



**CITY OF VINCENT**

# **NOTES**

**Council Briefing**

**5 October 2021**



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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, 5 OCTOBER 2021 AT 6.00PM**

|                       |  |  |
|-----------------------|--|--|
| <b>PRESENT:</b>       | <p>Mayor Emma Cole<br/>Cr Susan Gontaszewski<br/>Cr Alex Castle<br/>Cr Joanne Fotakis<br/>Cr Jonathan Hallett<br/>Cr Sally Smith<br/>Cr Dan Loden</p> <p>Cr Ashley Wallace<br/>Cr Joshua Topelberg</p> | <p>Presiding Member<br/>South Ward<br/>North Ward<br/>North Ward<br/>South Ward<br/>North Ward<br/>North Ward (electronically, joined at 6.14pm during Item 3)<br/>South Ward<br/>South Ward</p>   |
| <b>IN ATTENDANCE:</b> | <p>David MacLennan<br/>Andrew Murphy</p> <p>Virginia Miltrup</p> <p>John Corbellini</p> <p>Tara Gloster<br/>Mark Fallows</p> <p>Chris Dixon<br/>Cara Finch<br/>Wendy Barnard</p>                       | <p>Chief Executive Officer<br/>Executive Director Infrastructure &amp; Environment<br/>Executive Director Community &amp; Business<br/>Executive Director Strategy and Development<br/>A/Manager Development &amp; Design<br/>Manager Built Environment and Wellbeing<br/>Projects and Strategy Officer, Rangers<br/>Safer Vincent Advisor<br/>Council Liaison Officer</p> |
| <b>Public:</b>        | Approximately ten members of the public.   |  |

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

The Presiding Member, 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 APPROVED LEAVE OF ABSENCE**

Nil

## **3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

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

### **3.1 Lynley Coen of Perth – Item 5.4**

- Stated that she has read the odour consultant’s report which verified residents claims and notes that the business has been given notice that the odours need to cease by 23 November
- The report is thorough and states that it meets Australian standards, but concludes that the air is still loaded with odorous compounds and remaining particles which can impact surrounding residences

- States that on at least two dates that the odour patrol recorded no odour that her residence had such an odour she made a diary note
- Stated that by 23 November it will be a year that residents have been living with this odour
- Mentioned that the odour has an impact on the physical and mental wellbeing of residents
- Emphasised that the residents are seeking a cessation of the polluting odour, not just a dilution

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

### **3.2 David McLoughlin of Perth – Item 5.1**

- Stated that he is a resident of Moir Street
- Stated that the house is in an important heritage precinct and has been recognised internationally by UNESCO
- Stated that it is the collection of houses that is particularly important
- Mentioned that the precinct is the last intact 19<sup>th</sup> century Federation area precinct in Australia
- Advised that he believes the design is well done, but it is a two storey design which is problematic under the Heritage Framework
- Mentioned that he is concerned that the precinct is not considered in the report

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

### **3.3 Ryan Darby of Lathlain- Item 5.2**

- Spoke on behalf of the owners
- Stated that the site was purchased with the purpose of renewing the site for mixed use residential development, including build to buy and build to rent apartments, in addition to community infrastructure and public domain enhancement
- Mentioned that the project team has worked in collaboration with the City, Leederville Connect and other stakeholders, including the Water Corporation in preparing the LDP. The collaboration is proposed to continue through the development application
- Stated that preparation of the LDP has been undertaken in parallel with the preparation of the Leederville Precinct Structure Plan. The two documents are complimentary in their outcomes
- Mentioned that a portion of the proposed building exceeds the 23 storey height limit, at 25 storey, but does not exceed the total height in the PSP.
- Stated that the proposed development does not impact on the adjoining properties in respect of overshadowing and privacy and the visual impact ranges from negligible to moderate depending on the vantage points
- The community benefits in the LDP include a proportion of affordable housing, which will include key workers, the provision of two publically accessible plazas and a pedestrian access way which will facilitate the activation of the western elevation onto the Frame Court car park
- The ground floor tenancies provided for an art and culture and community working uses
- The LDP has been approved by the Design Review Panel

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

### **3.4 Alan Stewart of Perth – Item 5.1**

- Stated that he is the applicant and landowner
- Stated that extensive conservation work has already been undertaken on the property
- Mentioned that all five rooms in the original part of the house remain intact, with no internal walls being removed

- States that the elevation of the house above ground level allows for development at the rear without impacting the heritage portion or streetscape
- Advised that the proposed addition satisfies the building height limit, as well as the streetscape requirements
- Mentioned that the roof design has been modified to look like an attic instead of a two storey design
- Stated that the extension has been matched to the height of the current building
- Mentioned that red facebricks are planned to complement the current brickwork.
- Stated that after consultation, the concerns seemed to be more around the precedent for two storey buildings rather than the design of this house specifically
- Stated that the report mentions the overshadowing variation, but the R Codes were amended in July to exclude from overshadowing calculations the shadow from side boundary fence. When the shadow from the fence is removed, the overshadowing is within the limits set by the R Codes
- Mentioned that the site setback variation is because of the way that setbacks are calculated. The existing house has existing openings to habitable rooms, so a 4m setback is required. If the setback of the addition is calculated, it complies with the R Codes
- Believes that if the veranda is included it complies with the open space requirement
- Encourages Council to support the application

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

### **3.5 Dudley Maier of Highgate – Item 6.2**

- Queries why is the in house cost comparison confidential
- Believes the information contained cannot be considered commercial in confidence
- Stated that making the information confidential makes it seem that the City cannot compete with private enterprise on simple activities
- Mentioned that making the attachment confidential means that the community can't see the assumptions made and if they are reasonable
- Encourages the information to be released publicly

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

The following submissions were received prior to the meeting.

### **Lorena Chapman of the Cancer Council – Item 5.7**

I write on behalf of Cancer Council WA to voice our support of the proposed amendments to the City of Vincent's (the City) Local Planning Scheme No.2 regarding tobacco outlets.

Amendment to the Local Planning Scheme, as proposed, will reduce the availability of tobacco products which will go a long way in supporting the City's Public Health Plan and the City's strong public health messages about the dangers of smoking.

The continued widespread availability of tobacco products in Western Australia undermines the progress that has been made in other areas of tobacco control. Australian and international evidence shows that the availability of tobacco products is strongly associated with tobacco use. Unfortunately, in Western Australia, there is a higher density of tobacco outlets in areas of social disadvantage, likely increasing the uptake of smoking and reducing chances of quitting due to the social gradient of health and the poorer health outcomes experienced in these areas.

In Cancer Council WA's response to the statutory review of the Western Australian Tobacco Products Control Act 2006 we recommended enabling local governments to have some control over tobacco sales outlets within their jurisdiction, by:

1. adding an explicit carve out to enable local governments to enact local laws to prohibit or phase out the sale of tobacco within their local government area.
2. allowing local governments to formally object to licence applications on specified grounds.

A survey conducted by Cancer Council WA in 2020 found that there is strong community support for reducing the availability of tobacco products in WA. Nearly two-thirds (64%) of Western Australian adults think that tobacco should be less available or not available to buy at all, with this view held by 71% of non-smokers and 28% of smokers. There is also support for allowing local governments, like the City of Vincent, to ban the sale of tobacco within their local government area with 57% of non-smokers and 31% of smokers supporting or strongly supporting this policy initiative.

Cancer Council WA has previously expressed our support for the adoption of the Local Government Property Local Law 2021 to facilitate the City's Smoke Free Town Centres. The proposed Scheme amendments will see the City become the first local government in Western Australia to reduce the availability of tobacco products by amending local laws. Cancer Council WA commends the City for being a sector leader and undertaking progressive initiatives that will go a long way in reducing smoking prevalence.

We thank you for considering our feedback and look forward to ongoing consultation with you. Please do not hesitate to contact us for any further information or concerns.

#### **Martin Tuohy of Equitas Lawyers - Item 5.4**

##### *Introduction*

1. We are the lawyers for Hanoze Park Pty Ltd (**Company**) which:

- 1.1 occupies the commercial premises situated at 212-214 Lake Street, Perth (**Property**) under lease; and
- 1.2 owns and carries on the restaurant business trading as 7 Grams Restaurant (**Business**) at and from the Property.

##### *Background*

2. Briefly:

- 2.1 The Property is a stand-alone building located on Lake Street, Perth, adjacent to Amy Street and situated immediately behind the expansive Northbridge Hotel.
- 2.2 The Property was formerly occupied by the 'Tarts' café/bakery retail business.
- 2.3 The City of Vincent planning instrument relevant to the land use of the Property is the City of Vincent Local Planning Scheme No. 2.
- 2.4 The Vincent town planning map 02-Vincent-South-West indicates that the Property is located in a 'Residential' zone with an R50 rating and immediately behind the 'Mixed Use' zone comprising, among other businesses, the Northbridge Hotel, and which runs from Lake Street almost to William Street.
- 2.5 The Council Briefing Agenda for its 5 October 2021 meeting notes:
  - 2.5.1 "At an ordinary meeting of Council on 7 October 2008, the Council of the City of Vincent (Council) granted conditional approval for a Change of Use from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval)";
  - 2.5.2 "Since that time, there has been amendments to the approval including re-consideration of cash-in-lieu and an increase in trading hours";
  - 2.5.3 "Most recently, a Section 40 certificate was issued under the Liquor Control Act 1988, which confirmed compliance with relevant planning laws on 4 November 2020"; and
  - 2.5.4 The investigation carried out by the City's officers confirm that the "...business [being carried on at the Property] is primarily serving food that is consumed on premises and operating within its approved planning use, being a restaurant / café, and no further action can be taken by the City in relation to this matter."

3. The Company took all necessary steps to ensure that before it commenced trading from the Property it complied with all relevant statutory and regulatory requirements for it to carry on the Business. The City subsequently issued all necessary permits, approvals and certificates to allow the Business to commence operation.

#### *Complaints raised by the City*

##### *First Meeting*

4. By an email dated 7 December 2020, the City's Environmental Health Officer, Mr Alex Ravine (**Environmental Health Officer**) raised the subject that the City had received "a few complaints from nearby residents about odour and waste issues" and asked for a meeting to discuss. That meeting took place at the Property on 9 December 2020 (**First Meeting**).
5. As a result of that First Meeting the Company was asked to attend to some 'cosmetic work' with respect to a gap between the exhaust duct and the ceiling and asked to provide a certificate "...that the extraction canopy complied with AS 1668.2-2012 with respect to the use and ventilation and airconditioning in buildings Part 2 Mechanical ventilation in buildings." That work and the certification was carried out and provided (as the case may be) to the City's satisfaction.

