



**CITY OF VINCENT**

# **NOTES**

**Council Briefing**

**13 June 2023**

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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, 13 JUNE 2023 AT 6.00PM**

<b>PRESENT:</b>	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Jonathan Hallett Cr Dan Loden Cr Ross Ioppolo Cr Suzanne Worner</p>	<p>Presiding Member South Ward North Ward South Ward North Ward South Ward North Ward</p>
<b>IN ATTENDANCE:</b>	<p>David MacLennan John Corbellini  Peter Varris  Rhys Taylor Jay Naidoo  Tara Gloster  Lisa Williams  Alanna Curtin  Dale Morrisy  Luke McGuirk  Jeremy Chalmers  Jayde Robbins  Chris Dixon  Nathan Stokes  Joslin Colli  Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Strategy &amp; Development (left at 8.25pm) A/Executive Director Infrastructure &amp; Environment (Arrived at 6.03pm, left at 8.25pm) Chief Financial Officer (left at 8.25pm) Manager Development &amp; Design (left at 6.57pm after Item 5.2) Executive Manager Urban Design &amp; Strategic Projects (electronically) Executive Manager Communications &amp; Engagement (left at 8.19pm) Community &amp; Civic Events Officer (left at 7.05pm after Item 7.7) Manager Community Facilities (electronically) (From 6.04pm to 8.25pm) Manager Engineering (electronically)(From 6.04pm to 8.25pm) Coordinator Procurement and Contracts (electronically) (From 8.13pm to 8.14pm – Item 7.8 only) Manager City Buildings &amp; Asset Management (electronically) (From 6.05pm to 8.05pm) Project &amp; Strategy Officer (electronically) (Joined at 6.54pm, left at 8.13pm) Executive Manager Human Resources (electronically) A/Executive Manager Corporate Strategy &amp; Governance (left at 8.25pm) Council Liaison Officer</p>

**Public:** Approximately eight members of the public.

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

The Presiding Member, Emma Cole, declared the meeting open at 6.01pm 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 APPROVED LEAVE OF ABSENCE

An apology was received from Cr Ron Alexander.

An apology was received from Cr Ashley Wallace.

## 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 Aldo Arco of Tuart Hill – Item 8.4

- Spoke in relation to the response to the petition regarding tree pruning
- Stated he is the owner of an apartment that has water damage caused by the tree that is the subject of the petition
- Mentioned that he has a video and a document for Councillors to review (included below)
- Queried if damage is caused by the water ingress, who is responsible for that damage, and if somebody gets hurt or becomes ill from the mould?

#### Administration Response in italics below:

*If the strata is claiming damage has occurred to the building as a result of the tree, they would need to submit an insurance claim which would be independently assessed by the City's insurers. The City is unable to comment who would be responsible for any alleged damage.*

- Encouraged Council to decide in his favour

Mr Arco presented the below information in writing at the Briefing:

1. The street tree adjacent to the apartments in Flinders Street has grown to a height above the roof line and as it is very close to the building a huge amount of leaves and nuts are being dispersed onto the roof every day which is continually blocking the gutters and downpipes.
2. Up until approx. 2.5 years ago there were no problems with water ingress into the apartments because the tree was well below the building height.
3. The owners and tenants of the affected apartments are in a constant state of anxiety every time it rains.
4. The gutters are cleaned out over the winter period every 2 weeks and in the summer every month.
5. The building is 3 storeys in height and there are safety concerns about the roof having to be accessed by maintenance so frequently.
6. The strata company does not want the tree removed - just pruned to a height below the building height.
7. The tree was pruned by the City of Vincent last year - on the side adjacent to the building.
8. At a recent meeting on site with Manager Parks she said that the tree would be weakened if the crown was pruned. If this is the case then the tree would certainly be weakened by just pruning it down one side. As it is the tree is growing out very heavily over on to the road. If there were power lines close to the tree there would be no question that the tree would be pruned.
9. Also at that meeting it was suggested by Manager Parks that the design of the roof was somehow wrong and that was the source of the water ingress problem. Obviously the building was approved by Council some 18 years ago so that suggestion has no merit.
10. The strata company has spent \$7,028.00 installing additional gutters and downpipes.

#### Administration Response in italics below:

*Manager Parks has advised that the request to prune the height of the tree to well below the roof of the building would require removal of approximately one third of the top of the tree. Removing this top third of the canopy would have significant negative impacts of the aesthetic form of the tree as well result in excessive epicormic growth (due to the crown of the tree being removed) which is structurally weaker and increases risks associated with the tree. Had overhead powerlines been present in this location, a more suitable tree species that can adapt to regular pruning would have been chosen.*

*During the site meeting, Manager Parks suggested the installation of gutter guard to prevent leaves accumulating in the channels of gutters and allowing water to travel freely. The start advised that they are not supportive of this suggestion stating that they have already spent significant money on maintenance and modifications of the gutters.*

*The Presiding Member, Emma Cole, thanked Mr Arco for his comments and advised of the location of the petition he is speaking to, and advised that the video would be circulated to Council Members for review.*

### **3.2 David Hunter of North Perth – Item 5.1**

Mr and Mrs Hunter submitted a statement, (under Item 3.5 below), and spoke to it:

- Stated that he owns an adjacent property
- Spoke against the recommendation
- Mentioned that the DRP had concerns around context and character, landscape quality, build form and scale, sustainability, amenity and aesthetics, all pending further attention, which directly affect the neighbours
- Stated that any amendments have been minor in nature
- Mentioned that they do not agree with the applicant's commentary
- Urged Council to defer or to refuse the application

*The Presiding Member, Emma Cole, thanked Mr Hunter for his comments and acknowledged receipt of his written statement and will be considered.*

### **3.3 Charlie Surace of North Perth – Item 5.1**

- Spoke against the recommendation
- Stated that the information regarding car ports in the report on page 12 is misleading, car ports do not have to comply with the same setbacks
- Stated that the overshadowing of the neighbour at 78 Auckland Street has not been considered
- Requested that conditions be added that the entire foundation is lowered to the lowest point; reduce the effect of the bulk by placing the car port in front of the building, so the double garage can be used as living area
- Stated that the development does not meet the requirements of the R Codes or the DRP

*The Presiding Member, Emma Cole, thanked Mr Surace for his comments and advised that some of the questions would be asked during discussion of the item.*

### **3.4 Anna Pearce of Cottesloe – Item 5.1**

- Stated that she represents Riverstone Custom Homes
- Mentioned that the application has been a long process and has included many visits, emails and phone calls, and they have made significant and numerous changes to the plan following feedback from various stakeholders
- Stated that there is no planning argument for this application to be refused, and request that Council recommend approval

*The Presiding Member, Emma Cole, thanked Ms Pearce for her comments.*

### **3.5 Fiona Hunter of North Perth – Item 5.1**

Mr and Mrs Hunter submitted the statement below, and Ms Hunter spoke to it:

- Stated that this has been a long and stressful journey, this application has taken 8 months
- Queried if Manager Development & Design has met with the builders to discuss the plans, and how many times? Queried why the Manager Development & Design did not meet with her?
- Queried why, when a 2m upper floor setback was enforced for their property, is this application being recommended for approval when it has a 0.7m upper floor setback?

- Stated that they do not agree with the comment that they are difficult and do not want anything built on that property.
- Requested that Council Members that have not yet visited the site to make an effort to do so before the Council Meeting

**Administration Response in italics below:**

*In respect to Manager Development & Design meetings:*

- *Manager Development & Design has not met with the applicant during the course of the application process.*
- *At the time of reviewing the officer report for the application, Manager Development & Design initiated multiple telephone conversations with the applicant to request further changes be made to the proposed development in respect to colours and materials.*
- *Following attendance at an on-site meeting with residents and some elected members on 8 June 2023, Manager Development & Design again initiated telephone conversations with the applicant to request that they consider the finished floor level of the proposed deck and pool area in the context of the existing eastern side boundary wall to their neighbours at No. 78 Auckland Street.*
- *Manager Development & Design is not aware of having received any requests to meet with the applicant or any residents throughout the course of the application process.*
- *Since Council's Briefing Session, Manager Development & Design has contacted and spoken with Ms Hunter on the telephone.*
- *Residents who have concerns with a development application typically liaise with the assessing officer of the application. This is the Urban Planner in this instance. Ms Hunter has met several times and there have been telephone conversations on numerous occasions throughout the assessment process with the assessing Urban Planner and their respective Senior Urban Planner.*

*In respect to the upper floor setback:*

- *The deemed-to-comply standard of the City's Built Form Policy sets out for walls on upper floors to be setback 2.0 metres behind the ground floor building line, and for balconies to be setback 1.0 metre behind the ground floor building line. Where this is not satisfied, an application is required to be assessed against the corresponding design principles of the R Codes and the local housing objectives of the Built Form Policy.*
- *At the adjoining property to the north at No. 31 Gill Street, discretion was exercised in approving the balcony with a nil setback behind the ground floor building line. The dwelling wall on the upper floor is setback 3.2 metres from the ground floor building line and exceeds the deemed-to-comply standards.*
- *For the subject application, the proposed 0.6 metre balcony and 0.7 metre dwelling wall setbacks on the upper floor is supported as considered against the design principles of the R Codes and local housing objectives of the Built Form Policy. This is because it adequately incorporates articulation and visual interest to the street, while reducing solid blank walls and associated building bulk impacts to the upper floor. The building mass and bulk as presented to the street has been broken up by incorporating varying setbacks of the upper floor, glazing, roof overhangs and eaves, design detailing and minor projections, and the use of varying colours and materials to ensure the upper floor is distinct from the ground floor, as well as being located behind its alignment.*

*The Presiding Member, Emma Cole, thanked Ms Hunter for her comments.*

**Written submission**

Firstly, please accept our gratitude for those who attended 80 Auckland Street on the evening of the 8<sup>th</sup> June to hear the broader community concerns and the immediate concerns of those directly impacted by the proposed build at 80 Auckland street. For those that did not attend, we can attest to the robust discussion around the impacts of this build including detriment to streetscape and property value, not to mention the precedent set that could unravel the fabric/style of neighbourhood that so many have fought to keep in line with R20 Zoning. Fundamentally, it was incredibly disappointing and maddening to hear that Planning has recommended approval for the build, underpinned by notion that R20 guidelines and design principles don't really factor into decision making and the recommendation is discretionary in nature.

Planning conceded that the block was awkward and restrictive because of the shape and 2.7 metre water easement on the eastern side, notably this setback is required to be 4 metres under the R-20 Codes and

rather than being restrictive this applicant is being allowed a 2.7 metre set back. I put it to you all that the onus for proper due diligence and research is on the buyer. We, the owners of 31 Gil Street, who have been rate payers in Vincent for 27 years did our proper due diligence and worked with Planning to adhere to policy and conceded to many of the R20 regulations as stipulated. We were also told in no uncertain terms that there was a strict 2 metre upper floor setback stipulation. This was reiterated with our designer during a meeting at Council.

We adhered to this, despite wanting to extend further to maximise our city views, which we will lose if this build goes ahead. The rules either apply or they don't. We are also well aware that you do not buy a property for a view of significance but we also believe that we should NOT be impacted by a plan so egregiously over the regulated setbacks. We are also incensed by 'revised' plans and following the neighbour's opposition to the proposed plans, the specifics of which seem to have been left out of the 50-page proposal 'Summary of Key changes' that has been tended for your review. The document purports and alludes to an agreeable applicant who is working with neighbours' concerns to revise his plans that is more befitting to regulation and sentiment. This could not be further from the truth and is almost antagonistic in essence. For instance, the revision of scale and bulk reduced from 319.5 Sq Metres to 311.9 Sq Metres. The upper floor set back was revised from 0 to 0.7 Metres; however, the eaves were extended. The floor plan does not even terrace down with the slope of the block or cut in below ground level to ease the imposition on neighbours.

