 
  9. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
  10. Register of Applications Referred to the Design Review Panel - Current 
  11. Street Tree Quarterly Report 
  12. Register of Petitions - Progress Report - February 2024 
  13. Register of Notices of Motion - Progress Report - February 2024 
  14. Register of Reports to be Actioned - Progress Report - February 2024 
  15. Council Statistics December 2023 
  16. Council Workshop Items since 22 November 2023 
  17. Council Briefing Notes - 5 December 2023 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated February 2024.

**COUNCIL DECISION ITEM 12.3**

**Moved: Cr Castle, Seconded: Cr Wallace**

That the recommendation be adopted.

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

(Cr Alexander was an apology for the Meeting.)

**17.1 APPOINTMENT OF SUSTAINABILITY DESIGN REVIEW PANEL MEMBER**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

**Local Government Act 1995 - Section 5.23(2):**

- (b) the personal affairs of any person
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public

**COUNCIL DECISION ITEM 17.1**



**Moved: Cr Castle, Seconded: Cr Wallace**

**That the recommendation be adopted.**

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

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

**REPORTS WITH DISCUSSION****11.7 OUTCOME OF COMMUNITY CONSULTATION ON NAMING OF BANKS RESERVE**

- Attachments:
1. Community Consultation on Naming of Banks Reserve - Summary of Submissions 
  2. Consultation timeline for Banks Reserve naming 

**RECOMMENDATION:**

That subject to the endorsement of the Boordiya Reference Group Council APPROVES the submission of an application to Landgate to rename Banks Reserve to Warndoolier.

**COUNCIL DECISION ITEM 11.7**

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

That the recommendation be adopted.

**CARRIED (8-0)**

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

**Against:** Nil

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

**9.4 NO. 25 (LOTS: 26 AND 122; PLAN: 4576) MOIR STREET, PERTH - ALTERATIONS AND ADDITIONS TO SINGLE HOUSE (UNAUTHORISED EXISTING DEVELOPMENT)****Ward:** South

- Attachments:**
1. Consultation and Location Plan 
  2. Development Plans 
  3. Heritage Impact Statement 
  4. 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 Alterations and Additions to Single House relating to Proposed Fence, and Existing Unauthorised Development including Demolition of Outbuilding and Front Fence; Relocation of Meter Box; and Removal of Tiles to Verandah and Replacement with Decking at No. 25 Moir Street, Mount Lawley (Lots: 26 and 122; Plan: 4576), as shown in Attachment 2, subject to the following conditions and advice notes included in Attachment 4:

1. This approval is for Alterations and Additions to Single House as shown on the approved plans dated 3 August 2023, 28 September 2023 and 8 November 2023 as follows:

- 1.1 Existing Unauthorised Development consisting of the following:

- a) Demolition of the painted sheet metal, timber and masonry outbuilding to the western lot boundary northwest boundary of the subject site and the right of way;
- b) Demolition of the existing masonry and timber front fence to the Moir Street elevation of the subject site;
- c) Relocation of the power meter box from the Moir Street façade to the south western elevation of the dwelling; and
- d) Removal of tiles from the front stairs and front verandah to the Moir Street elevation, and replacement with timber decking; and

- 1.2 Proposed Alterations and Additions to Single House consisting of the following:

- a) Front fence and landscaping to the Moir Street elevation of the subject site;

No other development forms part of this approval;

2. The fence to Moir Street shall not exceed a maximum height of 1.2 metres above the footpath level of Moir Street, as annotated on the approved plans, to the satisfaction of the City;
3. The planter box component of the fence to the Moir Street elevation of the subject site shall not exceed a height of 0.5 metres above the footpath level of Moir Street, as annotated on the approved plans, to the satisfaction of the City;
4. Prior to the lodgement of a building permit, a schedule providing detailed specifications of the colours of the fence to Moir Street, consistent with the annotations on the approved plans, must be submitted to, and approved by the City. The front fence shall be constructed in accordance with the approved schedule, to the satisfaction of the City; and
5. Within 28 days of the date of this determination, the meter box to the southwest elevation of the house shall be painted the same colour as the wall it is attached to so as to not be visually obtrusive, to the satisfaction of the City.