##### *Section 39 Liquor Control Act 1988 Certificate of Local Government*

6. Under cover of a letter dated 7 January 2021 the City issued the Company with a Section 39 Certificate pursuant to the *Liquor Control Act 1988* confirming that the Company carrying on the Business at and from the Property:  
  
*"compl[ies] with all relevant requirements under the Health (Miscellaneous Provisions) Act 1911, under the Food Act 2008, under any written law relating to the sewerage or drainage of those premises and under the Local Government Act 1995 and the Building Act 2011,".*
7. In an email dated 11 January 2021 the Company received a further email from the Environmental Health Officer advising that there had been complaints from a number of residents about odour from the Business and "specifically from the recently installed kitchen extraction system". The email goes on to say:  
  
*"I appreciate that you have submitted certification from the installer that it was installed in accordance with the Australian Standard that I left with you last month. It appears that the external vent may not have been installed with the appropriate height and location. Further odour-reduction may be achieved from additional filters in the system as well.  
Can I meet you at the café tomorrow or Wednesday to discuss this please? If you can also invite the installer (or an alternative installer) that would be helpful, as you may need them to relocate the vent. Due to the nature of these complaints this is urgent, and your earliest attention is appreciated."*

##### *Second Meeting*

8. A second meeting took place between the Environmental Health Officer, the Company and the installer at the Property on Wednesday 13 January 2021 (**Second Meeting**).
9. Subsequent to the Second Meeting, the Environmental Health Officer again wrote to the Company on 25 January 2021 and said:  
  
*"I can advise that I have been out to the area on several occasions [sic] have smelled cooking odours on surrounding streets. This is dependent on the weather conditions, particularly wind direction, which is why odour at the courtyard was minimal at the time of our meeting. We also now have three separate complaints from different properties, and so in the interests of preserving neighbourhood amenity and maintaining positive relationships with your neighbours we are seeking your cooperation in investigating practical solutions.  
Please consider and where appropriate take proactive steps to reduce odour from the cooking process. The various options suggested by the installer at our meeting included changing the type of cooking oil, increasing the height of the exhaust system, moving the location of the exhaust system away from the side of the building and installing additional/different filters. There may well be other practical solutions that could help."*

10. On 26 February 2021 the City again wrote to the Company and said, among other things:

*“The City has continued to receive complaints relating to cooking odours from your premises from four separate complainants. The City has carefully reviewed the situation from a Building and Health perspective in an attempt to reach the best outcome for you and surrounding residents.*

*As you are aware the City has requested you to either:*

- Remove the unauthorised works (kitchen exhaust system); or
- Relocate the unauthorised works to comply with AS1668.2 and the BCA requirements, **by 15 March 2021.**

*As previously advised, a Building Permit is required to be obtained prior to relocating the kitchen exhaust system.*

*Please refer to the attached section 3.10.1, 3.10.2 and 3.10.3 (a), (c) and (d) of Australian Standard (AS) 1668.2-2012 which are required to be complied with.*

*Whilst it is acknowledged that section 3.3.1(b) of the AS provides that kitchen exhaust hoods are to be assessed against a Type B effluent discharge, it is recommended that to achieve the best outcome and ensure there is no odour nuisance after the new installation, consideration is given to installation requirements for a Type A effluent discharge.*

*It is recommended that your private building surveyor and extraction system installer liaise with each other to investigate and implement all practicable engineering solutions to reduce odour. Factors to be considered should include increasing the height of the exhaust system, moving the location of the exhaust system away from the side of the building, adjusting the vents to be vertical and installing additional or different filters.*

*Should the relocation comply with the minimum requirements of the Australian Standard but fail to prevent the discharge of odours that are deemed a nuisance, the City may still pursue action in accordance with City of Vincent Health Local Law 2004 which provides that owners or occupiers of premises “shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste, or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.”*

#### *Third Meeting*

11. On 10 March 2021 the Environmental Health Officer wrote again to the Company and the Company's exhaust installer and suggested a further meeting at the City's offices on Friday 12 March 2021 (**Third Meeting**).

#### *Further works*

12. On 15 March 2021 following the Third Meeting, Ms Sonia Woodside (**Senior Compliance Officer**) of the City wrote an email to the Company and the installer noting that the Company and the installer needed 10 days to prepare the building application for the further exhaust works and then once the building approval is issued by the City, a further 14 days will be required to install the new system.
13. On 7 April 2021 the Senior Compliance Officer wrote a further email to the Company and the installer advising that the building permit for the relocation of the “Range Hood Duct/Mechanical Roof Flume, Re Located on Roof to Comply with AS1668.2 and BCA Requirements” was issued on that day. There was some delay in parts supply for the works, but the works were completed and tested on about Friday 30 April 2021.
14. The Company took prompt steps to try to alleviate the City's concerns. Those steps included engaging contractors to extend the duct for the exhaust canopy in the kitchen; relocating the roof ceiling ducting and roof exhaust to relocate the exhaust to the opposite side of the building on the Property and to use the highest quality cooking oil available and to change that oil on a daily basis. All of this came at a considerable cost to the Company.

#### *Petition and Fourth Meeting*

15. We understand that a further meeting (**Fourth Meeting**) took place between the Environmental Health Officer and the Company in late June 2021 to discuss a petition received by the City from residents in the area. The Officer advised that the City had engaged an odour consultant to help the City

understand the issue and that he would like to meet the Business owners at the restaurant and asked that the installer also be present. That Fourth Meeting took place on 14 July 2021.

16. A further meeting with the City's odour consultant took place on Thursday 2 September 2021 (**Fifth Meeting**). It appears that the reason for the delay was because the odour consultant was waiting until the weather forecast was suitable for a smoke test with the wind to observe downwash effects.

#### *Odour report*

17. Subsequent to the Fifth Meeting following the issue and circulation of the City's consultant's odour report, a further meeting (**Sixth Meeting**) was arranged by the Environmental Health Officer with the Company to "...discuss the way forward now the odour investigation is complete".
18. The Sixth Meeting took place on Wednesday 22 September 2021 at the City's offices.
19. We are instructed that the result of the Sixth Meeting was that the City told the Company that unless the odour problem was resolved to the City's satisfaction, it would issue a notice to the Company and that notice would result in the Company incurring heavy fines and further action being taken against the Company and with respect to the Business.

#### *Health Act Notice*

20. On 24 September 2021 the Company received a letter from Mr Mark Fallows (Manager Built Environment and Wellbeing) of the City, enclosing a notice (**Health Act Notice**) purported to have been issued pursuant to the *Health (Miscellaneous Provisions) Act 1911 (WA)* (**Health Act**).
21. The Notice requires the Company within 60 days of the service of the Notice to "...abate the nuisance in the manner specified in the Second Schedule hereto". The Notice claims that the nuisance being created by the Company is:

*"...permitting oily, fried, greasy, rancid and burnt odours to be emitted from an exhaust stack protruding through the roof of the building on the Land (**Odours**) because the Odours are unreasonably interfering with the comfort and amenity of local residents located within 140 metres of the exhaust stack";*

and requires the Company to:

*"Stop emitting oily, fried, greasy, rancid and burnt odours from the exhaust stack on the Land."*

22. The Notice says that it is issued in response to a report from an Environmental Health Officer that a nuisance exists on the Land by reason of the matters specified in the first schedule to the Notice.

#### *Submissions*

##### *Notice is ultra vires and defective*

23. The Company says that:
- 23.1 the Notice is defective in that it does not identify the statutory 'nuisance' on which the City relies to justify the issuing of the Notice;
  - 23.2 the City has, in writing, admitted that none of the Health Act's recognised statutory categories of 'nuisance' are relied on in the issuing of the Notice; and
  - 23.3 a Health Act notice cannot be lawfully issued outside the statutorily identified categories of 'nuisance' in section 182 of the Health Act.
24. Consequently, the Notice is ultra vires, defective and or unlawful, and must be withdrawn immediately.

##### *Failure to state grounds on which the Notice issued*

25. The Notice purports only to invoke section 184(3) of the Health Act (which governs the consequences for noncompliance) without any reference to section 182 of the Health Act (which defines by specific circumstances when a 'nuisance' will be deemed to be created for the purposes of Part VII of the Health Act).

26. For the City to lawfully issue an abatement notice pursuant to section 184(1) of the Health Act based on the report of its officer that a 'nuisance' exists, that notice must particularise the category of statutory 'nuisance' by reference to section 182 and the failure to do so is fatal to any such notice.
27. To suggest, as the City has done, that it may issue a notice under section 184 of the Health Act simply because its officer in a report says a 'nuisance' exists is to suggest that the City may in its discretion issue abatement notices at the whim of its officers. With respect, this interpretation of Part VII of the Health Act which suggests that the City's officers will determine what constitutes a 'statutory nuisance' is misguided.

#### *Mitigation by the Company*

28. As the background set out in this letter demonstrates, despite operating its Business lawfully from the Property, the Company has nevertheless gone out of its way to try to meet and address the concerns raised by the City. Its efforts were undertaken at the behest of and in close consultation with the City's officers. All this was at considerable cost to the Company.
29. That said, the Company is willing to enter into further discussions with the City to see whether further reasonable steps may be taken to further address the City's concerns but, it is reluctant to do so under threat of prosecution and closure of its Business when it has done nothing wrong.

#### *Recourse to the State Administrative Tribunal*

30. If the City fails or refuses to withdraw the Notice, we are instructed that the Company will bring an application in the State Administrative Tribunal (**SAT**) and seek, inter alia, to have the Notice set aside.
31. If the Company is put in the position of having to bring the application in the SAT, it reserves its rights to make an application for costs pursuant to the *State Administrative Tribunal Act 2004* and in so doing to produce this letter in support of that application.
32. The Company's rights and remedies are reserved in full.

#### **Marie Slyth of West Perth – Item 5.2**

I wish to make this further submission regarding the above Item for tonight's Council Briefing.

Because of the actual location for this proposed development I must again point out its close proximity to Thomas Street bridge.

I do hope Council staff and councillors have all made a point of visiting Thomas/Loftus street at peak hours morning and evening and even during the day, to understand just how jammed the traffic is becoming and how far back it extends on either side of Thomas Street bridge, to be able to grasp that a monstrous development to the size of this proposal would basically block Leederville off from any through traffic back as far as Vincent Street i.e. beside Railway Parade and the foot of Oxford Street.

If you haven't already researched this situation please do so before considering any approval.

Thank you for your attention to this serious proposal.

I use this route to go south of Carr Street almost on a daily basis.

There being no further speakers, Public Question Time closed at approximately 6.19pm.