**Administration Response in italics below:**

*It is noted that the rear setback requirement was previously 4.5 metres, in accordance with the R-Codes, due to the major opening to the kitchen. In amongst the numerous iterations, the major opening to the rear was glazed which has resulted in the eastern elevation not including any major openings. As such, this reduces the setback requirement from 4.5 metres to 1.7 metres. The proposal satisfies the deemed-to-comply standard for eastern lot boundary setback with this change.*

We are reasonable people who are not obstructive in nature. We are going to be tremendously impacted by this build (financially) and nobody seems to care about the rate-payers sentiment and concerns. The concessions made are negligible to say the least. The salient fact is this, the owner wants to build a large home on a very small block, which would appear to be even smaller due to the limitations such as the aforementioned water easement. Why must everyone be impacted by this? To long standing rate-payers it would seem that Planning is more concerned about appeasing and approving the plans for owners moving in than having some conviction by upholding the rules and supporting the North Perth community. It would appear that anytime a big builder or entity or power gets involved, the rules are bent to everyone's detriment. We do not find this reasonable and just, considering our recent history with the City of Vincent Planning department, which I will now detail.

**Facts to be considered**

Our property, 31 Gill Street was owned by Guido Giorgi, Managing Director of the Giorgi Group, who is very influential and powerful in building circles. This parcel of land was approved for subdivision by Landgate, despite Planning recommending that the land is not to be subdivided. Perhaps for the limitations of the block and the upheaval we are now all experiencing. In any case, the land was subdivided into 2 parcels.

My wife and I have walked past 31 Gil Street for decades and thought about buying it one day and building our dream home. That day occurred on 21/04/2020 when we made a cash offer to Guido Giorgi for the north parcel of subdivided land - 402 Sq Metres. We were due to settle on the 10/07/2020. In that time between offer and settlement, Mr Giorgi put through his plans for 80 Auckland Street on the 04/06/2020 which did not adhere to the R20 Regulations but in record time these plans were revised on the 18/6/2020, re-received by Vincent on the 19/6/2020, approved on 10/07/2020 (5 weeks). Interestingly, Mr Giorgi delayed our settlement until the 14/07/2020, which was the same date he was notified by Planning that his plans were approved. I will let you all ruminate over the possible reasons for that, but you can take an educated guess as to why that occurred. My wife repeatedly contacted Planning to speak to Planning Officer Natasha Trefry who approved this development in an effort to understand how this occurred and to get some details, which is reasonable given the context. Despite a dozen calls and messages, my wife was never contacted back and spoken to. This was absolutely unacceptable on every level.

It is obvious that the timing and circumstances around this planning approval was purposefully constructed to negate our ability to comment on the expedited proposed plans. Mr Giorgi's plans were imposing and outside of regulation, and we were not afforded the opportunity to comment due to the hastened approval. Our

concern was the timing and how quickly the plans were approved and motive behind it. There were big question marks around process as a 5-week approval is unheard of and unprecedented, as far as we were told. The current plans proposed by Mr Con Barbas and the Riverstone Builders follow suit and seem to have flagrant disregard for everyone on every level.

Despite our concerns, questions and trepidation around transparency and fairness, we took solace in the fact that we should expect the same level of expeditious service when we put forward our building plans for 31 Gil Street. This could not be further from the truth. Our plans took approximately 8 months to approve and we were told that our proposal was 'Sitting in someone's' tray'. In that time, our estimated building cost rose over 300k, not to mention the other money directed towards extra floor height and courses of brick to counteract the approved Giorgi plan. Now we sit on the precipice of a decision that will further impact us financially as this decision will influence our property value.

My wife has consistently contacted the Planning department, requesting meetings to voice our concerns and at least have the opportunity to meet with the decision makers. My wife has been palmed off to entry level assessors and a gentleman who had been in planning for 5 days. However, Riverstone Builders seem to get an audience with the decision makers without issue. It should also be mentioned that my wife attempted to contact Con Barbas prior to making our first submission in an effort to amicably engage on a human level to work through some issues and understand each other so we can both achieve our dream homes. My wife offered to meet for coffee and was met with nothing but hostility and rudeness. He stated that he had 'No interest in meeting' and quickly shut my wife down. Since then, the relationship has deteriorated as he has threatened to call the police about our bricklayers trespassing on his land, and stating that he has a camera in the trees watching everything. He has even confronted the bricklayers, making their lives more difficult. This man is not reasonable and he is certainly not neighbourly. We have the text messages supporting this poor behaviour.

Now we ask some questions and will continue to ask questions until we get some answers.

Do you think this is reasonable treatment for a rate payer of close to 30 years?  
Who is going to financially compensate us for this egregious disparity in service and approval?  
If you were the owner of 31 Gil Street, would you be content and happy with these circumstances?  
If you were the owner of 31 Gil Street, would you vote to approve this Riverstone plan?  
Can you in good conscience approve this plan to go ahead to the detriment of so many people?

My wife and I will be chasing all avenues via Freedom of Information to investigate further. This whole process has been sullied in difficulty, disappointment and upheaval. I personally work for a government agency in the most stringent and dangerous of environments and I can tell you that I am strongly governed by integrity and guided by my unwavering scruples. I am in a position of responsibility and pride myself in doing the right thing, looking after those who deserve to be looked after and protected. I can only hope that the City of Vincent believes in the same thing.

I implore you to at least defer your decision pending proper and thorough investigation or reject the application as you see fit.

*The Presiding Member, Emma Cole, thanked Ms Hunter for her comments and advised that the above email has been sent to Executive Director Strategy & Development and Manager Director and Development for response..*

### **3.6 Frieda Barbas of North Perth – Item 5.1**

- Stated that she is the owner of the property
- Mentioned that the application process has been emotionally and financially draining
- Urged Council to approve this application

*The Presiding Member, Emma Cole, thanked Ms Barbas for her comments and expressed sympathy for the emotional impact the process is having on her.*



The following statements were received prior to the meeting:

**Dudley Maier of Highgate – Item 7.6 Underground power**

**Administration Response in italics below:**

1. Do Western Power's estimates, as shown on page 2, include a contingency factor? If so, what is their contingency percent, and why does Vincent add yet another contingency?

*Western Power's estimates include a 10% contingency. The estimates provided by Western Power are E30's which means cost could vary +/- 30%. The City has added a further 10% contingency for modelling purposes.*

2. For each area shown on page 2 what is the breakup of the 'estimated ratepayers contribution' broken down into: Western Power payment, Vincent contingency, and project management cost.

*An estimated cost breakdown has been provided below. These are based on Western Power E30 estimates which are subject to change. Project management costs are high level estimates and will be reassessed closer to the commencement of each project to ensure they are appropriately resourced.*

<b>Program</b>	<b>Project</b>	<b>E30 contingency 10% (estimated)</b>	<b>Project Management Costs (These are estimated costs and will vary depending on requirements and the stage of each project)</b>	<b>E30 Estimated Ratepayer's Contribution</b>
NRUP	North Perth/ Mount Hawthorn (Project 343)	\$0.8m	~\$0.1m – \$0.3m	\$8.3m
NRUP	North Perth/ Mount Lawley (Project 347)	\$0.6m	~\$0.1m – \$0.3m	\$6.3m
NRUP	Perth/ Highgate - including heritage sites (Project 348)	\$0.5m	~\$0.1m – \$0.3m	\$4.9m
TUPP	Leederville/North Perth (Project 406)	\$1.4m	~\$0.1m – \$0.3m	\$13.8m
TUPP	Mount Hawthorn (Project 340)	\$1.4m	~\$0.1m – \$0.3m	\$14.3m
TUPP	West Perth/Perth/Leederville/East Perth (Project 1190)	\$0.9m	~\$0.1m – \$0.3m	\$9.0m
RUP	Mount Hawthorn/Joondanna/Osborne Park (Project 34A)	\$0.9m	~\$0.1m – \$0.3m	\$8.8m
RUP	North Perth (Project 35)	\$0.6m	~\$0.1m – \$0.3m	\$5.5m
<b>Total</b>		<b>\$7.1m</b>	<b>\$1.9m</b>	<b>\$70.8m</b>

3. Given that construction in the first area (North Perth-Mt Hawthorn) was due to commence in October, is the estimated cost at the E10 level yet? If not, when will the E10 figure be provided?

*The first project area (North Perth/Mount Hawthorn) is no longer due to commence in October 2023. The E10 is currently anticipated in January/February 2024 based on latest guidance received from Western Power.*

4. Given that Vincent surveyed owners in the Highgate East area at the beginning of that project, and that the percent that paid up front only varied slightly from the initial survey, why hasn't the administration surveyed owners in the first area to determine the number who would pay up front, and therefore the number who would need a form of financial assistance? Why has the administration simply said that financial support could be available for up to 70% of owners rather than actually asking them?

*The City will survey ratepayers once E10 estimates and further information is available from Western Power. The City currently does not have sufficient detail from Western Power to provide ratepayers with an accurate estimate of what their individual cost would be.*

5. It seems that the administration is suggesting that costs be recovered as a service charge as part of the rates notices in order to attract the State Government contribution for pensioners and the like. Have any other local governments succeeded in obtaining the payment from the State Government? If so, which ones?

*The Department of Finance have confirmed they will provide a rebate to eligible pensioners up to 50% of the total service charges levied on their rates notice.*

6. The 50% net debt ratio seems to be a driver to the decision to delay some areas by up to 37 months. Does the model used by WATC differentiate between loans that can be considered as 'secured' (as the underground power loans eventually are) versus those that are simply there to provide facilities and which are not, in a sense, 'secured'?

*The City has consulted WATC at various stages while building the model who have advised the City to use the Indicative Additional Debt Capacity Calculator. The nature of the Underground Power loans have allowed the City to stretch the Debt Service Coverage ratio to 2.3 where this has historically been assessed at 3.0.*

7. Can you confirm that the start of the first project has been deferred from October 2023 to January 2024? Can you confirm that Vincent requested this?

*The City has not requested a delay to the first project. All delays experienced to date are due to delays in Western Power's engineering design process. The current estimated start date for construction is April 2024 (this update received from Western Power since drafting of the Briefing Report that this question refers to).*

8. Has Western Power given any indication why the number of properties in area 1 went up by 20% yet the cost only went up by 12.5%, yet for Area 2 the number of properties went down by 9% and the cost went up by 48%?

*Western Power has advised that when project boundaries change, the engineering design of the network changes, and this has cost implications. In addition, the average age of assets in an area may increase or decrease due to a boundary change, which will affect the relative share of the project cost borne by Western Power and the City.*

9. Given that the underground power debt seems to peak at about \$20 million in 2027 but then drops to about \$7-8 million in 2029, why have the Administration suggested that project areas be deferred for over 3 years rather than just maintain the debt level at the 2027 level?

*Due to the higher costs of the Leederville/North Perth and Mount Hawthorn projects, the debt peaked at a much higher point of \$20m in FY2027 compared to other years of the underground power timeline.*

*The project timeline has been developed in consultation with Western Power and their schedule of works. Debt is not the only factor to consider as the City also needs to ensure there are sufficient reserves to manage service charge recoverability timing issues and potential cost escalations.*

10. The purported 'sensitivity analysis' does not clearly explain what is meant by the 'cash balance'. Why is a significant cash balance, whatever that is, necessary or desirable? Isn't it sufficient to just have a positive cash balance, assuming that the cash balance does not include any funds in any of the other reserves?

*The cash balance represents the cash balance for the project and the balance of the Underground Power and TPRC reserves. The sensitivity analysis confirms that when stress tested reserve funds are required to maintain a positive project cash balance.*

### **Imogen Blair of North Perth – Item 5.1**

We are unfortunately not able to be at the briefing in person but will be listening and following online. We provide the following for consideration.

As owner occupiers of 29 Gill St adjacent to the proposed development at 80 Auckland St we continue to object to the current proposal including having the following concerns.

