



CITY OF VINCENT

NOTES

Council Briefing

6 December 2022

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**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AS E-MEETING AND AT THE
ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 6 DECEMBER 2022 AT 6.00PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Jonathan Hallett Cr Dan Loden Cr Ashley Wallace Cr Suzanne Worner Cr Ron Alexander Cr Ross Ioppolo</p>	<p>Presiding Member South Ward North Ward South Ward North Ward South Ward North Ward North Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan John Corbellini Rhys Taylor Peter Varris Jay Naidoo Tara Gloster Luke McGuirk Jade Olnyk Chris Dixon Mark Fallows Lisa Williams Courtney Aylett Ian Mickle John Del Dosso Kevin Donnelly Wendy Barnard</p>	<p>Chief Executive Officer (left at 8.16pm after Item 8.5) Executive Director Strategy & Development (electronically) (left at 8.15pm after Item 8.5) Chief Financial Officer (left at 8.16pm after Item 8.5) A/Executive Director Infrastructure & Environment Manager Development & Design (left at 6.40pm after Item 5.8) Manager Policy and Place (left at 7.15pm after Item 5.9) Manager Engineering (left at 7.30pm during Item 6.2) Jackson McDonald (electronically) left at 7.47pm after Item 6.3) Project and Strategy Officer, Ranger Services (electronically) (left at 7.47pm after Item 6.3) Manager Built Environment & Wellbeing (electronically) (left at 7.47pm after Item 6.3) Manager Marketing & Partnerships (left at 8.08pm during Item 8.4) Community Development Advisor - Children, Young People & Funding (left at 7.52pm after Item 7.5) Cygnet West (Item 5.9 only) (left at 7.13pm after Item 5.9) Cygnet West (Item 5.9 only) (left at 7.13pm after Item 5.9) Stantons (Item 5.9 only) (left at 7.13pm after Item 5.9) Council Liaison Officer</p>
Public:	Three members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following is a summary of questions and submissions received and responses provided at the meeting. This is not a verbatim record of comments made at the meeting.

3.1 Melissa Ledger of Mt Hawthorn - Item 5.5

- Stated she is the director of Cancer Prevention and Research at the Cancer Council
- Spoke in support of the recommendations
- Commended the City for progressing this matter and stated that this will help meet the objectives of the Public Health Plan
- Cancer Council is very supportive of this policy, as tobacco use is the single largest cause of preventable disease in Australia. Reducing the supply and use of tobacco and related products is a crucial step in increasing smoke free environments, supporting healthy life styles and reducing chronic disease risk factors
- Stated that once this policy is finalised it may set a significant precedent to illustrate the role of local government has on integrating public health with planning considerations
- Stated that Local Planning Frameworks should reflect public health and the needs of the community
- Mentioned that they are supportive of longer term plan to progress a scheme amendment which would further restrict smoking related uses and land uses in the City

The Presiding Member, Emma Cole, thanked Ms Ledger for her engagement and comments.

3.2 Dudley Maier of Highgate – Items 7.6, 11.1 and 5.6

Item 7.6

- Stated that he is concerned about the AGM being held at the Mt Hawthorn Main Hall
- Mentioned that the Administration Centre has better facilities for parking, public speaking and streaming of the meeting

Item 11.1

- Urged Council to not automatically renew the CEO's contract
- Believes the job should be advertised and the CEO be invited to apply

Item 5.6

- Stated that on page 2 it is claimed the tagline “Vibrant, diverse and sustainable” is unique to Vincent, which is not true

The Presiding Member, Emma Cole, thanked Mr Maier for his comments.

There being no further speakers, Public Question Time closed at approximately 6.07pm.

4 DECLARATIONS OF INTEREST

- 4.1 Cr Alex Castle declared a proximity interest in Item 8.3 Vincent Underground Power Project - five additional project areas. The extent of the interest is that her property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. She is seeking approval to participate in debate and vote in the matter.
- 4.2 Cr Dan Loden declared a proximity interest in Item 8.3 Vincent Underground Power Project - five additional project areas. The extent of the interest is that his property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately he is seeking approval to participate in debate and vote in the matter.
- 4.3 Mayor Emma Cole declared a proximity interest in Item 8.3 Vincent Underground Power Project - five additional project areas. The extent of the interest is that her property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. She is seeking approval to participate in debate and vote in the matter.
- 4.4 Cr Ross Ioppolo declared a proximity interest in Item 8.3 Vincent Underground Power Project - five additional project areas. The extent of his interest in this matter is that his property is within the Project Zone, albeit on a main road where the likely benefits of the Project may be somewhat limited. Transmission lines are located on main roads and he is advised that the full benefit of the Project, to his residence, may be limited as compared to other properties. This is an interest in common with a significant number of ratepayers covering an estimated 10,482 electricity service meters to properties in the City of Vincent. Underground power may provide an estimated increase in property value of approximately \$12,000 per residential property but it is unclear whether this would apply to my property. He is seeking approval to participate in debate and vote in the matter.
- 4.5 Cr Suzanne Worner declared a financial interest in Item 11.2 Authorisation of Expenditure for the Period 1 October 2022 to 31 October 2022. The extent of her interest is that she is Director of Upbeat events who were the event managers for the City for the WAFL Grand Final. She is not seeking approval to participate in debate and vote in the matter.

5.5 LOCAL PLANNING POLICY: RESTRICTED PREMISES - SMOKING

- Attachments:**
1. **Advertised Draft Local Planning Policy: Restricted Premises - Smoking**
 2. **Summary of Submissions**
 3. **Local Planning Policy: Restricted Premises - Smoking (Tracked)**
 4. **Local Planning Policy: Restricted Premises - Smoking**

RECOMMENDATION:

That Council PROCEEDS with Local Planning Policy: Restricted Premises – Smoking, pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* at Attachment 4.

CR HALLETT:

Can the full consultation submission please be made public?

MANAGER POLICY & PLACE:

This has been added as an attachment to the Council report.

7.6 DRAFT ANNUAL REPORT 2021/2022

- Attachments:**
1. Draft Annual Report 2021/2022
 2. CEO KIPs 2022

RECOMMENDATION:

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2021/2022 Financial Year, included as Attachment 1;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** an Annual Meeting of Electors of the City of Vincent to be held on Thursday 2 February 2023 at 5:30pm at the Mount Hawthorn Town Hall, to present the City of Vincent Annual Report for the 2021/2022 Financial Year; and
3. **NOTES** that:
 - 3.1 the City of Vincent Annual Report may be subject to further formatting and styling, to be determined by the Chief Executive Officer prior to publication, as well as the inclusion of the final 2021/22 Financial Statements following review by the Audit Committee;
 - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the Annual Meeting of Electors to be held on 2 February 2023, and of the availability of the City of Vincent Annual Report for the 2021/2022 financial year, and will make the report available on the City of Vincent website within fourteen days; and
 - 3.3 pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2021/2022 Financial Year, inclusive of the Annual Financial Report for the same period, and the associated Auditor's Report.

CR IOPPOLO:

Include note in annual report to reflect that senior staff have left.

