



CITY OF VINCENT

NOTES

Council Briefing

11 October 2022

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**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AS E-MEETING AND AT THE
ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 11 OCTOBER 2022 AT 6.00PM**

| | | |
|-----------------------|---|--|
| PRESENT: | Cr Jonathan Hallett | South Ward (Acting Presiding Member) |
| | Cr Ashley Wallace | South Ward |
| | Cr Alex Castle | North Ward |
| | Cr Dan Loden | North Ward (electronically) |
| | Cr Suzanne Worner | North Ward |
| | Cr Ron Alexander | North Ward (electronically) |
| IN ATTENDANCE: | David MacLennan | Chief Executive Officer |
| | John Corbellini | Executive Director Strategy & Development |
| | Peter Varris | A/Executive Director Infrastructure & Environment |
| | Rhys Taylor | Chief Financial Officer |
| | Mitchell Hoad | A/Manager Development & Design (left at 6.31pm after Item 5.11) |
| | Tara Gloster | Manager Policy and Place |
| | Joslin Colli | A/Executive Manager Corporate Strategy & Governance |
| | Mark Fallows | Manager Built (left at 6.28pm after Item 5.11) |
| | Ian Mickle | Cygnet West (arrived at 6.31pm, for Item 5.7) |
| | John Del Dosso | Cygnet West (arrived at 6.31pm for Item 5.7) |
| | Wendy Barnard | Council Liaison Officer |
| Public: | Approximately five members of the public. | |

As the Mayor and Deputy Mayor were both absent the CEO advised that Cr Jonathan Hallett had nominated to serve as Presiding Member. There being no objections Cr Hallett assumed the Chair.

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Cr Jonathan Hallett, declared the meeting open at 6.02pm 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 APPROVED LEAVE OF ABSENCE

Mayor Emma Cole is on approved leave of absence from 02 October 2022 to 11 October 2022.
Cr Ross Ioppolo is on approved leave of absence from 03 October 2022 to 03 November 2022.
Cr Susan Gontaszewski is an apology for this meeting.

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

No questions or submissions were received at the meeting.

The following statement was received in writing prior to the meeting.

3.1 Kingsley Sullivan of Mt Hawthorn - Item 5.3

I am disappointed that the change of parking restrictions to three hours on the Western side of Eucla St by Mayor Emma Cole and Member for Perth John Carey at a residents meeting in Menzies Park has not been actioned in this re-zoning. This is especially in light of the owner being allowed to continue to use the space as storage rather than the original intention of car parking. In the Administration's response this fact has been glossed over and the needs of the residents of Eucla St totally ignored. The fact remains that parking on the Western side of Eucla St is almost entirely taken up from Monday to Friday from 8.00am to 5.00pm by staff from CDM. The continual blocking of Eucla St by large trucks is indication that CDM have little or no consideration for the amenity of Eucla St residents. For the record my vehicle access to our property is off Eucla St.

I believe if this rezoning is approved the parking arrangements in Eucla St need to change as promised.

The A/Executive Director Infrastructure & Environment provided the following response:

Eucla Street is included in the City's implementation plan for the Accessible City Strategy with restrictions going to be installed on the western side, consistent with what is already on the eastern side. The City hopes to award the parking sign contract in the coming weeks and then to start sending notifications to affected residents.

The following deputations were received at the meeting. This is not a verbatim record of comments made at the meeting.

3.2 Lewis Shugar and Stephen Dunjey of Perth – Item 5.5

Mr Shugar is an associate from Element. Mr Dunjey is the State Director of WA Trauma Service

Mr Shugar advised that:

- Element have been working to ensure that the proposal achieves the most beneficial outcome for the hospital and local landowners.
- The flight paths have been carefully considered to:
 - ensure all aviation safety requirements are met;
 - limit the impact of landholdings by taking advantage of major road and rail reservations;
 - utilising the Swan River for a large proportion of the flight path area; and
 - take into account the impact on development potential and the impact on land of strategic importance
- Ongoing development in the proximity of Royal Perth Hospital (RPH) is likely to impact the safety into the future, especially where a helicopter is required to fly with one engine inoperable
- This may lead to the helipad at RPH being decommissioned, which will impact on the ability to treat patients who are in need of critical care.