**COUNCIL DECISION ITEM 9.4**

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

**That the recommendation be adopted.**

**CARRIED (8-0)**

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






**Against:** Nil

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



At 6:39pm, Cr Ashley Wallace left the meeting due to a previously declared proximity interest.

#### 9.5 REVIEW OF LOCAL PLANNING POLICIES - POLICY NOS. 7.6.1 - 7.6.9 - HERITAGE MANAGEMENT

- Attachments:
1. Draft Local Planning Policy: Development Guidelines for Heritage Places 
  2. Draft Local Planning Policy: Assessing Cultural Heritage Significance 
  3. Draft Local Planning Policy: Interpretive Signage for Heritage Places and Places of Interest 
  4. Draft Local Planning Policy: Amending the Local Heritage Survey, Heritage List and Designating Heritage Areas 
  5. Schedule of Modifications - Heritage Policies 

#### RECOMMENDATION:

That Council:

1. PREPARE and PUBLISH a notice of amendments to the following local planning policies for the purpose of advertising, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - 1.1 Policy No. 7.6.1 – Heritage Management - Development Guidelines for Heritage and Adjacent Properties;
  - 1.2 Policy No. 7.6.2 – Heritage Management – Assessment;
  - 1.3 Policy No. 7.6.4 – Heritage Management – Interpretive Signage; and
  - 1.4 Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI); and
2. PREPARE and PUBLISH a notice of revocation for the following policies, for the purpose of advertising, pursuant to Schedule 2, Part 2, Clause 6 of of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - 2.1 Policy No. 7.6.6 – Heritage Management – The Heritage List (Municipal Heritage Inventory);
  - 2.2 Policy No. 7.6.7 – Heritage Management – Municipal Heritage Inventory Incentives and Development Bonuses;
  - 2.3 Policy No. 7.6.8 – Heritage Management – Dealing with Enquiries Regarding the Heritage Status of Properties; and
  - 2.4 Policy No. 7.6.9 – Heritage Assistance Fund; and
3. NOTES that any submissions received during the community consultation period would be presented to Council for consideration.

**COUNCIL DECISION ITEM 9.5**

**Moved: Cr Worner, Seconded: Cr Woolf**

**That the recommendation be adopted.**

**CARRIED (7-0)**

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

**Against:** Nil

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

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

At 6:40pm, Cr Ashley Wallace returned to the meeting.

**9.6 ADVERTISING OF NEW POLICY - HEALTHY FOOD AND DRINK POLICY**

- Attachments:
1. Draft Healthy Food and Drink Policy 
  2. Policy Implementation Guide (Supporting Document) 

**RECOMMENDATION:**

That Council APPROVES the proposed '*Healthy Food and Drink Policy*', at Attachment 1, for the purpose of community consultation.

**COUNCIL DECISION ITEM 9.6**

**Moved: Cr Woolf, Seconded: Cr Worner**

That the recommendation be adopted.

**CARRIED (8-0)**

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

**Against:** Nil

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

**9.7 REQUEST TO EXCISE, SELL AND AMALGAMATE PORTION OF RESERVE 25675  
(ADJACENT TO NO. 404 BULWER STREET, WEST PERTH)**

- Attachments:
1. Aerial and Indicative Location of Encroachment 
  2. Site Survey Including Area of Encroachment 

**RECOMMENDATION:**

That Council advises Department of Planning Lands and Heritage that it **SUPPORTS:**

1. The excise, sale and amalgamation of a portion of Reserve 25675 identified as Lot 802 on Deposited Plan 166938, Certificate of Title Volume LR3155 Folio 624 and known as Lot 802 Vincent Street, West Perth with the adjacent property known as No. 404 (Lot 20) Bulwer Street, West Perth to the extent of encroachment; and
2. Relinquish of the existing management order and grant of a new management order over Reserve 25675 following the boundary realignment.

**COUNCIL DECISION ITEM 9.7**

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

That the recommendation be adopted.

**CARRIED (7-1)**

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

**Against:** Cr Wallace

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

At 6:55pm, A/Manager Development & Design left the meeting and did not return.

At 6:55pm, A/Manager Strategic Planning & Specialist Planner let the meeting and did not return.

At 6:55pm, Cr Ashley Wallace left the meeting due to a previously declared proximity interest.