A/EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

The Local Government Act 1995 specifies the mandatory content of a local government Annual Report, with focus on information relevant to the year under review. Information in respect to the organisational structure and the identity of senior management (with the exception of the CEO) is not mandated content, but is included by the City to enhance the information available to the reader.

Including content beyond the year under review risks confusing the document. It is acknowledged that one Director had tendered resignation in the period under review, and as consequence the Report will be amended to reflect this.

CR IOPPOLO:

Need to change former Cr Sally Smith end date in report.

MANAGER MARKETING AND PARTNERSHIPS:

The Annual Report has been updated to reflect Cr Smith's term.

CR HALLETT:

On Page 41 the list of informing strategies and plans, which I suspect is not meant to be exhaustive, but it is not the same as the subsequent full-page summary of plans and also there is no public health plan, Just wondering if that was purposeful or could be included?

MANAGER MARKETING AND PARTNERSHIPS:

The Public Health Plan has been added to the list of informing strategies on page 41. The subsequent pages detail progress on a selection of key strategies for the year. A lot of groundwork was done on the Public Health Plan during 2012-2022 including applications for grant funding, relationship building and policy development. Next year's Annual Report will feature the Public Health Plan implementation including the successful launch of Smoke Free Town Centres.

5.6 DRAFT STRATEGIC COMMUNITY PLAN 2022 - 2032

- Attachments:
1. Community Engagement Summary Report
 2. Draft Strategic Community Plan 2022 - 2032

RECOMMENDATION:

That Council **AUTHORISES** the Chief Executive Officer to advertise the Draft Strategic Community Plan at Attachment 2 for public comment for a period of not less than 28 days.

MAYOR COLE:

'Power lines in residential streets are undergrounded', does this relate to more than residential streets?

MANAGER POLICY & PLACE:

Enhanced Environment objective has been amended:

Power lines ~~in residential streets~~ are undergrounded

MAYOR COLE:

'More people living in and enjoying our town centres' – should that include working?

MANAGER POLICY & PLACE:

Sensitive Design objective has been amended:

*More people living in, **working in** and enjoying our town centres*

MAYOR COLE:

Fairness in procurement – is this reflected?

MANAGER POLICY & PLACE:

Innovative and Accountable objective has been amended:

*We deliver our services, projects and programs in the most **inclusive**, efficient, effective and sustainable way possible*

MAYOR COLE:

'We engage with our community so they are aware in what we are doing' - should aware change to involve?

MANAGER POLICY & PLACE:

Innovative and Accountable objective has been amended:

*Innovative and Accountable: We engage with our community so they are ~~aware~~ **involved** in what we are doing and how we are meeting our goals.*

MAYOR COLE:

How does that meet the IAP2 spectrum?

MANAGER POLICY & PLACE:

The following has been added to the Council report:

A core principle of the Community and Stakeholder Engagement Strategy is to meaningfully include the community in the decision-making process. This is achieved by understanding who should be involved, engaging them as early as possible, and making them aware of the level of influence based on the IAP2 Spectrum of Public Participation.

MAYOR COLE:

Innovative doesn't appear – replace different with innovative?

MANAGER POLICY & PLACE:

Innovative and Accountable objective has been amended:

*We embrace good ideas or ~~different~~ **innovative** approaches to our work to get better outcomes for the City and our community*

MAYOR COLE:

How was the tagline decided?

MANAGER POLICY & PLACE:

The following has been added to the Council report:

A survey was sent to Elected Members, the community panel and administration staff to select the three adjectives contained within the vision (leafy, vibrant, 24 hour city, quality design, sustainability, diverse, supported, innovative) that best represents Vincent.

Vibrant (80 percent), Diverse (56 percent), and Sustainable (44 percent) were the most popular responses.

'Vibrant' Diverse & Sustainable' is recommended to be included as a tag line to represent Vincent and highlight the organisation's purpose.

MAYOR COLE:

Does the word 'all' reflect decisions that are not always aligned with our strategic direction?

MANAGER POLICY & PLACE:

Innovative and Accountable objective has been amended:

Our decision-making process is consistent and transparent, and ~~all~~ decisions are aligned to our strategic direction

CR IOPPOLO:

Does the size of the word clouds represent the frequency of the word?

MANAGER POLICY & PLACE:

Yes, upon review of this, the Innovative and Accountable objective has been amended:

*We deliver our services, projects and programs in the most **inclusive**, efficient, effective and sustainable way possible*

5.1 NO. 107 - 109 (LOTS: 1 - 2; S/P 1896) SUMMERS STREET, PERTH - SECTION 31 STATE ADMINISTRATIVE TRIBUNAL RECONSIDERATION - PROPOSED SIX GROUPED DWELLINGS

Ward: South

- Attachments:**
1. Consultation and Location Map
 2. Development Plans for Reconsideration
 3. 3D Perspectives
 4. Applicant's Written Response to Refusal Reasons
 5. 20 September 2022 Council Minutes and Refused Plans
 6. Summary of Submissions - Administration's Response
 7. Summary of Submissions - Applicant's Response
 8. Urban Design Study
 9. Environmentally Sustainable Design Report
 10. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision dated 20 September 2022 and SUBSTITUTES its new decision to, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVE the application for Six Grouped Dwellings at No. 107-109 (Lots: 1 – 2; S/P: 1896) Summers Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Development Plans

This approval is for Six Grouped Dwellings as shown on the approved plans dated 16 November 2022. 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 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. Visual Privacy

4.1 Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply provisions, to the satisfaction of the City; and

4.2 Prior to occupancy or use of the development, permanent fixed cabinetry no less than 600 millimetres in width shall be provided against the western wall of the 'Kitchen' of Unit 6, to the satisfaction of the City;

5. Colours and Materials

5.1 Prior to first occupation or use of the development, 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, and thereafter maintained, to the satisfaction of the City; and

- 5.2 The metre boxes are to be painted the same colour as the wall they are attached so as to not be visually obtrusive, to the satisfaction of the City;

6. Landscaping

- 6.1 An updated landscaping plan including deep soil and planting areas that are consistent with the development plans dated 16 November 2022 shall be submitted to and approved by the City prior to the issuing of a building permit;
- 6.2 All landscaping works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City;
- 6.3 Prior to the first occupation of the development, the redundant or “blind” crossovers 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; and
- 6.4 Prior to first occupation of the development, one additional tree shall be provided along the eastern boundary of the site where they do not provide conflict with vehicle manoeuvring to the City’s satisfaction. Evergreen species shall be provided and should seek to maximise canopy cover;

7. 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;

8. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within 1.5 metres of where:

- Walls, letterboxes or fences adjoin vehicle access points to the site; or
- A driveway meets a public street; or
- Two streets intersect;

Unless otherwise approved by the City of Vincent;

9. Car Parking and Access

- 9.1 The layout and dimensions of all driveways and parking areas shall be in accordance with AS2890.1;
- 9.2 All driveways, car parking and manoeuvring areas which form part of this approval shall be sealed, drained, paved and line marked 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;
- 9.3 Prior to the occupation or use of the development, one visitor parking bay shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City; and
- 9.4 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 yards, where provided;

10. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to issue of a building permit. This plan is to detail how construction 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;
- The impact on traffic movement;
- Notification to affected land owners; and
- Construction times.

