



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

14 December 2021

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**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
AT THE ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 14 DECEMBER 2021 AT 6.00PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Ron Alexander Cr Alex Castle Cr Dan Loden</p> <p>Cr Suzanne Worner Cr Jonathan Hallett Cr Ross Ioppolo Cr Ashley Wallace</p>	<p>Presiding Member South Ward North Ward North Ward North Ward (arrived at 6.07, during Item 3) North Ward South Ward South Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy</p> <p>Virginia Miltrup</p> <p>John Corbellini</p> <p>Jay Naidoo Rhys Taylor</p> <p>Tara Gloster</p> <p>Peter Varris</p> <p>Mark Ambrose</p> <p>Jeff Sweetman</p> <p>Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Community & Business Services Executive Director Strategy & Development Manager Development & Design Executive Manager Financial Services (arrived at 6.06pm) Manager Policy & Place (arrived at 6.07pm) Executive Manager Corporate Strategy & Governance Senior Director Financial Audit - Office of the Auditor General (arrived at 7.00pm - 7.50pm) A/Assistant Director Financial Audit - Office of the Auditor General (arrived at 7.00pm - 7.50pm) Council Liaison Officer</p>

Public: Approximately 28 members of the public.

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.00pm and read the following Acknowledgement of Country statement:

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

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following questions and statements were received at the meeting. This is not a verbatim record of questions and statements made at the meeting.

3.1 John Viska of North Perth – Item 9.16

- Spoke against the recommendation
- Mentioned that Hyde Park has always been free from commercial enterprises, purely recreational space with no advertising signage
- Stated that the Heritage Council of WA has entered it onto the State register of heritage places
- Mentioned that Heritage Impact Statement has been requested by the Minister before the approval will be considered. This entails:
 - A. Tree Protection and management plan by a suitably qualified arboriculturist.
 - B. Details of proposed excavation associated with service installations or upgrades
 - C. Details of any signage, seats, bins or shade installations.
- Urges Council to reject the proposal due to a questionable public consultation and the impact of the ongoing expense on ratepayers.

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

3.2 Lyn Oliver of North Perth – Item 9.16

- Spoke against the recommendation
- Mentioned that she completed the first survey, and was surprised it didn't mention the historical, unique nature of the park
- Mentioned that she doesn't agree with the exclusive nature of the lease
- Stated that she does not agree with the cost to ratepayers

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

3.3 Brian Easton – Item 9.16

- Spoke against the recommendation
- Mentioned that Hyde Park has historical, cultural, heritage, environment, recreational and artistic value
- Stated that it is used by many people to carry out various activities
- Mentioned that his concern is that the proposal is without clear community support
- Stated that the service delivery vehicles will be accessing the park near the playground
- Mentioned that the kiosk is not required, neither is the increase in waste
- Urges Council to reject the proposal and carry out a further community survey

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

3.4 Sue Carland of Perth – Item 9.16

- Spoke against the recommendation
- Mentioned that she is confused about the recommendation considering the results of the community survey
- Stated that she likes the food trucks

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

3.5 Richard Zielinski of North Perth – Item 9.1

- Spoke against the recommendation
- Mentioned that multiple residents have complained
- Stated that noise and vibration monitoring has been done in their premises and it was found to be above recommended limits, but no action was taken

The Presiding Member, Emma Cole, thanked Mr Zielinski for his comments and advised that some of those items would be raised during discussion on the item.

3.6 Monique Arnoldi of West Perth – Item 9.1

- Spoke against the recommendation
- Mentioned that the gym is causing a constant disruption
- Stated that the gym has been non compliant for a long period of time
- Mentioned the evidence that she has collected to back up her claim

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

3.7 Peter Arnoldi of West Perth - Item 9.1

- Spoke against the recommendation
- Mentioned he lives 30m from the gym
- Mentioned that the noise and vibration is intrusive, making their house shake
- Suggested that the building be renovated to contain the noise, no amplified music before 7am or after 7pm, trainers should not shout instructions and the weights should not be dropped
- Mentioned that the recommendation would allow the gym to operation for over 14 hours a day
- Queried if this is the case, when would COVID cleaning be done

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

3.8 Robert Marchei of West Perth – Item 9.1

- Spoke against the recommendation
- Mentioned that he lives three doors west of gym
- Stated that the noise starts at 6am and is affecting his family's mental health

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

3.9 Sondra Anderson of West Perth – Item 9.1

- Owns a house that adjoins the south wall of the gym
- Mentioned that she has been a frequent complainant
- Mentioned that the compliance enforcement should be with the City, not reliant on the residents

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

3.10 Stephen Graves of Mt Lawley – Item 9.16

Mr Graves submitted a report from Dr May Carter prior to the meeting, and added the following comments:

- Spoke against the recommendation
- Thanked Council for allowing the public to express their opinion
- Mentioned that the lease terms are overly favourable and should be considered further
- Stated that Hyde Park is a treasure
- Mentioned that the community survey shows that the kiosk is not what the majority of the community want
- Stated that the treatment of the food van owners has not been good
- Mentioned that another café is not considered, there are many options surrounding the park

The Presiding Member, Emma Cole, thanked Mr Graves for his comments and thanked him for referring to Council's openness.

3.11 Wayne Bayliss of West Perth – Item 9.16

- Spoke against the recommendation
- Mentioned that Hyde Park is rare in WA
- Requested Council to consider the historical nature of the park when making their decision

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

3.12 Emily Hopkiss of Wembley – Item 9.16

- Spoke against the recommendation
- Stated that the uncommercial nature of the park should be kept
- Mentioned that a liquor licence next to the playground is not family friendly
- Stated that most of the survey respondents do not support the kiosk
- Urged Council to consider community sentiment in their decision

The Presiding Member, Emma Cole, thanked Ms Hopkiss for his comments

3.13 Marion Granich of Perth – Item 9.2

- Spoke against the recommendation
- Mentioned that the bulk and scale of the development does not fit in with the current streetscape
- Stated that some the development application details exceed the Deemed to Comply conditions
- Mentioned that the proposed overshadowing is excessive and would impact the neighbours
- Urged Council to consider the heritage importance of the area when making their decision

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

3.14 Peter Rossi of North Perth – Item 9.16

- Spoke against the recommendation
- Spoke in support of the food vans, which add to the ambience of the park
- Mentioned that the kiosk is in a poor location
- Stated that the community want food vans and do not want a kiosk
- Urged Council to undertake another community survey

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

3.15 Julian Coyne of North Perth – Item 9.16

- Spoke against the recommendation
- Mentioned that the food vans add to the value of the park
- Queried the process and feels the decision is being rushed
- Mentioned that he is concerned about the liquor licence

The Presiding Member, Emma Cole, thanked Mr Coyne for his comments and clarified that no liquor would be sold from the kiosk.

3.16 Thomas Young of North Perth – Item 9.16

- Spoke against the recommendation
- Mentioned that the community does not support this recommendation
- Stated that he is concerned about the speed of the decision
- Mentioned that the community survey was not structured correctly

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

3.17 Dudley Maier of Highgate – Item 9.16

At the Briefing the mayor mentioned the passion speakers brought to this item. My observation is that the passion is mainly coming from people who are concerned with the process that's been followed, and the recommendation that's been made. I see the passion coming from people who do not support the recommendation, most of whom are regular users of the park - I don't see it from people who want a kiosk.

My concerns are about the process and the financial aspects.

Firstly, I was concerned that the tender went out without giving a clear indication of whether the food vans would be there or not – whether there would be competition or not.

Business requires certainty. It makes it difficult for a business to decide how much to offer if they don't know if they will have competition or not.

Given the overwhelming response from the community was that they wanted competition, and in fact they preferred food vans, it is not hard to accept that some potential tenderers assumed that the chance of competition from vans would be high, and therefore decided not to risk spending the money on developing a tender.

Secondly, there is the tender document itself. There was so much detail missing that the City had to issue an addenda to clarify such basic things such as exactly what facilities the city would provide, what the tenderer must provide, who would cover utility costs etc.

Thirdly, there's the issue of the rent. Firstly, the recommendation should refer to the 'rent' and not the 'proposed rent', and it shouldn't 'include GST'! The effective rent for both the tenderer and the City is approximately \$27,300, not \$30,000. The accepted practice is to exclude GST.

The professional advice was that the City could expect between \$30,000 and \$60,000 – presumably \$30,000 if there is competition, and \$60,000 if there isn't. So it is baffling that the administration recommend an amount that is even below the lower estimate, even though there is no competition. They should have negotiated a better deal.

I also see the estimated upgrade cost to the community has gone from between \$30,000 to \$35,000, to now being \$55,000. And last week the lease was to initially be for 2 years, and now it is for 5 years! It doesn't instil any confidence.

I think you may have been able to mount a case for a kiosk, but the onus would have been on you to explain why, and win people over rather than just steamroll it through. At this stage I don't think there is the necessary community support, or sufficient confidence in the process.

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

3.18 Alan Stewart of Perth – Item 9.2

- Stated that he is the applicant for this development application
- Mentioned that the current house has been extensively restored
- Stated that the development fits into the area and the property
- Mentioned that the R Codes variations are minor
- Stated that the development overshadowing is minor and does not affect the garden of the neighbours
- Mentioned that the Heritage Council supports the application

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

3.19 Carol Scafe of Perth – Item 9.2

- Spoke against the recommendation
- Mentioned that she opposes a two storey development in a row of modest, single storey workers cottages, which are unique in WA
- Stated that this development will set a planning precedent for size, bulk and overshadowing
- Stated that the overshadowing is excessive and the development will loom over the neighbour
- Mentioned that the precinct received a UNESCO award for cultural heritage conservation and that this cultural importance has been neglected in the application

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

3.20 Maria Chelengo of Northbridge – Item 9.16

- Spoke against the recommendation

- Queried why an additional building is being added to the park, when the current buildings are not being maintained
- Mentioned that the kiosk is unnecessary and funded by ratepayers who do not support it
- Stated that the food trucks add value to the park

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

3.21 David McLoughlin of Perth – Item 9.2

- Spoke against the recommendation
- Resident of Moir Street
- Stated that the overshadowing is excessive
- Mentioned that the Brookman/Moir Guidelines are clear on the topic of overshadowing
- Urges Council to exercise discretion in considering this application

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

3.22 Marcus Scippotani of West Perth – Item 9.2

- Spoke in favour of the recommendation
- Stated that he is a member of the gym
- Mentioned that he understands the complaints, but suggests that the garage be soundproofed and the mats improved, so that everybody's needs are met

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

3.23 Isabel Clements of – Item 9.16

- Spoke in favour of the recommendation
- Mentioned that the community is in support of the food trucks
- Stated that a kiosk would destroy the reputation of the park

The Presiding Member, Emma Cole, thanked Ms Clements for her comments and advised that renovations are planned in the toilets at Hyde Park and there is budget allocated.

Mr Ambrose and Mr Sweetman from the Office of the Auditor General joined the meeting.

The following statements were submitted prior to the Meeting.