Mr Dunjey advised that:

- In trauma medicine minutes can make the difference between life and death
- RPH is the second busiest trauma unit in Australia, with 1100 – 1200 trauma cases a year, hundreds of which arrive by chopper, the majority of these are classified as major trauma
- A new helipad has recently been opened at RPH at a cost of millions of dollars, to enable a new generation of choppers to land, they are bigger, faster, have more capacity and a greater range
- The helicopter service is core to their business of saving lives

The Presiding Member, Cr Jonathan Hallett, thanked Mr Shugar and Mr Dunjey for their comments.

3.3 Connor Porter-Wilkinson – Item 5.2

Stated he is from Element and spoke in support of the recommendation

Mentioned that the application is supported by a technical reporting and noise and operational management plan, which is a condition for ongoing compliance

Stated that he believes the No Vacancy sign conditions should be removed, the requirement is unnecessary as passers-by can see the availability for another car to be serviced from the road

Mentioned that the sign would have to be large and possibly lit to attract attention

The Presiding Member, Cr Jonathan Hallett, thanked Mr Porter-Wilkinson for his comments.

There being no further speakers, Public Question Time closed at approximately 6.14pm.

4 DECLARATIONS OF INTEREST

David MacLennan declared an impartiality interest in Item 5.5 Local Planning Scheme Amendment No. 11 as he was involved in the initial discussions in his former role at the Department of Planning.

5 STRATEGY & DEVELOPMENT

5.5 LOCAL PLANNING SCHEME AMENDMENT NO. 11

- Attachments:
1. Form 2A - Amendment No. 11
 2. Royal Perth Hospital Scheme Amendment Request

RECOMMENDATION:

That Council:

1. **PREPARES** Amendment No. 11 to Local Planning Scheme No. 2 as at Attachment 1, pursuant to Section 75 of the *Planning and Development Act 2005*, for community consultation;
2. **CONSIDERS** Amendment No. 11 to Local Planning Scheme No. 2 to be a complex amendment pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment:
 - 2.1 is not addressed by any local planning strategy; and
3. **PROCEEDS** to advertise Amendment No. 11 to Local Planning Scheme No. 2 without modification pursuant to Regulations 37(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

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| NO QUESTIONS |
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At 6.20pm Cr Ron Alexander left the meeting and did not return,.

5.2 NO. 496 (LOTS 145 - 146; D/P: 2630) CHARLES STREET, NORTH PERTH: CHANGE OF USE TO UNLISTED USE CAR WASH AND DETAILING (AMENDMENT TO APPROVED NUMBER OF WORKING STATION BAYS)

Ward: North

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Applicant Justification
4. 2011 Council Approval Minutes
5. 2019 Council Approval Minutes
6. 2019 Council Approved Plans
7. Summary of Submissions - Administration's Response
8. Summary of Submissions - Applicant's Response
9. Acoustic Report
10. Noise and Operational Management Plan
11. Transport Impact Statement
12. 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 to amend development approval 5.2019.121.1 for a Change of Use to Unlisted Use Car Wash and Detailing (Amendment to Approved Number of Working Station Bays) at No. 496 (Lots: 145-146; D/P: 2630) Charles Street, North Perth, granted on 23 July 2019, by deleting all conditions and replacing them with the following, with the associated determination advice notes in Attachment 12:

1. General

- 1.1 The development shall comply with the definition of Motor Vehicle Wash as set out in the City of Vincent Local Planning Scheme No. 2;
- 1.2 All activities associated with the use shall be contained wholly within Lots 145 and 146 shown on the Approved Plan; and
- 1.3 No vehicles are to be parked or material stored in the access ways shown with directional arrows on the Approved Plans at any time;

2. Hours of Operation

- 2.1 The hours of operation of the use are limited to:
 - 8:00am to 7:00pm Monday to Thursday;
 - 8:00am to 5:00pm Friday; and
 - 9:00am to 5:00pm Weekends and Public Holidays; and
- 2.2 The use shall not operate on Christmas Day, Good Friday or Anzac Day;

3. Working Station Bay Use

- 3.1 The use must at all times be carried out in accordance with the approved Proposed Site/Floor Plan stamped as having been received by the City on 7 July 2022 (Approved Plan);
- 3.2 The development shall comprise of a maximum of six working station bays, comprising of one (1) wash bay and five (5) final touch up bays; and
- 3.3 Vehicles must only be washed or touched-up on the property in a bay shown on the Approved Plan as being provided for that purpose;