#### 10.1 LICENCE TO MINISTER FOR EDUCATION - USE OF BIRDWOOD SQUARE BY HIGHGATE PRIMARY SCHOOL

Attachments: 1. Licence Area - Birdwood Square   
2. Birdwood Square Licence - Annual Fee 

#### RECOMMENDATION:

That Council:

1. APPROVES the City granting a licence to Minister for Education for the use of Lot 123 on Diagram 12063 and known as 301 Beaufort Street, Perth by Highgate Primary School, as shown in Attachment 1, on the following key terms:

- |     |                          |   |
|-----|--------------------------|---|
| 1.1 | Term:                    | 10 years  |
| 1.2 | Licence Area:            | 19,249 m <sup>2</sup>   |
| 1.3 | Licence fee:             | \$19,013 per annum plus GST, indexed by CPI annually on 1 July  |
| 1.4 | Permitted use:           | Non-exclusive priority use for Highgate Primary School to use the Licence Area for sporting and recreational use                    |
| 1.5 | Authorised times of use: | Between 8.00 am to 4.00 pm on school days or such other times as agreed between the City and the Minister (or their representative) |
| 1.6 | Insurance:               | Public liability insurance to a minimum value of \$20,000,000 (per claim)   |
| 1.7 | Maintenance:             | Highgate Primary School must ensure that the Licence Area is kept clean and free from rubbish after each use                        |
| 1.8 | Access                   | The City and public utilities may access the Licence Area at any time in connection with its respective services                    |

2. AUTHORISES the Chief Executive Officer to negotiate the Licence Agreement with the Minister for Education and NOTES that the agreement will be executed in accordance with the Execution of Documents Policy.

At 7:08pm, the Executive Manager Communications & Engagement left the meeting and did not return.

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

**That the recommendation be adopted.**

**AMENDMENT 1****Moved:** Cr Hallett, **Seconded:** Cr Castle

That the Recommendation 1 be amended as follows:

1. APPROVES the City granting a licence to Minister for Education for the use of Lot 123 on Diagram 12063 and known as 301 Beaufort Street, Perth by Highgate Primary School, as shown in Attachment 1, on the following key terms:

1.1	Term:	10 years
1.2	Licence Area:	19,249 m <sup>2</sup>
1.3	Licence fee:	\$19,013 per annum plus GST, indexed by CPI annually on 1 July
1.4	Permitted use:	Non-exclusive priority use for Highgate Primary School to use the Licence Area for sporting and recreational use
1.5	Authorised times of use:	Between 8.00 am to 4.00 pm on school days or such other times as agreed between the City and the Minister (or their representative)
1.6	Insurance:	Public liability insurance to a minimum value of \$20,000,000 (per claim)
1.7	Maintenance:	Highgate Primary School must ensure that the Licence Area is kept clean and free from rubbish after each use
1.8	Access	The City and public utilities may access the Licence Area at any time in connection with its respective services
1.9	<b>Reciprocity</b>	<b>Mutually agreed community use of the Highgate Primary School grounds during daylight hours, outside of school hours</b>

**REASON:**

It has been a long-standing concern when public schools close off their facilities to community use outside of school hours. This is an opportunity to provide increased community benefit in the absence of additional POS and sports facilities in this neighbourhood.

**ADMINISTRATION COMMENT:**

The principle of reciprocity of use is supported by Administration with the understanding that the management and duty of care requirements of local government controlled public open space is different to that of Department of Education school land. Unfettered community access to a school site is unlikely due to a number of security and other risks, however the opportunity for controlled access on a mutually agreed basis would be desirable.

**CARRIED (7-0)****For:** Mayor Xamon, Cr Castle, Cr Worner, Cr Woolf, Cr Hallett, Cr Greer and Cr La Fontaine**Against:** Nil**(Cr Alexander was an apology for the Meeting.)****(Cr Wallace was absent from the Council Chamber and did not vote.)**

**AMENDMENT 2**

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

**That a new Recommendation 3 be inserted as follows:**

- 3. REQUESTS the Chief Executive Officer to present the design for the proposed toilet in Birdwood Square to the City's Design Review Panel (or Chair) for comment and present any feedback along with the City's response to a Council Workshop prior to commencing construction.**

**REASON:**

While this is City infrastructure that does not require Development Approval through Council it is nonetheless a structurally significant and highly visible development on public land. Australian standards for public toilets are necessary but insufficient guidance for quality design in the public realm. We expect a high standard of design from our ratepayers and City infrastructure should set an example.