[Public Questions and Statements 14 December 2021](#)

Administrations' responses will be provided in the Agenda for the 8 February 2022 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 7.01pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.3 Dudley Maier of Highgate

- Queried the response to his question about the publication of the Audit Committee meeting agenda.
- Stated that the Meeting Procedures Policy states that the Audit Committee agendas must be published on the City's website
- Stated that the Meeting Proceedings Guidelines which deals with how meetings are conducted, not with the agendas and minutes, and are not applicable to the Audit Committee
- Queried if the City would publish the agendas as required by the policy

No. Reference is made to the response to your question in the 16 November 2021 Ordinary Council Minutes. Council adopted both the Meeting Procedures Policy and supporting Guidelines which state that

“Committees that do not have delegated powers or duties to make decisions are not subject to these guidelines”. Therefore Audit Committee agendas are not required to be published on the City’s website.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Islam Bouyihia submitted a petition with 753 signatures requesting that Council:

1. *Note that the undersigned support the retention of food trucks in Hyde Park and not supporting the permanent kiosk.*
2. *If it proceeds with the award of a tender for the operation of a kiosk at Hyde Park, not exclude food trucks from continuing to operate at Hyde Park.*

PETITION

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Wallace

That the petition be received and dealt with during the discussion of Item 9.16.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

Cr Alexander did not vote due to his proximity interest.

Council received the following deputations:

5.2 Mr Islam Bouyihia of Highgate– Item 9.16

- Submitted an additional 50 signatures to the petition he had previously submitted.
- Stated that he is the owner of What the Flip food truck
- Stated that Hyde Park is a sanctuary that needs to be protected, and the public do not want it to be changed
- Mentioned he has tried to limit the impact on the park from his food truck
- Stated that he has built a strong customer base and is an excellent business operator
- Asked Council to redo the consultation process
- Mentioned that the food vans have no downside on the environment
- Stated that the kiosk will bring unwanted advertising

5.3 Mr Bjorn Voon of Morley - Item 9.1

- Stated that he is the owner of Fibre Activ Gym
- Stated that he offers a service to the community, and the gym is his livelihood
- Stated that the gym is in a commercial area
- Mentioned that he is willing to work with the residents on any issues
- Stated that the changes he has already made have reduced the number of clients who attend

- Reinforced that the change to the hours will depend on the improvements being made
- Asked if running is allowed on the footpath, as long as the noise is kept down

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Hallett

That the minutes of the Ordinary Meeting held on 16 November 2021 be confirmed.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 CHRISTMAS EVENTS

Community events have been popular and well attended.

8 DECLARATIONS OF INTEREST

- 8.1 David MacLennan, CEO, declared an impartiality interest in Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd, which refers the applicant engaging a contractor to dispose of rubbish and intend to facilitate a Container Deposit Scheme drop off bin with proceeds contributing to People Who Care, RUAH, and Derbarl Yerrigan Health Services. The extent of his interest is that he is married to an employee at Derbarl Yerrigan Health Services. The CEO has had no direct contact with Veggie Mama and no involvement in their proposal to facilitate a Container Deposit Scheme drop off bin with proceeds contributing to Derbarl Yerrigan Health Services.
- 8.2 Cr Alex Castle declared an impartiality interest in Item 9.11 Britannia North West Reserve Development Plan. The extent of her interest is as the President of the Floreat Athena Football Club supported her during her election campaign. She also purchased a ticket to the Floreat Athena vs Adelaide United match and received an additional minor amount of hospitality, below the threshold for declaration.
- 8.3 Cr Ron Alexander declared a proximity interest in Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd. The extent of his interest is that he lives opposite Hyde Park. He is not seeking approval to participate in the debate, but requests approval from Council to vote in the matter.
- 8.4 David MacLennan, CEO, declared an impartiality interest in Item 9.11 Britannia North West Reserve Development Plan. The extent of his interest is that his niece is one of the girls referred by the Club President as playing in the Floreat Athena Club.
- 8.5 Mayor Cole declared an impartiality interest in Item 9.11 Britannia North West Reserve Development Plan. The extent of her interest is that her son is a junior player of the Club.
- 8.6 Cr Dan Loden declared an impartiality interest Item 9.11 Britannia North West Reserve Development Plan. The extent of his interest is that he plays indoor soccer with people who are members of the Floreat Athena Club and executive, and his daughter plays for the Club.
- 8.7 Cr Suzanne Worner declared an impartiality interest Item 9.11 Britannia North West Reserve Development Plan. The extent of her interest is she is friends with Andrew Kailis who is a part of

the FAFC and her company, UpBeat Events, has provided quotes and assistance for their upcoming New Year's Eve event.

At 7:16 pm, Cr Susan Gontaszewski left the meeting.

At 7:17 pm, Cr Susan Gontaszewski returned to the meeting.

NOTE: Cr Alexander submitted a request for Council consider permitting him to participate (speaking and voting in regards Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd, on which he has a Proximity Interest. Cr Alexander believes that his interest is trivial and in common to a substantial number of electors as his home is a significant distance from the location for the proposed kiosk.

At 7:20 pm, Cr Ron Alexander left the meeting.

The Executive Manager Corporate Strategy & Governance advised of the rules regarding a proximity interest and dealing with a request to participate in the decision making process.

COUNCIL DECISION

Moved: Cr Ioppolo, Seconded: Cr Hallett

That Council **APPROVES** Cr Alexander's request to participate in the debate and vote on Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd.

LOST (7-1)

For: Cr Ioppolo

Against: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, and Cr Wallace

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

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Gontaszewski

That Council **APPROVES** Cr Alexander's request to participate in the debate but not vote on Item 9.16 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd.

CARRIED (5-

3)

For: Mayor Cole, Cr Gontaszewski, Cr Ioppolo, Cr Loden, and Cr Wallace

Against: Cr Castle, Cr Hallett, Cr Worner,

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

At 7:40 pm, Cr Ron Alexander returned to the meeting.

REPORTS

The Presiding Member, Mayor Emma Cole, advised the meeting of:

(a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**

Items 9.1, 9.2 and 9.16.

- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 9.15, 9.16, 11.2, 11.10, 11.11, 12.1 and 12.3.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Item 9.16.

The Presiding Member, Mayor Emma Cole, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Gontaszewski	9.10 and 10.1
Cr Alexander	9.1, 9.2 and 9.16
Cr Ioppolo	9.1, 9.2, 9.3, 9.9, 9.16, 11.9 and 11.1
Cr Wallace	9.3

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**
Items 9.4, 9.5, 9.6, 9.7, 9.8, 9.11, 9.12, 9.13, 9.14, 11.1, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 12.2 and 12.4
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Nil

ITEMS APPROVED “EN BLOC”:

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

COUNCIL DECISION

Moved: Cr Castle, Seconded: Cr Wallace

That the following unopposed items be adopted “En Bloc”, as recommended:

Items 9.4, 9.5, 9.6, 9.7, 9.8, 9.11, 9.12, 9.13, 9.14, 11.1, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 12.2 and 12.4

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.4 NO. 308 (LOT: 700; S/P: 84556) OXFORD STREET, LEEDERVILLE - PROPOSED FOUR GROUPED DWELLINGS**Ward: North**

- Attachments:**
1. Consultation and Location Map
 2. Final Development Plans
 3. Lodged and Advertised Development Plans
 4. Summary of Submissions - Administration's Response
 5. Summary of Submissions - Applicant's Response
 6. Environmentally Sustainable Design Report
 7. Urban Design Study
 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 Four Grouped Dwellings at No. 308 (Lot: 700; S/P: 84556) Oxford Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

1. Development Plans

This approval is for Four Grouped Dwellings as shown on the approved plans dated 24 November 2021. No other development forms part of this approval;

2. Boundary Walls

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

3. External Fixtures

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

4. Visual Privacy

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

5. Colours and Materials

5.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

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

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 24 November 2021, with the addition of the following:

- One additional Cottonwood Tree shall be planted within the front setback area of Unit 1.

The landscaping works shall be undertaken prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Stormwater

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

8. Sight Lines

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

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

Unless otherwise approved by the City of Vincent;

9. Car Parking and Access

9.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

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; and

9.3 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided;

10. Waste Collection

The Oxford Street verge abutting the subject site shall be modified to accommodate the bin collection point for the development to the City's verge specifications. All costs associated with the works shall be borne by the applicant. Works shall be completed to the City's satisfaction prior to occupancy of the development; and

11. Construction Management Plan

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

- Storage of materials and equipment on site;
- Parking arrangements for contractors and sub-contractors;
- Notification to affected landowners;
- Construction times; and
- Impact on traffic movement.

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

COUNCIL DECISION ITEM 9.4

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.5 NOS. 169-173 (LOT: 5; D/P: 42227 & LOT: 99; D/P: 3642) SCARBOROUGH BEACH ROAD AND NOS. 60-62 (LOT: 5; D/P: 42227 & LOT: 98; D/P: 3642) COOGEE STREET, MOUNT HAWTHORN - PROPOSED CHANGE OF USE FROM SHOP TO TAVERN AND ASSOCIATED ALTERATIONS AND ADDITIONS

Ward: North Ward

Attachments:

1. Location and Consultation Map
2. Development Plans
3. Parking Management Plan
4. Acoustic Report
5. Applicant Justification
6. 3D Rendered Images
7. Previous Development Approval and Plans
8. Summary of Submissions - Administration's Response
9. Summary of Submissions - Applicant's Response
10. 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 proposed Change of Use from Shop to Tavern and Associated Alterations and Additions at Nos. 169-173 (Lot: 5; D/P: 42227 & Lot: 99; D/P: 3642) Scarborough Beach Road and Nos. 60-62 (Lot: 5 D/P: 42227 & Lot: 98 D/P: 3642) Coogee Street, Mount Hawthorn in accordance with the plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Development Plans

This approval relates to a Change of Use from Shop to Tavern and Associated Alterations and Additions on the plans dated 14 July 2021. It does not relate to any other development on the site;

2. Use of Premises

2.1 This approval is for a Tavern as defined in the City of Vincent Local Planning Scheme No. 2;

2.2 The proposed Tavern shall be limited to a maximum of 34 persons at any given time including patrons and staff; and

2.3 The proposed Tavern shall be limited to the following hours of operation:

- 9:00am to 9:00pm Monday to Saturday; and
- 10:00am to 7:00pm Sunday and public holidays;

3. Building Design

3.1 The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Scarborough Beach Road during the hours of the development's operation to the satisfaction of the City;

3.2 Glazing and/or tinting to the Scarborough Beach Road frontage shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited; and

3.3 All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City;

4. Signage

All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained;

5. Parking Management Plan

Prior to the occupation or use of the development, an updated Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall include, but is not limited to, addressing the following:

- Three (3) car parking bays being allocated and sign marked for the exclusive use of the Tavern premises;
- Six (6) car parking bays being allocated and sign marked for the exclusive use of the Consulting Rooms (Akasha Wellness Clinic) premises; and
- Three (3) car parking bays being allocated and sign marked for the exclusive use of the Shop (IGA) premises time with these being limited to 15 minutes and located closest to the IGA entrance.