4. Acoustic Report

- 4.1 The use must at all times operate in compliance with the Environmental Acoustic Assessment by Herring Storer Acoustics dated June 2022 and stamped as having been received by the City on 7 July 2022 (Report). All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction; and**
- 4.2 All Vacuum Units and Air Compressors used on the property must be located inside the building on the property and in the location shown on the plan attached to the Report;**

5. Noise and Operational Management Plan

- 5.1 The use shall at all times operate in compliance with the Noise and Operational Management Plan (NAOM Plan) stamped as having been received by the City on 7 July 2022;**
- 5.2 The operator of the development must maintain a 'Complaints Register' in accordance with the 'Complaints Management' process in the NAOM Plan;**
- 5.3 Complaints about the development's operations must be dealt with in accordance with the 'Complaints Management' process set out in the NAOM Plan; and**
- 5.4 The bays shown on the Approved Plan must be used in accordance with the 'Allocated Bays – Description of Works' set out in the NAOM Plan;**

6. Prior to Use of Additional Working Station Bays

- 6.1 Prior to the first use of the three additional working station bays:**
 - 6.1.1 A 'No Vacancy' sign shall be installed to the Charles Street frontage of Lot 145 and Lot 146;**
 - 6.1.2 A management statement shall be submitted to, and approved by, the City which outlines how the 'No Vacancy' sign will operate. The use shall at all times operate in accordance with the approved management statement related to the 'No Vacancy' sign, to the satisfaction of the City;**
 - 6.1.3 Works shall be undertaken to contain the Vacuum Units and Air Compressors inside the building on the property and in the location shown on the Approved Plans; and**
 - 6.1.4 Line marking and directional signage shall be updated on site to align with the movement of vehicles within the development site, as marked in the Transport Impact Statement received by the City on 17 January 2022;**

7. Building Design

- 7.1 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), shall be designed integrally with the building, and shall be located so as not to be visually obtrusive from Charles Street;**
- 7.2 Doors and windows and adjacent floor areas fronting Charles Street shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting 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 are prohibited; and**
- 7.3 All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained; and**

8. Street Trees

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning.

CR WALLACE:

There were some comments from the gallery about the appropriateness of the no vacancy sign. Could Administration give a response regarding the rationale around that?

It was also raised from the gallery that the no vacancy sign would be ineffective. If the recommended Condition were to be included, would it require further guidelines around size and position on the lot?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Administration would ordinarily make applicants aware of any non-standard Conditions that were recommended to be imposed prior to the Council Briefing Meeting. Unfortunately this did not occur in this instance with respect to the proposed condition recommending a 'No Vacancy' sign be installed on site.

The applicant has now reviewed the issue that the 'No Vacancy' sign was seeking to resolve, which relates to how the business deals with customers who enter the site when all working station bays are occupied.

*The applicant's proposed alternative solution is to update the Noise and Operational Management Plan included in **Attachment 10** to add a new section stating that if a customer was to enter the site when all working station bays are occupied, they would speak to a staff member who would advise them that they need to come back at a later date/time.*

Administration has reviewed the applicant's proposed alternative solution and is satisfied that this would effectively resolve the issue that the 'No Vacancy' sign was seeking to address. The following updates to the Council Report and associated Attachments have been made to reflect this:

- ***Attachment 10** – Noise and Operational Management Plan has been updated with the new version submitted by the applicant following the Briefing Meeting setting out the management practice the business would follow if cars entered the site when all bays were full;*
- *Recommended Condition 5.1 has been updated to reflect the new received date for the Noise and Operational Management Plan, requiring this management practice to be followed;*
- *Recommended Conditions 6.1.1 and 6.1.2 which would have required the installation of the 'No Vacancy' sign have been deleted; and*
- ***Attachment 7** – Summary of Submissions and Applicant's Response has been updated to remove reference to the installation of a 'No Vacancy' sign.*

CR CASTLE:

What parking requirements would this type of application normally have, if any?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

If the City received a new application for this type of development it would now be classified as a Motor Vehicle Wash under the City's Local Planning Scheme No. 2 (LPS2). Table 1 of the City's current Policy No. 7.7.1 – Non-Residential Development Parking Requirements does not provide a car parking ratio for Motor Vehicle Wash. Under the current Policy, the City would determine the appropriate number of on-site car parking spaces based on a site specific Parking Management Plan submitted by the applicant but this was not required under the Parking Policy that was in effect in 2011.

