



**CITY OF VINCENT**

# **NOTES**

**Council Briefing**

**15 June 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, 15 JUNE 2021 AT 6.00PM**

|                       |                              |  |
|-----------------------|------------------------------|--|
| <b>PRESENT:</b>       | <b>Cr Susan Gontaszewski</b> | <b>Acting Presiding Member</b>                                 |
|                       | <b>Cr Alex Castle</b>        | <b>North Ward</b>  |
|                       | <b>Cr Joanne Fotakis</b>     | <b>North Ward</b>  |
|                       | <b>Cr Jonathan Hallett</b>   | <b>South Ward</b>  |
|                       | <b>Cr Sally Smith</b>        | <b>North Ward (electronically)</b>                             |
|                       | <b>Cr Dan Loden</b>          | <b>North Ward</b>  |
|                       | <b>Cr Ashley Wallace</b>     | <b>South Ward</b>  |
|                       | <b>Cr Joshua Topelberg</b>   | <b>South Ward</b>  |
| <b>IN ATTENDANCE:</b> | <b>David MacLennan</b>       | <b>Chief Executive Officer</b>                                 |
|                       | <b>Andrew Murphy</b>         | <b>Executive Director Infrastructure &amp;<br/>Environment</b> |
|                       | <b>Virginia Miltrup</b>      | <b>Executive Director Community &amp;<br/>Business</b>         |
|                       | <b>John Corbellini</b>       | <b>Executive Director Strategy &amp;<br/>Development</b>       |
|                       | <b>Jay Naidoo</b>            | <b>Manager Development &amp; Design</b>                        |
|                       | <b>Tara Gloster</b>          | <b>Manager Policy &amp; Place</b>                              |
|                       |                              | <b>Wendy Barnard Council Liaison Officer</b>                   |

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

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

The Acting Presiding Member, Susan Gontaszewski, declared the meeting open at 6.01pm and read the following Acknowledgement of Country statement:

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

## **2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE**

Mayor Emma Cole is an apology for this meeting.

## **3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS 6.01**

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 Andrew Oud of North Perth**

- Stated that he lives on Camellia Street
- Mentioned that he has submitted a petition on traffic calming measures for next week
- Advised that most residents of Camellia Street have signed the petition
- Mentions that the calming measures will remove parking spaces
- Suggested that a chicane will cause speed to increase on the street
- Suggested that the proposed budget be spent on refurbishing the playground on Leach Street instead
- Urges Council to consider rejecting the proposal

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

- Advised that he has spoken to over 80 businesses, who on average produce less waste than residential properties
- Suggested that community engagement has been poor, and visits were mostly staff putting stickers on the bins
- Mentioned that the micro business alternative not well advertised
- Suggested that the City does not understand the number of small businesses
- Rejected claims of environmental benefit, as recycling will no longer take place
- Mentioned that the proposed charges are too high

### **3.3 Lara and Tom Lukich – Item 5.1**

- Applicants for Item 5.1, 290 Beaufort Street, Perth
- Mentioned that Tom used to own Tom's deli on Oxford Street in Leederville
- Advised that they hope to open a licensed deli, which would include a small bar
- Urges Council to accept the proposal

The below question was received in writing before the meeting and was read by the Acting Executive Manager Corporate Strategy and Governance.

### **3.4 Anna Birjak of Perth – Item 7.7**

I own a one-bedroom, one-carpark apartment within the City of Vincent. The carpark for my apartment is on a separate title which means I am required to pay two sets of council rates - one for the carpark and one for the apartment. In total, I pay \$2,685 per annum while larger apartments with multiple carparks in the same complex are charged \$1,700 - a difference of almost \$1,000. I believe this is grossly unfair and I would like to see the council correct this anomaly.

My suggestion to the council is to introduce an additional lower minimum rate for properties where the purpose is solely for residential car parking and/or storage. The lower rate would acknowledge that carparks and storage facilities:

- are not vacant land which can be developed;
- are in fact developed, uninhabitable land and therefore do not benefit from many council services such as waste collection.