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers;

6. Bicycle Facilities

A minimum of one short term and one long term bicycle parking bays shall be provided on site prior to occupation or use of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking;

7. Waste Management Plan

7.1 Prior to the issuing of a Building Permit, an updated Waste Management Plan shall be submitted to and approved by the City. The Waste Management Plan shall include, but is not limited to, addressing the following:

- the location of bin storage areas and bin collection areas;
- the number, volume and type of bins, and the type of waste to be placed in the bins;
- details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- frequency and collection time of bins. Waste collection shall be limited to day time hours defined as 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays as referenced in the approved Acoustic Report;

7.2 The approved Waste Management Plan identified in Condition 7.1 shall be implemented at all times to the satisfaction of the City;

8. Noise Management

All of the recommended measures included in the approved Acoustic Report prepared by Gabriel Hearne Farell Pty Ltd and dated 1 September 2021 shall be implemented as part of the development, to the satisfaction of the City, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

9. Venue Management Plan

In accordance with City's Policy No. 7.5.7 – Licensed Premises, a Venue Management Plan shall be lodged with and approved by the City prior to the occupation or use of the development. The Venue Management Plan shall address, but is not limited to, the following:

- Noise control and management, including music not being played in the 'seminar room' at a level louder than conversation level as per the approved Acoustic Report assessment;
- The number of patrons;
- Hours of operation;
- Patron and anti-social behaviour; and
- Complaints management.

The approved Venue Management Plan shall be implemented and maintained thereafter, to the satisfaction of the City;

10. Colours and Materials

Prior to first occupation or use of the development, the colours, materials and finishes of the proposed additions shall be in accordance with the details as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

11. Stormwater

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

COUNCIL DECISION ITEM 9.5

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.6 NO. 374 (LOT: 801; D/P: 29435) NEWCASTLE STREET, PERTH - PROPOSED AMENDMENT TO APPROVED UNLISTED USE (BILLBOARD SIGNAGE) S.31 RECONSIDERATION**Ward: South**

- Attachments:**
1. Consultation and Location Map
 2. Development Plans
 3. Applicant's Written Justification
 4. Site Photo of Existing Billboard Signage
 5. Council Minutes 14 September 2021
 6. Previous Approvals Council Minutes
 7. Previously Approved Plans
 8. Summary of Submissions - Administration's Response
 9. Summary of Submissions - Applicant's Response
 10. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision dated 14 September 2021 and SUBSTITUTES its new decision to, in accordance with the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for an Amendment to Approved Unlisted Use (Billboard Signage) at No. 374 (Lot: 801; D/P: 29435) Newcastle Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Time Limited Approval

This approval is valid for a period of three (3) years from the date of this approval. After this period, the use shall cease to operate with the structures be removed and the land made good unless a further approval is obtained prior to the expiration of this period (refer to advice notes);

2. Sign Management

- 2.1 This approval is for an Unlisted Use (Billboard Signage) as shown on the Development Plans dated 27 May 2021. No other development forms part of this approval;
- 2.2 The signage shall not have flashing, intermittent or running lighting;
- 2.3 The applicant/owner shall maintain adequate setback from motorists' line of sight through the traffic signals to the nearest edge of the billboards, to the satisfaction of the City;
- 2.4 The billboards shall not display advertising material which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs, to the satisfaction of the City; and
- 2.5 Advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction, to the satisfaction of the City; and

3. Site Amenities

- 3.1 Appropriate seating and a drinking fountain shall be conveniently located within the site, to the satisfaction of the City; and
- 3.2 The site shall be appropriately landscaped using waterwise plants with a preference for local Australian plants, to the satisfaction of the City. The landscaping shall be planted and maintained thereafter to the satisfaction of the City, at the expense of the owner(s)/occupiers.

COUNCIL DECISION ITEM 9.6

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.7 CITY OF VINCENT REBOUND PLAN - QUARTERLY UPDATE

- Attachments:**
1. Vincent Rebound Plan - Implementation Framework
 2. Rebound Roundtable Forward Agenda

RECOMMENDATION:

That Council NOTES the:

1. Quarterly update on the City of Vincent Rebound Plan implementation included as Attachment 1, and the monthly reporting to the Rebound Roundtable; and
2. Rebound Roundtable Forward Agenda included as Attachment 2.

COUNCIL DECISION ITEM 9.7

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.8 ARTS REBOUND: TOWN CENTRE ARTWORKS - CONCEPT DESIGN PROPOSALS

- Attachments:**
1. Arts Rebound: Town Centre Artworks - EOI
 2. Arts Rebound: Town Centre Artworks - Artwork Brief
 3. Arts Rebound Concept Design Proposal Submissions - Assessments - Confidential
 4. William Street Town Centre Arts Rebound Concept Design Proposal - Confidential
 5. Leederville Town Centre Arts Rebound Concept Design Proposal - Confidential

RECOMMENDATION:

That Council:

1. **NOTES** the assessments of the Arts Rebound: Town Centre Artworks Concept Design Proposal submissions included as Attachment 3; and
2. **ENDORSES** the:
 - 2.1 **William Street Town Centre Arts Rebound Concept Design Proposal** for design development, fabrication and installation with the associated cost of \$215,000, as recommended by the Assessment Panel, and detailed in Confidential Attachment 4; and
 - 2.2 **Leederville Town Centre Arts Rebound Concept Design Proposal** for design development, fabrication and installation with the associated cost of \$80,000, as recommended by the Assessment Panel, and detailed in Confidential Attachment 5.

COUNCIL DECISION ITEM 9.8

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.11 BRITANNIA NORTH WEST RESERVE DEVELOPMENT PLAN - LITIS STADIUM CHANGE ROOM DESIGN

- Attachments:**
1. Litis Stadium Change Room Concept Design
 2. Litis Stadium Change Room Concept Perspectives

RECOMMENDATION:

That Council:

1. **ENDORSES** the Litis Stadium Change Room Concept Design, included as Attachment 1, for the purposes of formal submission to the Australian Federal Government to secure \$3 million funding; and
2. **APPROVES** the CEO authority to sign off on relevant documentation relating to securing the \$3 million funding.

COUNCIL DECISION ITEM 9.11

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.12 AMENDMENT TO LOCAL PLANNING POLICY NO. 7.5.2 - SIGNS AND ADVERTISING

- Attachments:**
1. **Summary of Consultation**
 2. **Schedule of Modifications**
 3. **Draft Amendment to Local Planning Policy No. 7.5.2 - Signs and Advertising**

RECOMMENDATION:**That Council:**

1. **PREPARES** an amendment to Local Planning Policy No. 7.5.2 – Signs and Advertising, included at Attachment 3, in accordance with Schedule 2, Part 2, Clause 5(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendment in accordance with Schedule 2, Part 2, Clause 4(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **REQUESTS** the Chief Executive Officer amend Local Planning Scheme No. 2 to prohibit third party advertising/billboards throughout Vincent as part of the next Local Planning Scheme Review.

COUNCIL DECISION ITEM 9.12

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

**9.13 LOCAL PLANNING POLICY NO. 7.5.15 - CHARACTER AREAS AND HERITAGE AREAS:
OUTCOMES OF ADVERTISING GUIDELINES FOR CLEAVER PRECINCT**

- Attachments:**
1. Community Consultation Survey - Redacted
 2. Summary of Submissions and Schedule of Modifications
 3. Local Planning Policy No. 7.5.15 - Character Areas and Heritage Areas
 4. Appendix 6 - Florence Street Design Guidelines
 5. Appendix 7 - Prospect Place Design Guidelines
 6. Appendix 8 - Hammond Street Design Guidelines
 7. Appendix 9 - Strathcona Street Design Guidelines

RECOMMENDATION:**That Council:**

1. **NOTES** Administration's responses to community feedback, included in the Summary of Submissions and Schedule of Modifications included at Attachment 2; and
2. **PROCEEDS** with the amendment to Local Planning Policy No. 7.5.15 - Character Areas and Heritage Areas with modifications, included at Attachment 3, including the guidelines for Strathcona Street, Hammond Street, Florence Street and Prospect Place, included as Attachment 4, 5, 6 and 7 respectively pursuant to clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.13

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.14 RESULTS OF CONSULTATION - POTENTIAL LAND SALE, 26 BRENTHAM STREET, LEEDERVILLE

- Attachments:**
1. 26 Brentham Street - Location and Current State of Land
 2. 26 Brentham Street - Land and Surrounding Public Open Space
 3. Summary of Community Consultation - Detail
 4. Summary of Community Consultation - Graphs
 5. Concerns Raised and Administration Response

RECOMMENDATION:**That Council NOTES:**

1. the public submissions received in response to the community consultation on the potential sale of lot 37 (No. 26) Brentham Street, Leederville, as at Attachment 3;
2. that Administration will investigate the interest of adjoining landholders Sisters of Mercy, Aranmore Catholic Primary School, and Rosewood Care Group Inc in acquiring the land for the purposes of education and/or age care;
3. that Administration will present a further report to Council by March 2022 following liaison with Sisters of Mercy, Aranmore Catholic Primary School, and Rosewood Care Group Inc;
4. Administration will provide advice to Council in the March 2022 report on the landscaping approach for Brentham Reserve including the potential to re-locate the current play equipment or build new play equipment in close proximity to the school; and
5. any decision to sell all or part of this lot would require further public consultation including for a potential re-zoning.

COUNCIL DECISION ITEM 9.14

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.1 SUPPORT FOR ULURU STATEMENT FROM THE HEART - RESPONSE

Attachments: 1. Correspondence from the Hon Ben Morton MP relating to the Uluru Statement from the Heart

RECOMMENDATION:

That Council **NOTES** the receipt of a letter on 2 November 2021 from Hon Ben Morton MP, Minister Assisting the Prime Minister and Cabinet. This letter is in response to a letter sent to the Prime Minister by the City of Vincent, in support of the Uluru Statement from the Heart.

COUNCIL DECISION ITEM 11.1

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.3 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO DIVERSITY, ACCESS AND EQUITY POLICY

- Attachments:**
1. **Summary of Submissions - Diversity, Access and Equity Policy**
 2. **Diversity, Access and Equity Policy**
 3. **Diversity, Access and Equity Policy - Marked Up**

RECOMMENDATION:**That Council:**

1. **NOTES** the submissions received in relation to the Diversity, Access and Equity Policy at Attachment 1; and
2. **ADOPTS** the Diversity, Access and Equity Policy at Attachment 2.

COUNCIL DECISION ITEM 11.3

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 OCTOBER 2021 TO 31 OCTOBER 2021

- Attachments:**
1. **Payments by EFT, BPAY and Payroll October 21**
 2. **Payments by Cheque October 21**
 3. **Payments by Direct Debit October 21**

RECOMMENDATION:

That Council **RECEIVES** the list of accounts paid under delegated authority for the period 1 October 2021 to 31 October 2021 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll and BPAY	\$8,040,993.65
Cheques	\$2,339.53
Direct debits, including credit cards	\$173,807.86
Total payments for October 2021	\$8,217,141.04

COUNCIL DECISION ITEM 11.4

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.5 REPEAL OF RATES AND SERVICE CHARGES POLICY

Attachments: 1. Rates and Service Charges Policy

RECOMMENDATION:

That Council repeal the Rates and Service Charges Policy at Attachment 1.