## **4 DECLARATIONS OF INTEREST**

- 4.1 Cr Jonathan Hallett declared an impartiality interest in Item 5.5 Public Health Plan 2020 - 2025 Annual Review. The extent of his interest is that the report refers to the case study that Vincent developed for the Public Health Advocacy Institute, which is based at Curtin and from a couple months ago he had been engaged to do some work with them on strategy and capacity building. The work was after the case study was done and is not Local Government work.

## 5 STRATEGY & DEVELOPMENT

### 5.1 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. Heritage Impact Statement
  4. Lodged Development Plans
  5. Applicant Justification
  6. Summary of Submissions - Administration Response
  7. Summary of Submissions - Applicant Response
  8. State Heritage Council Comments
  9. 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 9:

#### 1. Development Plans

This approval is for Alterations and Additions to a Single House as shown on the approved plans dated 30 August 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

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;

#### 6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 30 August 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; and

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.

**MAYOR COLE:**

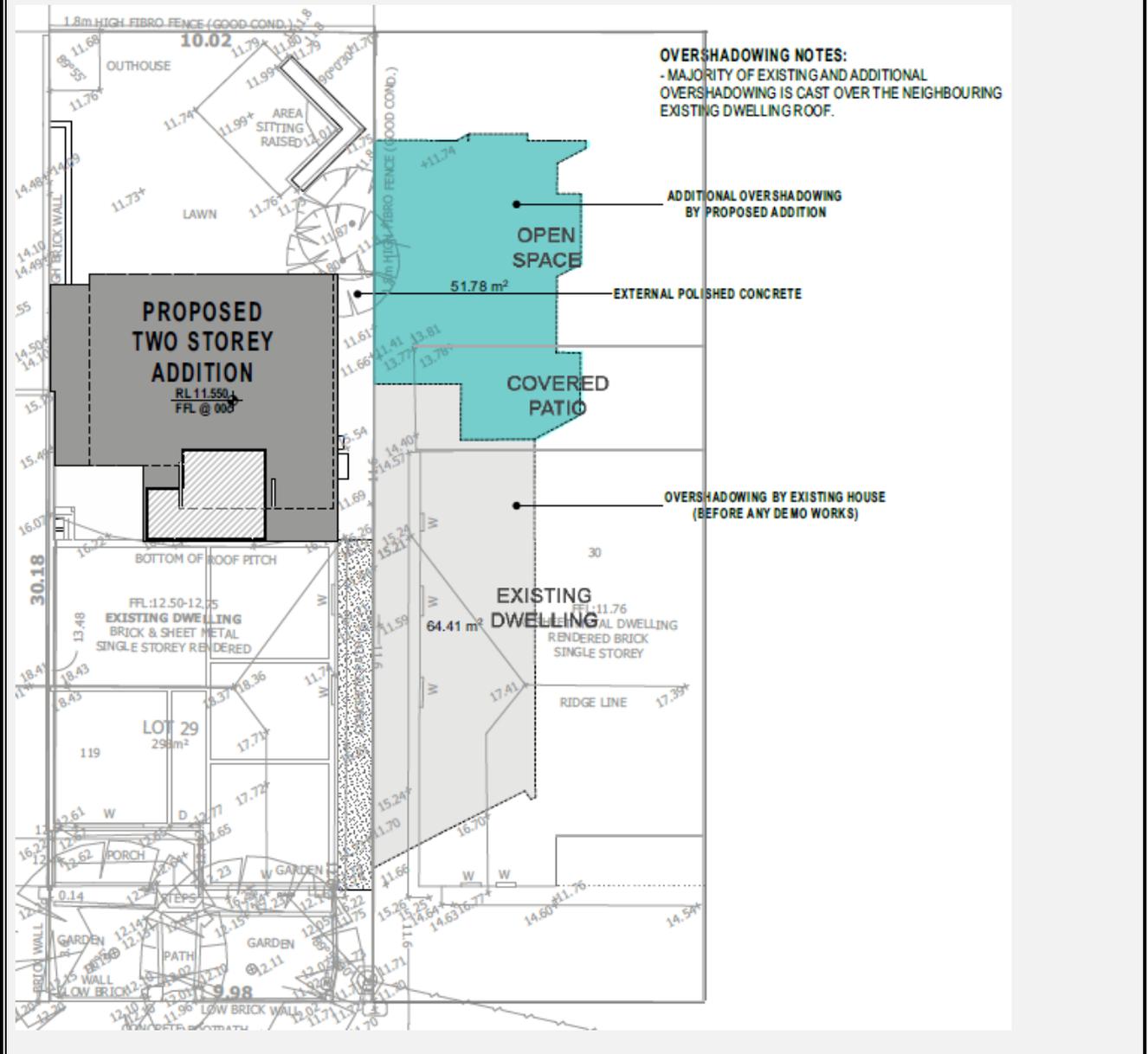
What area is being overshadowed in the neighbouring property?

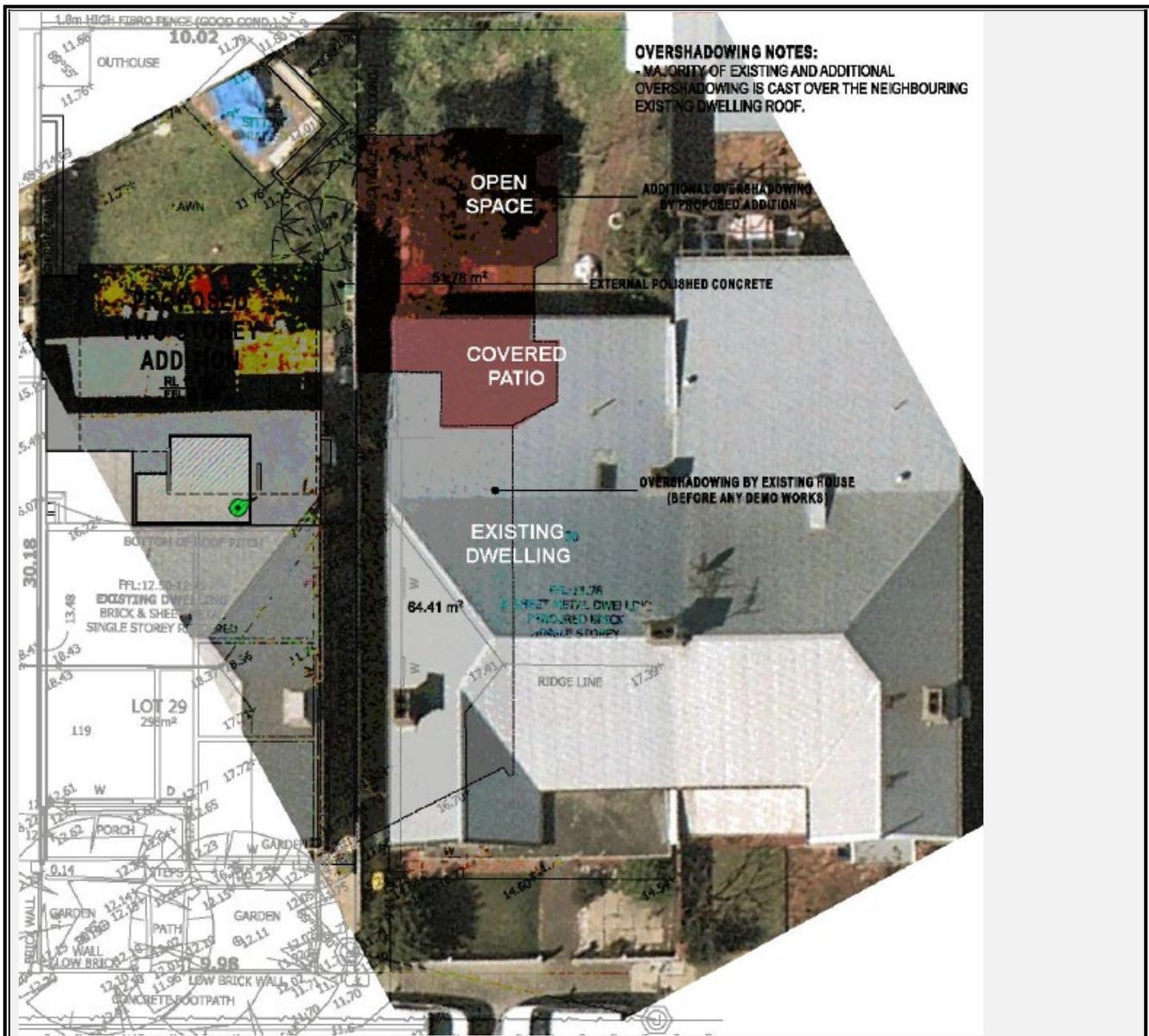
**A/MANAGER DEVELOPMENT & DESIGN:**

Two diagrams are provided below showing the areas that would be shadowed on the southern adjoining property from the proposed development.

The shadow cast from the existing dwelling falls over the roof of the southern property at No. 24 Moir Street.

The additional shadowing from the proposed additions is marked in blue and red, respectively on the diagrams below. The shadow falls to the back garden of No. 24 Moir Street that includes landscaping, a covered verandah and clothes drying area.





**CR HALLETT:**

Are dividing fences included in the overshadowing calculation?

**A/MANAGER DEVELOPMENT & DESIGN:**

The Residential Design Codes – Volume 1 were amended in July 2021 which included modifications to Clause 5.4.2 Solar Access. One of the changes were to exclude dividing fences up to 2 metres in height from overshadowing calculations. Based on the amended R Codes, Administration’s assessment of the overshadowing from the existing dwelling and proposed additions excludes the dividing fence as the dividing fence height is under 2 metres.

**CR WALLACE:**

50 percent more overshadowing is proposed than the 25 percent permitted by the guidelines. Why is such a significant deviation acceptable in this instance?

**A/MANAGER DEVELOPMENT & DESIGN:**

The southern adjoining property is highly vulnerable to being overshadowed, even by a relatively low building which is setback from the southern boundary. This is because the subject site is an east-west orientated lot and the terrain slopes south. Any new development along the western side of Moir Street would experience the same shadowing vulnerabilities.

As a result of the site orientation, the shadow cast by the existing dwelling is already 23 percent of the southern adjoining property. The proposed additions contribute an additional 14 percent overshadowing to the southern property.

The overshadowing does not adversely impact the southern adjoining property and extent of shadow is acceptable for the following reasons:

- The additional shadow does not impact the covered verandah which is already shadowed by the existing development;
- Of the approximate 100 square metres of open space to the rear of No. 24 Moir Street, 38 square metres is overshadowed. The majority of the southern property's established rear garden and outdoor living area remains unshadowed, ensuring sufficient access to direct sun and ventilation for the neighbouring occupants;
- The additional overshadowing does not fall to or impact solar collectors on the roof of the neighbouring property; and
- The neighbour being overshadowed by the proposal lodged a submission of support for the proposal, including the overshadowing proposed.