1. The footprint and bulk of the proposed development far exceeds the two previous building plans that we as neighbours approved. And going through the process currently where there are numerous and significant objections, the process and equity in the process is failing.
2. Not only has the street front setback been exceeded, the setback to our boundary fence has been reduced to 2.3m. Furthermore this narrow strip of land that will be in shadow for most of the year is being included as part of the open space provisions for the development.
3. The neighbourhood is characterised by its "walkability" and there is considerable on-street interaction between neighbours. The proposed development does not interact with the street and community in an open and positive manner.
4. The development is contradictory to the "Eton Street Precinct" decision made by Council approximately 20 years ago post-development of 77 Eton Street. The bulk and height (and roof-mounted air conditioners) of 77 Eton Street are still a blight on the landscape for all the houses overlooking from the North. Current residents of 77 Eton Street who had no part in the planning or construction of the building are still receiving opposition to any changes or modifications to the exterior facade. The neighbourhood has a long memory and there is significant community discontent to the development which will cause discord for many years to come.

With such significant objections how have the amendments been allowed to be so minimal?

We are reasonable people and understand people want to develop their property but the excess, encroachment of neighbouring properties and lack of consideration and regard for the neighbourhood amenity is significant.

### **Administration Response in italics below:**

*The determination of the application is to be made on the acceptability of the final set of development plans submitted by the applicant, reflecting changes made to the proposal during the course of the assessment process. In Administration's assessment of these development plans it is considered acceptable and should be approved as considered against the planning framework and as detailed in the officer report.*

### **Chris Haykin of North Perth – Item 5.1**

The current development proposal for 80 Auckland Street does not satisfy R-code design principles P2.1, P2.2 and P5.1.1 of the Local Housing Objectives, nor a key objective of Local Planning Scheme No. 2. The development application should be rejected or deferred to seek an acceptable solution.

The combination of ground and first floor proximity to the street, built form to both side boundaries, and maintenance of a single ridge height, and the elevated sloping lot with 26m street frontage accentuates the building's scale and mass and presents a dominant built form, particularly at the Southern interface. This is not consistent with the established streetscape. The established streetscape seeks to minimize the visual impact of built form, where existing 2 storey developments utilise excavation, substantial first floor setback, substantial ground floor setback, and/or physical ground level separation and openness at side lot boundaries to achieve this.

Justification provided for the proposed 2.9m street setback is an inability to set a building back

consistent with the carport of 78 Auckland Street. With a Northern boundary of 18.5m, it can be achieved, if the lot is not overdeveloped and built form doesn't extend to the Southern boundary. The proposed design solution is the inclusion of a pitched roofed alfresco area up to the Southern boundary to create a 'sense of separation and openness'. The assertion that it aids the transition to #78 is illogical and disingenuous. It only serves to abruptly highlight the difference in setbacks rather than sympathetically transitioning to the existing street setback pattern. The design is not in keeping with the streetscape, which has visual, material separation between lots at ground level on at least one side. Material physical separation between 80 and 78 Auckland Street should be a development condition to ensure any setback variance is less abrupt and less apparent.

The recommendation that Council accept the proposed 80 Auckland Street development relies on the assertion that the Auckland Street streetscape and established street setbacks will be significantly altered due to subdivision. This assertion contradicts R-code design principle P2.1 "Buildings set back from street boundaries an appropriate distance to ensure they contribute to, and are consistent with, an established streetscape." and CoV's own Local Planning Scheme No. 2 objective to "enhance the amenity and character of the residential neighborhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas."

The proposed 80 Auckland Street setback of 2.9m does not contribute to, and is not consistent with, the established streetscape. The proposal was referred 3 times to the City's expert Design Review Panel (DRP) for assessments. The DRP Chairperson's comments on the most recent referral include 'Both the primary street and rear setback do not appear consistent with the surrounding context. The built form appears too large for a shallow and irregular shaped site.'

The application relies on "consistency" with the corner lot setback at 31 Gill Street as justification for the 2.9m setback. This is despite their very different contexts, block characteristics and built form bulk, scale and mass. Corner lots are treated differently as they are not required to be consistent with the street setbacks of both streets. 31 Gill Street has a street setback consistent with Gill Street and not the established streetscape pattern for Auckland Street. The development on the corner at 31 Gill Street is supposed to be set back differently from the rest of Auckland Street and therefore 80 Auckland Street should intentionally be different, not consistent with this setback.

We acknowledge 80 Auckland Street lot characteristics require some deviation from the established street setbacks pattern to develop the lot. However, development should be moderated to protect the existing Auckland Street setback pattern by design which is consistent with, and contributes to, the existing street setback as per the Design Principals. This can be achieved by a design which incorporates a street setback that actually transitions, between of the setback of a corner lot to the North and the established streetscape to the South, rather than the current design which purports to provide 'a sense of transition'.

The proposed large 4 bedroom executive design is oversized for the lot and does not protect the prominent streetscape features of setback and open space. There is opportunity to moderate the design to achieve the intent of the design principles.

The R-Code Explanatory Guidelines state:

*"In the case of established residential areas with valued streetscapes, it will usually be the case that there is a consistent pattern of street setbacks. In these cases, new development should **closely conform to the established pattern.**" Where the pattern varies, a setback **mid-way between that of the buildings on either side may be appropriate.***

*".....**only allow** a reduced setback from the street.....**provided there is a positive relationship with adjacent dwellings and the streetscape**"*

*"care should be taken to **protect** elements of setback and open space to maintain the difference in context between high and medium density areas"*

The street scape presented in the planning application (extract below) is not to scale. The scaled render (below) shows the proposed 80 Auckland Street development is not consistent with the established streetscape to the South. Its bulk, scale and elevation on this sloping lot dominates 78, and the rest of Auckland Street.



We trust our statement and the points raised will be given full consideration.

**Administration response in italics below:**

*In many cases streetscape are altered by urban redevelopment and infill, by the subdivision of corner lots and the creation of new frontages to side streets. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there is scope for a common-sense rationalisation between existing houses which create the character of the street and infill development.*

*Whilst each application is to be assessed on its own merits, some consideration is to be had with regards to the context of the surrounding properties. Specifically, when proposing a boundary wall, consideration with regards to the adjoining property is required. Additionally, where a variation is proposed, as part of a design principle assessment, consideration regarding the proposed developments impact on the surrounding dwelling is needed. Commentary regarding the proposed dwelling's acceptability, with specific regards to the design principles, has been detailed at length within the Ordinary Council Meeting Agenda.*

**Kathryn Haykin of North Perth –Item 5.1**

I am unable to attend the briefing session, can you please ask the following related questions:

**Context:** At an on-site meeting 8<sup>th</sup> June 2023 the Mayor addressed community concerns any properties with setbacks less than the R20 deemed to comply setback provisions could “set a precedence” and be used as justification for future developments to adopt the same/similar setback. My take away from the Mayor’s comments was, that every design is assessed on an individual basis and as such there is no such thing as precedence when determining planning applications and assessing the suitability of setbacks. The following would seem to contradict the Mayor’s assertions and indicate that precedence is being effectively used as an argument in the development of 80 Auckland Street:

- Current approved plans for the lot have a 2.9m setback and are for a double storey, flat roofed dwelling, set back from both side boundaries.
- The current proposed design, that the City of Vincent is recommending for approval has a 2.9 m setback even though the design has been revised to increase the size, mass, scale and bulk of the proposed building (pitched roof, extends to both side boundaries, reduction in unroofed open space, etc).
- The justification provided by the council to support the current design’s 2.9m street setback is that it is consistent with the streetscape pattern for the adjoining corner lot. I.e. it is using it as a precedence.

- Correspondence received from City of Vincent dated 30 May 2022 in reference to community consultation and the proposed setback for the adjoining subdivided lot of 31 Gill Street DA No. 5.2021.420.1 states that the variation to street setback standards is acceptable as “The setback is consistent with the approved dwelling at 80 Auckland Street”.

Plans for the subject site marked as received by the City of Vincent 19 June 2020 (which I understand are the current approved plans for the subject site) have a street setback of 2.9 m and state “Note: Ground floor front setbacks as shown in accordance with DA No. 5.2018.244.1”. DA No. 5.2018.244.1 pertains to the adjoining subdivided lot of 31 Gill Street.

Why, despite a change in building mass, scale and impact, between current approved and the proposed design, has no adjustment to the 2.9m street setback been made or insisted upon by planning?

Why, despite the inconsistent building and lot context, mass, scale and impact between 80 Auckland Street’s current planning submission and 31 Gill Street should #80 have a consistent setback to 31 Gill Street? and can a single, corner lot setback, really be considered a pattern?

Why, despite the inconsistent building and lot context, mass, scale and impact between 80 Auckland Street’s current approved plans and 31 Gill Street should the current approved plans reference and have a consistent setback to 31 Gill Street?

#### **Administration Response in italics below:**

*The application has been assessed on its merits. The minimum 2.9 metre ground floor setback to the proposed dwelling is acceptable because it would appropriately transition in the streetscape from the approved two storey single house that is currently under construction to the adjoining property to the north (No. 31 Gill Street), to the existing single storey single house located to the south (No. 78 Auckland Street).*

*The appropriateness of this transition is informed by:*

- *Locating the garage in line with and abutting the garage on No. 78 Auckland Street;*
- *Siting of the two storey components to the northern side of the property and single storey open sided alfresco to the southern side of the property;*
- *Including deep soil and planting areas within the front setback area across the street frontage to accommodate tree planting and canopy coverage in order to assist in reducing the impact of building bulk;*
- *Incorporating articulation with varying setbacks of the building horizontally and setting back of the upper floor; and*
- *Incorporating varying colours and materials, glazing, roof overhangs and eaves.*

#### **Shawn Offer of Mt Lawley – Item 7.5**

I would like to thank you for preparing to provide support to the Mt Lawley businesses affected by the changes to the parking fees from September last year. This cannot happen soon enough. The reintroduction of one hour parking is very welcome by my business. I do object to the basis to which it will continue being applied in Leederville car parks for the same reasons I have expressed in the past. I feel for the businesses in Leederville who still need to contend with this handicap and will in the future also deal with significant construction in their precinct. I urge you to reconsider this approach.

When concerned with the Raglan Road Car Park, my understanding is that the City’s consultant was also of the view that the non-ticketed free parking also needed to be double from what it is currently. Will this recommendation also form part of the changes to the Ragland and Chelmsford Car Parks? If not, what is the rationale behind this decision?

Will the Credit Card Surcharge fees be changed to abide by consumer law or is the council actually paying a 5% credit card transaction fee?

Is it possible for the ticket machines in the Ragland Road and Chelmsford Carparks to have shelter over them to assist people using them in the rain?

Thank you to the councillor who have reached out to me, and to the others who have contacted my neighbours.

#### **Judith Burrows of North Perth – Item 5.1**

Firstly. thank you for taking the time to read, research and assess this development and give a considered and fully informed decision as to the validity and impact of this build, its impact on the neighbours and streetscape and whether it meets the R-20 Codes or Vincent Built Form Policy 7.1.1.

When purchasing a block to build your dream home on, you do your due diligence and either:

- Make sure your dream home will fit the Codes applied to the block of land. or
- Pick your dream block and get a home designed to fit the R-Codes that apply.

This DA being presented to you for consideration does neither nor does it even attempt to do so, the expectation here being that Vincent will cave on its commitment to protect R-20 and all that entails in this small pocket of Vincent to give this applicant the house "they want" regardless. We ask you to say no to any infill erosion of lifestyle and streetscape that 83% of the people in this area voted for, repeatedly over 18 years.

Please contact me if you are not aware of the history and re-read my email of June 7<sup>th</sup> and take a good look at the photographic impact of how a 9 Metres high building, as proposed for 80 Auckland St, detrimentally affects immediate and close neighbours. Please do not do it again, this is an opportunity to stand up and protect this community.

I ask that you defer voting on this development and ask that the DA be adjusted to fit the block and meet the R20-Code. Also a meeting be set up with 31 Gill, 80 Auckland and 78 Auckland to mediate every ones needs within the Codes, possibly including the Chair Person or representative from the DRP.