COUNCIL DECISION ITEM 11.5

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.6 INVESTMENT REPORT AS AT 31 OCTOBER 2021**Attachments:** 1. Investment Statistics as at 31 October 2021**RECOMMENDATION:**

That Council **NOTES** the Investment Statistics for the month ended 31 October 2021 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.6**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.7 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2021**Attachments:** 1. Financial Statements as at 31 October 2021**RECOMMENDATION:**

That Council RECEIVES the Financial Statements for the month ended 31 October 2021 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.7**Moved:** Cr Castle, **Seconded:** Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

11.8 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO COMMUNITY FUNDING POLICY

- Attachments:**
1. **Community Funding Policy - Marked Up Version**
 2. **Community Funding Policy - Clean Version**
 3. **Beatty Park Leisure Centre - Awarding Life Membership Policy**

RECOMMENDATION:**That Council:**

1. **NOTES** that at the conclusion of the public notice period, no public submissions were received in relation to the Community Funding Policy;
2. **ADOPTS** the Community Funding Policy at Attachment 2; and
3. **REPEALS** Policy No. 1.3.1 Betty Park Leisure Centre – Awarding Life Membership at Attachment 3.

COUNCIL DECISION ITEM 11.8

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

12.2 NOMINATION OF COUNCIL MEMBERS FOR THE VACANT LOCAL GOVERNMENT POSITION ON THE CENTRAL PERTH LAND REDEVELOPMENT COMMITTEE

Attachments: 1. Letter from Minister for Lands seeking nominations for the Central Perth Land Redevelopment Committee

RECOMMENDATION:

That Council **ENDORSES** the following panel of Council Member nominations for the vacant local government position on the Central Perth Land Redevelopment Committee:

Cr Susan Gontaszewski

Cr Ashley Wallace

COUNCIL DECISION ITEM 12.2

Moved: Cr Castle, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

12.4 INFORMATION BULLETIN

- Attachments:**
1. Minutes of the Tamala Park Regional Council Meeting held on 14 October 2021
 2. Statistics for Development Services Applications as at the end of November 2021
 3. Register of Legal Action and Prosecutions Monthly - Confidential
 4. Register of Legal Action - Orders and Notices Quarterly - Confidential
 5. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 24 November 2021
 6. Register of Applications Referred to the MetroWest Development Assessment Panel - Current
 7. Register of Applications Referred to the Design Review Panel - Current
 8. Register of Petitions - Progress Report - November 2021
 9. Register of Notices of Motion - Progress Report - November 2021
 10. Register of Reports to be Actioned - Progress Report - November 2021
 11. Council Workshop Items since 21 September 2021
 12. Council Meeting Statistics

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated December 2021.

COUNCIL DECISION ITEM 12.4

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

REPORTS WITH DISCUSSION

NOTE: 7:48pm Mr Ambrose and Mr Sweetman of the Office of the Auditor General addressed the Council in respect to the outcomes of the Audit of the 2020/2021 Annual Financial Statements and noted it resulted in an unqualified Audit Report.

12.3 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 10 DECEMBER 2021

Attachments:

1. **Audit Committee Minutes 10 December 2021**
2. **Confidential Items for Audit Committee 10 December 2021 - Confidential**

RECOMMENDATION:

That Council:

1. **RECEIVES** the minutes of the Audit Committee Meeting of 10 December 2021, as at Attachment 1;
2. **RECEIVES** the Auditor's management letters (Financial Audit and Information System Audit) and exit brief, prepared for the year ending 30 June 2021;
3. **RECEIVES** the Audit Opinion for the year ended 30 June 2021; and
4. **ADOPTS** the Audited Annual Financial Statements for the year ended 30 June 2021.

COUNCIL DECISION ITEM 12.3

Moved: Cr Ioppolo, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.16 PROPOSED LEASE OF HYDE PARK KIOSK TO VEGGIE MAMA PTY LTD

- Attachments:**
1. **Proposed Lease Terms, Maintenance Schedule and Premises Plan**
 2. **Consistency with Property Management Framework**
 3. **Kiosk Location Map**
 4. **Evaluation Worksheet - Confidential**

RECOMMENDATION**That Council:**

1. **NOTES** the City received four submissions in response to the Request for Tender for an operator to lease a portion of No. 505 William Street, Perth, Hyde Park, being a current 34.64 square metre storage shed to be used as a commercial kiosk;
2. **ACCEPTS** the tender submitted by Veggie Mama Pty Ltd for Tender No. CEO126/2021 for the operator of Hyde Park kiosk;
3. **APPROVES** the City entering into a lease of a portion of No. 505 William Street, Perth with Veggie Mama Pty Ltd on the following terms:

- 3.1 **Initial term:** Five (5) years.
- 3.2 **Option:** Two (2) x five (5) years.
- 3.3 **Commencement date:** Upon completion of City's initial fit-out of the Premises.
- 3.4 **Premises area:** Portion of the building known as the western storage shed at Hyde Park, measuring approximately 34.64 square metres as shown in the Premises Plan in **Attachment 1**.
- 3.5 **Rent:** Proposed rent is \$30,000 per annum including GST.
- 3.6 **Rent review:** Annual CPI rent review to occur on 1 July each year of the Lease commencing from 1 July 2023. Market Rent Review at start of first Option Term.
- 3.7 **Outgoings:** The Tenant to pay:
 - (a) ESL charges applicable to the Premises;
 - (b) rubbish and recycling bin charges for the Premises. (The Tenant would need to make arrangements with a commercial service);
 - (c) rates and taxes; and
 - (d) minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).

Utilities (water and electricity) are included in the Rent.
- 3.8 **Insurance:** Tenant to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the Tenant's use and occupation of the Premises.

Tenant to reimburse the City for the building insurance premium payable in regard to the Premises area (currently at \$89.74 + GST per annum). If the Tenant requests the City make a claim on the Tenant's behalf (under the building insurance policy) the City may require the Tenant to pay any excess payable in respect to that claim.

- 3.9 Repair/maintenance:** The Tenant is responsible for maintenance items as specified in right hand column of the Maintenance Schedule seen in **Attachment 1**.
- 3.10 Capital upgrades:** After completion of the City's initial Premises fit-out, the Tenant is responsible for further capital upgrade and capital expansion of all assets within the leased or licenced area and the maintenance of the Premises fit-out. Any capital upgrades are subject to the written consent of the City.
- 3.11 Inspections:** The City to inspect the Premises annually (or as required) and to give the Tenant appropriate notice of the inspection, in accordance with the lease terms.
- 3.12 Responsibilities of the City:** The City is responsible for:
- (a) maintenance of roofing and main structure of the Premises (unless the damage is caused by the Tenant); and
 - (b) capital renewal of existing assets at the City's discretion.
- 3.13 Obligations of Tenant and default provisions:** The Tenant is responsible for ensuring Premises and surrounds (being any external area allocated for the Lessee's use) are clean and free from litter. The Lessee is not responsible for maintaining cleanliness of the whole of Hyde Park.
- The Tenant is responsible for paying all Rent and any other monies owing under the Lease within 14 days of the due date:
- (a) If the Tenant fails to pay an invoice within the 14-day grace period, interest at a prescribed rate (as set by the Lease) would accrue on the outstanding amount until it is paid for in full.
 - (b) Continued failure to pay monies due and owing under the lease may result in the City terminating the Lease due to the Tenant's default.
 - (c) If the Tenant disputes any amount due and owing under the Lease, the Tenant must notify the City accordingly. In the absence of manifest error, the Tenant must pay the outstanding amount on the due date and any dispute about the amount would be resolved with the City following payment.
- 3.14 Special conditions:** **Minister for Lands consent:** This Lease is subject to and conditional upon the prior written approval of the Minister for Lands pursuant to section 75(6) of the *Land Administration Act 1997*.
- Exclusivity:** The City agrees not to permit the use of any space within Hyde Park to any tenant or other occupant which sells food or beverage items during the term on the Lease. This does not apply to vendors who have received a City of Vincent Stallholder's permit.
- Rent free period:**
- (a) The Tenant is entitled to a rent free period of three (3) months from the Commencement Date to facilitate the Lessee undertaking the necessary fit outs to the Premises.
 - (b) Except to the extent inconsistent with the Rent Free Period being rent-free, all of the terms of the Lease shall apply during the Rent Free Period, and for the avoidance of

doubt, the Lessee shall pay all amounts due under this Lease other than Rent during the Rent Free Period.

COVID-19 provision:

If the Tenant requests rent relief due to loss in turnover as a result of COVID-19 restrictions, good faith negotiation between both parties would occur.

Serving alcohol:

The Tenant must not, at any time, sell or permit the sale of any alcohol or alcoholic beverage on the Premises.

Signage:

The Tenant may use 1 advertising sign, 1 portable direction sign, and 1 sign on each external wall of the Premises, provided the signs abide by requirements outlined in the City's *Policy No. 7.5.2 Signs and Advertising* and the *Local Government Property Local Law 2021*. Administration does not support the installation of signage on the roof of the Premises.

4. NOTES:

- 4.1 mobile food vendors would only be able to operate as part of approved events, but would not be issued Vending Vincent permits to operate permanently in Hyde Park for the duration of the lease, to ensure kiosk revenue is not adversely impacted;
 - 4.2 existing Vending Vincent permit holders have been provided the opportunity to trade at other locations including trialling a new powered site in Banks Reserve on the former pavilion; and
 - 4.3 Administration will review and update the Vending Vincent policy at the end of the five¹ year initial lease term, dependent on the Tenant exercising the proposed five-year lease extension option;
5. Subject to relevant Department of Planning, Land and Heritage approvals and final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Lease as set out in Recommendation 3; and
 6. **ALLOCATES** by **ABSOLUTE MAJORITY** a budget of \$55,000 excl GST for the required works to the storage shed to convert to a commercial kiosk, subject to relevant Department of Planning, Land and Heritage approvals.

¹ Corrected

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Hallett, Seconded: Cr Wallace

That a recommendation be added as follows:

- 7. REQUESTS Administration review and amend the Vending Vincent Policy to consider a maximum period of trade within a single location.**

REASON:

The Vending Vincent was conceived to facilitate mobile and ephemeral food trading that would enhance the use of City-owned Public Open Space. The policy was not conceived with the intent to create permanent commercial tenancies, which should be managed through the City's property management framework, however this has been its effect. The policy should be amended to impose a limit on trading hours in one location to reflect its initial intent.

AMENDMENT CARRIED (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

Cr Alexander did not vote due to his proximity interest

AMENDMENT 2

Moved: Cr Gontaszewski, Seconded: Cr Castle

That Recommendation 5 be amended as follows:

Subject to relevant Department of Planning, Land and Heritage approvals, and final satisfactory negotiations **and confirmation of the City's fit-out costs** being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Lease as set out in Recommendation 3; and

REASON:

The recommendation has a positive financial value to the City, the fit out costs should be reviewed to ensure they are reasonable.