The initial 2011 development application was approved under Town Planning Scheme No. (TPS1), which did not include a land use definition for Motor Vehicle Wash and so the application was assessed as an Unlisted Use (Car Wash and Detailing). At that time the City's Non-Residential Parking Policy did not set a parking standard for unlisted uses or require a Parking Management Plan. Instead the impact of the development was assessed against the objectives and relevant matters under TPS1. The application was approved with one staff parking bay and no customer bays.

The number of on-site car parking spaces is proposed to remain unchanged from the previous approval and the intent of the current development application is to improve the efficiency of the business operations, addressing existing queuing and bottlenecking issues.

The existing approved development provides one dedicated on-site car parking space for use by staff. The

number of on-site car parking spaces and the number of staff is proposed to remain unchanged as part of this application.

The provision of no dedicated on-site bays for customers would continue to be acceptable because the existing business model would remain unchanged, where customers drop off their vehicle and then wait in the on-site waiting areas while the vehicle is processed.

5.1 NO. 11 (LOT: 4, S/P: 7727) DOUGLAS STREET, WEST PERTH - PROPOSED CHANGE OF USE TO UNLISTED USE (DOG DAY CARE) (AMENDMENT TO APPROVED)**Ward: South****Attachments:**

1. Consultation and Location Map
2. Development Plans
3. Daily Operations and Procedures Plan
4. Portion of Minutes of Council Meeting 25 June 2019
5. Waste Management Plan
6. Acoustic Report

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for Unlisted Use (Dog Day Care) (Amendment to Approved) at No. 11 (Lot: 4; STR: 7727) Douglas Street, West Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions:

1. All other conditions, requirements and advice notes detailed on the development approval 5.2018.466.1 granted on 25 June 2019 continue to apply to this approval except as follows:
 - 1.1 Condition 1.1 is amended to read as follows:
 - 1.1 The premises shall be used for the purposes of the care of dogs as detailed in the Daily Operations and Procedures date stamped 30 September 2022;
 - 1.2 Condition 2 is deleted; and
 - 1.3 Condition 3 is amended to read as follows:
 3. Use of the premises shall be carried out in accordance with the Daily Operations and Procedures date stamped 30 September 2022 or any revised Procedure approved by the City. Any change to the Operations or Procedures shall be included in an updated Daily Operations and Procedures to be submitted for review and approval by the City.

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| NO QUESTIONS |
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5.3 OUTCOMES OF ADVERTISING - AMENDMENT 9 TO LOCAL PLANNING SCHEME NO. 2 - PORTION OF NO. 251 (LOT: 1001 ; D/P: 422962) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN (FORMERLY NO. 21 EUCLA STREET, MOUNT HAWTHORN)

Ward: North

Attachments:

1. Form 2A - Amendment No. 9 to Local Planning Scheme No. 2
2. Location and Consultation Map
3. Scheme Amendment Map
4. Applicant's Scheme Amendment Report
5. Summary of Submissions - Applicant's Response
6. Summary of Submissions - Administration's Response

RECOMMENDATION:

That Council **SUPPORTS** Amendment 9 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, included as Attachment 1, for submission to the Western Australian Planning Commission.

NO QUESTIONS

5.4 OUTCOMES OF ADVERTISING - OMNIBUS AMENDMENT NO. 10 TO LOCAL PLANNING SCHEME NO. 2

- Attachments:
1. Form 2A - Local Planning Scheme No.2 - Amendment 10
 2. Local Planning Scheme No. 2 Amendment 10 - Explanatory Table

RECOMMENDATION:

That Council **SUPPORTS** Amendment 10 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, included in Attachment 1, for submission to the Western Australian Planning Commission.