**CR GONTASZEWSKI & CR WALLACE:**

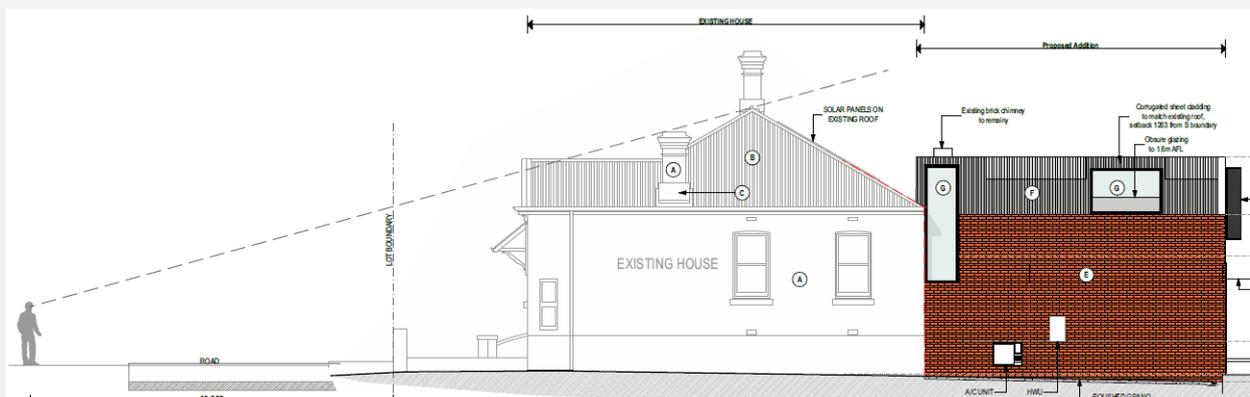
Guidelines note that the height of the additions are not to exceed the height of the existing site. What percentage of the roof form will be visible from the street?

Are deviations to the straight on viewing perspective area considered in the streetscape impact? Adjacent walkways between No. 26 and No. 24 Moir Street creates a 3 metre distance between the buildings. Through the space, the additions would be seen from Moir Street. Is this a valid way of looking at streetscape impact?

Request information in the briefing notes confirming whether the addition is or is not visible from Moir Street? And if it is, a more detailed assessment of why the impacts are considered minor, and whether any visual impact is acceptable with regard to the precinct guidelines around additions

**A/MANAGER DEVELOPMENT & DESIGN:**

The Brookman and Moir Streets Development Guidelines require new additions to not be visible when viewed from the front property line on the opposite side of the road with a viewing height of 1.65 metres above the level of the pavement. The applicant has submitted line of sight modelling in accordance with the requirements of the Brookman and Moir Streets Development Guidelines, shown below. This image demonstrates the additions are completely concealed behind the pitch of the existing dwelling as viewed from the West (Moir Street frontage). Therefore not viewable from Moir Street as assessed by the Brookman and Moir Streets Development Guidelines.



The applicant has submitted additional modelling to demonstrate the visibility of the additions as viewed from alternate angles on Moir Street, such as through the side setbacks. The diagram below notes that a very minor portion of the concealed roof form, in the same grey roof material, would be visible to the side setback of Moir Street.



Existing View

Between 24 & 26 Moir St



Proposed View

Worst case view angle of roof element.

A viewing position directly along the common boundary between 24 & 26 Moir St would reduce the view of the roof with the view of the side wall partially obscured by landscaping.

The minor visibility of the additions from Moir Street is acceptable as:

- These views are not considered within the Brookman and Moir Streets Development Guidelines, which require visibility to be measured when viewed from the front property line on the opposite side of the road with a viewing height of 1.65 metres above the level of the pavement. From this angle the additions are not visible;
- Corrugated roof sheeting is provided to the additions that is consistent with the corrugated roof sheeting of the existing dwelling;
- The additions are located to the rear of the property (11 metres behind the ground floor building line);
- All materials and colours of the additions are complementary to the subject dwelling and surrounding precinct as they are modern and subdue in palette;
- The additions are of a scale and mass that respects the adjacent heritage dwellings. This is provided through the side setbacks that are consistent with those of the existing dwelling. The building heights provided also appropriately respond to the slope of the site and are compatible with heights of adjacent buildings; and
- The State Heritage Council and the City's DRP member support the proposal and confirm the visual impact to Moir Street is minor due to the selected materiality and simple form.

**MAYOR COLE & CR WALLACE:**

The Heritage Council statement of significance for the Brookman and Moir Streets precinct provides discussion regarding the 'homogeneity of the modestly scaled buildings'. What does "homogeneity, modestly scaled dwellings" mean and how is this assessed? Could an assessment of other houses in the precinct be undertaken for an estimate of the average open space?

**A/MANAGER DEVELOPMENT & DESIGN:**

Site cover, building height, building setbacks and the overall scale and form of a proposal are the key considerations when determining whether the proposal is of a 'modest scale'.

The additions proposed are of a modest scale and would maintain the homogeneity of the Brookman and

Moir Street Precinct for the following reasons:

- The built form of the dwelling remains single storey as viewed from Moir Street, consistent with adjacent properties. The two storey additions are sited behind the principal façade to maintain the existing streetscape presence;
- The additions are of a scale and mass that respects the adjacent heritage dwellings. This is provided through the side setbacks that are consistent with those of the existing dwelling. The building heights provided also appropriately respond to the slope of the site and are compatible with heights of adjacent buildings;
- A review of existing buildings within the Brookman and Moir Streets Precinct found that there is an average open space provision of 43.8%. The open space proposed for No. 26 Moir is greater than the average at 46.6 percent. This was calculated by assessing the building footprint of each individual property within the Precinct; and
- Advice received from the State Heritage Council and the City's DRP member affirm that the siting, scale and form of the proposal is appropriate as the additions are integrated into the overall form of the existing dwelling while maintaining a distinguishable massing and scale to the additions which is respectful of the heritage precinct.

The proposal would not compromise the cultural heritage significance of the Brookman and Moir Streets Precinct as detailed within the Statement of Significance.

Specifically, the homogeneity of the precinct would be maintained while accommodating for increased living spaces to adapt and respond to the growing needs of the occupants.

**5.2 NO. 40 (LOT: 101; D/P: 64792) FRAME COURT, LEEDERVILLE - PROPOSED LOCAL DEVELOPMENT PLAN**

**Ward:** South

**Attachments:**

1. Location and Consultation Plan
2. Proposed Local Development Plan
3. Applicant Supporting Report
4. WAPC Agreement for LDP
5. Place Strategy
6. Transport Impact Assessment
7. Design Review Panel Presentation and Landscape Concept
8. Social Infrastructure Study
9. Economic and Social Outcomes of Community Benefits
10. Local Development Plan Assessment Table
11. Summary of Submissions - Administration Response
12. Summary of Submissions - Applicant Response
13. Design Review Panel Minutes

**RECOMMENDATION:**

**That Council**

1. Pursuant to Clause 47(d) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS that a Local Development Plan is required over No. 40 (Lot: 101) Frame Court, Leederville for the purposes of orderly and proper planning; and
2. Pursuant to Clause 52(1)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations)* APPROVES the Local Development Plan dated 22 September 2021 for No. 40 (Lot: 101) Frame Court, Leederville, included as Attachment 2, subject to the following:
  - 2.1 Obtaining the approval of the Western Australian Planning Commission for Development Controls 4.6.1 and 4.7.1 in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

**CR GONTASZEWSKI:**

Foreshadow an amendment towards the utilisation of percent for art contribution towards art and art curation, rather than for the fit-out and establishment of the space.

**A/MANAGER DEVELOPMENT & DESIGN:**

The applicant has modified Clause 3.5.3 of the LDP to delete the reference to fit-out and tenancy establishment of the cultural production space/art gallery. This ensures that the public art contribution would only be used towards arts curation and/or ongoing art management.

**CR GONTASZEWSKI:**

For public facilities community benefit, the LDP requires a management strategy to be provided prior to occupancy of the development which considers operational management. This is a different timing to remaining community benefit elements which requires this to be approved as part of the development application. Foreshadowing an amendment to require this to be assessed and approved as part of the development application.

**A/MANAGER DEVELOPMENT & DESIGN:**

The applicant has modified Clause 3.5.2 of the LDP to require the submission of the Public Facilities Management Strategy to accompany the development application.

**MAYOR COLE:**

Would it be possible for the shortfall of 10 points to be achieved through alternative measures, such as sustainability?

**A/MANAGER DEVELOPMENT & DESIGN:**

The draft Leederville Precinct Structure Plan requires a total of 100 points to be achieved of the Additional

Criteria to be achieved in order to be eligible for additional height.

The applicant has modified Clause 3.5.1 of the LDP to identify the provision of three public facilities, including:

- A cultural production space and/or art gallery;
- A community multi-purpose facility; and
- A business incubator/co-working space.

Each of these spaces would be eligible for a minimum of 10 points, equating to a total of 30 points.

This, in addition to the 50 points for the provision of affordable housing and 20 points (half of the 40 points associated with a full pedestrian link) for the 1.5 metre north-south pedestrian link would equal the required 100 points.

It is noted that the development would have the potential to achieve a further 45 points for Additional Criteria, depending on the final Green Star (or equivalent) rating achieved and the amount of universal designed dwellings proposed through the Development Application.

**CR TOPELBERG:**

Orientation of the Eastern Tower is north-west raising concern that there could be potential wind tunnelling and an impact on future occupants. Has consideration been given to the impact of wind on the development?

**A/MANAGER DEVELOPMENT & DESIGN:**

The applicant has modified the LDP to include a new Development Control 4.3.4. This requires the submission of a Wind Impact Assessment to assess the wind effects generated by the proposal and outline whether this would adversely impact on the development or adjacent ground areas. Should adverse impacts be identified, this assessment would also include recommendations on how these will be mitigated, which would be required to be implemented through the development approval.

**CR CASTLE:**

There is a shortfall in deep soil areas and the report notes that this is offset by the proposed on-structure planting and number of trees. Could further information be provided as to the environmental benefits of deep soil areas as opposed to on-structure planting?

**A/MANAGER DEVELOPMENT & DESIGN:**

The R Codes Volume 2 identifies the provision of on-structure landscaping as being a suitable alternative to providing deep soil areas, where this is equivalent to twice the shortfall.

The LDP proposes a shortfall of 295.6 square metres of deep soil areas. To offset this, a total of 767 square metres of on-structure landscaping is provided, exceeding the 591.2 square metres required. Two large, 31 medium and a minimum of 15 small trees are also proposed which exceeds the one large and 10 medium trees required.