Please take time to access and look at the original plans intended as suitable for this block – there are 2 versions, one being single storey with another option being the addition of a small second storey section of one bedroom with ensuite and sitting room. Plans submitted in 2020 have been questioned because of the very short turn around time to get them approved through Council, this needs to be fully investigated before anything can be considered as going through the proper channels. Consultation going to only 3 properties makes it impossible to meet the minimum of 6 objections required to bring to you, the Councillors, for assessment. Even these 2020 plans had a flat roof which massively decreased the height, bulk and scale on neighbouring properties.

I am beyond angry regarding the Planners recommending approval of this plan that even the DRP Chairperson seems to question the viability meeting the standards required.

#### Justifications and Plan Option

There are different comments being made in this report regarding alignment with 31 Gill Street and taking that set back to create a flow in Auckland St. There is also comment about open carports being allowed to be set close to the boundary all to justify the approval of these plans. So, I sat with this and sketched it out on graph paper to match 31 Gill Street however if that is the approach the planners wish to go down to create authentic flow then the setback at the southern end of the block will need to align with 78 Auckland Street which is a 10 metre set back:

- Being generous, purely as an example to show it is not hard to achieve working within this block I have created a rough space plan within this setback line as attached and as follows:-
  - double open carport at the north end set close to the boundary North and West
  - a 6 Metre (as per R-Codes) set back at the south end.
  - I have even allowed for the 2.5 rear setback which should be 4 Metres.
  - The mandatory (as per 31 Gill St build) 2 Metre set back to the first floor.
- Additional areas that would take out some of the bulk and scale:-
  - reduce pitch of roof
  - smaller eaves or box gutters
  - digging down land height rather than raising it.

## **Executive Summary**

The information contained in this section could be misleading.

31 Gill Street was sub-divided in 2016 against the wishes of the City of Vincent because it was at a time when there was a brief window where the property reverted back into R30/40 due to the R20 Amendment having lapsed and approval of the new R-20 Amendment not being received from the Planning Minister. The City of Vincent opposed the subdivision based on the continued support and commitment of R-20 Coding in this area, which was made permanent in 2018.

Stating that there is the ability to further sub divide on the Eastern Side of Auckland changing the streetscape is a huge exaggeration because in reality only 2 blocks can still be subdivided, these being 74 Auckland and 60/62 Auckland, both have a 1012.467sqm Lot and subdivision would fully meet R20 requirements with no concessions, similar to 76 Auckland Street. The rest of the street under R-20 are too small in Lot area at 674.978sqm to sub-divide. 78 Auckland is 862sqm and there is the possibility of subdividing this into the 450sqm and 350sqm minimum but since Kat & Chris have recently purchased this house as a family home for themselves and their two children I do not see this happening anytime soon – unless you force them out by supporting this DA, if that happens I believe it would be a huge loss to this neighbourhood. One of the intentions of having R-20 was to encourage young families into this area to

support school numbers and local business and infrastructure, we are very lucky that this is in fact what has happened with many children gracing our lives.

The intent was to move infill to areas around shopping hubs and transport main road areas and away from areas like Auckland Street and this attitude was not only in Vincent – there was so much consultation around this at the time which I and members of the North Perth Precinct Group attended and contributed to.

Additionally, for your information 27 and 29 Gill Street are both 539sqm blocks and on the Western Side of Auckland Street they are 545.9sqm – again none can be subdivided. Please note that some older homes are set back more than 10 metres (including 78 Auckland St) and if you started averaging them out for the Built Form set back it may well be more than 7.7 Metres for our streetscape.

The overhead photo of this block showing set back lines is also misleading. Residents are happy with the 6 Metre front set back in R-20 - NOT 7.7 Metres as drawn on this aerial shot. The 2.5 Metre Sewerage set back on the back would only affect about 17 Metres of the building and not the full 23.88 Metre boundary length. With a requirement under R-20 of a 4 Metre set back, this is a huge concession, not a disadvantage. The aerial photos you have been provided with showing the roof space of open car ports is extremely misleading as to how they fit into the landscape and flow of the street. They are open and from ground level allow the view of the streetscape flow with a minimum of 6 metres to the house right down the street and as mentioned above many are up to and over 10m setbacks. We do not view the street by flying overhead and therefore these aerial shots have nothing to do with current requirements and most definitely should never be used as a visual for street setbacks. They are also on the Western side of Auckland Street which I have been constantly told does not translate or set a precedent for any build on the Eastern Side, so always a rejection for me to have a simple frame carport inside the front set back of my very small 6 metre wide home. Having different opinions and rules, as is currently being exercised and expressed is disingenuous. Constantly referring to the proposed development being a Single House is also minimising the impact of this building on 78 Auckland St and the total flow and visual impact on Auckland Street. This is an oversized in bulk and scale two storey build with an approx. 9 Metre high pitched roof (higher than light posts) and a 2.9 Metre Setback which throws out the Vincent Built Form 7.1.1 Policy of 7.7 Metres, it tears up the State Planning Residential Design Codes requiring 6 metres as being irrelevant in respect to this build and has come to the conclusion that it should be built on the Appendix called Design Principles alone, which to me is subjective in nature but again does not, to me, support this build. Again, even the DRP Chairpersons comments question this design being appropriate for the size and shape of the block.

The setback for the first floor is required to be 2 metres, originally they presented a plan with no set back and when asked to vary the design the applicant came back with a 0.70cm setback and put a 0.75cm eave over the top – totally disrespecting the R-Codes and to me making a mockery of the design process and requirements. Also, when planning 31 Gill were told that the 2 metre set back was mandatory and could not be waived – what is so special about this applicant.

### **Local Planning Scheme No. 2**

The objectives of the Residential zone under LPS2 are a relevant consideration for the application. These objectives are:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community;

*The objectives were consistently advertised, community consulted in full over an 18 year period and 83% of Residents voted for **this area to be deemed R-20 under the Residential Design Codes Volume 1, in full, to indeed meet their NEEDS. So under what authority are you destroying the requirements of this Design Code by undermining all the principles required for building in this area.***

- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; *This house brings nothing in the way of built form or streetscape to Auckland Street or the flow on effect in the area due to your unwillingness to keep the promise of R-20. High quality design is subjective, I would refer you to comments by the DRP about being questionable for this block size and shape. I am sure there are plenty of \*designs that would be appropriate and meet this dot point.*

- To provide for a range of non-residential uses, which are compatible with and complementary to residential development;

*Not relevant.*

- To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;

*I doubt this would be met however not qualified to comment, nor do I have the time to investigate. I would love to receive a detailed report on each of these areas and where they are incorporated into this design.*

- To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;

*This is definitely NOT being met.*



- To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles;

*I would question that this design meets these standards.*

- To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.

*As mentioned above this small pocket wanted the residential accommodation to meet the needs of young families and has become popular because of the retention of a backyard space – meeting social needs and supporting small business and schools in the area. There is plenty of diversity in the North Perth and Mt Hawthorn area.*

I could go on and on however I will finish by asking again that this application be deferred, the applicant asked to bring the design into alignment with the R-20 Codes and all parties sit down together to resolve issues that have been raised. We have a really good neighbour relationships in this street and surrounds so working together and being considerate is a big part of that harmony.

**Administration Response in italics below:**

*Clarification below on the Executive Summary and other aspects of the officer report that was felt by Ms Burrows could be misleading:*

- *The 2016 subdivision application was assessed by the City against standards applicable to R20 density coding. The City recommended not support of the subdivision application.*
- *The Executive Summary section of the officer report in the agenda for the June 2023 Ordinary Meeting of Council has been updated to better specify the properties that have already been subdivided and the properties that would be capable of subdivision along Auckland Street. Nos. 62 and 74 Auckland Street are capable of subdivision, and Nos. 48, 50, 58 and 76 Auckland Street have previously been subdivided and developed.*
- *The primary street setback standards are to be calculated in accordance with the City's Built Form Policy that replaces the R Codes standards. This is assessed by averaging the setback of the five dwellings adjoining properties, either side of the proposed development site. Nos. 27 and 29 Gill Street being properties with separate street frontages are not included in this calculation.*
- *The subject site is affected by a 2.5 metre easement that extends across the entire length of the eastern (rear) boundary portion of the lot.*
- *The aerial diagram included in the officer report shows building setbacks in the street. The officer report also includes a section titled Existing Streetscape that provides more details about the building types and the character of the streetscape.*
- *The proposed development is defined as a 'Single House'. The definition of Single House in the R Codes is as follows: 'A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.'*

There being no further speakers, Public Question Time closed at approximately 6.26pm.

## 4 DECLARATIONS OF INTEREST

- 4.1 Cr Suzanne Worner declared a financial interest in Item 7.7 Event Sponsorship 2023/2024. The extent of her interest is that she is General Manager of one of the events, business operator for at least two more and her business partner submitted one of the applications. She is not seeking approval to participate in the debate or to remain in Chambers or vote in the matter.
- 4.2 Cr Suzanne Worner declared a financial interest Item 5.2 173 Oxford Street, Leederville - Proposed Alterations and Additions to Small Bar (Amendment to Approved) (Unauthorised Existing Development). The extent of her interest is that she is partnering with the owners and using the space for an event. She is not seeking approval to participate in the debate or to remain in Chambers or vote in the matter
- 4.3 Mayor Emma Cole declared an impartiality interest in Item 5.2 173 Oxford Street, Leederville - Proposed Alterations and Additions to Small Bar (Amendment to Approved) (Unauthorised Existing Development). The extent of her interest is that she attended the official opening of the small bar "Roberts on Oxford" on 5 June 2021.
- 4.4 Cr Ross Ioppolo declared a proximity interest in Item 7.5 Adoption of the Annual Budget 2023/24. The extent of his interest is that there are expenses within the Budget agenda item that relate to works on this administration building which is in direct proximity to my residential property.

These expenses are inconsequential and immaterial to the entire budget, in the opinion of Administration. As a result, Administration has agreed to exclude these items from the Budget and deal with this item in two separate motions, in which case, I am declaring a proximity interest in relation to the administrative building expenses only, permitting me to participate in debate and vote on the material remaining aspects of the Adoption of the Budget.

If it is possible for Council to vote on my ability to participate and vote as one item and if decided in the negative, subsequently move the motion in separate items so I am only excluded from the minor items related to this Administration building, then I am happy for this to occur.

He is seeking approval to participate in debate, remain in Chambers and vote on the matter.

#### 8.4 INFORMATION BULLETIN

- Attachments:
1. Unconfirmed Minutes of the Sustainability and Transport Advisory Group - 30 March 2023
  2. Minutes of the Tamala Park Regional Council Meeting held on 20 April 2023
  3. Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 27 April 2023
  4. Statistics for Development Services Applications as at the end of April 2023
  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 2 June 2023
  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. Street Tree Quarterly Report
  11. Mindarie Regional Council - Waste to Energy Tender - Confidential
  12. Response to Petition - Pruning of Trees in Scarborough Beach Road
  13. Register of Petitions - Progress Report - May 2023
  14. Register of Notices of Motion - Progress Report - May 2023
  15. Register of Notices to be Actioned - Progress Report - May 2023
  16. Council Workshop Items since 27 April 2023
  17. Council Meeting Statistics
  18. Council Briefing Notes - 9 May 2023

#### RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated June 2023.

#### **MAYOR COLE:**

The photo shows that the tree is not touching the property line, how is damp occurring if this is not touching the property line?.

#### **A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*Although the tree has been cut back from the property line, the strata have advised that material from the tree (leaf, nuts and bark) is still being blown into the buildings gutters and that the accumulation of material in the gutters is beyond what can be reasonably be managed through routine cleaning of the gutters. The strata have alleged that this material from the tree is causing blockages in the gutters that leads to water ingress into selected apartments.*

#### **ADDITIONAL QUESTIONS FROM MAYOR COLE:**

How do we ascertain if this leak is caused by the street trees or a building structural issue?