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| NO QUESTIONS |
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5.6 OUTCOMES OF ADVERTISING AND ADOPTION OF AMENDED DEVELOPMENT COMPLIANCE ENFORCEMENT POLICY

Attachments: 1. Development Compliance Enforcement Policy

RECOMMENDATION:

That Council:

- 1. NOTES the outcomes of advertising the proposed Development Compliance Enforcement Policy as detailed in this report;**
- 2. RESCINDS Policy No. 4.1.22 – Prosecution and Enforcement; and**
- 3. ADOPTS the Development Compliance Enforcement Policy at Attachment 1.**

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| NO QUESTIONS |
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5.7 REDEVELOPMENT PROPOSALS - THE AVENUE AND FRAME COURT CAR PARKS, LEEDERVILLE

- Attachments:**
- 1. Redevelopment Proposals Process**
 - 2. Request for Proposals Material**
 - 3. Evaluation Assessment - Confidential**

RECOMMENDATION**That Council:**

- 1. NOTES the outcome of the evaluation process for the Request for Proposals relating to The Avenue and Frame Court Car Parks, Leederville;**
- 2. ENDORSES the three shortlisted proposals for progression to Stage 2 of the Redevelopment Proposals Process set out in Attachment 1; and**
- 3. REQUESTS the Chief Executive Officer present a report to Council to determine the additional information required from the shortlisted proposals and the selection criteria to be used to determine the preferred proposal prior to the commencement of Stage 2 of the Redevelopment Proposals Process set out in Attachment 1.**

Deferred to the end of the meeting for discussion on the confidential attachment.

5.8 MOUNT HAWTHORN YOUTH SKATE SPACE

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

RECOMMENDATION:**That Council:**

- 1. NOTES the submissions received during the preliminary consultation period and Administration's responses, included as Attachment 1; and**
- 2. APPROVES the draft Mount Hawthorn Youth Skate Space Concept Plan, included as Attachment 2 to be advertised for community consultation in accordance with the City's Community and Stakeholder Engagement Policy.**

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| NO QUESTIONS |
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5.9 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO ARTS ADVISORY GROUP

- Attachments:**
- 1. Arts Advisory Group Nominations 2022 - Administration Recommendations - Confidential**

RECOMMENDATION:

That Council:

- 1. RECEIVES the community nominations for the City's Arts Advisory Group in Confidential Attachment 1; and**
- 2. APPOINTS the community representatives detailed in Confidential Attachment 1 to the City's Arts Advisory Group for the term expiring on 21 October 2023.**

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| NO QUESTIONS |
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5.10 PLACE PLAN ANNUAL REVIEW

- Attachments:**
1. **2022 Volume 01 Vincent Town Centre Place Plan - Implementation Framework Progress Update - Review IIII**
 2. **2022 Volume 02 North Perth Town Centre Place Plan - Implementation Framework Progress Update - Review IIII**
 3. **2022 Volume 03 Mount Hawthorn Town Centre Place Plan - Implementation Framework Progress Update - Review III**
 4. **2022 Volume 04 Leederville Town Centre Place Plan - Implementation Framework Progress Update - Review I**
 5. **2022 Volume 05 Beaufort Street Town Centre Place Plan - Implementation Framework Progress Update - Review I**
 6. **2022 Volume 07 Pickle District Place Plan - Implementation Framework Progress Update - Review I**

RECOMMENDATION:

That Council NOTES the:

1. **Final review of Volume 1: Vincent Town Centre Place Plan and Volume 2: North Perth Town Centre Place Plan, as shown in Attachments 1 and 2; and**
2. **Annual review of Volume 3: Mount Hawthorn Town Centre Place Plan, Volume 4: Leederville Town Centre Place Plan, Volume 5: Beaufort Street Town Centre Place Plan and Volume 7: Pickle District Place Plan, as shown in Attachments 3, 4, 5 and 6 and ENDORSES these place plans being updated in accordance with these reviews.**

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| NO QUESTIONS |
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5.11 PUBLIC HEALTH PLAN (2020 - 2025) - ANNUAL REVIEW 2

Attachments: 1. Annual Review - Public Health Plan - 2020-2025 - Review 2

RECOMMENDATION:

That Council:

1. **NOTES** the second annual review and progress towards the deliverables within the Public Health Plan 2020 – 2025, at Attachment 1; and
2. **ENDORSES** the removal of deliverable 18.4 to be replaced by deliverable 1.4 as detailed in this report.

NO QUESTIONS

At 6.28pm Manager Built Environment and Wellbeing left the meeting and did not return.

At 6.31pm A/Manager Development and Design left the meeting and did not return .