The additional shading of these trees would assist with more comfortable public and communal spaces and through the shade provided, reduce the need for additional cooling. The number of trees would also contribute towards greater biodiversity in the area as a result of the amount of trees proposed exceeding the minimum requirements.

**MAYOR COLE:**

Please clarify what delegations apply to this application, as there are no delegations that apply to LDP's.

**A/MANAGER DEVELOPMENT & DESIGN:**

The report has been updated to clarify that there are no delegations that apply to this proposal and that all LDPs must be determined by Council.

**MAYOR COLE:**

Comments should be included within the report in respect to the statutory timeframes for the application.

**A/MANAGER DEVELOPMENT & DESIGN:**

The report has been updated to outline that in this case the statutory timeframe is an agreed timeframe of 12 October 2021, being the date of this Ordinary Council Meeting.

**MAYOR COLE:**

In respect to noise, should there be reference to the possibility for Leederville to become an Entertainment Precinct in the future, given this is a significant injection of residential dwellings?

**A/MANAGER DEVELOPMENT & DESIGN:**

Development Control 4.12.1 of the LDP requires an acoustic report to be submitted with the development application to address noise generated from existing entertainment venues within the City. This report is consistent with and would be assessed against the City's Policy No. 7.5.21 – Sound Attenuation (Sound Attenuation Policy).

Vincent's Sound Attenuation Policy is an industry leading planning policy that requires acoustic reports for noise-sensitive developments which are located in close proximity to existing noise generating uses and entertainment venues to identify the impacts from these premises and outline appropriate attenuation measures to be implemented. This policy has been successful in minimising the potential for conflict between new development and entertainment venues in Vincent's Town Centres.

The WAPC's Draft Position Statement: Special Entertainment Precincts (Draft Position Statement) provides for the establishment of a special entertainment precinct where there is a mix of entertainment venues which contribute towards the night time economy. Under this Draft Position Statement, it would be possible for venues to exceed the permitted noise levels outlined within the *Environmental Protection (Noise) Regulations 1997*. Depending on the noise levels within these areas, this would have the potential to impact land for the purposes of residential accommodation. Proposals which occur within these areas would be required to provide an acoustic report which demonstrates the impact on and necessary attenuation measures for new developments.

It is noted the Leederville has not been identified as a special entertainment precinct and it would be pre-emptive to consider the implications of this as part of the LDP. Administration is satisfied that LDP and Sound Attenuation Policy are adequate to ensure that noise impacts on future residents from the Leederville Town Centre are appropriately addressed through a future development application, even if Leederville Town Centre is designated an special entertainment precinct in the future.

### 5.3 CREATION OF CITY OF VINCENT ANIMAL LOCAL LAW

- Attachments:
1. Animal Local Law 2021 - Final version
  2. City of Vincent Health Local Law 2004 - Amended
  3. Review of Local and State Regulatory Frameworks - Poultry and Bees

#### RECOMMENDATION:

That Council **AUTHORISES** the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the Local Government Act 1995, for a period of at least 6 weeks, stating that:

1. it is proposed to repeal the *City of Vincent Dog Local Law 2007* and replace it with the *City of Vincent Animal Local Law 2021* at Attachment 1;
2. it is proposed to repeal Divisions 2, 3, 4 and 6 of Part 5 of the *City of Vincent Health Local Law 2004* as set out in Attachment 2;
3. the purpose of the proposed *City of Vincent Animal Local Law 2021* is to:
  - 3.1 provide for the effective management, control, and regulation of the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
  - 3.2 effectively control and manage cat numbers, confinement, and curfews for cats, consistent with the State Government review findings from November 2019; and
  - 3.3 to effectively deter failing to comply with select provisions of the proposed *City of Vincent Animal Local Law 2021*; and
4. the effect of the proposed *Animal Local Law 2021* is to:
  - 4.1 introduce regulations, conditions, and penalties relating to the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
  - 4.2 introduce a regulatory framework for the control and management of cat numbers, confinement, and curfews for cats; and
  - 4.3 introduce modified penalties for failing to comply with select provisions of the proposed *Animal Local Law 2021*.

#### CR HALLETT:

Can the City consider animal welfare issues as part of the Animal Local Law?

#### MANAGER BUILT ENVIRONMENT & WELLBEING:

The poultry and bee provisions proposed in the Animal Local Law are public health provisions. In Western Australia specific animal welfare requirements are government in the State Government's *Animal Welfare Act 2002*. Local governments do not have the power to develop local law provisions on matters that are already covered by State Government legislation.

#### MAYOR COLE:

What is the rationale for the limit to a maximum of six chickens and are there circumstances where a greater number would be OK, and what would the procedure be?

#### MANAGER BUILT ENVIRONMENT & WELLBEING:

Administration supports there being discretion to permit more than six poultry. The Animal Local Law has been amended in clause 4.10 (2) to state:

*"An owner or occupier of premises must not without the written approval of the City keep on any premises a*

rooster, turkey, goose, peafowl or more than the maximum number of poultry and pigeons detailed in subclause (1)”

The City would consider public health risk when applying this discretion.

**CR GONTASZEWSKI:**

The Act requires an absolute majority decision in relation to dog exercise areas. Can previous decisions be included in briefing notes? S2.4 dog exercise areas cannot be used in certain circumstances – should that be a portion of the area? S2.4 – 1 a dog exercise area cannot be a thoroughfare, there are pathways that are dog exercise areas, is further clarity required?

**PROJECT AND STRATEGY OFFICER, RANGERS:**

Establishment of Dog Exercise Areas – Council resolution at OMC 25 July 2017, Item 12.2 is attached, as is the list of approved areas.

Section 2.4 – Dog exercise areas has been left as is, rather than specify a portion of the area. This is in line with other local governments local laws relating to dog exercise areas, and would also assist with enforcement, in defining the dog exercise area as a whole rather than a portion.

Section 2.4 (2)(c) has been modified for purposes of clarity, with the removal of ‘pathways’, and the reference now just to ‘thoroughfares’.

The proposed local law has been amended to reflect this.

**CR FOTAKIS:**

How are the penalties arrived at?

**PROJECT AND STRATEGY OFFICER, RANGERS:**

The *Litter Regulations 1981* note minimum modified penalties of \$200. These relate to offences of littering in general, bilposting, depositing domestic or commercial waste in a public litter receptacle and transportation of loads that are not adequately secured.

In relation to the specific penalties pertaining to the proposed local law, it is found that other local governments vary their penalties for the same or similar offences.

For the specific reference to ‘dog excreting in public place’, Administration has opted to assign a penalty of \$150 for this offence, which is a benchmark in between that of other local governments, such as those below:

City of Canning similar offence – \$100  
City of Gosnells – \$100  
City of South Perth – \$100  
City of Stirling – \$100  
Shire of Peppermint Grove – \$200  
City of Melville – \$100  
City of Bayswater – \$100  
City of Subiaco – \$100  
City of Fremantle – \$100  
Town of Kwinana – \$200  
Town of Victoria Park – \$200  
Town of Cambridge – \$150  
Town of Cottesloe – \$250

**MANAGER BUILT ENVIRONMENT & WELLBEING:**

The penalty relating to public health-based requirements has been set at \$200. This penalty varies between \$100 and \$250 across six other local governments with similar local laws, with the mean penalty being \$185.

Schedule 4 of the Animal Local Law has been amended to ensure consistency of numbering and wording with the clauses detailed in the main body of the local law. The modified penalty for clause 6(1) has been revised down from \$500 to \$200, to be in line with other penalty provisions in the local law.

**5.4 RESPONSE TO PETITION RELATING TO ODOUR FROM 7 GRAMS CHICKEN, NOS. 212-214 LAKE STREET, PERTH**

- Attachments:**
- 1. 212-214 Lake Street - Odour Nuisance from 7 Grams Chicken Cafe - Final Report from OPAM Consulting**

**RECOMMENDATION:**

That Council **NOTES** the response to the petition relating to odour from 7 Grams Chicken.

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| <b>NO QUESTIONS</b> |
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**5.5 PUBLIC HEALTH PLAN 2020 - 2025 - ANNUAL REVIEW**

- Attachments:
1. 2021 Annual Review - Public Health Plan 2020-2025
  2. Policy No. 3.8.11 - Shade and Sunsmart Policy

**RECOMMENDATION:**

That Council:

1. **NOTES** the annual review and progress towards the deliverables within the Public Health Plan 2020 – 2025, at Attachment 1; and
2. **REPEALS** Policy No. 3.8.11 – Shade and Sunsmart, as at Attachment 2.

**CR FOTAKIS:**

A waiver of rates for 26 community and sporting groups, what is the value of that?

**MANAGER MARKETING AND PARTNERSHIPS:**

The rates waiver was approved by Council at the 22 June Council Meeting. The total amount listed was \$115,806.92.

**5. RATES WAIVER:**

Pursuant to Section 6.47 of the *Local Government Act 1995*, WAIVES the 2021/2022 local government rates for the following groups:

|                                 |                               |              |
|---------------------------------|-------------------------------|--------------|
| Floreat Athena Soccer Club      | Litis Stadium                 | \$9,925.85   |
| Leederville Cricket Club Inc.   | Britannia Reserve             | \$2,267.33   |
| Earlybirds Playgroup Inc.       | 87 The Boulevard              | \$1,197.70   |
| Pride Western Australia         | 4 View Street                 | \$1,758.17   |
| Town Team Movement              | 245 Vincent Street            | \$1,197.70   |
| Highgate Forrest Park Playgroup | Forrest Park                  | \$1,974.42   |
| Volleyball WA                   | Royal Park                    | \$3,560.54   |
| North Perth Community Garden    | Woodville Reserve             | \$1,197.70   |
| Vincent Men's Shed              | Woodville Reserve             | \$1,343.60   |
| North Perth Bowling Club        | Woodville Reserve             | \$3,392.59   |
| North Perth Tennis Club         | Woodville Reserve             | \$2,452.07   |
| Tennis West                     | Robertson Park                | \$5,911.84   |
| Forrest Park Croquet Club       | Forrest Park                  | \$4,836.96   |
| Perth Junior Soccer Club        | Forrest Park                  | \$1,545.14   |
| Perth Soccer Club               | Dorrien Gardens               | \$17,740.22  |
| Azzurri Bocce Club              | Dorrien Gardens               | \$4,568.24   |
| Gymnastics WA Inc.              | Loftus centre                 | \$13,083.64  |
| Loton Park Tennis Club          | Loton Park                    | \$2,720.79   |
| Leederville Tennis Club         | Richmond St Leederville       | \$3,191.05   |
| East Perth Football Club Inc    | Leederville Oval              | \$12,274.08  |
| Subiaco Football Club Inc.      | Leederville Oval              | \$10,408.90  |
| North Perth Playgroup Inc.      | 15 Haynes Street, North Perth | \$1,197.70   |
| Mount Hawthorn Toy Library Inc. | Mt Hawthorn Community Centre  | \$1,197.70   |
| Mount Hawthorn Playgroup Inc.   | Mt Hawthorn Community Centre  | \$1,197.70   |
| Floreat Athena Soccer Club Inc. | Britannia Reserve             | \$2,267.33   |
| Swimming WA Inc.                | Beatty Park                   | \$3,397.96   |
| <sup>1.</sup><br>TOTAL          |                               | \$115,806.92 |

**CR FOTAKIS:**

Beatty Park Leisure Centre – what work has been done to build the capacity and maintain the service and access to classes? Is it sustainable?