The approved Construction Management Plan shall be complied with for the duration of the construction of the development; and

11. Noise Attenuation Requirements

11.1 Prior to the issue of a building permit a detailed Noise Management Plan must be submitted to and approved by the City which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' (SPP5.4). The report must be prepared by a suitably qualified and competent person in accordance with the SPP5.4; and

11.2 Prior to occupation or use of the development, the development shall incorporate all noise mitigation measures as outlined in the noise management plan or quiet house design package, to the satisfaction of the City.

NO QUESTIONS

5.2 NO. 188 (LOT: 1; D/P: 33790) VINCENT STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO PLACE OF WORSHIP**Ward: South****Attachments:**

1. Consultation and Location Plan
2. Development Plans
3. Images of Subject Site
4. Heritage Impact Statement
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 development application for Alterations and Additions to Place of Worship at No. 188 (Lot: 1; D/P: 33790) Vincent Street, North Perth, in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Development Plans

This approval is for Alterations and Additions to Place of Worship as shown on the approved plans dated 11 November 2022 and 16 November 2022. No other development forms part of this approval;

2. 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;

3. Colours and Materials

3.1 The colours, materials and finishes of the development shall be in accordance with the details as indicated on the approved plans, to the satisfaction of the City; and

3.2 The glazing to the covered walkway and Narthex shall provide a minimum of 70 percent visible light transmission to provide unobscured visibility;

4. Demolition Works

The deconstruction of the confessional and new openings to the Tribune Screen wall shall be undertaken with care. As much of the fabric as possible, including limestone should be retained for reuse, to the satisfaction of the City;

5. Internal Modifications

All internal modifications to significant fabric shall be carried out in a like for like manner that matches existing materials, profiles and finishes, to the satisfaction of the City;

6. Documented Record

Within 28 days of completion of the approved works, a photographic record of the works undertaken (internal and external) shall be submitted to the City for inclusion in its Historical Archive Collection, to the satisfaction of the City; and

7. Door Hardware

Prior to the issue of a Building Permit a schedule shall be submitted to and approved by the City, providing specifications and locations of the proposed new door hardware. Original

door hardware shall be retained on the door alongside new hardware where compliance with the National Construction Code can be achieved.

ADDITIONAL INFORMATION:**MANAGER DEVELOPMENT & DESIGN:**

Determination Advice Notes included as Attachment 5 to the officer report has been updated to include Advice Note 7. This Advice Note confirms the proposed conservation works that are exempt from the need to obtain development approval under Clause 61(1) of the Planning and Development (Local Planning Scheme) Regulations 2015 and as referenced in the officer report.

5.3 NO. 21A (LOT: 25; D/P: 2422) VIEW STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO COMMERCIAL PREMISES (SIGNAGE)**Ward:** South**Attachments:**

1. Consultation and Location Plan
2. Development Plans
3. Applicant's Heritage Impact Statement
4. Historical Image of Signage
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 Alterations and Additions to Commercial Premises (Signage) at No. 21A (Lot: 25; D/P: 2422) View Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Development Plans

This approval is for Alterations and Additions to Commercial Premises (Signage) as shown on the approved plans dated 1 November 2022. No other development forms part of this approval;

2. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details as indicated on the approved plans, to the satisfaction of the City; and

3. Signage

3.1 All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained;

3.2 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;

3.3 The signage shall not be illuminated: and

3.4 All signage shall advertise the business operating, or products or services that are available on the site, for the duration of its display on-site and to the satisfaction of the City.

ADDITIONAL INFORMATION:**MANAGER DEVELOPMENT & DESIGN:**

Condition 1 has been updated to correctly reference the date of the plans that are the subject of this application.

5.4 NO. 138B (LOT: 1; STR: 12047) OXFORD STREET, LEEDERVILLE - SIGNAGE ADDITION TO ELECTRIC LANE**Ward: South****Attachments:**

1. Consultation and Location Map
2. Development Plans
3. 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 Unlisted Use (Signage Addition to Electric Lane) at No. 138B (Lot: 1; STR: 12047) 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 3:

1. Development Plans

This approval is for Unlisted Use (Signage Addition to Electric Lane) as shown on the approved plans dated 23 June 2022. No other development forms part of this approval;

2. Signs and Advertising Policy

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained;

3. Signage Illumination

Illuminated signage shall:

3.1 not cause a nuisance, by way of light spillage, to abutting sites;

3.2 not comprise flashing, intermittent or running lights, or images that change more than once in any five minute period; and

3.3 not interfere with or be likely to be confused with, traffic control signals;

4. Maintenance

All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and

5. Access and Indemnity

Prior to the lodgement of a Building Permit for the proposed development on No. 138B Oxford Street, Leederville ("the land"):

5.1 the owner of the land shall enter into an agreement for access and indemnity (Agreement) with the City of Vincent ("the City") whereby the owner:

5.1.1 Indemnifies the City against any loss or damage to any property or thing or death or injury to any person in accordance with the terms of the Agreement;

5.1.2 Agrees to take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the City; and

5.2 The owner shall maintain at its cost the development constructed over the road reserve to the satisfaction of the City.

MAYOR COLE:

It is not clear if it is a neon sign or if it would have some kind of backlighting?

Is a perspective of day time vs night time able to be provided?

MANAGER DEVELOPMENT & DESIGN:

The Oxford Street frontage of the sign is proposed to be made up of acrylic lettering with Neonflex attached to the lettering. Neonflex is also attached to the shape at the centre of the proposed sign. The Neonflex would be the only illuminated element of the sign. The acrylic lettering would not be illuminated.

The Electric Lane frontage of the sign would not be illuminated.

The applicant has provided the below perspective of the sign at night. This has been included in the development plans being Attachment 2 to the officer report.

The perspective of the sign at day time taken from the development plans has also been included below.



CR WALLACE:

Condition 3.1 – how will that be measured and assessed?

MANAGER DEVELOPMENT & DESIGN:

The measurement of the impact of illuminated signage would be undertaken by the City's Health Service team through a site inspection. The City's Environmental Health Officers would use the Australian Standards

for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) as reference in making an assessment. This has been included as an advice note in Attachment 3 to the officer report.

In addressing complaints relating to illuminated signage under the Local Government Act s3.25, the City can issue a Notice to the applicant for the following:

13. *Take specific measures to prevent —*
- a) artificial light being emitted from the land; or*
 - b) natural or artificial light being reflected from something on the land, creating a nuisance.*

CR IOPPOLO:

Of the 11 responders that were in the positive, can you confirm if the two owners of the adjoining properties were included in the 11.

MANAGER DEVELOPMENT & DESIGN:

No submissions were received from the landowners of the adjoining properties.

CR IOPPOLO:

Given the City has care and control of the land, who is paying for the sign and the electricity?

MANAGER DEVELOPMENT & DESIGN:

The costs of the sign and the electricity are the responsibility of the applicant and the landowner of No. 138B Oxford Street.