AMENDMENT CARRIED (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

Cr Alexander did not vote due to his proximity interest

AMENDMENT 3

Moved: Cr Gontaszewski, Seconded: Cr Worner

That Recommendation 3.7 be amended as follows:

Utilities (water and electricity) are to be included in the Rent **for the initial term and will be estimated or metered separately as part of outgoings for any subsequent terms.**

AMENDMENT CARRIED (8-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

Cr Alexander did not vote due to his proximity interest

AMENDMENT 4

Moved: Cr Ioppolo

That Recommendation 3.7 be amended to include as follows:

That the amount for water and utilities, which is exclusive of rent, after the first year, be set at \$1000 per annum.

MOTION LAPSED DUE TO LACK OF SECONDER

PROCEDURAL MOTION

Moved: Cr Ioppolo

That the motion be deferred to seek legal advice on the issue of competitive neutrality and inadequacy regarding the tender process.

MOTION LAPSED DUE TO LACK OF SECONDER

COUNCIL DECISION ITEM 9.16

That Council:

1. **NOTES** the City received four submissions in response to the Request for Tender for an operator to lease a portion of No. 505 William Street, Perth, Hyde Park, being a current 34.64 square metre storage shed to be used as a commercial kiosk;
2. **ACCEPTS** the tender submitted by Veggie Mama Pty Ltd for Tender No. CEO126/2021 for the operator of Hyde Park kiosk;
3. **APPROVES** the City entering into a lease of a portion of No. 505 William Street, Perth with Veggie Mama Pty Ltd on the following terms:
 - 3.1 **Initial term:** Five (5) years.
 - 3.2 **Option:** Two (2) x five (5) years.
 - 3.3 **Commencement date:** Upon completion of City's initial fit-out of the Premises.
 - 3.4 **Premises area:** Portion of the building known as the western storage shed at Hyde Park, measuring approximately 34.64 square metres as shown in the Premises Plan in **Attachment 1**.
 - 3.5 **Rent:** Proposed rent is \$30,000 per annum including GST.
 - 3.6 **Rent review:** Annual CPI rent review to occur on 1 July each year of the Lease commencing from 1 July 2023. Market Rent Review at start of first Option Term.

- 3.7 Outgoings:** The Tenant to pay:
- (a) ESL charges applicable to the Premises;
 - (b) rubbish and recycling bin charges for the Premises. (The Tenant would need to make arrangements with a commercial service);
 - (c) rates and taxes; and
 - (d) minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).
- Utilities (water and electricity) are included in the Rent *for the initial term and will be estimated or metered separately as part of outgoings for any subsequent terms.*
- 3.8 Insurance:** Tenant to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the Tenant's use and occupation of the Premises.
- Tenant to reimburse the City for the building insurance premium payable in regard to the Premises area (currently at \$89.74 + GST per annum). If the Tenant requests the City make a claim on the Tenant's behalf (under the building insurance policy) the City may require the Tenant to pay any excess payable in respect to that claim.
- 3.9 Repair/maintenance:** The Tenant is responsible for maintenance items as specified in right hand column of the Maintenance Schedule seen in **Attachment 1**.
- 3.10 Capital upgrades:** After completion of the City's initial Premises fit-out, the Tenant is responsible for further capital upgrade and capital expansion of all assets within the leased or licenced area and the maintenance of the Premises fit-out. Any capital upgrades are subject to the written consent of the City.
- 3.11 Inspections:** The City to inspect the Premises annually (or as required) and to give the Tenant appropriate notice of the inspection, in accordance with the lease terms.
- 3.12 Responsibilities of the City:** The City is responsible for:
- (a) maintenance of roofing and main structure of the Premises (unless the damage is caused by the Tenant); and
 - (b) capital renewal of existing assets at the City's discretion.
- 3.13 Obligations of Tenant and default provisions:** The Tenant is responsible for ensuring Premises and surrounds (being any external area allocated for the Lessee's use) are clean and free from litter. The Lessee is not responsible for maintaining cleanliness of the whole of Hyde Park.
- The Tenant is responsible for paying all Rent and any other monies owing under the Lease within 14 days of the due date:
- (a) If the Tenant fails to pay an invoice within the 14-day grace period, interest at a prescribed rate (as set by the Lease) would accrue on the outstanding amount until it is paid for in full.
 - (b) Continued failure to pay monies due and owing under the lease may result in the City terminating the Lease due to the Tenant's default.

- (c) If the Tenant disputes any amount due and owing under the Lease, the Tenant must notify the City accordingly. In the absence of manifest error, the Tenant must pay the outstanding amount on the due date and any dispute about the amount would be resolved with the City following payment.

3.14 Special conditions:

Minister for Lands consent:

This Lease is subject to and conditional upon the prior written approval of the Minister for Lands pursuant to section 75(6) of the *Land Administration Act 1997*.

Exclusivity:

The City agrees not to permit the use of any space within Hyde Park to any tenant or other occupant which sells food or beverage items during the term on the Lease. This does not apply to vendors who have received a City of Vincent Stallholder's permit.

Rent free period:

- (a) The Tenant is entitled to a rent free period of three (3) months from the Commencement Date to facilitate the Lessee undertaking the necessary fit outs to the Premises.
- (b) Except to the extent inconsistent with the Rent Free Period being rent-free, all of the terms of the Lease shall apply during the Rent Free Period, and for the avoidance of doubt, the Lessee shall pay all amounts due under this Lease other than Rent during the Rent Free Period.

COVID-19 provision:

If the Tenant requests rent relief due to loss in turnover as a result of COVID-19 restrictions, good faith negotiation between both parties would occur.

Serving alcohol:

The Tenant must not, at any time, sell or permit the sale of any alcohol or alcoholic beverage on the Premises.

Signage:

The Tenant may use 1 advertising sign, 1 portable direction sign, and 1 sign on each external wall of the Premises, provided the signs abide by requirements outlined in the City's *Policy No. 7.5.2 Signs and Advertising* and the *Local Government Property Local Law 2021*. Administration does not support the installation of signage on the roof of the Premises.

4. NOTES:

- 4.1 mobile food vendors would only be able to operate as part of approved events, but would not be issued Vending Vincent permits to operate permanently in Hyde Park for the duration of the lease, to ensure kiosk revenue is not adversely impacted;
- 4.2 existing Vending Vincent permit holders have been provided the opportunity to trade at other locations including trialling a new powered site in Banks Reserve on the former pavilion; and
- 4.3 Administration will review and update the Vending Vincent policy at the end of the ²five-year initial lease term, dependent on the Tenant exercising the proposed five-year lease extension option;

5. Subject to relevant Department of Planning, Land and Heritage approvals and final satisfactory negotiations and confirmation of the City's fit-out costs being carried out by the

² Corrected

Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Lease as set out in Recommendation 3; and

6. **ALLOCATES** by **ABSOLUTE MAJORITY** a budget of \$55,000 excl GST for the required works to the storage shed to convert to a commercial kiosk, subject to relevant Department of Planning, Land and Heritage approvals.
7. **REQUESTS** Administration review and amend the Vending Vincent Policy to consider a maximum period of trade within a single location.

CARRIED BY ABSOLUTE MAJORITY (6-2)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner and Cr Hallett

Against: Cr Ioppolo and Cr Wallace

Cr Alexander did not vote due to his proximity interest

NOTE: 8:51pm Due to repeated interruptions and outbursts from a member of the public gallery and therefore in breach of clause 9.8(2) of the City of Vincent Meeting Procedures Local Law 2008, the Mayor instructed that the offending person be removed from the chamber for the remainder of the meeting.

9.1 NO. 305 (LOT: 4, D/P: 1602) FITZGERALD STREET, WEST PERTH - CHANGE OF USE FROM WAREHOUSE TO RECREATION PRIVATE (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Applicant Justification
4. Parking Management Plan
5. Noise and Vibration Assessment Report
6. Previous Development Approvals
7. Agenda and Minutes of Ordinary Council Meeting 17 November 2020
8. Summary of Submissions - Administration's Response
9. Summary of Submissions - Applicant Response
10. Image of Existing Signs
11. 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 to amend Development Approval 5.2014.124.1 dated 4 June 2014 for Change of Use from Warehouse to Recreation Private (Amendment to Approved) at No. 305 (Lot: 4; D/P: 1602) Fitzgerald Street, West Perth, in accordance with the plans shown in Attachment 2, subject to the following and with the associated determination advice notes included in Attachment 11:

1. All conditions and requirements detailed on development approval 5.2014.124.1 dated 4 June 2014 continue apply to this approval, except as follows:
 - 1.1 Condition 2 is deleted;
 - 1.2 Condition 3 is deleted and replaced with:
 - 1.2.1 Subject to Condition 8.5, the maximum total number of clients shall be limited to twenty (20) at any one time;
 - 1.3 Condition 4 is deleted and replaced with:
 4. Hours of Operation
 - 4.1 Prior to the installation of the replacement flooring and the approval of the Noise and Vibration Management Plan in satisfaction of Condition 8 below, the hours of operation are limited to 6:00am to 9:00am and 5:00pm to 8:00pm Monday to Friday and 7:00am to 12:00pm Saturday; and
 - 4.2 Upon installation of the replacement flooring and the approval of the Noise and Vibration Management Plan to the City in satisfaction of Condition 8 below, the hours of operation are limited to 5:30am to 8:00pm Monday to Friday and 7:00am to 5:00pm Saturday;
 - 1.4 Condition 8 is added:
 8. Noise and Vibration Management
 - 8.1 Replacement of existing flooring shall be installed in accordance with all recommendations of the approved Fibre Active Gym Noise and Vibration Assessment dated 3 November 2021 (Acoustic Consultants Australia - Report 10.00158R-03), to the satisfaction of the City;
 - 8.2 Following the installation of flooring in accordance with Condition 8.1, the Applicant shall engage a suitably qualified acoustic consultant to:

- (a) Certify that the replacement flooring has been installed in accordance with the recommendations of the approved Fibre Active Gym Noise and Vibration Assessment dated 3 November 2021 (Acoustic Consultants Australia – Report 10.00158R-03);
 - (b) Conduct detailed noise and vibration measurements to ascertain whether actual noise emissions from activities at the premises exceed the assigned levels specified in the *Environmental Protection (Noise) Regulations 1997 (Assigned Levels)* at all times during which the premises operates, namely 5:30am to 8:00pm Monday to Friday and 7:00am to 5:00pm Saturday. Noise measurement testing shall include, but is not limited to:
 - Amplified music;
 - Noise from coach directions;
 - All weight drop scenarios;
 - Mechanical plant and equipment; and
 - Testing of a class with 20 patrons;
 - (c) Identify any additional measures required to ensure noise emissions from activities at the premises do not exceed the Assigned Levels at all times during which the premises operates; and
 - (d) Prepare a report which identifies any additional measures required to ensure noise emissions from activities at the premises do not exceed the Assigned Levels (Report) and confirms that the replacement flooring has been installed in accordance with the recommendations of the approved Fibre Active Gym Noise and Vibration Assessment dated 3 November 2021 (Acoustic Consultants Australia – Report 10.00158R-03);
- 8.3 The applicant shall provide a copy of the Report (referred to in Condition 8.2(d)) to the City once completed;
- 8.4 Following the completion of the Report in accordance with Condition 8.2(d), provide a noise and vibration management plan (NVMP) to the City for approval by the City which incorporates any recommendations and/or measures specified in the Report and which:
- (a) provides mitigation measures to ensure noise emissions at the premises do not exceed the Assigned Levels at any time during which the premises is operating, namely 5:30am to 8:00pm Monday to Friday and 7:00am to 5:00pm Saturday;
 - (b) states that the roller door and hinged access door between the building and Eden Street shall be fully closed at all times including for all access and egress, unless otherwise recommended by the Report;
 - (c) incorporates any measures specified in the Report;
 - (d) a procedure for how the operator would deal with complaints and breaches of the NVMP;
- 8.5 All assumptions, recommendations and measures specified in the Report shall be undertaken in accordance with the Report and verified by an acoustic consultant, to the City's satisfaction, prior to the commencement of the hours of operation 5:30am to 6:00am and 9:00am to 5:00pm Monday to Friday and 12:00pm to 5:00pm Saturday as well as the increase of patron numbers to a maximum of 20 during any operating hours, and

maintained thereafter to the satisfaction of the City. The use shall always operate in compliance with the NVMP, to the satisfaction of the City;