6 INFRASTRUCTURE & ENVIRONMENT

Nil

7 COMMUNITY & BUSINESS SERVICES

7.1 FINANCIAL STATEMENTS AS AT 31 AUGUST 2022

Attachments: 1. Financial Statements as at 31 August 2022

RECOMMENDATION:

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

NO QUESTIONS

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

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

RECOMMENDATION:

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

| | |
|---------------------------------------|-----------------------|
| EFT payments, including payroll | \$5,187,927.96 |
| Cheques | \$174.60 |
| Direct debits, including credit cards | \$666,996.92 |
| Total payments for August 2022 | \$5,855,099.48 |

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| NO QUESTIONS |
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7.3 INVESTMENT REPORT AS AT 31 AUGUST 2022

Attachments: 1. Investment Statistics as at 31 August 2022

RECOMMENDATION:

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

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| NO QUESTIONS |
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8 CHIEF EXECUTIVE OFFICER

8.1 COUNCIL BRIEFING AND ORDINARY MEETING OF COUNCIL DATES FOR 2023

Attachments: 1. Council Briefing and Ordinary Meeting of Council Dates 2023

RECOMMENDATION:

That Council:

- 1. ADOPTS the 2023 monthly cycle of Council Briefings and Ordinary Meetings of Council, each commencing at 6pm and held at the City of Vincent Council Chambers, 244 Vincent Street, Leederville, as listed below and shown in the calendar at Attachment 1; and**

| Council Briefing | Ordinary Meeting of Council |
|-------------------------|------------------------------------|
| 7 February | 14 February |
| 7 March | 14 March |
| 28 March | 4 April |
| 9 May | 16 May |
| 13 June | 20 June |
| 18 July | 25 July |
| 15 August | 22 August |
| 12 September | 19 September |
| 10 October | 17 October |
| 14 November | 21 November |
| 5 December | 12 December |

- 2. PROVIDES local public notice of the Council Briefing and Ordinary Meeting of Council dates, time and place, as listed in Recommendation 1. above.**

NO QUESTIONS

8.2 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDED COUNCIL MEMBER CONTACT WITH DEVELOPERS POLICY

- Attachments:**
1. **Council Member Contact with Developer Policy (clean copy)**
 2. **Council Member Contact with Developer Policy (marked up)**
 3. **Council Member Contact With Developers Disclosure Form**
 4. **Governance Framework (marked up)**

RECOMMENDATION:**That Council:**

1. **ADOPTS** the Council Member Contact with Developers Policy at Attachment 1; and
2. **APPROVES** the amendments to the Governance Framework, at Attachment 4

CR CASTLE:

Definitions circular, not allowing scope to declare before application is lost. Concerned about the definitions, does the wording need to be tightened up to make it clear what is to be captured. How is a Council member able to determine if it is a development application? Sometimes they don't lead to an application.

A/EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The existing policy does not capture contact on development proposals before an application is submitted, this includes Design Review Panel Applications. Such recording has previously been made at the discretion of the individual Council Member. The policy review was presented to Council 17 May 2022 for approval to advertise, Council resolved to request that provision be included within the policy for declaring contact prior to lodgement of planning applications. Prior to advertising Clause 1e of the amended policy has been updated to clarify that Prescribed Contact prior to the lodgement of a DA, including during the Design Review Panel assessment, is required.

In response to the decision of Council requesting provision be included for contact to be declared where prior to a development application a minor modification was made to the policy prior to consultation. After briefing in response to queries raised, Administration has made further modifications including clarifying definitions in the policy in response to questions from Council.

All other contact, where the substance of that contact could give rise to a possible allegation of bias or influence, should be recorded. This would need to be determined by the individual Council Member and submitted to Administration for inclusion in the confidential register. Where it has not been recorded on the register and an application is presented before Council that a Council Member has had contact on, this does not negate the need for the Council Member to declare any potential conflicts.

8.3 INFORMATION BULLETIN

- Attachments:**
1. **Unconfirmed Minutes of the Arts Advisory Group 24 August 2022**
 2. **Unconfirmed Minutes of the Children and Young Peoples Advisory Group (CYPAG) 17 August 2022**
 3. **Unconfirmed Minutes of Mindarie Regional Council Meeting held on 29 September 2022**
 4. **Unconfirmed Minutes of the Tamala Park Regional Council - Special Meeting held on 29 September 2022**
 5. **Statistics for Development Services Applications as at the end of September 2022**
 6. **Register of Legal Action and Prosecutions Monthly - Confidential**
 7. **Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 3 October 2022**
 8. **Register of Applications Referred to the MetroWest Development Assessment Panel - Current**
 9. **Register of Applications Referred to the Design Review Panel - Current**
 10. **Register of Petitions - Progress Report - September 2022**
 11. **Register of Notices of Motion - Progress Report - September 2022**
 12. **Register of Reports to be Actioned - Progress Report - September 2022**
 13. **Council Workshop Items since September 2022**
 14. **Council Meeting Statistics**
 15. **Council Briefing Notes - 13 September 2022**

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated October 2022.