The criteria of this category could be based on land use as suggested above or on land size.

Many councils in VIC and NSW have policies and procedures in place to deal with similar situations and I appreciate the council may have an alternative ideas on how to address this anomaly. Would the council be able to make a difference and implement a more equitable rating structure?

There being no further speakers, Public Question Time closed at approximately 6.15pm.

## **4 DECLARATIONS OF INTEREST**

- 4.1** Cr Joshua Topelberg has declared a financial interest in Item 6.2 - Waste Strategy Project - 8 Commercial Waste Collection - Progress Update and Response to Petitions. The extent of his interest is that he operates a business which will be directly affected by the proposed changes. He has not requested permission to remain in Chambers while this matter is discussed.
- 4.2** Cr Dan Loden has declared an impartiality interest in Item 7.2 Management Agreement – Vincent Tool Library – Portion of Britannia Reserve, 41 Britannia Road, Mount Hawthorn. The extent of his interest is that his mother is a member of the Tool Library and other members supported his election campaign.
- 4.3** Cr Joshua Topelberg has declared a financial interest in Item 8.4 Governance Framework – Proposed Updates and Proposed repeal of Council Member and Employee Business Dealings

Policy. The extent of his interest is that his business is currently on the register. He is not seeking permission to participate in debate or to remain in Chambers or to vote in the matter.

## 5 STRATEGY & DEVELOPMENT

### 5.1 NO. 290 (LOT: 10; D/P: D059211) BEAUFORT STREET, PERTH - CHANGE OF USE TO RESTAURANT/CAFÉ, SHOP AND SMALL BAR, INCLUDING ALTERATIONS/ADDITIONS AND SIGNAGE (AMENDMENT TO APPROVED) 6.27PM

Ward: South

- Attachments:
1. Consultation and Location Plan
  2. Development Plans
  3. Applicant Cover Letter
  4. Acoustic Report
  5. Venue Management Plan
  6. Previous Determination Notice and Plans (31 May 2021)
  7. Summary of Submissions - Administration Response

#### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for a Change of Use to Restaurant/Café, Shop and Small Bar, including Alterations/Additions and Signage (Amendment to Approved) at No. 290 (Lot: 10; D/P: D059211) Beaufort Street, Perth, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on development approval 5.2021.73.1 dated 31 May 2021 continue to apply to this approval, except as follows:
  - 1.1 Condition 1 is amended to read as follows:
    1. This approval is for Change of Use to Restaurant/Café, Shop and Small Bar, including Alterations/Additions and Signage as shown on the approved plans dated 2 March 2021, 12 April 2021 and 11 May 2021. No other development forms part of this approval; and
  - 1.2 Conditions 2.1 and 2.2 are amended, and a new Condition 2.3 is added to read as follows:
    2. Use of Premises
      - 2.1 This approval is for Restaurant/Café, Shop and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2.

Use of the subject land for a different use may require further development approval in accordance with the provisions of the City's Local Planning Scheme No. 2 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
      - 2.2 The Restaurant/Café and Small Bar shall be limited to a maximum of 70 patrons.
      - 2.3 The hours of operation of the Small Bar shall be limited to:
        - Midday to 6:00pm Monday and Tuesday;
        - Midday to 10:00pm Wednesday, Thursday and Sunday; and
        - Midday to midnight Friday and Saturday.

**CR GONTASZEWSKI:**

When is the Licensed Premises Policy due to be reviewed?

**MANAGER DEVELOPMENT & DESIGN:**

*The Licensed Premises Policy is scheduled to be reviewed in 2023/24.*

**CR FOTAKIS:**

Are the owners eligible for any grants as it is on the City's Municipal Heritage Register?

**MANAGER DEVELOPMENT & DESIGN:**

*The applicant would be eligible for financial assistance for conservation works to be undertaken to the building as part of their previous approval and in accordance with the City's Policy No. 7.6.9 – Heritage Assistance Fund.*

*Administration has advised the applicant of this and will assist them through the grants process.*

**CR TOPELBERG:**

Would the small bar component close at 6pm? Building occupancy – capacity or applicant's request?