CR IOPPOLO:

Does the public liability insurance referenced in Condition 5.1.2 specifically require naming the City of Vincent as an insured party such that it then ties into the indemnification noted in Condition 5.1.1 to an ability to pay via the insurance policy?

Does the agreement require that the applicant continually furnish the proof of insurance each year to ensure that this coverage is current?

A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The Agreement for Access and Indemnity prepared by Administration makes it an obligation for the applicant to provide public liability insurance of up to \$20million. Administration will include in the agreement for the City to be a named insured. If during the negotiations of the agreement, the applicant refuses this request, usually for reason that they would incur a higher premium, the City will request to be an interested party to the policy. It is important to note that it is unlikely that the City will want to expend costs to make a claim against the policy, rather, the City would make a claim against the applicant under the terms of the indemnity in the agreement. This is considered sufficient protection for the purpose of the agreement.

The applicant is under an obligation under the agreement to provide a copy of the certificate of currency when required by the City.

CR IOPPOLO:

Does the height of sign restrict regular service vehicles from accessing the laneway? Can you amend the notes under Public Use to include a reference to that because that note only refers to when we need to do major works?

MANAGER DEVELOPMENT & DESIGN:

Yes, the height of the sign does not restrict regular service vehicles from accessing Electric Lane. The officer report has been updated to reflect this under the Public Use section.

5.7 ARTS REBOUND: TOWN CENTRE ARTWORKS - LEEDERVILLE ARTWORK LOCATION

- Attachments:
1. Arts Rebound: Leederville Town Centre Artwork - Concept Design Proposal
 2. Arts Rebound: Leederville Town Centre Artwork - New Proposed Location

RECOMMENDATION:

That Council **ENDORSES** the new proposed location for the Arts Rebound: Leederville Town Centre Artwork at Attachment 2.

MAYOR COLE:

Bus route turns the opposite way.

MANAGER POLICY & PLACE:

The Council report has been updated to be clear that the issue occurs when buses and large vehicles move through this part of the road:

*When completing the design development phase, an issue was identified that buses and large vehicles travelling west on Newcastle Street often need to move into the median strip to **move through this part of the road.** ~~make the left turn onto Oxford Street.~~*

5.8 MOUNT HAWTHORN YOUTH SKATE SPACE

- Attachments:**
- 1. Mount Hawthorn Youth Skate Space - Preliminary Consultation Summary**
 - 2. Mount Hawthorn Youth Skate Space - Concept Plan**
 - 3. Mount Hawthorn Youth Skate Space - Concept Perspectives**
 - 4. Mount Hawthorn Youth Skate Space - Consultation Summary**

RECOMMENDATION:

That Council **ENDORSES** the Mount Hawthorn Youth Skate Space Concept Plan at Attachment 2.

NO QUESTIONS

5.9 REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF LEEDERVILLE CARPARKS: STAGE 2

- Attachments:**
1. **Redevelopment Proposals Process**
 2. **Redevelopment Proposals Selection Criteria**
 3. **Stage 2 Request for Detailed Proposals**
 4. **Probity Certificate**

RECOMMENDATION

That Council:

1. **APPROVES the Stage 2 Request for Detailed Proposals at Attachment 3 for the second stage of the Redevelopment Proposals process relating to The Avenue and Frame Court Car Parks, Leederville; and**
2. **AUTHORISES the Chief Executive Officer to engage an independent external accounting firm to conduct due diligence on the commercial and financial assessment undertaken relating to the Stage Two proponent submissions, prior to presenting the preferred proposal to Council for approval to advertise.**

At 6.40pm Manager Development & Design left the meeting and did not return.

MAYOR COLE:

Date of the meeting was 29 November, can this be updated in the Probity Certificate?

MANAGER POLICY & PLACE:

This is the date reflected on Page 3 of the Probity Certificate. The earlier date that is referenced in the Probity Certificate is the date of an earlier Council Workshop.

CR IOPPOLO:

Can the Probity Officer respectfully advise whether the scope of its and Stantons appointment includes regulation an impartial process for all Proponents and the City of Vincent, and that includes not prejudicing the likelihood of generating a financial outcome that is fair, reasonable and equitable for the City of Vincent?

PROBITY ADVISOR:

The scope was set via the CUA AFA2018 issued to Stantons on 6 April 2022 with our submission provided on 7 April 2022. The scope does not specifically detail this point and was not addressed in the proposal, which was accepted by the City on 8 April 2022.

CR IOPPOLO:

Can the Probity Officer respectfully confirm that the scope of the Probity Officer ordinarily includes due diligence assessment of the underlying beneficial interests of all shortlisted Proponents and any key partners so that the full extent of any potential conflicts may be identified by relevant stakeholders? Was this undertaken prior to short listing Proponents and if not, why?

PROBITY ADVISOR:

No, it does not normally include this assessment. It was not undertaken prior to shortlisting as it was not detailed as a scope item.

CR IOPPOLO:

Can the Probity Officer respectfully confirm whether he has undertaken a due diligence review to identify common interests or significant relationships between and amongst the short-listed Proponents that may result in a lack of commercial tension between bidders? If this has been done, was this done prior to the shortlisting of candidates? If this was not done, can we please receive an explanation as to why?

PROBITY ADVISOR:

No, this was not done. It was not undertaken as it was not detailed as a scope item.

CR IOPPOLO:

Can the Probity Officer respectfully advise the rationale as to why the City of Vincent seeking secondary advice from appointed advisers such as the fairness of the commercial/financial terms of any Proponent's bid (or legal advice as to drafting a proposed contract of sale to enforce qualitative design and build requirements) adversely affects the impartiality of the Leederville EOI process to the detriment of any Proponent, even though this assessment would be applied to all shortlisted Proponents submissions?

PROBITY ADVISOR:

City of Vincent followed an endorsed procurement and evaluation plan which transferred much of the responsibility for the conduct of the administrative function to the Commercial Advisor (Agent). A principle of sound probity oversight is that the endorsed key procurement documents which detail the steps to be followed during the overall process should not be amended after the release of the documents, as amendment raises questions relating to external influence and the potential to produce a different outcome to that which the original documentation would have produced. The endorsed processes are those which the probity advisor must follow and against which we prepare our probity certificate and as such, should not be amended to alter the subsequent procurement process. The proposed review by a secondary advisor was not contemplated in any of the key procurement documents. To introduce such an overlay, at this stage in the process, would constitute a probity risk as it would represent a change to a previously agreed process advised to the potential and actual proponents.

CR IOPPOLO:

In the event the Probity Officer's opinion in question 5 is it would compromise the existing process, please advise how this does not also compromise the City of Vincent's ability to seek a just and fair financial outcome for its ratepayers?