8.6 The NVMP shall be reviewed by the operator, to the satisfaction of the City:

(a) as improvements are identified or required by the operator or the City; and

(b) within 30 days of a change to the recreation private operator;

8.7 Any changes identified during a review set out in Condition 8.6 above are to be incorporated into an updated NVMP and approved by the City. The development shall operate in accordance with the NVMP as amended from time to time, to the satisfaction of the City;

1.5 Condition 9 is added:

9. Signage

This approval relates to the signage shown on the approved plans only. Development approval is required for any additional signage proposed on-site in addition to that shown on the approved plans; and

1.6 Condition 10 is added:

10. Activities associated with the Gym

All gym activities shall be contained wholly within the building.

COUNCIL DECISION ITEM 9.1

Moved: Cr Loden, **Seconded:** Cr Castle

That the recommendation be adopted.

LOST (0-9)

For: Nil

Against: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

PROCEDURAL MOTION

Moved: Cr Wallace, **Seconded:** Cr Loden

That the motion be deferred to allow the residential neighbours to have sound measurements taken.

LOST (4-5)

For: Mayor Cole, Cr Alexander, Cr Loden and Cr Wallace

Against: Cr Gontaszewski, Cr Castle, Cr Worner, Cr Hallett and Cr Ioppolo

COUNCIL DECISION ITEM 9.1

ALTERNATIVE RECOMMENDATION

Moved: Cr Gontaszewski, Seconded: Cr Castle

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application to amend Development Approval dated 5.2014.124.1 dated 4 June 2014 for Change of Use from Warehouse to Recreation Private (Amendment to Approved) at No. 305 (Lot: 4; D/P: 1602) Fitzgerald Street, West Perth, for the following reasons:

1. As a result of the increased intensity of the use, relating to the additional operating hours and increased patron numbers, the proposal:
 - 1.1 Is inconsistent with the City of Vincent's Local Planning Scheme No. 2 and the objectives of the Commercial zone as the development would be detrimental to the amenity of surrounding properties as it does not demonstrate suitable acoustic protection. The City is not satisfied that the off-site amenity impacts related to noise and vibration emitted from the proposal would not negatively impact on adjoining properties;
 - 1.2 Would have an undue amenity impact on the surrounding properties as the proposal has not demonstrated that noise and vibration could be appropriately mitigated as outlined in reason 1.1 (Clause 67(n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
 - 1.3 Would have an adverse impact on the amenity of surrounding properties as evidenced through written objections received from surrounding owners and occupants (Clause 67(y) of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

REASON:

The amenity of the locality would be adversely affected by the proposal. The technical evidence presented to support the application is insufficient in confirming that the scale of operations would be compliant with Noise Regulations.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.2 NO. 26 (LOT: 29; D/P: 4576) MOIR STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE**Ward: South**

- Attachments:**
1. Location and Consultation Map
 2. Final Development Plans
 3. October OMC Deferred Development Plans
 4. Lodged Development Plans
 5. Applicant Justification
 6. Shadow Reduction Diagram
 7. Heritage Impact Statement
 8. Summary of Submissions - Administration's Response
 9. Summary of Submissions - Applicant's Response
 10. State Heritage Council Comments
 11. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES**, the development application for Alterations and Additions to Single House at No. 26 (Lot: 29; D/P: 4576) Moir Street, Perth in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 11:

1. Development Plans

This approval is for Alterations and Additions to a Single House as shown on the approved plans dated 22 October 2021. No other development forms part of this approval;

2. Boundary Walls

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

3. 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 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

4. Colours and Materials

Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City;

5. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 22 October 2021, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. 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; and

7. Construction Management Plan

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

- The delivery of and delivery times for materials and equipment to the site;
- Parking arrangements for contractors and sub-contractors;
- Dilapidation report of nearby surrounding properties (including No. 24 and No. 28 Moir Street);
- Notification to affected landowners; and
- Construction times.

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

COUNCIL DECISION ITEM 9.2

Moved: Cr Ioppolo, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED (5-4)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden and Cr Worner

Against: Cr Alexander, Cr Hallett, Cr Ioppolo and Cr Wallace

At 9:18 pm during debate on the above item Cr Dan Loden left the meeting.

At 9:20 pm during debate on the above item Cr Dan Loden returned to the meeting.

At 9:42 pm, Cr Ashley Wallace left the meeting.

At 9:42 pm, Cr Ross Ioppolo left the meeting.

11.2 TURF WICKET AGREEMENT - NORTH PERTH CRICKET CLUB

- Attachments:
1. Charles Veryard Reserve Executed Turf Wicket Subsidy Agreement
 2. WASTCA - letter to City of Vincent
 3. North Perth Cricket Club request for turf wicket subsidy

RECOMMENDATION:

That Council;

1. **AUTHORISES** the Chief Executive Officer to negotiate a five (5) year Turf Wicket Subsidy Agreement with North Perth Cricket Club Inc. for the management and maintenance of the turf wickets (and surrounds) at Charles Veryard Reserve, North Perth;
2. **APPROVES** by **ABSOLUTE MAJORITY** the payment of an annual turf wicket maintenance subsidy to North Perth Cricket Club for a five (5) year period on the following basis:
 - 2.1 The amount being capped at 50% of total turf wicket expenditure per season; and
 - 2.2 This capped 50% amount to be included in the City's annual budgets for the next 5 years.

COUNCIL DECISION ITEM 11.2

Moved: Cr Gontaszewski, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner and Cr Hallett

Against: Nil

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

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

At 9:44 pm, Cr Ashley Wallace returned to the meeting.

9.3 NO. 52 (LOT: 10; D/P: 1069) BOURKE STREET, LEEDERVILLE - PROPOSED TWO GROUPED DWELLINGS**Ward: North**

- Attachments:**
1. Consultation and Location Map
 2. Development Plans
 3. Applicant's Supporting Documentation
 4. Advertised Plans (Superseded)
 5. Summary of Submissions - Administration's Response
 6. Summary of Submissions - Applicant's Response
 7. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Two Grouped Dwellings at No. 52 (Lot: 10; D/P: 1069) Bourke Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Plans

This approval is for Two Grouped Dwellings as shown on the approved plans dated 15 November 2021. No other development forms part of this approval;

2. Boundary Walls

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

2.2 The following walls of the dwellings on Lots 2 and 3 must be constructed simultaneously:

- Lot 2: the dwelling wall along the eastern lot boundary abutting the dwelling wall on Lot 3; and
- Lot 3: the dwelling wall along the western lot boundary abutting the dwelling wall on Lot 2;

These walls must be constructed and finished as per the approved plans prior to the first occupation or use of either Unit 2 or Unit 3, to the satisfaction of the City;

3. External Fixtures

3.1 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;

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

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

5. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City;

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans, except for the two *Plumeria rubra* trees being replaced with two *Lagerstroemia indica* (Crepe Myrtle) trees in the same location, to the City's satisfaction, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Sight Lines

Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect, with the exception of:

- One pier at max width of 0.4 metres x 0.4 metres and height of 1.8 metres, with decorative capping permitted to 2.0 metres;
- Infill that provides a clear sight line; and
- If a gate is proposed:
 - When closed: a min of 50 percent unobstructed view;
 - When open: a clear sightline;

unless otherwise approved by the City;

8. Car Parking and Access

8.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1; and

8.2 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; and

9. 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.

At 9:47 pm, Cr Ross Ioppolo returned to the meeting.

COUNCIL DECISION ITEM 9.3

Moved: Cr Loden, Seconded: Cr Castle

That the recommendation be adopted.

AMENDMENT

Moved: Cr Wallace

That a Recommendation be added as follows:

That Council:

- 2. LIMITS the number of Residential Parking Permits that can be issued to any child lots of No. 52 (Lot: 10; D/P: 1069) Bourke Street, Leederville to no more than one per lot.**

REASON:

Parking within Austen Lane is limited and will not be increased by future developments. The nature of this subdivision and development removes the opportunity for street parking adjacent the frontages of the two Austen Lane addressed lots. It is not equitable to expect neighbouring lots accommodate street parking from future residents of this lot. The lot is located within 110m of a high frequency bus route and within walking distance of the Leederville town centre and is therefore not reliant on personal vehicles for transport.

MOTION LAPSED DUE TO LACK OF A**SECONDER****COUNCIL DECISION ITEM 9.3**

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 Two Grouped Dwellings at No. 52 (Lot: 10; D/P: 1069) Bourke Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Plans

This approval is for Two Grouped Dwellings as shown on the approved plans dated 15 November 2021. No other development forms part of this approval;

2. Boundary Walls

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

2.2 The following walls of the dwellings on Lots 2 and 3 must be constructed simultaneously:

- Lot 2: the dwelling wall along the eastern lot boundary abutting the dwelling wall on Lot 3; and
- Lot 3: the dwelling wall along the western lot boundary abutting the dwelling wall on Lot 2;

These walls must be constructed and finished as per the approved plans prior to the first occupation or use of either Unit 2 or Unit 3, to the satisfaction of the City;

3. External Fixtures

3.1 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;

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

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

5. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City;

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans, except for the two *Plumeria rubra* trees being replaced with two *Lagerstroemia indica* (Crepe Myrtle) trees in the same location, to the City's satisfaction, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Sight Lines

Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect, with the exception of:

- **One pier at max width of 0.4 metres x 0.4 metres and height of 1.8 metres, with decorative capping permitted to 2.0 metres;**
- **Infill that provides a clear sight line; and**
- **If a gate is proposed:**
 - **When closed: a min of 50 percent unobstructed view;**
 - **When open: a clear sightline;**

unless otherwise approved by the City;

8. Car Parking and Access

8.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1; and

8.2 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; and

9. 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.**

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

At 9.49pm Jay Naidoo, Manager Development & Design, left the meeting and did not return.

At 9.48pm Cr Castle and Cr Hallett left the meeting.