*The strata are of the opinion that as the City approved the plans some 18 years ago, that the City should be responsible for ensuring the design/structure is appropriate.*

*The City suggested the strata engage a suitably qualified contractor to assess the structure/building but they did not believe that this should be their responsibility. It is unknown whether blocked gutters can cause this much damage to a building, or whether structural/design issues are also at play.*

*The strata company is solely responsible for any maintenance responsibilities in their building. Unless it can be proven that somehow the City was negligent in its approval of the building permit some 18 years ago, the builder and owner are the only parties responsible for the leaks now being experienced in the ceiling. This is the case with every privately owned building in Perth.*

Has the City's site inspection been to assess the tree and outside of building only, or has there been any internal access?

*The City have only assessed the site from the outside. The City will arrange for the Development Compliance team to investigate and provide advice.*

The photo in the report shows the tree is pruned away from the building by a margin, but I also wanted to ask if the upper floor balconies are overhanging the footpath/City land or within private land?

*The upper floor balconies extend beyond the property boundary into City land. Essentially the City is only required to prune trees back to the property line (i.e. the side of the building) and no further. However, in recognition of the issues the strata are experiencing, the tree was cut well back from the property boundary as can be seen in the photo provided.*

*It does not appear that there are any maintenance issues with those, but in any case the balconies would be the responsibility of the owner to maintain.*

**5.1 NO. 80 (LOT: 102; D/P: 413590) AUCKLAND STREET, NORTH PERTH - PROPOSED SINGLE HOUSE****Ward:** North

- Attachments:**
1. Consultation and Location Map
  2. Development Plans
  3. Auckland Street Render and Perspective
  4. Summary of Submission - Administration Response
  5. Summary of Submission - Applicant Response
  6. Design Review Panel Comments - Applicant Response
  7. Original Development Plans
  8. 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 a Single House at No. 80 (Lot: 102; D/P: 413590) Auckland 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 8:

**1. Development Plans**

This approval is for Single House as shown on the approved plans dated 2 June 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. Colour and Materials**

Prior to the lodgement of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, shall be submitted to and approved by the City. The development must be finished, and thereafter maintained, in accordance with the schedule approved by the City, prior to occupation or use of the development;

**4. Visual Privacy**

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 (Visual Privacy) of the Residential Design Codes Volume 1 deemed-to-comply provisions, to the satisfaction of the City;

**5. 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, 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;

**6. Street Walls and Fences**

The gate and/or fencing infill panels above the approved solid portions of wall shall be visually permeable in accordance with the Residential Design Codes, to the satisfaction of the City;

**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. Landscaping**

**8.1** An updated detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to lodgement of a Building Permit. The plan shall be drawn to a scale of 1:100 and show the following:

- The location and type of existing and proposed trees and plants;
- Spacing between and pot size of proposed trees and plantings;
- Low maintenance groundcover and shrubs, such as native *hibberta scandens* (Snake Vine) or *grevillea obstusifolia* (Gin Gem);
- Areas to be irrigated or reticulated;
- The provision of a minimum 15 percent deep soil and planting areas, as defined by the City's Policy No. 7.1.1 – Built Form; and
- The provision of trees to maximise canopy coverage within deep soil and planting areas and within the front setback area. The tree species are to be in accordance with the City's recommended tree species list;

**8.2** All works shown in the plans as identified in Condition 8.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

**9. Car Parking and Access**

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

**9.2** All driveways, car parking and manoeuvring area(s) 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.

**MAYOR COLE:**

In terms of the swimming pool in front setback area of Nos. 78 and 80 Auckland Street, there will need to be a 1.8m dividing fence. What will that look like from the neighbour in terms bulk and scale?

**CR HALLETT:**

Request an amendment be prepared to address the concerns regarding excavation and investigate adding a condition to lower the development.

**MANAGER DEVELOPMENT & DESIGN:**

*No changes are proposed to the existing brick dividing wall to the southern boundary as part of this application.*

*The applicant has provided amended plans following Council's Briefing Session that reduce the finished floor level by 0.2 metres of the decking, pool and the garden surrounding the pool within the front setback area.*

*This change to the finished floor level would result in the existing brick wall to the southern boundary being 1.8 metres in height as measured from the proposed finished floor level of the adjacent deck, pool and garden area. This would provide adequate privacy and screening to this area. This would also not result in*

any additional building bulk and scale from this side boundary wall when viewed from the street or from the neighbouring property at No. 78 Auckland Street because there would be no change or increase to the height of this existing wall.

The Comment section of the officer report has been updated to reflect this change.

An amendment can be prepared in relation to finished floor levels and can be made available at the Ordinary Meeting of Council if still sought.

**MAYOR COLE:**

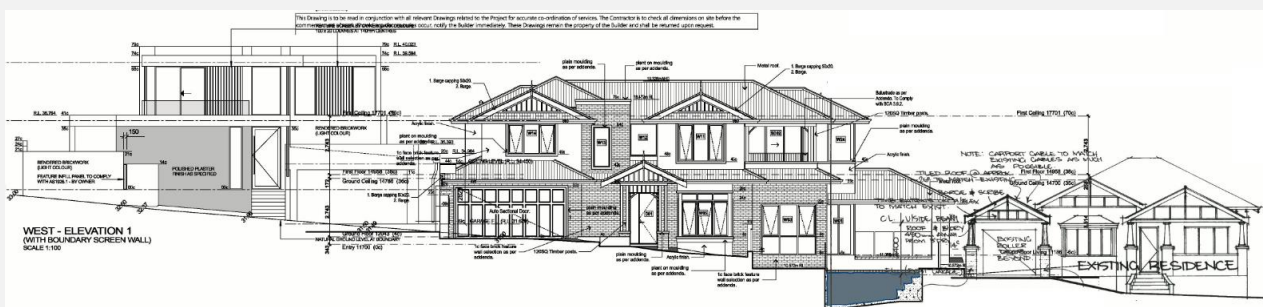
Chris Haykin has provided a scaled render to the proposed dwelling from Auckland Street, would it be possible to get a streetscape elevation showing the scale of the dwelling in relation to the adjoining dwellings to the north and south of proposed development? Furthermore, could more commentary be provided with regard to the setbacks?

**MANAGER DEVELOPMENT & DESIGN:**

A scaled elevation plan has been prepared below including No. 31 Gill Street (adjoining property to the north), No. 80 Auckland Street (subject site) and No. 78 Auckland Street (adjoining property to the south). These are based on the City’s records of approvals for these adjoining properties and have been prepared to Administration’s best accuracy.

The setbacks of these properties are as follows:

- No. 31 Gill Street (under construction, two storey)  
 Ground floor dwelling setback: 2.7 metres  
 Ground floor garage setback: 2.5 metres  
 Upper floor balcony setback: Nil behind ground floor building line  
 Upper floor dwelling setback: 3.2 metres behind ground floor building line
- No. 80 Auckland Street (subject proposal, two storey)  
 Ground floor setback: 2.9 metres (Living 1 room)  
 Ground floor garage setback: 3.4 metres  
 Upper floor balcony setback: 0.6 metres  
 Upper floor dwelling setback: 0.7m behind ground floor building line (Sitting room)
- No. 78 Auckland Street (existing, single storey)  
 Carport setback: 6.6 metres  
 Dwelling setback: 10.0 metres



**MAYOR COLE:**

Applicant made changes to plans following DRP comments, can this be included?

**MANAGER DEVELOPMENT & DESIGN:**

The updates to the development plans relate to the following modifications:

- Providing obscured glass to the kitchen window to the eastern façade. The proposal satisfies the deemed-to-comply standard for eastern lot boundary setback with this change.
- The rear elevation has been treated with contrasting coloured render to the upper floor and moulding strips to differentiate between the ground and upper floors.

- *Incorporate face brick at the ground floor of the proposed development facing Auckland Street.*

*The Design Review Panel section of the officer report has been updated to specify these changes.*

**CR LODEN:**

In terms of plantations on the western side, are there any significant trees proposed within this space? Is there an opportunity for landscaping to be proposed to provide screening? Is the lack of vegetation a result of the sewer easement? Given there is a shortfall in landscaping and the proposed rear setback variation, is there an opportunity to get more trees into this space to reduce the bulk and scale?

**MANAGER DEVELOPMENT & DESIGN:**

*The applicant submitted a revised landscaping plan following Council's Briefing Session to replace the bamboo plants previously proposed to the eastern boundary with Hibiscus Tiliaceus Cottonwood Hibiscus as recommended by the City's Parks Team. This change would provide for additional canopy cover to the rear of the dwelling and would assist in breaking up the appearance of this dwelling wall as viewed from the adjoining property, noting that the setback of this wall meets the deemed-to-comply standard for lot boundary setbacks under the R Codes. These trees can also be planted 0.5 metres away from the sewer main and do not have invasive roots, ensuring it would not impact on the sewer easement.*

*The western side of the property is proposed to be planted with 10 trees in deep soil areas within this front setback area. This would soften the view of the development as viewed from Auckland Street.*

*The application proposes deep soil and planting areas, and canopy coverage that exceeds the deemed-to-comply standards of the Built Form Policy.*

**ADDITIONAL INFORMATION:**

*An additional three Syzigium Bush Cherry trees have been proposed to the southern side of the alfresco area following Council's Briefing Session. These trees would assist in providing suitable screening and privacy between the alfresco area and the southern adjoining property and would be viable in this location, as recommended by the City's Parks team. This has been updated in the Comments section of the officer report.*



Cr Worner left the meeting at 6.52pm due to a previously declared financial interest.

**5.2 NO. 173 (LOT: 7; D/P: 867) OXFORD STREET, LEEDERVILLE - PROPOSED ALTERATIONS AND ADDITIONS TO SMALL BAR (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)**

**Ward:** South

**Attachments:**

1. Location Plan
2. Development Plans
3. Landscaping Plan
4. Amended Acoustic Report
5. Previous Development Approval - 24 July 2020 (5.2020.81.1)

**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 a proposed Alterations and Additions to Small Bar (Amendment to Approved) (Unauthorised Existing Development) at No. 173 (Lot: 7; D/P: 867) Oxford Street, Leederville in accordance with the plans provided in Attachment 2, subject to the following conditions and associated advice notes:

1. All conditions, requirements and advice notes detailed on development approval 5.2020.81.1 dated 24 July 2020, 5.2021.274.1 dated 18 August 2020 and 5.2021.220.1 dated 14 September 2021 continue to apply to this approval, except as follows:
  - 1.1 Condition 1.1 is amended to read as follows:
    - 1.1. This approval relates to Alterations and Additions to Small Bar as indicated on the plans dated 17 March 2023 and 9 May 2023. It does not relate to any other development on the site;
  - 1.2 Condition 7 is amended to read as follows:
    7. The measures outlined in the approved acoustic report prepared by Acoustic Engineering Solutions, dated 24 April 2023 shall be implemented prior to the occupation or use of the development subject of this approval and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;
  - 1.3 Condition 11 is amended to read as follows:
    11. Within 28 days of the date of this approval, an updated Waste Management Plan shall be provided to the City. The updated Waste Management Plan is to reflect the changes to the bin store location and its increase in size. The approved Waste Management Plan shall be thereafter implemented to the satisfaction of the City;
  - 1.4 Condition 12.1 is amended to read as follows:
    - 12.1 An amended landscape and reticulation plan for the development site, to the satisfaction of the City, shall be lodged with and approved by the City prior to occupation or use of the development the subject of this approval. The amended landscape and reticulation plan shall generally be in accordance with the plan dated 17 March 2023 except the *Syzygium Leuhmannii* species being replaced with *Acmena Smithii Dwarf* species or other suitable species as approved by the City; and
  - 1.5 A new Advice Note 3 of 5.2021.220.1 to read as follows:
    3. The development is to comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.

**MAYOR COLE:**

Could Administration provide more clarity around what has been assessed as deep soil landscaping and non-deep soil landscaping.