PROBITY ADVISOR:

The City of Vincent has every right to ensure that it achieves a just and fair financial outcome for its ratepayers. This is a two-stage process where significant responsibility has been delegated to the Evaluation Panel supported by the appointed Agent and where the steps in that process are following an agreed process, including advice to the potential and actual proponents via the terms and conditions of the EOI. The City would be able to take further steps in obtaining this level of security at the conclusion of the State 2 process. In my view, the process can be amended at that stage to provide for two sources of advice to Council following the completion of the Stage 2 Request for Detailed Proposal (RFDP) stage. These two sources of advice could be:

- *The formal report to Council from the Evaluation Panel supported by the Stage 2 probity certificate, and*
- *An independent financial analysis of the proposals prepared by a suitably qualified and experienced third-party financial analyst.*

CR IOPPOLO:

Has the Probity Officer requested disclosures of all Proposal Evaluation members, relevant City of Vincent staff and Elected Members contact with shortlisted Proponents and representatives and advisers, in relation to the subject matter of this EO, both prior to and after the EOI process has commenced? If not, why?

PROBITY ADVISOR:

All parties involved in the process have been requested by the CoV project team to submit conflict of interest declarations that declare any known or potential conflicts of interest and which are referred to the probity advisor for consideration and, where necessary, the development of a management plan. The probity advisor does not initiate this action but maintains a record of decisions made.

CR IOPPOLO:

Can the Probity Officer respectfully impart his opinion on whether under the existing EOI process, is it conceivable that all short-listed Proponents be eliminated bar one and then negotiations proceed with that Proponent on a materially different proposal that no bidder, including the remaining proponent, contemplated or explored? If so, in this scenario, can the Probity Officer speculate whether it is possible that all competitive tension and leverage may be lost in to the benefit of that remaining proponent and that this may likely disadvantage the City of Vincent in the realisation of an optimal financial result.

CHIEF EXECUTIVE OFFICER:

The Probity Advisor role is to document and certify that the City is following proper/due process and to provide probity advice on that process. To request the Probity Officer to speculate would be outside of their scope and engagement with the City.

The process is seeking to identify one preferred proponent which is most advantageous to the City to recommend to Council. The proposal would be based on the Stage 1 submission plus additional information provided in Stage 2, as well as an independent financial analysis of the proposals prepared by a suitably qualified and experienced third- party financial analyst and a Business Case prepared by the City setting out the financial impact for the City of the proposals.

If, based on that information, Council endorsed progressing with a preferred proposal, the Business Case would be publicly advertised before the submissions were presented back to Council to determine whether to then enter into a major land transition or major trading undertaking based on key contractual terms. The advertising of the Business Case would maintain a level competitive tension and leverage as it would allow anyone to make a submission on the proposal. Council would then consider the submissions, along with the key contractual terms to ensure they aligned with the Business Case endorsed at the time the preferred proposal was selected and did not include anything other proposals did not contemplate or explore.

CR IOPPOLO:

Under the existing EOI process, can the Probity Officer advise whether it is permissible for the City of Vincent to enforce the Proponents qualitative aspects of their development proposals as a condition of sale for any land disposed of (noting that the development application is likely to go to JDAP and therefore not within the City of Vincent's influence and control)?

PROBITY ADVISOR:

From a probity perspective, it would be quite reasonable to make these qualitative undertakings conditions of sale which could be monitored through the use of KPIs and other reporting mechanisms. It is called active contract management.

Confidential response circulated separately.

At 7.13pm Ian Mickle and John Del Dosso of Cygnet West and Kevin Donnelly of Stantons left the meeting and did not return.

At 7.15pm Manager Policy and Place left the meeting and did not return.

At 7:14 pm, Cr Dan Loden left the meeting.

At 7:16 pm, Cr Dan Loden returned to the meeting.

6.1 STORMWATER DRAINAGE

- Attachments:**
1. Drainage Technical memorandum - Confidential
 2. Ordinary Council Meeting Minutes 5 April 2022

RECOMMENDATION:

That Council **SUPPORTS** the City's approach to develop a stormwater drainage strategy over the next three (3) financial years relating to –

1. Engineering Design

- 1.1 Current capital budget provision of \$425K is allocated for drainage data capture and minor drainage capital work upgrades throughout the City of Vincent, commencing within the Mount Hawthorn precinct;
- 1.2 Hydraulic modeling costs ranging from \$80K - \$160k are planned to be spent within 2023 - 2024 financial year;
- 1.3 Climate Change scenario to be assessed based on the current drainage system anticipated be undertaken during the 2023 - 2024 financial year; and
- 1.4 Cost for drainage design and construction over a 10 year period to be prepared for 2024 - 2025 financial year onwards.

2. Engineering Operations

- 2.1 Current operational budget provision for 2022 - 2023 financial year is \$160k, allocated to external contractors for cleaning out stormwater drainage systems limited to the two hundred (200) hotspot flooding areas; and
- 2.2 Increase the Level of Service for cleaning out the stormwater drainage system using internal resources, (subject to the finalisation and approval of a business case) to mitigate the risk and severity of flooding.

MAYOR COLE:

I didn't see reference in the report to the fact that it was a Council Resolution. I did see the resolution attached but thought that probably could be mentioned in the introduction to the report.

MAYOR COLE:, Can the recommendation be written in a way that is perhaps seeking endorsement of things that are beyond our current approvals such as talking about money to be spent in the 2023/24 financial year, for example if it was to say to endorse this amount to be put into the Long Term Financial Plan I think that would be slightly different but I just thought perhaps the recommendation before us could be tightened up a little bit to be very clear about what it is that we are approving next Tuesday. I think it needs to be expressed differently or it could say that it asks us to amend the Long-Term Financial Plan to accommodate these things, which will then be considered in the forward budget years.

MANAGER ENGINEERING:

The council resolution from April 2022 has been included in background. The recommendation has been clarified to articulate the desired outcome from Council. Wording has also been included in the financial section of the report to clarify existing funding sources.

MAYOR COLE:

Foreshadowing an impartiality declaration as potentially in one of the 200 hundred hotspots. Foreshadowing potential after seeing the map.

MANAGER ENGINEERING:

Noted

CR WALLACE:

Could we get that mapping in the briefing notes?

MANAGER ENGINEERING:

This has been added at Attachment 3.

6.2 NEW PARKING LOCAL LAW 2023

Attachments: 1. Attachment 1 - Parking Local Law 2023 - Advertised copy

RECOMMENDATION:

That Council:

1. **GIVES** statewide and local public notice, in accordance with section 3.12 of the *Local Government Act 1995* stating that:
 - 1.1 It is proposed to repeal the *City of Vincent Parking and Parking Facilities Local Law 2007* and replace it with the *City of Vincent Parking Local Law 2023* at Attachment 1;
 - 1.2 The purpose of the *City of Vincent Parking Local Law 2023* is to provide for the regulation, control and management of parking and vehicles within the local government;
 - 1.3 The effect of this local law is to ensure that any person parking a vehicle within the City of Vincent is to comply with these provisions;
 - 1.4 Copies of the proposed local law are available for inspection at the City’s Administration & Civic Centre, Library and Local History Centre and on its website; and
 - 1.5 Submissions on the proposed local law may be made to the City within a period of not less than six weeks after public notice is given;
2. **NOTES** that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local laws and public notice will be provided to the Minister for Local Government; and
3. **NOTES** that any submissions received as a result of the public notice provided as set out in 1. Above will be presented to Council for consideration.

MAYOR COLE:

Can the letter from the Department and City response be included?