**EXECUTIVE DIRECTOR COMMUNITY AND BUSINESS SERVICES:**

Since reopening the indoor pool the team at Beatty Park has seen a significant increase in attendance. Attendances in September 2021 are 19% higher than September 2020. This is due to the reopening of the indoor pool, combined with the closure of the nearby Terry Tyzack Aquatic Centre for renovations. Terry Tyzack Aquatic Centre is aiming to reopen in early 2022.

The additional attendances have put pressure on fitness classes, gym space, swim lessons, pool space and carparking.

The team are responding with a range of strategies to maintain the customer experience at high levels, including:

- Additional fitness classes are being introduced in early October.
- Pilates has also been added to the program in partnership with Beatty Park Physiotherapy.
- Fitness classes and Swimming lessons start times are offset, where possible, to allow for changeover of carparking bays.
- Centre signage continues to be refined to provide clearer direction and more professional onsite information for patrons. Carparking signs have recently been updated to show additional parking options available on Morrison St and the end of Farr Ave, which are both within walking distance of the facility.
- The online Swim School module went live 2 weeks ago with over 150 enrolments already enrolled. This module also offers additional benefits for enrolled members, including the ability to change classes levels online, move times, and to see progress of students
- Introduced low sensory times for the indoor pool, where some of the water features are turned off, to accommodate those patrons looking for a quieter environment – [News article](#)
- Additional casual cleaners are being employed to assist with maintaining high standard of cleanliness through all operational hours.
- New signage added to the spa and sauna area, plus a social media campaign, to encourage correct behaviours.

Beatty Park has also increased communications with members, and conducted a detailed customer satisfaction survey. This includes:

- Improved website functionality and appearance.
- Increased newsletter and social media frequency/quality. We are seeing a massive increase in engagement.
- Received an excellent Net Promoter Score of 70. Customer Monitor states that an NPS score above 20 is favourable, above 50 is excellent and above 80 is world class. (21% response rate, n=209)

Received positive responses from customers relating to centre presentation, service levels, fitness classes and staff. Two areas requiring action were crowding in the spa area and access to fitness classes in peak times. Staff have responded to individual responses (both positive and negative).

**5.6 AMENDMENT TO COUNCIL DELEGATIONS - DELEGATION TO ISSUE INFRINGEMENT NOTICES UNDER THE BUILDING REGULATIONS 2012**

**Attachments: 1. New Delegation - Building Infringement Notices**

**RECOMMENDATION:**

That Council **DELEGATES BY ABSOLUTE MAJORITY** the power to appoint and revoke “authorised officers” and “approved officers” to issue infringement notices under Part 2 of the *Criminal Procedure Act 2004* for offences specified under Schedule 6 of the *Building Regulations 2012*, to the Chief Executive Officer, as detailed in Attachment 1.

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| <b>NO QUESTIONS</b> |
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**5.7 RESPONSE TO NOTICE OF MOTION - LOCAL PLANNING SCHEME NO. 2 AMENDMENT REGARDING TOBACCO OUTLETS**

**Attachments:** 1. May 2021 Minutes Extract - Notice of Motion

**RECOMMENDATION:**

That Council REQUESTS the Chief Executive Officer:

1. prepare a new local planning policy to address provisions relating to Restricted Premises and businesses whose primary means of trade are through the sale and consumption of tobacco products; and
2. consider the definition of 'Restricted Premises', and the Use Permissibility and Additional Site and Development Requirements for this land use as part of the next Local Planning Scheme Review.

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| <b>NO QUESTIONS</b> |
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**5.8 EXTENSION OF LEASE - NORTH PERTH SPECIAL NEEDS (SHALOM COLEMAN) DENTAL CLINIC, 31 SYDNEY STREET, NORTH PERTH**

- Attachments:**
1. Letter from Minister for Health dated 4 August 2021 requesting a lease extension for the Special Needs Dental Clinic to mid 2022.
  2. North Perth Dental Clinic Transition Plan

**RECOMMENDATION:****That Council:**

1. **RECEIVES** the request from the Minister for Health as set out in the letter at Attachment 1 for the lease for 31 (lot 100) Sydney Street, North Perth for the purpose of the Special Needs Dental Clinic to be extended until mid-2022, in order to ensure continuity of this service and minimise disruption to clients of the clinic;
2. **APPROVES** a short term extension of the current lease of 31 (Lot 100) Sydney Street, North Perth to the Minister for Health (Dental Health Services) and short-term licence of 9 car bays within the carpark at 25 (Lot 93) Sydney Street, North Perth, to provide the Dental Health Services with further time to secure an alternative site to operate the special needs dental clinic, on the following key terms:
  - 2.1 3 month extension of lease and licence term, commencing 1 January 2022 and expiring 31 March 2022;
  - 2.2 3 month further extension of lease and licence term, at the discretion of the City's Chief Executive Officer based on the progress made by the Minister for Health to relocate to an alternative site; and
  - 2.3 All other lease and licence terms to remain the same;
3. **APPROVES** the following variation to the Haynes Street Reserve Transition Plan timing for the conversion of 31 Sydney Street, North Perth to a park from June 2021 to June 2022;
4. **REFERS** the variation to the Haynes Street Reserve Transition Plan, as set out in Recommendation 3. above, to the Attorney General for approval, without additional public comment; and
5. Subject to final satisfactory negotiations being carried out between the Chief Executive Officer and the Minister for Health in respect to the variation of the lease and licence to extend the term as set out in Recommendation 2. above, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Deed of Variation of Lease and Licence.

**MAYOR COLE:**

Could an early vacation clause be inserted? Could we meet with Kidz Galore and seek clarification of when they are likely to end their lease?

**EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:**

Administration has contacted representatives of both Kidz Galore and the Special Needs Dental Clinic.

Kidz Galore is progressing the relocation to their new site however have been hampered with site servicing issues. Once these are resolved it is estimated that it will be a 40 week build. The anticipated relocation is January 2023.

**MAYOR COLE:**

Could the amended transition plan be attached to the report?

**EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT:**

Report has been updated to include a revised transition plan.

**CR GONTASZEWSKI:**

An alternative site has been found at Fremantle. Will patients attend this clinic from January 2022? Will the same dental practitioners and staff move to Fremantle?

Dental Health Services has provided the following additional information -

#### **North Perth Clinic**

Should the lease be extended the operation hours of the clinic will be Monday to Friday 8.10am to 4.30pm (as current). Services will be "business as usual".

#### **Fremantle Dental Clinic surgeries (chairs)**

- The Fremantle Dental Clinic is the only other Dental Health Services (DHS) Clinic with a larger than normal surgery (noted as "chair" below) to accommodate disability access for Special Needs patients.
- Only one of the 9 surgeries available at the Fremantle Clinic meets this standard.
- The North Perth clinic has four chairs. The Fremantle clinic has two chairs. One surgery will be modified to remove the dental chair and replace with a wheel chair tipper. This will allow some of the Special Needs patients to be treated in the wheel chair that they arrive in.
- On occasion, the special needs dental team will have access to a third surgery at the Fremantle Clinic (This will depend on Fremantle staff rosters and the patient needs of existing Fremantle Dental Clinic patients). When the Special Needs dental team have access to this surgery, they will treat "suitable" special needs patients (those that can be comfortably placed in the surgery) or remove the dental chair and treat the patient in their wheelchair.
- The Special Needs Dental Team will transfer from North Perth to the Fremantle clinic when the North Perth lease expires.
- A move to the Fremantle clinic will result in reduced access for Special Needs patients----but will be prioritised based on "need".

#### **Transition of patients**

- Currently patients are provided appointments at the Special Needs Dental Clinic at least one month in advance. DHS will work with the date provided by City of Vincent and allocate patients accordingly. If the extension date is 30 June 2022, DHS would allocate a June appt for the last patient at the North Perth Clinic in the second last week of May. Appointments for the first week in July, for treatment at the Fremantle Dental Clinic, will be allocated to patients from early June.
- Any "urgent" care would be accommodated at the Special Needs Clinic until the second last week of June...after that "urgent" care for these patients would be provided at the Fremantle Dental Clinic.
- DHS would use the last week of June to transfer equipment, patient records etc from the North Perth Clinic to the Fremantle Clinic.

#### **Timeline to build a new clinic**

- Funding approval has been obtained from the Dept of Health. (Appx \$3.3m)
- DHS governance is through North Metro Health Service.
- North Metro Infrastructure have engaged the Dept of Finance to manage the procurement process and provide consultants for the project.
- Anticipated project initiation meeting sometime in October. (Rough estimated project completion – September 2023).
- The estimate based on an 18 month build program after tender documentation etc
- There are several potential sites for the new clinic at DHS main headquarters at 43 Mt Henry Road, Como....the most appropriate site (less trees to remove and less impact on existing infrastructure) will be determined by the consultants. The clinic will be built on land owned by DHS/Government.

The City Administration will pursue the inclusion of an 'early vacation' clause that will provide the capacity to terminate the lease should the Dental Health Service be able to relocate earlier than anticipated.

## 5.9 CAR PARKING LICENCE FOR MINISTER FOR EDUCATION (SCHOOL OF ISOLATED AND DISTANCE EDUCATION)

- Attachments:
1. Original Car Parking Licence
  2. Parking Plan - SIDE Licence 20 Bays and Reciprocal Access 12 Bays

### RECOMMENDATION

#### That Council

1. **APPROVES** a Licence to the Minister for Education for the use of the City's car parking bays at Leederville Oval in accordance with the following terms:

- |  |  |
|--|--|
| 1.1. Initial term:                     | 31 December 2020 to 31 December 2023   |
| 1.2. Option:                           | 3 x 3-year options by agreement  |
| 1.3. City's car bays:                  | 20 car bays marked for 'SIDE' at LR3157/914 (Leederville Oval)   |
| 1.4. Licence Fee:                      | Refer to City's Schedule of Fees and Charges as amended from time to time for the Private Car Park Annual Registration Fee (currently \$200).  |
| 1.5. City's car bays hours of use      | Between 7:00am and 5:00pm Monday to Friday   |
| 1.6. Minister's car bays               | In consideration for the use of the City's car bays during the times outlined in 1.5, the Minister will allow 120 car bays on SIDE's land to be used by football club players/members and the general public during the hours specified below. |
| 1.7. Minister's car bays hours of use: | Between 4pm and 7am Monday to Friday; and at any time on Saturday, Sundays and Public Holidays.  |

2. **NOTES** that the remaining general terms and conditions will be similar to the Car Parking Licence between the Minister and the City dated 3 December 2004 (Attachment 1).