**MANAGER DEVELOPMENT & DESIGN:**

*The proposal seeks to provide a total of 0.7 percent (2.9 square metres) of the site as deep soil and planting areas with a minimum dimension of 1 metre.*

*2.1 percent of the site (8.6 square metres) is also provided as landscaping, but is not classified as deep soil and planting areas. This is because it does not have a minimum dimension of 1 metre.*

*The Comment section in the officer report has been updated to confirm the amount of additional landscaping areas that do not qualify as deep soil and planting areas.*

**CR LODEN:**

Can Administration investigate whether a tree could be provided in the verge or road reserve?

**MANAGER DEVELOPMENT & DESIGN:**

*The City's Engineering team has confirmed that a tree could not be provided in the adjacent verge or road reserve for the following reasons:*

- *A tree planted within the verge would not be possible due to the presence of the building awning which extends to the edge of the road reserve and existing in-ground drainage infrastructure that would be impacted.*
- *A tree planted within the road would not be possible due to the existing in-ground drainage infrastructure (drainage line). It would also be inconsistent with the location of other trees along Oxford Street which are located either in the median or within the verge.*

Cr Worner returned at 6.56pm.

Manager Development & Design left the meeting at 6.57pm and did not return.

**5.3 OUTCOME OF ADVERTISING - LOCAL PLANNING POLICY: NON-RESIDENTIAL PARKING AND PAYMENT IN LIEU OF PARKING PLAN**

- Attachments:
1. Local Planning Policy: Non-Residential Parking
  2. Payment in Lieu of Parking Plan
  3. Policy No. 7.7.1 - Non-Residential Development Parking Requirements
  4. Community Consultation Submissions

**RECOMMENDATION:**

That Council:

**1. PROCEEDS with:**

- 1.1 Local Planning Policy: Non-Residential Parking, pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, at Attachment 1; and
- 1.2 Payment in Lieu of Parking Plan, pursuant to Clause 77J of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, at Attachment 2; and

2. REVOKES Policy No. 7.7.1 – Non-Residential Development Parking Requirements, in accordance with Schedule 2, Part 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, at Attachment 3.

**CR GONTASZEWSKI:**

Was this promoted to business community through business newsletter?

**EXECUTIVE MANAGER URBAN DESIGN & STRATEGIC PROJECTS**

*The Policy and Plan were advertised using the following methods:*

- *Imagine Vincent (28 March to 24 April 2023)*
- *Social media posts (14 April 2023 & 20 April 2023)*
- *E-Newsletter (5 April 2023)*
- *Perth Now (Central) (6 April 2023)*
- *Notice boards in the City's Administration Building, Library and Local History Centre.*

*The Business e-newsletter was not used as a method of consultation.*

**5.4 OUTCOME OF PUBLIC NOTICE - PROPOSED LEASE OF PORTION NO. 41 (LOT: 31) BRITANNIA ROAD, LEEDERVILLE**

- Attachments:**
1. Plan of Lease Area & Drawings of Telecommunication Facility
  2. Summary of Submissions from Public Notice

**RECOMMENDATION:**

That Council **APPROVES** the lease of a portion of land located No. 41 (Lot 31) Britannia Road, Leederville to Indara Corporation Pty Ltd (ACN 643 875 165) shown on the plan attached as Attachment 1 subject to the following key terms:

1. **Initial Term:** Ten (10) years
2. **Option Term:** Two x Five (5) year terms
3. **Rent:** \$48,000 per annum (plus GST)
4. **Rent Review:** CPI on 1 July annually
5. **Market Rent Review:** Market rent review at each Option Term which is to be undertaken 6 – 9 months before commencement of each Option Term.
6. **Outgoings:** Lessee's responsibility
7. **Rates & Taxes:** Lessee's responsibility
8. **Permitted Use:** For the purpose of constructing, maintaining and operating a telecommunications network and telecommunications service including but not limited to accessing, installing, storing, operating, repairing, maintaining, altering, removing, adding and replacing telecommunications equipment consistent with the evolving nature of telecommunications services
9. **Maintenance of leased area:** Lessee's responsibility
10. **Redevelopment clause:** City will have ability to require Indara to relocate after ten (10) years provided the City provides Indara with twenty four (24) months' written notice.

**MAYOR COLE:**

Can you update the plans to include the location of the initial two sites and the final proposed location?

**A/EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:**

*Attachment 1 has been updated*

Cr Loden left the meeting at 6.57pm.

Cr Loden returned at 6.59pm.

Executive Director Strategy & Development left the meeting at 6.59pm.

Cr Worner left the meeting at 6.59pm due to a previously declared financial interest.

## 7.7 EVENT SPONSORSHIP 2023/2024

- Attachments:**
1. Event Sponsorship Detailed Summary
  2. Event Sponsorship Guidelines
  3. Revelation Perth International Film Festival - Confidential
  4. East Perth Football Club Footyville - Confidential
  5. Good Sammy LOOP - Confidential
  6. WAHonk Fest - Confidential
  7. Communities Connect Multicultural Mental Health Expo - Confidential
  8. Beaufort Street Network Dogtober - Confidential
  9. Jazz Picnic in The Park and Jazz Brunch - Confidential
  10. PrideFEST Fairday - Confidential
  11. Mt Hawthorn Streets Festival - Confidential
  12. Candlelight Best Movie Soundtracks - Confidential
  13. Beaufort Street Network Christmas Festival - Confidential
  14. Mt Hawthorn NYE - Confidential
  15. Hyde Park Festival - Confidential
  16. St Patricks Day Festival - Confidential
  17. Multicultural Market - Confidential
  18. RTRFM Neon Picnic - Confidential
  19. North Perth Primary School 125th Year Anniversary - Confidential
  20. Subiaco Football Club City of Vincent Match - Confidential
  21. Perth Swing Dancing Hullabaloo Fair - Confidential
  22. Pickle District After Dark - Confidential
  23. Leederville Connect Events - Confidential
  24. Centrestage Seniors Concert Series - Confidential
  25. Vincent Open Studios - Confidential

### RECOMMENDATION:

1. That Council APPROVES an amount of \$249,000 in 2023/24 for Event Sponsorships as follows:

Event	Amount
Revelation Perth International Film Festival Revelation Perth International Film Festival	\$15,000
East Perth Football Club Footyville	\$0
Good Sammy LOOP By Good Sammy	\$15,000
Junkadelic Brass Band WAHonk Fest 2023	\$0
Multicultural Services Centre of WA Communities Connect Multicultural Mental Health Expo	\$0
Beaufort Street Network Dogtober	\$7,000
Perth International Jazz Festival Jazz Picnic In The Park and Jazz Brunch	\$25,000
Pride WA PrideFEST Fairday	\$20,000
Palace J Mt Hawthorn Streets Festival	\$25,000
FEVER Candlelight: Best of Movie Soundtracks	\$12,000
Beaufort Street Network Beaufort Street Christmas Festival	\$5,000
Floreat Athena Mt Hawthorn NYE	\$10,000
Rotary Club of North Perth Hyde Park Festival	\$15,000
St Patricks Day WA	\$20,000

St Patricks Day Festival	
Kena Cabral Morales Multicultural Market	\$0
RTRFM Neon Picnic	\$10,000
North Perth Primary School North Perth Primary School 125 <sup>th</sup> Year Anniversary	\$0
Subiaco Football Club City of Vincent Match	\$5,000
Perth Swing Hullabaloo Fair	\$0
The Pickle District After Dark	\$30,000
Leederville Connect Leederville Town Centre Events	\$25,000
Centrestage Recording Studios Seniors Concert Series	\$10,000
Julie Rosario Vincent Open Studios	\$0
<b>TOTAL EVENT SPONSORSHIP</b>	<b>\$249,000</b>

2. **NOTES the allocation of all 2023/24 Event Sponsorship remains subject to the recipient signing a Sponsorship Agreement with the City of Vincent identifying all related expectations and obligations.**

**MAYOR COLE:**

Larger scale events – any discussion with Revelation film festival re reducing the amount, and does that have any implications for their event?

**EXECUTIVE MANAGER COMMUNICATIONS AND ENGAGEMENT:**

*Revelation Film Festival were notified of the reduced funding and acknowledged the report for Council Briefing. The City has previously provided \$15,000 in funding and did not provide any large implications to the event as Revelation source many other streams of funding.*

**MAYOR COLE:**

Football clubs are required to hold 1 event, is that reflected in the recommendation? Does that require a footnote to show how that many is being provided?

**EXECUTIVE MANAGER COMMUNICATIONS AND ENGAGEMENT:**

*The Football Clubs have been consulted and agree to hold one collaborative event together. The \$5,000 funding has been divided between each club to reflect this, and comments have been included in Attachment 1 “Event Sponsorship Detailed Summary”.*

**MAYOR COLE:**

Footyville new – match was last year, if combining is 5k sufficient?

**EXECUTIVE MANAGER COMMUNICATIONS AND ENGAGEMENT:**

*Administration has contacted both footy clubs and they have agreed to do a collaborative event, so the funding has been split to \$2,500 each.*

**CR CASTLE:**

Any info re timing of Mt Hawthorn event? Request this info, what is proposed, family focused?

**EXECUTIVE MANAGER COMMUNICATIONS AND ENGAGEMENT:**

*The event is targeted towards 25 - 60+ with the general focus on culinary experiences and the vibrancy of Mount Hawthorn. Local venues will be encouraged to spill out onto the street and be surrounded with entertainment, music, roving performers, live cooking and pop up bars. The event will incorporate family friendly entertainment while maintaining a diverse program to cater to the broader community, with other*

*events being funded offering a primarily family friendly focus. It is proposed to run from 11am/12noon until 11pm.*

Community & Civic Events Officer left the meeting at 7.05pm and did not return.  
Cr Suzanne Worner returned to the meeting at 7.05pm

At 7.06pm Chief Executive Officer and Chief Financial Officer made a presentation on financial matters – LTFP, Underground Power, SCP, CBP, Capital Works program and Annual Budget .

At 7.11pm Executive Director Strategy & Development returned to the meeting.

**7.4 ADOPTION OF THE LONG TERM FINANCIAL PLAN 2023/24 - 2032/33****Attachments:** 1. Long Term Financial Plan 2024 - 2033**RECOMMENDATION:****That Council:**

1. **ADOPTS** the Long Term Financial Plan 2023/24 to 2032/33 and **NOTES** endorsement for the Scenario 1 - Base Scenario as detailed in Attachment 1;
2. **AUTHORISES** the Chief Executive Officer to forward the City of Vincent Long Term Financial Plan in 1 above to the Department of Local Government, Sport and Cultural Industries.

**MAYOR COLE:**

Page 8 – asset sustainability ratio – what is it now?

**CHIEF FINANCIAL OFFICER:**

*The report has been updated.*

**MAYOR COLE:**

Page 9 – Litis Stadium – more definitive in figures now grant has been approved?

**CHIEF FINANCIAL OFFICER:**

*The attachment has been updated.*

**MAYOR COLE:**

Page 10 –residual proceeds of sale of reserve, budget says this has gone to POS reserve

**CHIEF FINANCIAL OFFICER:**

*The attachment has been updated.*

**MAYOR COLE:**

Scenarios – financial ratios – explanatory notes on the amber?

**CHIEF FINANCIAL OFFICER:**

*The attachment has been updated.*

**CR HALLETT:**

5% interest rate – surcharge on credit cards relating to parking machines? Is City paying 5% transaction fee? (as per email from resident Sean Offer above)

**A/EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:**

*The City's approach to setting the parking ticket surcharge complies with the relevant regulatory standards, which allows the City to pass on the credit card surcharge. The City has chosen not to apply the actual 'Cost of Acceptance' for the credit card type, which varies between 5.21% and 6.53%, instead opting for a flat surcharge rate of 5%. As a result, the City recovers 80% of current merchant costs.*

**CR IOPPOLO:**

Why is the LTFP driven by 30 year rating strategy instead of other strategies? Is it possible to get a summary of non rating items included?