A/DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

This has been sent to Council Members separately due to the confidential nature of the correspondence.

MAYOR COLE:

As above, the request is for a Summary of changes from old Local Law to new Local Law. Is that something that could be summarised at a high level and included in the report?

CR IOPPOLO:

Has Administration prepared or intend to prepare a summary to show key changes to enhance community understanding of the changes?

PROJECTS AND STRATEGY OFFICER – RANGERS SERVICES:

Please see below summary of some of the key changes.

Summary of changes from Parking and Parking Facilities Local Law 2007 to Parking Local Law 2023

<p><i>Various new definitions added, some of which are:</i></p>	<p><i>Bicycle crossing and Bicycle crossing lights to give the City more flexibility should these be introduced, as it moves more towards ‘safe active streets’ etc Electronic parking detection device – with the introduction now of parking sensors</i></p>
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	<p>Entrance ticket machine, and Exit ticket Should the City, in the future, introduce parking facilities where these are required as the parking fee payment mechanism Parking app, Parking app zone, and Parking period to enable the City to introduce parking app zones School zone to enable tighter monitoring and clarity around schools and school times.</p>
<p>Penalty Increases</p>	<p>Various penalty increases have been applied ranging from 20% - 50% increase based on the considered severity of the offence.</p>

CR IOPPOLO:

Part of Administrations justification to replace the parking legislation was lower fees and maintenance costs and efficiencies in enforcement, yet this is not quantified under the financial budget implications heading, do we have a ballpark estimate of the costs and revenue upside as a result of the change? Could you also consider that when it comes to preparing the FY24 budget?

A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The new local law introduces initiatives and flexibilities with how the City can administer this local law and manage parking within the City. This may bring about efficiencies, savings and increased revenue but it is difficult to quantify these at this stage.

CR IOPPOLO:

There is a definition of vehicle and vehicles permitted to be parking in a parking bay under this new Local Law, are E-Scooters included in the definition of vehicle – and therefore would E-Scooters be liable to pay parking fees, should it be parked within our outside of a dedicated car parking bay?

PROJECTS AND STRATEGY OFFICER – RANGERS SERVICES:

The Road Traffic Code 2000 defines an “electric rideable device” as extracted below:

3A. Electric rideable devices

(1) An *electric rideable device* is a scooter, skateboard, or other vehicle, that —

- (a) has at least 1 wheel; and
- (b) is designed to be used by a single person; and
- (c) has an electric motor or motors; and
- (d) is fitted with an effective stopping system controlled by use of brakes, gears or motor control; and
- (e) when propelled only by the motor or motors, is not capable of going faster than 25 km/h on level ground; and
- (f) complies with the mass and dimension requirements referred to in subregulation (2).

Administration does not consider it necessary to include the definition of “electric rideable device” in the Parking Law as “vehicle” adequately addresses the City’s requirements.

At 7.30pm Manager Engineering left the meeting and did not return.

6.3 FINAL ADOPTION OF CITY OF VINCENT ANIMAL LOCAL LAW 2021

- Attachments:**
1. Attachment 1 - City of Vincent Animal Local Law 2022 Final version for adoption
 2. Attachment 2 - Animal Local Law 2021 - Advertised version
 3. Attachment 3 - Summary of feedback from the Department of Local Government, Sport and Cultural Industries (DLGSC)
 4. Attachment 4 - Graphical summary of survey responses - draft Animal Local Law 2021
 5. Attachment 5 - Summary of written comments from respondents, draft Animal Local Law 2021

RECOMMENDATION:**That Council:**

1. **GIVES NOTICE** that the purpose of the Animal Local Law 2021 is to:
 - 1.1 provide for the effective management, control, and regulation of the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 1.2 effectively control and manage cat numbers, confinement, and curfews for cats, consistent with the State Government review findings from November 2019 of the Statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013*; and
 - 1.3 to effectively deter failing to comply with select provisions of the proposed Animal Local Law 2021;
2. **GIVES NOTICE** that the effect of the Animal Local Law 2021 is to:
 - 2.1 introduce regulations, conditions, and penalties relating to the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 2.2 introduce a regulatory framework for the control and management of cat numbers, confinement, and curfews for cats; and
 - 2.3 introduce modified penalties for failing to comply with select provisions of the proposed Animal Local Law 2021;
3. **MAKES BY ABSOLUTE MAJORITY**, the Animal Local Law 2022 at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer.

MAYOR COLE:

Why is cat curfew in recommendation 1.2 (and 2.2)? Details of anything beyond *Cat Act*?

A/DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Will remove wording as it is not reflective of current Cat legislation.

CR GONTASZEWSKI:

Consultation responses – open spaces inclusion in prohibited areas. Cats walking on leash in prohibited areas, no scope for that to be contemplated – clarification in notes? Clause 2.4 that was included when advertised has been removed, Council decision to designate existing dog exercise areas, what are the current areas, which meeting were they designated at?

Is not clear if City is able to pass resolutions more specific – advice from Department?

A/DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Cat prohibited area would be aligned with a 'dog prohibited area' – where a cat can't be there even if on a lead. The DLGSC recommendation is based on the Department being cautious in respect to 'permitting cats on leash' or providing approval for cats in prohibited areas because there is no head of power in the Cat Act for it, which would then provide the risk of it being disallowed through the Joint Standing Committee.

Council resolution at its 14 November 2017 OMC, approved the below locations as dog exercise areas.

Administration will review these areas and further consider the community need for fenced dog exercise areas, based upon key action #9 of the Public Open Space Strategy.

LIST OF DOG EXERCISE AREAS WITHIN THE CITY OF VINCENT

DOG EXERCISE AREAS - UNRESTRICTED TIME LIMITS

Item No.	Description of Public Place
1.	Britannia Road Reserve: Between E D Litis Stadium and Freeway Reserve, north-east of the E D Litis Stadium, Leederville.
2.	Lake Monger Estate: Between Brentham Street and Oxford Street, south of Wylie Street, Leederville.
3.	Charles Veryard Reserve, North Perth, in its entirety, except when there is an approved Council activity in progress.
4.	Robertson Park: on the north-east corner of the intersection of Fitzgerald and Stuart Streets, Perth (South of Halvorson Hall).
5.	Jack Marks Reserve: on the north east corner of the intersection of Broome and Wright Streets, Highgate.
6.	Banks Reserve: Joel Terrace, East Perth.
7.	The south portion of Les Lilleyman Reserve bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve.

DOG EXERCISE AREAS DURING SPECIFIED TIMES ONLY

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
1.	Forrest Park-Mount Lawley: - Reserve No. 7338.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
2.	Woodville Reserve-North Perth: Bounded by Namur, Fitzgerald, Farmer and Mignonette Streets, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
3.	Les Lilleyman Reserve-North Perth, except that portion of the reserve roughly bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve: - part of Certificate of Crown Land Title Volume 1077 Folio 517.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
4.	Menzies Park-Mount Hawthorn: Bounded by East, Purslowe, Egina and Berryman Streets, Mount Hawthorn.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
5.	Britannia Road Reserve South: Bounded by the Mitchell Freeway, Richmond Street and the prolongation of Namatjira Place where it meets the Mitchell Freeway.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
6.	That portion of No. 310 Pier Street, Perth, known as Loton Park, bounded by Lord Street, Bulwer Street and the eastern fence-line of the rectangular Stadium, at that address, and excluding the enclosed fenced area used by Loton Park Tennis Club	At all times except when the public place is used for an event, function, sports training or other activities, approved by the local government.