At 9.50pm Cr Castle and Cr Hallett returned to the meeting.

9.9 COMMENCEMENT OF EXPRESSIONS OF INTEREST PROCESS INVITING REDEVELOPMENT CONCEPTS FOR THE AVENUE AND FRAME COURT CAR PARKS, LEEDERVILLE

- Attachments:**
1. **Site Map**
 2. **Draft EOI Process**
 3. **Selection Criteria**
 4. **Land Valuation - Confidential**

RECOMMENDATION:

That Council:

1. **APPROVES** the Chief Executive Officer to commence an expression of interest process for the redevelopment of the City's major landholdings in Leederville, being the Avenue Car Park and/or Frame Court Car Park as outlined in Attachment 1 in alignment with Council's strategic intention for both sites contained in the Leederville Precinct Structure Plan;
2. **NOTES** the:
 - 2.1 **Process** outlined in Attachment 2 will be undertaken to receive and assess the proposals;
 - 2.2 **Selection criteria** included at Attachment 3 will be used for the assessment of any proposals received; and
 - 2.3 **A report** will be prepared for Council to approve any shortlisted proposals from Stage 1 to progress to Stage 2 as a preferred proponent/s; and
3. **REQUESTS** the Chief Executive Officer to provide options to Council on how any proceeds could be utilised during preparation of the Annual Budget and updates to the Corporate Business Plan, Capital Works Program and Long Term Financial Plan.

COUNCIL DECISION ITEM 9.9

Moved: Cr Gontaszewski, **Seconded:** Cr Worner

That the recommendation be adopted.

PRCEDURAL MOTION - MEETING TO PROCEED PAST 10PM

COUNCIL DECISION

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

That the meeting proceed past 10pm.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 1

Moved: Cr Gontaszewski, **Seconded:** Cr Loden

That the recommendation be amended as follows:

2. NOTES the:

- 2.1 Process outlined in Attachment 2 will be undertaken to receive and assess the proposals as per the updated attachment; Attachment 2 to have the word “Workshop” removed from Stage 1, item 1.**
- 2.2 Selection criteria included at Attachment 3 will be used for the assessment of any proposals received as per the updated attachment; and**

REASON:

Improved process and selection criteria.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 2

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be amended as follows:

- 2.2 Selection criteria included at Attachment 3 will be used for the assessment of any proposals received, subject to point 3 included under Design Principles, Design Excellence, Environmentally Sustainable Design, Innovation being amended to:**

Approach to sustainable development to outline key environmentally sustainable design initiatives that will be included within the development. Achievement of minimum Green Building Council of Australia 5 Green Star Certificate; and

REASON:

This is a unique opportunity for the City to set minimum standards of environmental sustainability for a large development on City land. While the EOI is aimed at encouraging a variety of options for the site any development suggested should be cognisant of the high expectations of a City that has declared a climate emergency. This criterion is still listed as desirable but it emphasises a higher star and more clearly flags a preference to go beyond mediocrity.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 3

Moved: Cr Ioppolo, Seconded: Cr Gontaszewski

That Council:

Update wording on updated attachment 2, Stage 1 Item 1, to include “and business case (which would articulate the constraints, requirements in terms of community benefit, and expected commercial returns)” after the words “selection criteria” in item 1.

REASON:

Administration's response to my Briefing question that a business plan is not required to be prepared prior to the commencement of the EOI process under s3.59 of the *Local Government Act* seems to imply that Administration assumes either:

- a disposal of land; and/or
- development of land for community purposes.

By inference, Administration does not contemplate a disposal or a development proposal where in one of those two scenarios, COV would not retain or acquire an interest or right to an activity carried on by a local government to producing profit on an ongoing basis. This precludes COV from generating an annual revenue stream (operating not capital) from say a car parking facility.

In other words., it is proposed a business plan is required to be prepared upfront before the EOI in any of the following scenarios:

- There is a disposal or development of land that is considered a "major land transaction" that by definition, exceeds the values prescribed in the Local Government (Functions and General) Regulations Act 1196 Reg 8A (1)(a)(i) being the lesser of \$10,000,000 or 10% of the LG operating expenditure in the preceding FY (\$57m), therefore **\$5,700,000 AND** has some element that is considered a "trading undertaking" that would include COV having a view to producing ongoing revenue from a car park.
- Entering into a land transaction that is preparatory to entry into a major land transaction and there is a view to producing a profit by local government from car parking.
- There is a disposal or development of land that is considered a "major trading undertaking", defined as the lesser of \$5,000,000 or 10% of the lowest operating expenditure of municipal fund. Not sure of the municipal fund balance but the NPV of any car parking annuity would exceed \$5,000,000.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

AMENDMENT 4

Moved: Cr Ioppolo, Seconded: Cr Gontaszewski

That a Recommendation be added as below:

That Council INSTRUCTS the Chief Executive Officer to appoint a suitably qualified, independent commercial property advisory firm to advise City of Vincent and manage the EOI process (and any subsequent tender process) including recommending to Council any modifications to the EOI process or guidelines; and

REASON:

From a governance and best practice perspective, it is important that COV does not manage the EOI process or the tender process directly because an independent agent acting on its behalf:

- Has the requisite commercial skills to best manage this process, the network to attract interests from all over Australia and while the COV framework will mandate community benefit, the agent will otherwise be incentivised to maximise the commercial return for the COV.
- Provides an intermediary role between COV and interested parties to shield it from unsolicited propositioning from interested parties and from the perception of that possibility.

LOST (2-7)

For: Cr Alexander and Cr Ioppolo

Against: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace

AMENDMENT 5

Moved: Cr Ioppolo, **Seconded:** Cr Alexander

That a Recommendation be added as below:

That both parcels of land will be considered together while the City of Vincent retains the rights to car parking revenue on any developed sites for a number of bays that Administration recommends necessary for future state commensurate with future growth including the higher density levels proposed by any potential development.

REASON:

To ensure a holistic approach for the town centre.

LOST (0-9)

For: Nil

Against: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

COUNCIL DECISION ITEM 9.9

That Council:

1. **APPROVES** the Chief Executive Officer to commence an expression of interest process for the redevelopment of the City's major landholdings in Leederville, being the Avenue Car Park and/or Frame Court Car Park as outlined in Attachment 1 in alignment with Council's strategic intention for both sites contained in the Leederville Precinct Structure Plan;
2. **NOTES** the:
 - 2.1 **Process** outlined in Attachment 2 will be undertaken to receive and assess the proposals as per the attachment; with Stage 1, Item 1 to be updated as follows:

Prepare project plan, EOI materials and refined selection criteria, and business case (which would articulate the constraints, requirements in terms of community benefit, and expected commercial returns), with input from appropriate commercial expertise. Present to Council
 - 2.2 **Selection criteria** included at Attachment 3 will be used for the assessment of any proposals received, subject to point 3 included under Design Principles, Design Excellence, Environmentally Sustainable Design, Innovation being amended to:

Approach to sustainable development to outline key environmentally sustainable design initiatives that will be included within the development. Achievement of minimum Green Building Council of Australia 5 Green Star Certificate; and
 - 2.3 **A report** will be prepared for Council to approve any shortlisted proposals from Stage 1 to progress to Stage 2 as a preferred proponent/s; and
3. **REQUESTS** the Chief Executive Officer to provide options to Council on how any proceeds could be utilised during preparation of the Annual Budget and updates to the Corporate Business Plan, Capital Works Program and Long Term Financial Plan.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

9.10 WOODVILLE RESERVE LANDSCAPE PLAN

- Attachments:**
1. Woodville Reserve Landscape Plan
 2. Community Consultation Summary
 3. Draft Woodville Reserve Landscape Plan
 4. Woodville Reserve Landscape Perspectives

RECOMMENDATION:

That Council:

1. **ENDORSES** the Woodville Reserve Landscape Plan, included as Attachment 1; and
2. **NOTES** the submissions received during the community consultation period and Administration's response, included as Attachment 2, in relation to the Draft Woodville Reserve Landscape Plan, included as Attachment 3.

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That Recommendation 1 be amended as follows:

That Council:

1. **ENDORSES** the Woodville Reserve Landscape Plan, included as Attachment 1, **with the trees located to the east of the Men's Shed car park that are specified for removal, be omitted from the scope of works;**

REASON:

Removing the trees adjacent to the Men's Shed car park is not material to the objectives of the plan. Omitting this item from the scope of works would allow for discussions to be ongoing regarding management of the trees.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 9.10

That Council:

1. **ENDORSES** the Woodville Reserve Landscape Plan, included as Attachment 1; with the trees located to the east of the Men's Shed car park that are specified for removal, be omitted from the scope of works; and
2. **NOTES** the submissions received during the community consultation period and Administration's response, included as Attachment 2, in relation to the Draft Woodville Reserve Landscape Plan, included as Attachment 3.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

At 10.41pm Tara Gloster, Manager Policy & Place, left the meeting and did not return

9.15 COMPLAINTS MANAGEMENT FRAMEWORK - CODE OF CONDUCT FOR ELECTED MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

- Attachments:
1. Code of Conduct Behaviour Complaints Management Policy - (draft)
 2. New Delegation 2.2.31 - Appointing External Complaints Officer - (draft)
 3. New Delegation 2.1.2 - Behaviour Complaints Committee - (draft)
 4. Behaviour Complaints Committee - Terms of Reference (draft)
 5. Complaint Form - updated

RECOMMENDATION:**That Council:**

1. **APPROVES** the Code of Conduct Behaviour Complaints Management Policy, at Attachment 1, for the purpose of public notice;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed new policy and invite public comments for a period of at least 21 days;
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration;
4. **APPROVES** by **ABSOLUTE MAJORITY**:
 - 4.1 in accordance with section 5.8 of the *Local Government Act 1995*, the establishment of the Behaviour Complaints Committee for the purpose of dealing with Division 3 – Behaviour complaints under the Code of Conduct for Council Members, Committee Members and Candidates; and
 - 4.2 in accordance with section 5.10 of the *Local Government Act 1995*, the appointment of all Council Members to the Behaviour Complaints Committee as committee members;
5. **DELEGATES** by **ABSOLUTE MAJORITY**:
 - 5.1 in accordance with section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer the authority to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the City of Vincent Code of Conduct for Council Members, Committee Members and Candidates, as detailed in Attachment 2; and
 - 5.2 in accordance with section 5.16 of the *Local Government Act 1995*, authority to the Behaviour Complaints Committee to deal with complaints in accordance with clause 12 and 13 of the *Local Government (Model Code of Conduct) Regulations 2021*, as detailed in Attachment 3; and
6. **ADOPTS** the:
 - 6.1 Terms of Reference for the Behaviour Complaints Committee as at Attachment 4; and
 - 6.2 updated complaint form at Attachment 5.