#### **MAYOR COLE:**

Use after hours – how do we prevent parking all day. Can parking restrictions be implemented? Can it be trialled as ticketless easy park area?

#### **EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:**

The management of public parking in the SIDE car park bays will be subject to discussions with representatives of the Department of Education.

Matters to be resolved will include –

- \*whether a Parking Station will need to be established to enable the City to regulate parking (on non-City land);
- \*potential parking restrictions to deter overstaying afterhours and weekends;
- \*whether parking permits / paid parking can be introduced; and
- \*management of parking during non-public access periods.

Council will be updated once these discussions have progressed.

Once formal arrangements are in place the City will widely promote the availability of the parking to businesses and through other media.

**CR LODEN:**

Is there any data on the occupancy after hours?

**EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:**

No data is available, as the site is owned by the Department of Education

## 6 INFRASTRUCTURE & ENVIRONMENT

### 6.1 UPDATE ON HOMELESS MEAL SERVICE PROVISION AT WELD SQUARE

Attachments: Nil

#### RECOMMENDATION:

That Council:

1. **NOTES that there has been a marked reduction in anti-social behaviour at Weld Square since the cessation of the meal service in December 2020;**
2. **NOTES that feedback from service providers indicates that those in need are linked to other food services, including the central City of Perth Homeless Services Accreditation Site on Moore Street;**
3. **NOTES that Administration maintains formal and regular networks with Department of Communities, WA Police and outreach services to manage any arising concerns in a coordinated manner;**
4. **DETERMINES that no new goods and service provision, including meal services, are to be permitted at Weld Square until further notice.**

#### MAYOR COLE:

Given that the City has funded an outreach worker at Weld Square, could some advice be provided on the value of that now that we have an experience of 12 months with no Meal Service in Weld Square?

#### EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Uniting WA received an \$85,000 grant through the collaborative grants program to provide an assertive outreach worker for a period of twelve months (which ended in June 2020). Uniting WA received a further grant of \$129,000 to provide three months of outreach services (June – August 2020) through the Leederville Gardens Trust (COVID-19 Relief). The grant period was extended to 20 October 2020 due to a late service start.

The City has a Partnership Understanding Agreement with Nyoongar Outreach Services valued at \$50,000 annually.

The re-location of Manna Inc.'s food service from Weld Square has not resolved the ongoing need for outreach services in the area, given the large number of support services located within close proximity to this location, and its long history as a meeting place for Aboriginal people in particular.

In addition to City-funded Nyoongar Outreach Services, State-funded outreach services provided by Uniting WA and other service providers through the HEART program (Homeless Emergency Assessment Response Team) currently cover City of Vincent hotspots. Administration understands that the Department of Communities is currently developing a new Commissioning Plan to support a cohesive and consistent approach to procurement and contracting for key service delivery areas, including homelessness, and Administration will keep informed of any changes to their contracted service delivery which may impact upon the City of Vincent.

Collaboration between outreach services and the City of Vincent Ranger services continues to be very beneficial, with feedback from the City critical in assisting services to locate and support rough sleepers within the City.

#### CR FOTAKIS:

Should recommendation 3 refer to Noongar Outreach? The report mentions 22 reported incidents last year, can this be compared to previous years to see improvements.

#### SAFER VINCENT ADVISOR

Recommendation 3 has been updated to include Nyoongar Outreach.

**6.2 TENDER NO IE 108/2021 TREE WATERING AND TREE PLANTING**

- Attachments:**
1. Evaluation Summary - Confidential
  2. In House Cost Comparison - Confidential

**RECOMMENDATION:****That Council**

1. **NOTES** the outcome of the evaluation process for Tender IE108/2021 Tree Watering and Tree Planting, and
2. **ACCEPTS** the tender submitted by Leo Heaney Pty Ltd for Tender IE108/2021 for Tree Watering and Tree Planting service.

**MAYOR COLE:**

Can confidential attachment be made public?

**EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:**

As it is a comparison, it contains the cost provided by the Tender and for that reason is confidential. We will review the content and include some additional information, that is not required to be confidential.

**CR WALLACE:**

Confidential attachment on the breakdown of in house, could further information be provided to include the components of the costings?

**EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:**

The attachment will be updated to provide additional information.

## 7 COMMUNITY & BUSINESS SERVICES

### 7.1 REPEAL OF DISASTER APPEALS - DONATIONS AND ASSISTANCE POLICY (4.1.27)

Attachments: 1. Disaster Appeals - Donations and Assistance Policy (4.1.27)

#### RECOMMENDATION:

That Council repeal the Disaster Appeals – Donations and Assistance Policy (4.1.27) at Attachment 1.

#### CR CASTLE:

Has this policy ever been used?

#### EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

Council records show there were 13 donations requested under the Donations and Assistance Policy between 2009 – 2014.

#### 2009:

Donation to the Bushfires Appeal 2009 - Toodyay, Western Australia (FIN0008)

#### 2010:

Haiti Earthquake Appeal 2010 - World Vision 25.01.10 Australia (FIN0008)

Donation – Pakistan Monsoon Floods Appeal 2010 (FIN0008)

#### 2011:

Donation - Lord Mayor's Distress Relief Fund - Perth Hills Fire (FIN0008)

Donation - Lord Mayor's Distress Relief Fund - Gascoyne and Mid West Floods Appeal (FIN0008)

Donation - Queensland Premier's Disaster Relief Appeal Fund Queensland Floods (FIN0008)

Donation - Red Cross Victoria Flood Relief Appeal (FIN0008)

Donation - New Zealand Red Cross 2011 Earthquake Appeal (FIN0008)

Donation - Australian Red Cross Japan and Pacific Disaster Appeal 2011

Donation – Lord Mayor's Distress Relief Fund – Margaret River Bush Fire Appeal (FIN0008)

Donation - Lord Mayor's Distress Relief Fund - Perth Hills Fire (FIN0008)

#### 2013:

Donation to International Red Cross Appeal – Philippine Typhoon Appeal

#### 2014:

Donation to Lord Mayor's Distress Relief Fund – Perth Hills Bushfire Appeal

**7.2 INVESTMENT REPORT AS AT 31 AUGUST 2021****Attachments: 1. Investment Statistics as at 31 August 2021****RECOMMENDATION:****That Council NOTES the Investment Statistics for the month ended 31 August 2021 as detailed in Attachment 1.****CR LODEN:**

In the graph I believe the numbers are reversed – fossil vs non fossil fuels.

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

This Attachment has been amended

**CR LODEN:**

Next time Council considers the investment Policy, what are the things we should be including to facilitate greater uptake of non-fossil fuel lending? One of the constraints as I understand it is that non fossil fuel institutions tend to offer lower rates, is that the main barrier, or you mentioned they are unwilling to lend money?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

(As per Council Briefing Notes – 9 February 2021)

The City's current investment policy requires that in the first instance the City considers the rate of return of the fund. All things being equal, the City then prioritises funds with no current record of funding fossil fuels. I Council wishes to increase the number of non-fossil fuel lenders this can be achieved if the City is prepared to accept a lower rate of return.

Administration uses Market Forces to ascertain the level of non-fossil fuel exposure of the banks we engage with.

In terms of a broader sweep of investment opportunities, the City is currently limited to investing in banks with high credit ratings. Of the 25 banks with those credit ratings, 10 banks (40%) are divested of fossil fuel activities.

A further challenge Administration is currently experiencing is that the majority of the smaller banks that are divested in fossil fuel have capped the amount the City can invest with them. This limitation has arisen due to the surplus cash these banks are carrying due to the record low cash rate offerings by the RBA. The RBA has also advised these low rates will be maintained for the next four years unless conditions in the economy warrant otherwise.

A discussion paper provided to Elected Members in February 2021 proposed various policy settings that could be managed in order to improve our non-fossil fuel investment.

Suggestions included:

- Increasing investment thresholds to maximise opportunities with single institutions
- Exploring other "Green" investment products, with reputable lenders, for longer term deposits
- Explore other investment options, as low interest rates mean there is a low financial risk in the current market
- Council may wish to consider other socially responsible assets, if they meet ratepayer and strategic priorities

I also note that the risk appetite for investments must comply with the Local Government Act and Regulations, which require a conservative approach to investment decisions.

**7.3 ADVERTISING OF AMENDED POLICY - INVESTMENT POLICY**

- Attachments:**
1. Proposed Amended Investment Policy
  2. Marked up copy - Investment Policy 1.2.4

**RECOMMENDATION**

**That Council:**

1. **APPROVES** the proposed amendments to the Investment 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; and
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

**CR GONTASZEWSKI:**

Objective in policy, not marked up one, can the first two sentences be removed?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

This has been amended.

**CR FOTAKIS:**

One of the categories is specific securities approved by Council, what is the share price?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

The City of Vincent has one direct purchase of 11,000 shares in the North Perth Community Financial Service Ltd (Bendigo Bank North Perth):

- It is currently trading at \$9.34, and has a value of \$102,740. This is slightly lower than the year average of \$9.57.
- Each year a dividend of 10c or 15c per share has been paid, being a dividend of either \$1100 or \$1650 per annum. On the current share price, this represents annual returns of 10.7% or 16.1%.
- On 16 April 2021 we received a 10c dividend per share, being \$1100.
- The dividend is paid to us directly from Bendigo Bank North Perth, there is no broker and we pay no fees.
- We have reviewed this investment each year, but the annual return of 10% has justified the City not selling the shares.

## Bendigo and Adelaide Bank Ltd

XASX: BEN

OVERVIEW

FINANCIALS

9.39 ▲ 0.09 (0.97%)

7 October 1:44 pm AEDT · Market Open

Day

Week

Month

Year

5 Year

Max



High 11.28 on Feb 16, 2021

Low 6.34 on Oct 8, 2020

Avg 9.57 for past 1 year

**CR FOTAKIS:**

In regards to those particular shares, I think in the discussions regarding the % returns, has any analysis been done on their divestment work? My understanding is that this particular bank has been looking at divestments into non fossil fuel options, so has any assessment been looked at and if not could it?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

Bendigo Bank is a non-fossil fuel investment. Bendigo Bank's advice to investment markets is:

"In respect of our own carbon footprint we make conscious decisions to reduce and offset our impact and we help others do the same by offering green products and services. As we do not currently lend to projects in the coal and coal seam gas sectors, we are simply taking a pragmatic approach that says it makes no sense to broaden our footprint by starting to do so." (Source: [Compare Bank Table - Market Forces](#), retrieved 7 October 2021).