CR LODEN:

Setbacks for chicken coops have been included in the final version of the Local Law? What is the reason for this? Foreshadow an amendment to remove that portion.

MANAGER BUILT ENVIRONMENT AND WELLBEING:

This occurred from an administrative error as clauses relating to poultry and aviaries were amalgamated from the draft Animal Local Law. Clause 4.11 (d) of the final version has now been removed, which means if supported, setbacks would not apply to poultry enclosures.

CR WALLACE:

Summary of additional provisions around cat movements. Control of road reserves can they not be added to green areas?

A/DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The local law with respect to cats is at its limit to what powers are afforded to it, under the Cat Act. This is consistent with comparison to, for example, City of Fremantle and City of Bayswater.

As per advice from DLGSC, the Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) has previously formed the view that the Cat Act does not contemplate local laws that –

(a) ban cats from all public areas

(b) place conditions on when a cat may be permitted in a public area.

If the City wished to exclude cats from road reserves, these would need to be individually referenced in a schedule. This would become administratively burdensome as any change to a road reserve would potentially predicate an amendment to the local law. Further, the JSCDL may consider this as an attempt to circumvent the limited powers of the Cat Act and may disallow the local law.

At 7.47pm Jade Olnyk of Jackson McDonald left the meeting and did not return.

At 7.47pm Manager Built Environment & Wellbeing & Environment left the meeting and did not return.

At 7.47pm Project and Strategy Officer, Ranger Services left the meeting and did not return.

7.5 DRAFT YOUTH ACTION PLAN 2023-2026

- Attachments:**
- 1. Draft Youth Action Plan 2023-2026**
 - 2. Youth Action Plan 2020-2022**

RECOMMENDATION:

That Council APPROVES the draft Youth Action Plan 2023-2026 for the purpose of community consultation.

NO QUESTIONS.

At 7.52pm Community Development Advisor - Children, Young People & Funding left the meeting and did not return.

7.1 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2022

Attachments: 1. Financial Statement as at 31 October 2022

RECOMMENDATION:

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

NO QUESTIONS

At 7:55 pm, Cr Suzanne Worner left the meeting due to a previously declared financial interest.

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 OCTOBER 2022 TO 31 OCTOBER 2022

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

RECOMMENDATION:

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

EFT payments, including payroll	\$4,889,139.72
Cheques	\$351.90
Direct debits, including credit cards	\$167,792.80
Total payments for October 2022	\$5,057,284.42

MAYOR COLE:

So for example, if the lift was being repaired again, I can't see that that would have an impact or that that would be material to a proximity interest? Is that the sort of thing, perhaps you could give Cr Ioppolo some examples of what would be of a magnitude that would trigger something and then what would be so internal to the building and of little consequence that it wouldn't. Might be useful to provide some guidance.

A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The Department of Local Government 's Operational Guidelines ['Declaring Financial Interests in Meetings'](#) and ['Disclosure of interests affecting impartiality'](#) provide sound guidance and examples around the requirement to declare interests.

The guidelines state "Given the importance of probity, accountability and transparency, persons affected by the financial interest provisions of the Act are advised to err on the side of caution and disclose an interest in any matter before council or council committee where they may, or may appear to have, an interest." It is noted that the responsibility to declare (or not) resides with the individual.

The principle underpinning the need to declare a financial interest relates to a **reasonable expectation** that a decision will result in a financial gain, loss, benefit or detriment for the person (or person with whom one is closely associated). The Guidelines note -

"It must be objectively reasonable to expect that a particular decision will result in a financial gain, loss, benefit or detriment for the person (or person with whom he or she is closely associated). Further, that question is to be addressed at the time the matter is to be dealt with by the relevant decisionmaker(s). Therefore, it may not be reasonable to entertain such an expectation if the prospect of any gain, loss etc from the decision depends on mere speculation as to future events. For example, it could be that the person (or closely associated person) may be in a position to gain/lose etc if, at some future time, particular events take place.

However, if the future events, which would place the person (or closely associated person) in a position to gain/ lose etc, can be regarded as certain to take place, or highly probable, then it may still be objectively reasonable to expect that the decision will have the relevant consequences for the person (or closely associated person)."

An exemption to the above provides that you are not required to disclose a financial interest unless the land subject of the proposed changes or development is your land or land adjacent to your land. It is important to understand that this exemption only applies in relation to effects on the valuation of your land. If the land subject to the changes or development has a common boundary with your land a **proximity** interest exists and is not exempt from disclosure.

The Guidelines note that the "Act does not define 'adjacent'. However, dictionaries define adjacent as 'adjoining' or 'near to'. Legal precedents recognise that 'adjacent' has a wider meaning than 'adjoin'.

Although the word indicates a degree of proximity, its meaning is not necessarily confined to a physical link, but is to be determined as a question of fact. Accordingly, there is no certain measure that can establish that within a prescribed distance one property is 'adjacent' to another. All that can be said is that a degree of proximity is required in the particular circumstances applying."

However, **proximity** interest relies on physical location, not effects on valuation. It is established purely by the location of land, a financial effect on the valuation of your land or on the profitability of a business does not have to be established.

The Guidelines further provide *"the existence of a **proximity interest**. It is therefore important that you fully understand when a proximity interest exists."*

The DLG Operating Guidelines provide that Proximity interest relates to –

- a proposed change to a planning scheme affecting land that adjoins the person's land;
- a proposed change to the zoning or use of land that adjoins the person's land; or
- a proposed development of land that adjoins the person's land (development refers to the development, maintenance or management of the land or of services or facilities on the land).

Land that adjoins a person's land is defined by the Act as land that:

- not being a thoroughfare, has a common boundary with the person's land;
- is directly across a thoroughfare from the person's land; or
- is that part of a thoroughfare that has a common boundary with the person's land.

In respect to a proximity interest, it then may come to whether maintenance or management of the land is considered development. For example, is it reasonable to consider the mowing of grounds 'development' or 'maintenance'? Is it reasonable to consider minor maintenance work to the administration building a matter that requires the declaration of a proximity interest? What likely impacts might there be for an adjoining property, or those directly across the road?

A pragmatic perspective suggests that general maintenance works on the Administration building would neither be a financial or proximity interest. Administration will pursue clarification with the Department of Local Government and the Western Australian Local Government Association.

CR GONTASZEWSKI:

Can I request clarification in relation to the approval of a report that lists that expenditure and whether that differs from the approval of the expenditure and the activity to take place and then also some clarification in relation to if Council is approving a budget their interest in common provision in relation to the Annual Budget and then the difference between proximity interests around that, which is the heart of Cr Ioppolo's questions in relation to the development of land versus routine maintenance of that land that wouldn't necessarily require a development approval or anything like that.