COUNCIL DECISION ITEM 9.15

Moved: Cr Wallace, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

10.1 ASSET MANAGEMENT AND SUSTAINABILITY STRATEGY (AMSS) IMPLEMENTATION PLAN

- Attachments:**
- 1. AMSS Implementation Plan – Short Term Deliverables**
 - 2. PoaP – Sports and Recreation Facilities Plan**

RECOMMENDATION:

That Council:

1. RECEIVES

- 1.1 The Implementation Plan for short term actions in the Asset Management and Sustainability Strategy.**
- 1.2 The Project on a Page for the Sport and Recreation Facilities Plan.**

Moved: Cr Gontaszewski, Seconded: Cr Loden

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Loden

That Council:

That a recommendation be added as follows:

1. RECEIVES

- 1.1 The Implementation Plan for short term actions in the Asset Management and Sustainability Strategy.**
- 1.2 The Project on a Page for the Sport and Recreation Facilities Plan.**

- 2. REQUEST the CEO engage with Council as part of project initiation and present project plans for Asset Prioritisation (buildings) project and Levels of Service project to the Council meeting in March 2022, including project resources, project deliverables, tasks and milestones and project reporting.**

REASON:

Implementation of the AMSS is an important project for 2022. Early engagement with Council will ensure the projects are delivered in alignment with the AMSS and Council objectives.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 10.1**1. RECEIVES**

1.1 The Implementation Plan for short term actions in the Asset Management and Sustainability Strategy.

1.2 The Project on a Page for the Sport and Recreation Facilities Plan.

2. REQUEST the CEO engage with Council as part of project initiation and present project plans for Asset Prioritisation (buildings) project and Levels of Service project to the Council meeting in March 2022, including project resources, project deliverables, tasks and milestones and project reporting.

CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

John Corbellini left room at 10.45pm

11.9 REVIEW OF CITY OF VINCENT PROJECT MANAGEMENT FRAMEWORK AND MONTHLY UPDATE OF STRATEGIC PROJECTS FOR 2021-2022

- Attachments:**
1. Updated Project Management Framework
 2. Strategic Project Dashboard
 3. Project Closure and Lessons Learned

RECOMMENDATION:**That Council:**

1. **ENDORSES** the updated City of Vincent Project Management Framework 2021 as shown in Attachment 1;
2. **RECEIVES** the Project Closure report for the Project Management Framework 2021, as shown in Attachment 3; and
3. **RECEIVES** the monthly update to the 12 Strategic Projects nominated in the Corporate Business Plan 2021/22 – 2024/25 as shown in Attachment 2.

Moved: Cr Gontaszewski, Seconded: Cr Loden

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Gontaszewski, Seconded: Cr Loden

That Recommendation be updated as below:

1. **ENDORSES** the updated City of Vincent Project Management Framework 2021 as shown in Attachment 1; **with the following changes:**

DELETE the section of the Project Management Framework ‘How do I change my project’ that starts with “complete a change request when” and finishes with “the project will not be delivered within budget” and replace it with:

The Project Board will authorise utilisation of contingency budget or changes to extend project milestones by less than two months or 20% whichever is earliest.

Council or Executive (as per the original project approval) will approve additional budget request, changes to agreed project scope/products/deliverables and changes to project milestones where tolerances are not met.

The Project Risks & Issues Register and Change Requests are to be submitted to the appropriate authority for approval, as they arise or with the monthly status update.

Change Requests must be agreed and approved before they are implemented. Approval of a Change Request will re-baseline your project.

REASON:

Change request section requires clarity to ensure that it is clear who can approve changes and in what circumstances.

CARRIED (8-1)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Cr Alexander

AMENDMENT 2**Moved:** Cr Gontaszewski, **Seconded:** Cr Hallett

That Recommendation 1 be amended as follows:

Attachment M to be deleted and replaced with wording that is compatible with the updated wording of the Project Management Framework.**AMENDMENT CARRIED (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil**COUNCIL DECISION ITEM 11.9****1. ENDORSES the updated City of Vincent Project Management Framework 2021 as shown in Attachment 1, with the following changes:****1.1 DELETE the section of the Project Management Framework ‘How do I change my project’ that starts with “complete a change request when” and finishes with “the project will not be delivered within budget” and replace it with:****The Project Board will authorise utilisation of contingency budget or changes to extend project milestones by less than two months or 20% whichever is earliest.****Council or Executive (as per the original project approval) will approve additional budget request, changes to agreed project scope/products/deliverables and changes to project milestones where tolerances are not met.****The Project Risks & Issues Register and Change Requests are to be submitted to the appropriate authority for approval, as they arise or with the monthly status update.****Change Requests must be agreed and approved before they are implemented. Approval of a Change Request will re-baseline your project.****1.2 Attachment M to be deleted and replaced with wording that is compatible with the updated wording of the Project Management Framework.****2. RECEIVES the Project Closure report for the Project Management Framework 2021, as shown in Attachment 3; and****3. RECEIVES the monthly update to the 12 Strategic Projects nominated in the Corporate Business Plan 2021/22 – 2024/25 as shown in Attachment 2.****CARRIED (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil

11.10 DRAFT ANNUAL REPORT 2020/21**Attachments:** 1. Draft Annual Report 2020/21**RECOMMENDATION:****That Council:**

1. Pursuant to Section 5.54(1) of the Local Government Act 1995, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2020/2021 Financial Year, included as Attachment 1;
2. Pursuant to Section 5.27 of the Local Government Act 1995, **CONVENES** an Annual Meeting of Electors of the City of Vincent to be held on Wednesday 5 February 2022 at 6.00pm at the North Perth Town Hall, to present the City of Vincent Annual Report for the 2020/2021 Financial Year; and
3. **NOTES** that:
 - 3.1 the City of Vincent Annual Report may be subject to further formatting and styling, to be determined by the Chief Executive Officer prior to publication, as well as the inclusion of the final 2020/21 Financial Statements following review by the Audit Committee;
 - 3.2 pursuant to Sections 5.29 and 5.55 of the Local Government Act 1995, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on 5 February 2022, and of the availability of the City of Vincent Annual Report for the 2020/21 Financial Year, and will make the report available on the City of Vincent website within fourteen days; and
 - 3.3 pursuant to Regulation 51 of the Local Government (Financial Management) Regulations 1996, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2020/21 Financial Year, inclusive of the Annual Financial Report for the same period, and the associated Auditor's Report.

COUNCIL DECISION ITEM 11.10**Moved:** Cr Loden, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil

11.11 BEATTY PARK PROJECT - STATUS UPDATE AND CHANGE REQUEST

- Attachments:**
1. BPLC Closure and Lessons Learned Phase 1
 2. Project on a Page (Proposed) Beatty Park 2062 Advocacy
 3. Project on a Page (Proposed) Beatty Park Infrastructure Works
 4. Project on a Page Approved 30 June 2021 - CBP Strategic Project 3 - BPLC Advocacy and Infrastructure Works

RECOMMENDATION:

That Council:

1. **ACCEPTS** the Project Closure and Lessons Learned report for Phase 1 of the Beatty Park Leisure Centre Infrastructure Renewals project (Attachment 1); and
2. **APPROVES BY AN ABSOLUTE MAJORITY:**
 - 2.1 **Project scope and budget for Beatty Park Leisure Centre - Facilities Infrastructure Renewal, updating the Corporate Business Plan Strategic Project 3;**
 - 2.1.1 **Incorporating Project on a Page 3.1 Beatty Park 2062 Advocacy (Attachment 2) and Project on a Page 3.2 Beatty Park 2062 Infrastructure Works (Attachment 3); and**
 - 2.1.2 **Replacing the Project on a Page approved 30 June 2021 (Attachment 4), with any remaining project deliverables managed via the approved capital works program;**
 - 2.2 **A net increase in capital expenditure in the 2021/2022 Annual Budget of \$1,155,631, funded by the following allocations:**
 - 2.2.1 **Local Government Roads and Community Infrastructure grant funding (tranche 3) of \$541,144; and**
 - 2.2.2 **A reduction in the forecast year end operating surplus at 30 June 2022 of \$614,487.**

COUNCIL DECISION ITEM 11.11

Moved: Cr Wallace, **Seconded:** Cr Ioppolo

That the recommendation be adopted.

AMENDMENT

Moved: Cr Gontaszewski, **Seconded:** Cr Hallett

That a new Recommendation 2 be inserted as follows, and the remaining recommendations be renumbered:

2. **REQUESTS that the CEO add the Beatty Park Leisure Centre Infrastructure Renewals project to the City's internal audit plan for review of governance, expenditure and project management processes.**

REASON:

The City of Vincent is seeking to review and improve its project management framework and processes and the review of this project would help inform this improvement process. The project management in this case has highlighted the importance of project control oversight, management of variances and the need for more rigor in change requests.

AMENDMENT CARRIED (8-1)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett and Cr Wallace

Against: Cr Ioppolo

COUNCIL DECISION ITEM 11.11

That Council:

1. **ACCEPTS** the Project Closure and Lessons Learned report for Phase 1 of the Beatty Park Leisure Centre Infrastructure Renewals project (Attachment 1); and
2. **REQUESTS** that the CEO add the Beatty Park Leisure Centre Infrastructure Renewals project to the City's internal audit plan for review of governance, expenditure and project management processes.
3. **APPROVES BY AN ABSOLUTE MAJORITY:**
 - 3.1 **Project scope and budget for Beatty Park Leisure Centre - Facilities Infrastructure Renewal, updating the Corporate Business Plan Strategic Project 3;**
 - 3.1.1 **Incorporating Project on a Page 3.1 Beatty Park 2062 Advocacy (Attachment 2) and Project on a Page 3.2 Beatty Park 2062 Infrastructure Works (Attachment 3); and**
 - 3.1.2 **Replacing the Project on a Page approved 30 June 2021 (Attachment 4), with any remaining project deliverables managed via the approved capital works program;**
 - 3.2 **A net increase in capital expenditure in the 2021/2022 Annual Budget of \$1,155,631, funded by the following allocations:**
 - 3.2.1 **Local Government Roads and Community Infrastructure grant funding (tranche 3) of \$541,144; and**
 - 3.2.2 **A reduction in the forecast year end operating surplus at 30 June 2022 of \$614,487.**

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

12.1 COUNCIL RECESS PERIOD 2021-22 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**Attachments:** Nil**RECOMMENDATION:**

That Council **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise between 15 December 2021 and 1 February 2022, and which are not the subject of delegated authority already granted by Council, subject to:

1. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
2. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 8 February 2022; and
4. A Register of Items Approved under this Delegated Authority is being kept and made available for public inspection on the City's website during the period that the delegation applies.

COUNCIL DECISION ITEM 12.1**Moved:** Cr Castle, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace**Against:** Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

16 URGENT BUSINESS

Nil

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

Nil

18 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 11.09pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Ron Alexander	North Ward
	Cr Alex Castle	North Ward
	Cr Dan Loden	North Ward
	Cr Suzanne Worner	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Ross Ioppolo	South Ward
	Cr Ashley Wallace	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Virginia Miltrup	Executive Director Community & Business Services
	John Corbellini	Executive Director Strategy & Development
	Peter Varris	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer
Public:	No members of the public.	

These Minutes were confirmed at the [date] meeting of Council as a true and accurate record of the Ordinary Meeting of the Council Meeting (Ordinary and Special) held on 14 December 2021.

Signed: Mayor Emma Cole



Dated: 8 February 2022