**CHIEF FINANCIAL OFFICER:**

*The report has been updated.*



**7.5 ADOPTION OF THE ANNUAL BUDGET 2023/24**

- Attachments:**
1. Statement of Comprehensive Income 2023/24
  2. Rate Setting Statement 2023/24
  3. 4 Year Capital Works Plan 2023/24 - 2026/27
  4. Cash Backed Reserves 2023/24
  5. Summary of Income and Expenditure by Service Area 2023/24
  6. Proposed Fees and Charges 2023/24
  7. Differential Rates and Minimum Payment - submissions received

**RECOMMENDATION:**

**That Council BY ABSOLUTE MAJORITY:**

**1. BUDGET:**

Pursuant to the provisions of Section 6.2(1) of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, **ADOPTS** the City of Vincent Annual Budget as detailed in Attachments 1 and 2 for the year ended 30 June 2024, which includes:

- 1.1 Statement of Comprehensive Income by Nature or Type showing a net result for that year of \$3,701,433;
- 1.2 Rate Setting Statement by Nature or Type showing an amount required to be raised from rates of \$42,302,811;
- 1.3 Transfers to/from Reserves as detailed on the Cash Backed Reserves Statement showing a 30 June 2024 closing balance of \$17,839,833;
- 1.4 Capital Works Program showing a total of \$19,131,500 (including 2022/23 carry forward projects of \$4,599,392).

**2. RATES:**

NOTES community submissions were received in response to the Notice published in accordance with section 6.36(1) of the *Local Government Act 1995*, detailed in Attachment 7.

Pursuant to Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, **IMPOSES** the following differential general rates and minimum payments on Gross Rental Values (GRV):

**2.1 General Rates:**

Differential General Rate	Cents in the dollar
Residential	7.52480
Vacant-Residential	7.82155
Vacant-Commercial	13.6689
Other (Commercial and Industrial)	7.08997

**2.2 Minimum Payments:**

Differential General Rate	Minimum Payment on GRV
Residential	\$1,395.41
Vacant-Residential	\$1,233.10
Vacant-Commercial	\$1,705.07
Other (Commercial and Industrial)	\$1,346.72

**2.3 RATE PAYMENT OPTIONS:**

Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the following due dates for payment in full by one payment on the due date or in 4 instalments:

Option	Instalment	Date
(a)	Due Date/First instalment	1 September 2023
(b)	Second instalment	3 November 2023
(c)	Third instalment	5 January 2024
(d)	Fourth instalment	8 March 2024

**2.4 INSTALMENT, RATES SMOOTHING AND ARRANGEMENTS, ADMINISTRATION FEES AND INTEREST CHARGES:**

2.4.1 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS an instalment administration charge of \$8.00 per instalment for payment of rates by 4 instalments, to apply to the second, third and fourth instalment;

2.4.2 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS an interest rate of 5.5% where the owner has elected to pay rates through an instalment option, rates smoothing or alternative payment arrangement.

**2.5 LATE PAYMENT INTEREST ON OVERDUE RATES AND AMOUNTS:**

ADOPTS an interest rate of 11% per annum, calculated daily from the due date and continuing until the date of payment:

2.5.1 On overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, subject to Section 6.51(4) of the *Local Government Act 1995*; and

2.5.2 Amounts due to the City in accordance with Section 6.13 of the *Local Government Act 1995*.

Subject to the following exclusions - deferred rates, current instalment amounts not yet due under instalment payment options, registered pensioner portions and current government pensioner rebate amounts;

**3. REPORTING OF BUDGET VARIANCES:**

Pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the monthly reporting variance for the 2023/2024 financial year of 10% or more, where that variance is also more than \$20,000;

**4. FEES AND CHARGES:**

PURSUANT to Section 6.16 of the *Local Government Act 1995*, ADOPTS the Schedule of Fees and Charges in Attachment 6

**5. RATES WAIVER:**

Pursuant to Section 6.47 of the *Local Government Act 1995*, WAIVES the 2023/24 local government rates for the following groups:

North Perth Bowling Club	Woodville Reserve	3,933.16
North Perth Tennis Club	Woodville Reserve	3,225.23
Leederville Tennis Club	Richmond Street Leederville	2,902.63
Tennis West	Robertson Park	6,593.67
East Perth Football Club	Leederville Oval	13,895.59
Subiaco Football Club	Leederville Oval	11,697.70
Town Team Movement	245 Vincent Street	1,346.72
Perth Soccer Club	Dorrien Gardens	19,142.92
Azzurri Bocce Club	Dorrien Gardens	4,378.77
Loton Park Tennis Club	Loton Park	2,977.79
Leederville Cricket Club	Britannia Reserve	2,481.49
Floreat Athena Junior Soccer Club	Britannia Reserve	2,481.49
Pride Western Australia Incorporated	4 View Street	2,424.77
Floreat Athena Soccer Club	Litis Stadium	10,058.89
Volleyball WA	Royal Park	3,630.42
Forrest Park Croquet Club	Forrest Park	4,973.61
Perth Junior Soccer Club Inc	Forrest Park	1,725.70
Gymnastics Western Australia Inc.	Loftus Centre	12,508.48
North Perth Community Garden Inc	Woodville Reserve	1,346.72
Vincent Men's Shed	Woodville Reserve	1,346.72
Mount Hawthorn Toy Library	Mt Hawthorn Community Centre	1,346.72
Mount Hawthorn Playgroup	Mt Hawthorn Community Centre	1,346.72
Tools n Things	Britannia Reserve	1,346.72
Highgate Forrest Park Playgroup	Forrest Park	2,212.78
Earlybirds Playgroup	87 The Boulevard	1,346.72
<b>Total</b>		<b>120,672.13</b>

6. NOTES a provision of \$50,000 within the budget that will be used to assist ratepayers in financial hardship, as determined by the Chief Executive Officer.
7. Pursuant to Section 6.11(2)(b) and Section 6.11(3)(a) of the *Local Government Act 1995*, APPROVES the closure of the Waste Management Plant and Equipment Reserve and the allocation of the reserve balance to the Strategic Waste Management Reserve.
8. Pursuant to Section 6.11(2)(a) and Section 6.11(3)(a) of the *Local Government Act 1995*, APPROVES the change in purpose of the Strategic Waste Management Reserve to the following purpose;
  - 8.1 “For the purpose of replacing plant and equipment associated with the City’s waste operations and investigation/implementation of integrated waste management strategies/programmes and initiatives, (including secondary waste treatment and costs associated with the redevelopment of Lot 118 Tamala Park).”
9. Pursuant to Section 6.11(2)(a) and Section 6.11(3)(a) of the *Local Government Act 1995*, APPROVES the change in purpose of the Tamala Park Land Sale Reserve to the following purpose;
  - 9.1 “For future significant/major capital works, underground power projects, infrastructure, project or debt reduction programme for the benefit of the City.”

**MAYOR COLE:**

Capital budget – funding not been sent, progress – page 8 capital budget and carried forward budget – extra column for status – committed, started, construction commenced but not paid for, tender awarded etc

**CHIEF FINANCIAL OFFICER:**

*Additional attachment “Carry Forward 2023/24” has been attached to the Annual Budget paper.*

**MAYOR COLE:**

Fees and charges –Barlee St car park – full fees from get go (2022/23)?

**CHIEF FINANCIAL OFFICER:**

*The attachment has been updated.*

**MAYOR COLE:**

Budget impact of not increasing Leederville carpark fee by 10c per hour?

**CHIEF FINANCIAL OFFICER:**

*This would result in approximately an additional \$50k in revenue in the Annual Budget 2023/24.*

**CR GONTASZEWSKI:**

If the GRV goes up, but the property value stays the same, what is the impact? Average GRV last year vs this year, no property value increase, what would the average rate be?

**CHIEF FINANCIAL OFFICER:**

*Residential GRV’s have increased by approximately 20% in the latest valuation provided by the Valuer General’s Office. Based on the Vincent 2022/23 Median Residential GRV of \$17,420, if a ratepayers GRV did not change in the latest valuation, their rates would reduce from \$1,494 in 2022/23 to \$1,311 in 2023/24.*

**CR IOPPOLO:**

Waterfall chart – resend ? Is it now current for financial position?

**CHIEF FINANCIAL OFFICER:**

*Will circulate to Council Members.*

**CR IOPPOLO:**

Of items committed in capital works budget, nature of legal commitment to spend prior to June 2024, by each capital item?

**CHIEF FINANCIAL OFFICER:**

*Additional attachment “Carry Forward 2023/24” has been attached to the Annual Budget paper.*

**CR IOPPOLO:**

What learnings have been used, as highest ever spend was \$11m, how do you justify \$19m.

**A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*While responsibility for the various capital projects/asset delivery within the Four Year Capital Works Program encompasses multiple service delivery areas, Administration generally, and Infrastructure and Environment Division specifically, has made significant effort to better manage the delivery of works and projects.*

*Critical to this is developing an appropriate level of confidence in the deliverables in the Four Year Capital Works Program and budgeting for the resources (in-house or external) to undertake project preparation in Years 2 and 3 and minimise the risk of ‘sunk costs’ in relation to projects that may otherwise be deferred or changed through the annual revision of the CapEx Program.*

*A focus is to implement procedures and processes to scope, design, and prepare for project delivery prior to the financial year of funding (i.e. Year 1), thereby minimising the lag time experienced in past years.*

*This also provides the opportunity to analyse the resources required to project manage the portfolio of works in the CapEx program, assess existing capacity, and budget for and bring additional resources (whether FTE or external) to bear.*

*Ongoing improvements in corporate support processes such as procurement, contract management and project management and ongoing staff training / familiarisation in these important management functions, coupled with minimising turnover of key staff positions (retention of corporate and project knowledge) all contribute to the City's capacity to deliver its CapEx commitments and minimise carry forwards.*

*Significant progress has been made towards these endeavours and further improvement in the timeliness (and effectiveness) of project delivery is anticipated as the City develops further rigour in project management.*

**CR IOPPOLO:**

Car parking reduces by 19%, how will rates drop because more cars will park? Can this reasoning be included in briefing notes?

**A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*As advised by the CEO and CFO, the impact of re-instating the first hour free into the Leederville car parks, based on this year's transactional data, it would have a \$400k reduction to the budget.*

**CR IOPPOLO:**

Rationale on \$2 minimum kerbside parking?

**A/EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*While the introduction and increasing use of EasyPark has delivered operational savings and efficiencies, the City is aware that some parking customers have parked in a kerbside bay, and only activate an EasyPark session once a Ranger patrol is spotted in the street. The customer then turns the session off once the patrol has departed the area. The \$2 minimum parking fee has been introduced to eliminate the deliberate abuse of EasyPark parking sessions and aligns it with the minimum credit card transaction paid through the on-street parking machines (being \$2).*

**CR IOPPOLO:**

Recommendation 6 – waiving of rates – in accordance with CoV Hardship guidelines – or does CEO have discretion to waive rates? Can clarify in notes?

**CHIEF FINANCIAL OFFICER:**

*The Financial Hardship provision will be administered in line with the City's Financial Hardship Guidelines. The recommendation has been updated to specify up to a maximum of \$500.*

**CR IOPPOLO:**

*Why does Administration take the view that it should put all its capital works in 1 year and rely on some type of deferment captured as carry forward, rather than increasing its reserve for future work that we know we probably won't spend until the following year? The effect is the same, but why do you choose to do it this way and not create a reserve?*

**CHIEF FINANCIAL OFFICER:**

*The City has developed a 4 Year Capital Works Program based on current estimates to align spending in the year the cash outflow is expected to occur. Where the cash outflow is certain to occur in a subsequent year, the City will reflect this in the 4 Year Capital Works Program and utilise reserve funds if available. An example of this is the drainage truck which is expected to be paid for in 2024/25 and will be funded from reserves.*

**7.6 UNDERGROUND POWER FINANCIAL MODEL****Attachments: 1. Underground Power Financial Model****RECOMMENDATION:****That Council**

- 1. ADOPTS the Underground Power Financial Model outlined at Attachment 1 and Notes the following:**
  - 1.1 A maximum borrowing capacity of 50% has been assessed using the Western Australian Treasury Corporation's (WATC) Indicative Additional Debt Capacity Calculator.**
  - 1.2 Ratepayers will be provided the option to pay their service charges upfront payment or through a 4-year payback period option.**
  - 1.3 The 4-year payback period option will be available for up to an estimated maximum 70% of ratepayers per project and funded by either or a combination of 4-year fixed interest term loans borrowed from the WATC, the Underground Power Reserve and the Tamala Park Land Sales Reserve.**
  - 1.4 The Underground Power Reserve and Tamala Park Land Sales Reserve will be used during the life of the project.**
  - 1.5 Properties will be levied a service charge based on the total costs of their specific project area.**

**MAYOR COLE:**

Clause 1.5 of recommendation, levied a service charge– clarify

**CHIEF FINANCIAL OFFICER:**

*The report has been updated.*

**CR CASTLE:**

Indicated – idea of what the proposed interest rate will be for 4 year payment plan? Can this be outlined in the report? Pegged to treasury rates.