A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Refer to response above. In approving payments, it is not a reasonable expectation that a Council Member (beyond those payments made direct to the Member or a closely related person / entity) will need to declare an interest as the payment relates to already committed expenditure. It is unlikely to result in a financial gain, loss, benefit or detriment.

Further clarification (particularly around the adoption of the Annual Budget and Corporate Business Plan) will be sought to provide future guidance for Council Members and City Officers in this area.

CR IOPPOLO:

To clarify and to get on record, to the extent that these expenditure reports may include maintenance costs on this administration building, would I have to personally disclose a proximity interest because I live directly across from this building? Can I get clarification as to whether that would give rise to a proximity interest, and if so, is it possible to flag those items out when this report comes out because there is so much detail, I want to be sure that any proximity interest is disclosed in relation to those items.

Not sure if Loftus Recreation Centre is on the same lot because then that and the Library would be included. Is Admin Building on its own lot?

A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Response at meeting:

In respect to having to declare an interest, a Council Member needs to know that they have, or be aware that they have, an interest in a matter that's being dealt with. So if you are unaware that information in the financial reports directly relate to the Administration building, or the maintenance of the Administration building, you wouldn't need to declare it because you are not aware of it. As soon as the City identifies it, then you may need to declare it.

As noted in an earlier response, the principle in respect to interests is reasonable expectation. This can relate to size and scale and potential impact of the maintenance or management of the land.

Administration will seek further clarification and prepare future guidance in respect to the declaration of interests.

At 8:01 pm, Cr Suzanne Worner returned to the meeting.

7.3 INVESTMENT REPORT AS AT 31 OCTOBER 2022

Attachments: 1. Investment Statistics as at 31 October 2022

RECOMMENDATION:

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

NO QUESTIONS

7.4 OUTCOME OF ADVERTISING AND ADOPTION OF NEW CUSTOMER SERVICE CHARTER

Attachments: 1. Draft Customer Service Charter

RECOMMENDATION:

That Council ADOPTS the Customer Service Charter at Attachment 1.

At 8.02pm Chief Financial Officer left the meeting.

NO QUESTIONS

8.1 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDED RISK MANAGEMENT POLICY

- Attachments:**
1. Risk Management Policy (clean copy)
 2. Risk Management Policy (marked up)
 3. Risk Appetite and Tolerance Statements

RECOMMENDATION:

That Council **APPROVES** the amended Risk Management Policy at Attachment 1

NO QUESTIONS

8.2 COUNCIL RECESS PERIOD 2022-23 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER

Attachments: Nil

RECOMMENDATION:

That Council DELEGATES BY ABSOLUTE MAJORITY, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise between 14 December 2022 and 6 February 2023, and which are not the subject of delegated authority already granted by Council, subject to:

1. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
2. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 14 February 2023; and
4. A Register of Items Approved under this Delegated Authority is being kept and made available for public inspection on the City's website during the period that the delegation applies.

NO QUESTIONS

At 8.04pm Chief Financial Officer returned to the meeting.

8.3 VINCENT UNDERGROUND POWER PROJECT - FIVE ADDITIONAL PROJECT AREAS

- Attachments:**
1. **Undergrounding Invitation No. 2 - five additional project areas**
 2. **Preliminary Business Case - five additional project areas**
 3. **MoU No.2 - five additional project areas**

RECOMMENDATION:**That Council:**

1. **NOTES** the invitation from Western Power for the City of Vincent to participate in the Network Renewal Underground Program (NRUP) – now changed to Targeted Underground Power Program (TUPP) and the Retrospective Undergrounding Projects (RUP) program (Attachment 1).
2. **NOTES** the proposed project areas would underground power at 10,482 electricity service meters in Leederville, Mount Hawthorn, West Perth, and North Perth as per the boundaries identified in the maps in Attachments 2 and 3.
3. **NOTES** that when combined with existing undergrounded areas and the first three project areas under NRUP-T2, these five project areas complete the undergrounding of all residential areas and town centres within Vincent.
4. **NOTES** the poles and wires would be replaced like for like with an expected serviceable life of 40-50 years in the event the City does not co-partner in an underground power project.
5. **NOTES** the preliminary business case on participation in TUPP and RUP at Attachment 2.
6. **AUTHORISES** the CEO to sign the Memorandum of Understanding at Attachment 3 to enable Western Power to commence detailed design of the project.
7. **NOTES** these projects will be included in the Corporate Business Plan 2023/24-2027/28.

NO QUESTIONS

8.4 WALGA BEST PRACTICE GOVERNANCE REVIEW

- Attachments:
1. WALGA Governance review background paper
 2. WALGA best practice governance review consultation paper

RECOMMENDATION:**That Council:**

1. **SUPPORTS** the Western Australian Local Government Association's best practice governance review consultation paper.
2. **NOTES** that Administration will forward a submission in support of 'option four' to the Western Australian Local Government Association.

At 8.08pm Manager Marketing & Partnerships left the meeting and did not return.

NO QUESTIONS

8.5 INFORMATION BULLETIN

- Attachments:**
- 1. Unconfirmed Minutes of the Arts Advisory Group Meeting - 2 November 2022**
 - 2. Unconfirmed Minutes of the Mindarie Regional Council Meeting - 24 November 2022**
 - 3. Minutes Children and Young Peoples Advisory Group 12 October 2022**
 - 4. Statistics for Development Services Applications as at the end of December 2022**
 - 5. Register of Legal Action and Prosecutions Monthly - Confidential**
 - 6. Register of Legal Action - Orders and Notices Quarterly - Confidential**
 - 7. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 24 November 2022**
 - 8. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current**
 - 9. Register of Applications Referred to the Design Review Panel - Current**
 - 10. Register of Petitions - Progress Report - November 2022**
 - 11. Register of Notices of Motion - Progress Report - November 2022**
 - 12. Register of Reports to be Actioned - Progress Report - November 2022**
 - 13. Council Workshop Items since 25 October 2022**
 - 14. Council Meeting Statistics**
 - 15. Council Briefing Notes - 8 November 2022**

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated December 2022.

NO QUESTIONS

5 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Citizenship Ceremony – Cr Dan Loden
Non conforming use for service stations – Cr Ashley Wallace
Leederville Oval – Cr Ron Alexander
Dog Local Law and exercise areas – Cr Susan Gontaszewski – potential NOM

6 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

7 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

At 8.15pm Executive Director Strategy & Development left the meeting and did not return.
At 8.16pm Chief Financial Officer left the meeting and did not return.

At 8.15pm Chief Executive Officer noted that he has a financial interest in item 11.1 Employment Contract Renewal – Chief Executive Officer, as he will receive a financial benefit or detriment subject to the approval or otherwise of a contract extension. The Chief Executive Officer left the meeting and did not return.

At 8.15pm the meeting went behind closed doors to discuss the confidential item.

Responses to the questions on the Confidential item were provided separately.

At 8:33 pm, Cr Dan Loden left the meeting.
At 8:35 pm, Cr Dan Loden returned to the meeting.

8 CLOSURE

There being no further business the meeting closed at 8.42pm.