**ADMINISTRATION COMMENT:**

Supported.

Administration will endeavour to have feedback from Design Review Panel sources for presentation to the next available Council Workshop, noting that procurement has progressed, and the project is subject to grant funding deadlines.

**CARRIED (7-0)**

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

**Against:** Nil

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

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

**COUNCIL DECISION ITEM 10.1**

That Council:

1. **APPROVES** the City granting a licence to Minister for Education for the use of Lot 123 on Diagram 12063 and known as 301 Beaufort Street, Perth by Highgate Primary School, as shown in Attachment 1, on the following key terms:
  - 1.1 **Term: 10 years**
  - 1.2 **Licence Area:** 19,249 m<sup>2</sup>
  - 1.3 **Licence fee:** \$19,013 per annum plus GST, indexed by CPI annually on 1 July
  - 1.4 **Permitted use:** Non-exclusive priority use for Highgate Primary School to use the Licence Area for sporting and recreational use
  - 1.5 **Authorised times of use:** Between 8.00 am to 4.00 pm on school days or such other times as agreed between the City and the Minister (or their representative)
  - 1.6 **Insurance:** Public liability insurance to a minimum value of \$20,000,000 (per claim)
  - 1.7 **Maintenance:** Highgate Primary School must ensure that the Licence Area is kept clean and free from rubbish after each use
  - 1.8 **Access:** The City and public utilities may access the Licence Area at any time in connection with its respective services
  - 1.9 **Reciprocity:** Mutually agreed community use of the Highgate Primary School grounds during daylight hours, outside of school hours
2. **AUTHORISES** the Chief Executive Officer to negotiate the Licence Agreement with the Minister for Education and **NOTES** that the agreement will be executed in accordance with the Execution of Documents Policy.
3. **REQUESTS** the Chief Executive Officer to present the design for the proposed toilet in Birdwood Square to the City's Design Review Panel (or Chair) for comment and present any feedback along with the City's response to a Council Workshop prior to commencing construction.

**CARRIED (7-0)**

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

**Against:** Nil

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



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

At 7:12pm, Cr Ashley Wallace returned to the meeting.

At 7:13pm, the Manager of Community Facilities left the meeting and did not return.



**12.1 COUNCIL RECESS PERIOD 2023-2024 - RECEIVING OF ITEMS DEALT WITH UNDER DELEGATED AUTHORITY BETWEEN 13 DECEMBER 2023 AND 5 FEBRUARY 2024**

- Attachments:**
1. RFT272/2023 Robertson Park Redevelopment Stage 1 - Separable Portion A Construction 
  2. RFT272/2023 Robertson Park Redevelopment Stage 1 - Separable Portion A Construction - Attachment 1 - Confidential
  3. Tender RFT IE216/2022 Traffic Management Services 
  4. Tender RFT IE216/2022 Traffic Management Services - Attachment 1 - Confidential

**RECOMMENDATION:**

That Council RECEIVES the report on the items of business dealt with under delegated authority during the over the Council recess period, 13 December 2023 and 5 February 2024:

1. RFT 272/2023 Robertson Park Redevelopment Stage 1 – Separable Portion A Construction; and
2. Tender No. IE216/2022 Traffic Management Services.

**COUNCIL DECISION ITEM 12.1**

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

That the recommendation be adopted.

**CARRIED (8-0)**

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

**Against:** Nil

**(Cr Alexander 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**

This item was approved en bloc

**18 CLOSURE**


There being no further business, the Presiding Member, Mayor Alison Xamon, declared the meeting closed at 7:15pm with the following persons present:

<b>PRESENT:</b>	Mayor Alison Xamon	Presiding Member
	Cr Alex Castle	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
<b>IN ATTENDANCE:</b>	David MacLennan	Chief Executive Officer
	Peter Varris	Executive Director Infrastructure & Environment
	Jay Naidoo	A/Executive Director Strategy & Development
	Carrie Miller	Corporate Strategy and Governance Officer
	Joslin Colli	Executive Manager Corporate Strategy & Governance

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

These Minutes were confirmed at the 19 March 2024 meeting of Council as a true and accurate record of the Ordinary Meeting of the Council Meeting (Ordinary and Special) held on 13 February 2024.

Signed: Mayor Alison Xamon



Dated