**CHIEF FINANCIAL OFFICER:**

*The report has been updated.*

**CR HALLETT:**

Map colour coded against table on page 2

**CHIEF FINANCIAL OFFICER:**

*The report has been updated.*

Cr Gontaszewski left the meeting at 8.02pm.  
Chief Executive Officer left the meeting at 8.03pm.  
Chief Executive Officer returned at 8.03pm.  
Cr Gontaszewski returned at 8.04pm.

**8.3 ADOPTION OF CORPORATE BUSINESS PLAN 2023/24 - 2026/27 AND FOUR YEAR CAPITAL WORKS PROGRAM 2023/24 - 2026/27**

**Attachments:** 1. **Draft Corporate Business Plan 2023/24 - 2026/27 and Capital Works Program 2023/24 - 2026/27**

**RECOMMENDATION:**

**That Council:**

- 1. ADOPTS BY ABSOLUTE MAJORITY the City of Vincent Corporate Business Plan 2023/24 – 2026/27 at Attachment 1 including the Four Year Capital Works Program 2023/24 – 2026/27; and**
- 2. NOTES that:**
  - 2.1 financials in the CBP and CWP are subject to change based on the figures adopted in the City’s Annual Budget 2023/24 and Long Term Financial Plan; and**
  - 2.2 final editorial, design and formatting of these documents will be determined by the Chief Executive Officer prior to publication.**

**NO QUESTIONS**

**6.1 UNRECOVERABLE PARKING INFRINGEMENTS WRITE-OFF**

**Attachments:** 1. FER Write-Offs 2021\_2022 - Confidential

**RECOMMENDATION:**

**That Council APPROVES the write off of Parking Infringement Notices totalling \$170,119.65 that have been withdrawn by the Fines Enforcement Registry, as identified within Attachment 1.**

**NO QUESTIONS**

Project and Strategy Officer left the meeting at 8.12pm and did not return.



**7.1 FINANCIAL STATEMENTS AS AT 30 APRIL 2023**

**Attachments: 1. Financial Statements as at 30 April 2023**

**RECOMMENDATION:**

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

<b>NO QUESTIONS</b>
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**7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 APRIL 2023 TO 30 APRIL 2023**

- Attachments:
1. Payments by EFT and Payroll April 23
  2. Payments by Cheque April 23
  3. Payments by Direct Debit April 23

**RECOMMENDATION:**

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

EFT payments, including payroll	\$4,193,792.68
Cheques	\$498.45
Direct debits, including credit cards	\$129,090.66
<b>Total payments for April 2023</b>	<b>\$4,323,381.79</b>

<b>NO QUESTIONS</b>
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**7.3 INVESTMENT REPORT AS AT 30 APRIL 2023**

**Attachments: 1. Investment Statistics as at 30 April 2023**

**RECOMMENDATION:**

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

**NO QUESTIONS**

**7.8 OUTCOME OF ADVERTISING AND ADOPTION OF PURCHASING POLICY**

- Attachments:**
- 1. Amended Purchasing Policy - Clean Copy - Public Submission**
  - 2. Amended Purchasing Policy - Tracked Changes - Public Submission**
  - 3. Summary of Submissions - Outcomes of Purchasing Policy Amendments**

**RECOMMENDATION:**

**That Council ADOPTS the amendments to the Purchasing Policy at Attachment 1.**

<b>NO QUESTIONS</b>
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**7.9 PROPOSAL TO HOLD EVENTS AT LEEDERVILLE OVAL****Attachments:** 1. Leederville Oval Map of Leased Area**RECOMMENDATION:****That Council:**

1. Subject to the approval of the Minister of Lands, APPROVES the grant of licence to Newox Pty Ltd (ACN 640 888 599) for the use of a portion of Leederville Oval, 246 (Lot 500) Vincent Street, Leederville on the following key terms:
  - 1.1 Initial Term: 1 October 2023 to 7 January 2024; and  
1 October 2024 to 7 January 2025.
  - 1.2 Option Term: 1 October 2025 to 7 January 2026; and  
1 October 2026 to 7 January 2027  
at the absolute discretion of the City.
  - 1.3 Licence Fee: 1 October 2023 to 7 January 2024; and  
1 October 2024 to 7 January 2025:  
Based on City of Vincent's fees and charges applicable to Leederville Oval for financial year 2023/2024.  
  
1 October 2025 to 7 January 2026; and  
1 October 2026 to 7 January 2027:  
Based on City of Vincent's fees and charges applicable to Leederville Oval as at 1 July of that financial year.
  - 1.4 Licence Area: Portion of Leederville Oval, being oval section, common area section, additional facilities, and car parking area (i.e. all of Lot 500 Vincent Street, Leederville except the areas leased to East Perth Football Club Inc., Subiaco Football Club Inc. and the Department of Local Government, Sport and Cultural Industries).
  - 1.5 Permitted Purpose: To host a number of events focused around food, music or family friendly entertainment.  
Proposed events under this Licence shall be operated in keeping with the deliverables of the City's Public Health Plan, including:
    - a) The event activities shall not be focused on the consumption of alcohol;
    - b) Alcohol advertising, marketing, promotion and sponsorship shall be limited; and
    - c) All events shall be smoke and vape free.
  - 1.6 Outgoings: Lighting as per City of Vincent's fees and charges adopted as at 1 July annually.
  - 1.7 Cleaning and Maintenance: Licensee's responsibility.
  - 1.8 Make good: Licensee's responsibility, including through bond payment for turf repair by City.

**1.9 Approvals**

The licensee shall make all relevant applications to the City, prior to each event, for approval under relevant Environmental Noise, Building and Health legislation.

**1.10 Redevelopment:**

If the City:

- d) wishes to develop the Land or its surrounds; or
- e) determines that it can no longer maintain the Land in a safe and occupiable condition,

the City, may upon providing the Licensee with 3 months' prior notice, require the Licensee to surrender the licence over the Land.

2. Subject to the Minister's approval in Recommendation 1 and final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and the Chief Executive Officer to affix the common seal and execute the Licence; and
3. **NOTES** that the event organiser would be required to inform the community of event details ahead of events.

**CR GONTASZEWSKI:**

Implications – can mitigations be included?

**EXECUTIVE MANAGER COMMUNICATIONS AND ENGAGEMENT:**

*The report has been updated to include mitigations and the requested area between the two club rooms as raised by Executive Director Strategy and Development.*

**8.1 ANNUAL REVIEW OF COUNCIL DELEGATIONS**

**Attachments:** 1. Register of Council Delegations - Marked up for 2023 Review

**RECOMMENDATION:**

**That Council:**

1. **NOTES** the annual review of its delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report; and
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in the City's Council Delegated Authority Register included as Attachment 1.

**MAYOR COLE:**

Delegation 2.2.18 does this propose that new leases for category 1 and 2 groups are determined by Administration? What is the rationale for this change? Preference that any proposed new tenants are presented to Council for consideration.

**A/EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:**

*Consistent with Council's decision of [17 November 2020](#) approving the Property Management Framework delegation is not extended to the establishment of new leases or licenses from community or sporting groups or Category 3 and 4 groups not currently occupying a City building.*

*Attachment 1 has been updated to reflect this condition.*

**MAYOR COLE:**

Can you clarify if Administration has delegation to establish resident only parking areas of if this comes to Council?

**MANAGER RANGERS:**

*Under delegation 3.1 Administer Local Laws the CEO and Executive currently have the delegation to add/change parking restrictions. In practice all parking restrictions requests are referred to Council and would be subject to public consultation, like the recent changes in Harold Street.*

*The delegation is used for minor changes only. This practice has now been confirmed with the Executive Director.*

### 3.1 Administer Local Laws

#### 3.1.1 Council to CEO – all Local Laws

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i> All powers under City's local laws: <ul style="list-style-type: none"> <li>• <i>Dogs Local Law</i></li> <li>• <i>Fencing Local Law</i></li> <li>• <i>Health Local Law</i></li> <li>• <i>Local Government Property Local Law</i></li> <li>• <i>Parking &amp; Parking Facilities Local Law</i></li> <li>• <i>Meeting Procedures Local Law</i></li> <li>• <i>Trading in Public Places Local Law</i></li> </ul>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws, including relating to: <ul style="list-style-type: none"> <li>• Permits;</li> <li>• Enforcement framework;</li> <li>• Recovery of costs; and</li> <li>• Adding or changing parking restrictions.</li> </ul>
<b>Council Conditions on this Delegation:</b>	Parking permits are to be issued in accordance with the City's policy number 3.9.3
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Executive Manager Communications & Engagement left at 8.18pm during item 8.1, and did not return.



## 8.2 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES POLICY

- Attachments:
1. Legal Representation for Council Members and Employees Policy - (clean copy)
  2. Legal Representation for Council Members and Employees Policy - (marked up)

### RECOMMENDATION:

That Council **ADOPTS** the amended Legal Representation for Council Members and Employees Policy at Attachment 1.

#### CR IOPPOLO:

With reference to section 2.2 of the amended policy can you clarify why defamation action that is initiated by a council member isn't covered?

Does the policy allow for people who are accused of defamation and require legal advice to make a claim?

#### A/EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The [Local Government Operational Guideline – Legal Representation for Council Members and Employees](#) and incorporated Model Policy provide clarification of the intention of clause 2.2 as follows:

*Local government council members and employees will at times be subject to personal public criticism they consider to be unfair. Depending on the circumstances and the veracity of the criticism, council members or employees may seek to redress the situation by taking legal action. Legal advice received by the Department suggests that only in exceptional circumstances would a local government be able to justify, under the 'good government' provisions, funding the initiation of legal action by a council member or employee....*

*Legal precedent dictates that it is fundamental to public scrutiny that governments be open to criticism by members of the community. The threat of civil action against any person who publicly criticises a local government will have an inhibiting effect on freedom of speech and inevitably lessen a local government's accountability to its community.*

*Clause 2.2 provides approval of payment of legal representation cost for a defamation action, or negligence action, instituted by a Council Member or Employee, under exceptional circumstances. Such circumstances would be presented to, and considered by:*

- Council when determining an application by Council Members or the CEO; or
- the CEO when determining an application by Employees

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

Nil

**10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

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

At 8.25pm the meeting went behind closed doors and the livestream stopped to discuss confidential item 11.1 Appointment of Executive Director of Infrastructure & Environment 2023.

Manager Community Facilities left the meeting at 8.25pm and did not return.

Manager Engineering left the meeting at 8.25pm and did not return.

A/Executive Director Infrastructure & Environment left the meeting at 8.25pm and did not return.

Executive Director Strategy & Development left the meeting at 8.25pm and did not return.

A/Executive Manager Corporate Strategy & Governance left the meeting at 8.25pm and did not return.

Chief Financial Officer left the meeting at 8.25pm and did not return.

**The confidential questions and responses have been provided separately.**

At 8.36pm the meeting resumed and the livestream recommenced.

**12 CLOSURE**

There being no further business the meeting closed at 8.36pm.