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| NO QUESTIONS |
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Item deferred to the end of the meeting so that discussion on the confidential attachment could take place.

5.7 REDEVELOPMENT PROPOSALS - THE AVENUE AND FRAME COURT CAR PARKS, LEEDERVILLE

- Attachments:
1. **Redevelopment Proposals Process**
 2. **Request for Proposals Material**
 3. **Evaluation Assessment - Confidential**

RECOMMENDATION

That Council:

1. **NOTES** the outcome of the evaluation process for the Request for Proposals relating to The Avenue and Frame Court Car Parks, Leederville;
2. **ENDORSES** the three shortlisted proposals for progression to Stage 2 of the Redevelopment Proposals Process set out in Attachment 1; and
3. **REQUESTS** the Chief Executive Officer present a report to Council to determine the additional information required from the shortlisted proposals and the selection criteria to be used to determine the preferred proposal prior to the commencement of Stage 2 of the Redevelopment Proposals Process set out in Attachment 1.

CR WALLACE

Can I please formally request the submissions for the top 5 submissions?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

The lines of demarcation between the Evaluation Panel and Council is paramount in the Redevelopment Proposals Process to ensure probity, transparency and fairness and to ensure that the City is not in breach, or even perceived to be in breach, of its policies, framework and legislation.

The evaluation of submissions is an administrative function and the endorsement of a shortlist following an evaluation process is a Council function.

In consultation with WALGA regarding the separation of roles during a tender process, WALGA provided the following advice:

“Our consistent view is that the evaluation of tenders is an administrative function requiring the application of procurement expertise to ensure compliance with Regulation 18 of the Local Government (Functions and General) Regulations. This is the underpinning rationale of the separation of powers principle in this instance”.

The above advice relates to the Redevelopment Proposals Process as this is being undertaken as a tender process. This advice is further supported by Regulation 9 of the Local Government (Rules and Conduct) Regulations which states that Elected Members cannot undertake administrative tasks which includes the evaluation of a tender.

Submissions are kept separate from Council to ensure the clear separation of roles between evaluator and decision maker is maintained. If Council access submissions then the line between evaluator and decision maker is compromised, the importance of the role of the Evaluation Panel is undermined, the entire process is jeopardized and the City is at risk of being in breach of its approved Procurement Framework and Local Government (Rules and Conduct) Regulations.

The City of Vincent Governance Framework states that Elected Members are entitled to be fully informed in order to carry out their role as a decision maker and may seek specific information from the technical experts on various issues before Council. This includes information about an Evaluation Panel recommendation without the need to access the submissions and act as technical experts in conducting the evaluation. To do so would compromise the integrity of the evaluation process, create opportunities for bias and influence to infiltrate the evaluation, and diminish the separation of powers in the governance process.

The Department of Local Government, Sport and Cultural Industries provided the following advice:

“The separation between administrative functions and council decision-making related to tenders needs to be preserved to protect the probity and legislative compliance of the process, protect council from risk, and protect council members from the real or perceived potential for conflicts of interest, or influencing the evaluation process, and to maintain confidentiality”.

Due to the above, submissions are unable to be provided to Council Members ahead of the Council Meeting. The submissions of those shortlisted would be provided to Council if the shortlist has been endorsed. To ensure the evaluation process is transparent and the Evaluation Panel provides as much information to Council as necessary for Council to be fully informed in making a decision, a further briefing will be held with Council and Administration ahead of the Council Meeting . This will provide a more detailed briefing on the Evaluation Panel’s comments and evaluation relating to the top five ranked submissions.

At 7.06pm Ian Mickle and John Del Dosso from Cygnet West left the meeting and did not return.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

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

Nil

12 CLOSURE

There being no further business the meeting closed at 7.07pm.