**7.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 AUGUST 2021 TO 31 AUGUST 2021**

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

**RECOMMENDATION:**

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

|                                       |                        |
|---------------------------------------|------------------------|
| EFT payments, including payroll       | \$12,676,858.43        |
| Cheques                               | \$1,070.30             |
| Direct debits, including credit cards | \$137,994.80           |
| <b>Total payments for August 2021</b> | <b>\$12,815,923.53</b> |

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|                     |
|---------------------|
| <b>NO QUESTIONS</b> |
|---------------------|

## 7.5 FINANCIAL STATEMENTS AS AT 31 AUGUST 2021

Attachments: 1. Financial Statements as at 31 August 2021

## RECOMMENDATION:

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

**MAYOR COLE:**

Revenue decreased by \$250k because of the delay by 1 month of Beatty Park reopening but equally expenditure reduced due by \$305K which was attributed to not having to fill staffing positions. So I would be interested to know what proportion of that was Beatty Park and whether they almost levelled out. When you look at that decrease what would it actually be once you take out the costs associated.

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

As the indoor pool reopened on 22 August, I have provided an impact assessment for the months of July and August to show the total budget impact.

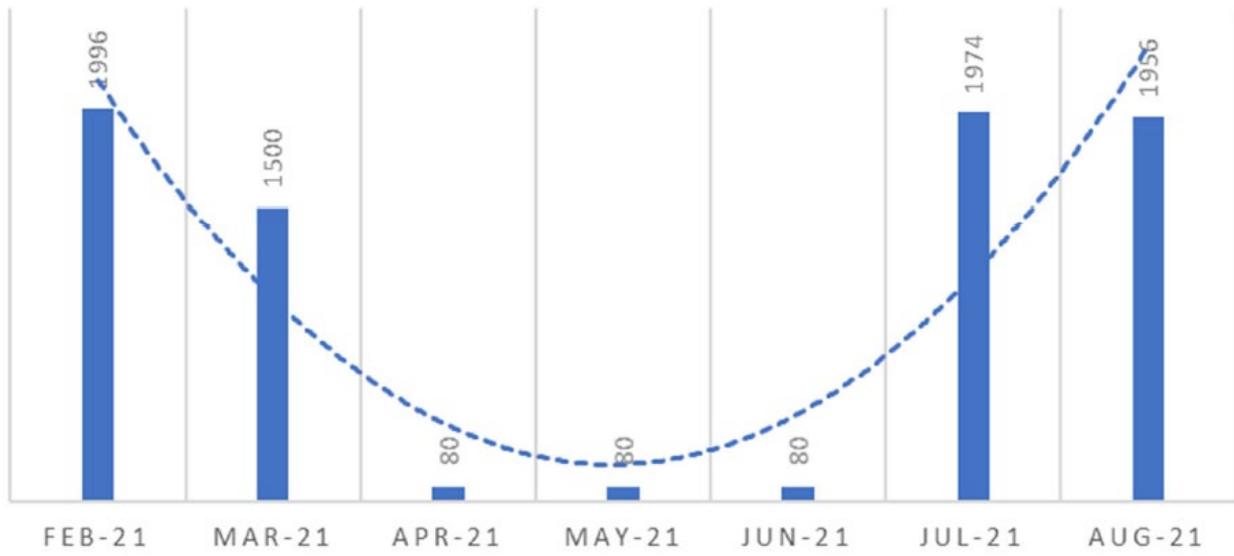
Beatty Park revenue decreased by \$639,000 for July/August, and expenses were reduced by \$389,000, resulting in an adverse net result of \$250,000.

|                | Beatty Park Variance July and August 2021 |                   | Net Budget Impact |
|----------------|---|-------------------|-------------------|
|                | Expenditure                               | Income            |                   |
| Creche         | 3,000                                     | -5,000            |                   |
| Group Fitness  | -16,000                                   | -62,000           |                   |
| Gym            | -63,000                                   | -260,000          |                   |
| Retail Shop    |   | -30,000           |                   |
| Swim School    | -87,000                                   | -148,000          |                   |
| Swimming Pools | -226,000                                  | -134,000          |                   |
| <b>Total</b>   | <b>-\$389,000</b>                         | <b>-\$639,000</b> | <b>-\$250,000</b> |

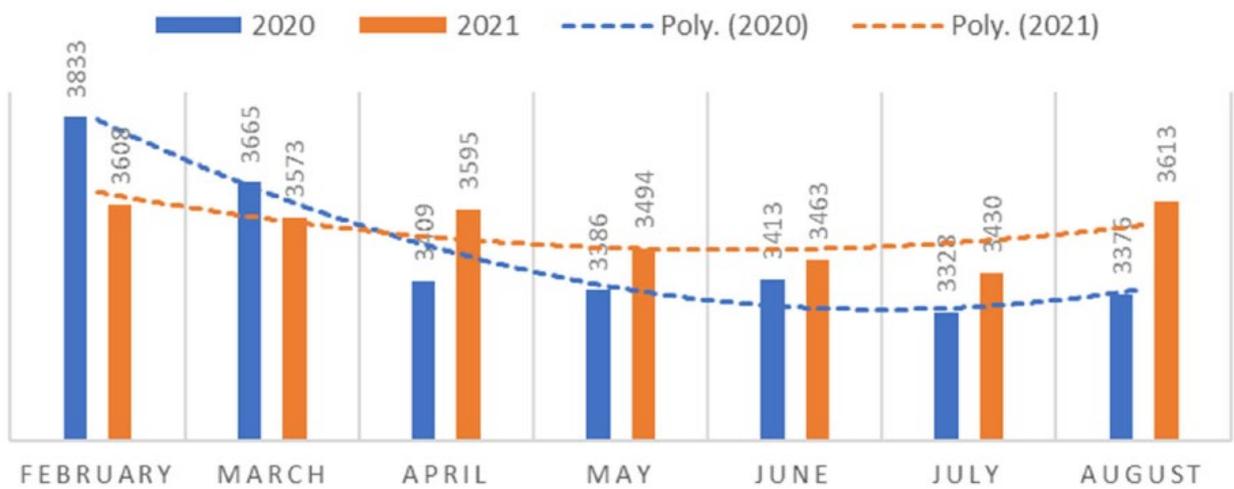
With respect to August 2021, Beatty Park employment costs have been reduced by \$75,000 of the total City of Vincent reduction of employment costs, being \$305,000. Other notable contributors to reduction in employment costs are multiple vacancies, delay in hiring additional rangers (\$67,839), reduction of customer service casuals used this month, parks and environment verge services not yet required (\$31,000). A number of these vacant roles have been back-filled with agency workers, so the employment costs do not net out at a reduction of \$305,000.

Beatty Park is confident it will recoup the budget deficit of \$250,000 mentioned above. General admissions for September 2021 are 20% higher than September 2020, and gym memberships are 7% higher for the same period. Swim School numbers have rebounded quickly and the swim school plans to open for longer periods over the summer period to recoup lost revenue.

### SWIM SCHOOL NUMBERS 2021



### BEATTY PARK MEMBERSHIPS (2020 V 2021)



**8 CHIEF EXECUTIVE OFFICER****8.1 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 6 SEPTEMBER 2021**

- Attachments:**
1. **Audit Committee Meeting Minutes - 6 September 2021**
  2. **Attachments to Audit Committee Minutes - 6 September 2021**
  3. **Audit Log - 6 September 2021 - Confidential**
  4. **Corporate Risk Register - 6 September 2021 - Confidential**

**RECOMMENDATION:****That Council:**

1. **RECEIVES** the minutes of the Audit Committee Meeting of 6 September 2021, as at Attachment 1;
2. **NOTES** the recommendation of the Audit Committee with respect to item 5.2 and 5.4;
3. **ADOPTS** the recommendations of the Audit Committee with respect to items 5.3, 5.5 and 5.6.

**MAYOR COLE:**

When will auditors be present at Council Meeting?

**EXECUTIVE MANAGER COMMUNITY & BUSINESS SERVICES:**

The auditors will be at the City from 11 October to 5 November 2021. They will need time to prepare their report so will possibly be at a Council Meeting in early 2022.

**8.2 SUSTAINABLE ENVIRONMENT STRATEGY - IMPLEMENTATION PLAN REVIEW AND PROGRESS UPDATE**

Attachments: 1. SES Implementation Plan 2019-2014 Schedule of Actions

**RECOMMENDATION:**

That Council:

**1. NOTES**

- 1.1 The annual review and progress update on actions in the Sustainable Environment Strategy Implementation Plan, including the Schedule of Actions at Attachment 1; and
- 1.2 That the annual update on progress towards Sustainable Environment Strategy targets, including relevant metrics, will be presented to Council in November 2021.

**CR CASTLE:**

Has a project in cloth nappy rebate program been considered, or could it be considered? Could it be added to the implementation plan, or as part of the waste strategy?

**EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

The City teamed up with the organisation *Switch Your Thinking* and *The Nappy Guru* Kam Andrews to provide our community with a subsidised Cloth Nappy Library Program. The subsidy was introduced last financial year.

Community members can sign up for a free Cloth Nappy Workshop hosted by the City, *Switch Your Thinking* and *The Nappy Guru*. This gives residents the opportunity to ask questions and learn more about the benefits of modern cloth nappies.

**8.3 INFORMATION BULLETIN**

- Attachments:**
1. Minutes Children and Young Peoples Advisory Group (CYPAG) 4 August 2021
  2. Minutes Reconciliation Action Plan Working Group (RAPWG) 30 August 2021
  3. Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 16 September 2021
  4. Statistics for Development Services Applications as at September 2021 - to follow pending end of month
  5. Register of Legal Action and Prosecutions Monthly - Confidential
  6. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 23 September 2021
  7. Register of Applications Referred to the MetroWest Development Assessment Panel - Current
  8. Register of Applications Referred to the Design Review Panel - Current
  9. Register of Petitions - Progress Report - September 2021
  10. Register of Notices of Motion - Progress Report - September 2021
  11. Register of Reports to be Actioned - Progress Report - September 2021

**RECOMMENDATION:**

That Council **RECEIVES** the Information Bulletin dated October 2021.

**CR FOTAKIS:**

Concerned about the timing of the minutes of the last Arts Advisory Group meeting, as she may not be present to endorse the minutes, can they be brought to the OCM?

**EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:**

The Art Advisory Group Minutes have now been included as Attachment 12.

**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 8.41pm.