**MANAGER DEVELOPMENT & DESIGN:**

*The 70 patrons was proposed by the applicant as part of the subject application proposing the addition of a Small Bar use. This number was proposed by the applicant for consistency with the maximum number of patrons sought by the applicant for the premises as part of their existing approval for the site. This is the same reason why Administration did not suggest to the applicant to seek to increase the maximum number of patrons as part of this subject application.*

*The building would have a capacity of approximately 100 people based on public building requirements. This is due to the number of exits and toilet facilities.*

**CR TOPELBERG:**

Could Administration liaise with the applicant regarding the process for amending any approval related to increased patron numbers and to accommodate any growth of the business?

**MANAGER DEVELOPMENT & DESIGN:**

*Administration met with the applicant following the Council Briefing in regards to the future operation of the premises.*

*The applicant has advised that they would welcome greater flexibility in operation to accommodate growth in the future. As part of this, the applicant is now proposing to:*

- 1. Increase the number of patrons accommodated to a maximum of 75 to align with the conditional liquor licence which has been issued by the Department of Local Government, Sport and Cultural Industries; and*
- 2. Extend operating hours for the proposed small bar use to be more reflective of those permitted under the Licensed Premises Policy and the intended.*

*Administration has updated its report to Council to reflect these changes and included commentary in relation to their acceptability, particularly in the context of car parking and noise considerations.*

**5.2 CITY OF VINCENT REBOUND PLAN - QUARTERLY UPDATE 7.08PM**

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

**RECOMMENDATION:**

That Council NOTES the:

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

**CR FOTAKIS:**

Page 2 of the report – reference to the Event name as After Dark – should be “Pickle District After Dark”

**MANAGER POLICY & PLACE:**

*The report has been updated to reflect this.*

**CR FOTAKIS:**

Can the Town Team be referred to as Pickle District town team?

**MANAGER POLICY & PLACE:**

*The report has been updated to reflect this.*

**CR FOTAKIS:**

Requested an update on the status of outstanding artworks from COVID funding – where we are at.

**MANAGER POLICY & PLACE:**

*Phase 1 of the COVID Arts Relief Project has seen the completion of a number of projects listed below.*

- *Four live band performances and the resulting videos by RTRFM.*
- *The Perth International Jazz Festival at Hyde Park.*
- *Choose-your-own-adventure video game reflecting life around Vincent during the ‘YOGID-19’ pandemic, by Sonny Yang and Alice McCullagh.*
- *Mural which reflects the challenges faced by the community in a post-COVID era painted in North Perth, by Joy Collective.*
- *Booked out poetry workshops run by Maddie Godfrey.*
- *Large mask fitted to the City’s Beseech sculpture, by Sarah Chopra to comply with mandatory mask wearing.*
- *Three oil paintings by Jane Coffey exploring her interpretation of our town centres during lockdown.*
- *Six metre long copper cut out artwork by Liz Gray depicting a range of characters common to Vincent, and exploring the connections between people, their animals and indigenous birds of the area during the pandemic.*

*A number of projects outlined below, will be completed in the next month.*

- *Pip & Pop installation by Tanya Schultz in an empty shop on Washing Lane in Northbridge.*
- *Short documentary by accomplished classical musician Nunzio Mondia, capturing local community dialogue and artistic expression on the topic of COVID-19.*
- *Neon sign installation by Jennifer Jamieson.*
- *The Space Between Us, medium scale sculptures by Roly Skender and Kate Rae to be installed in Beatty Park Reserve.*
- *Canopy sculpture by Paula Hart resulting from community workshops, to be installed on a parklet in Mt Hawthorn.*
- *EP recording by musician Leah Grant with accompanying video and performance.*
- *Mighty Raw, a community-led football commentary team including workshops.*
- *Short dance film with composed music by Kaela Halatau.*

**5.3 ARTS REBOUND: TOWN CENTRE ARTWORKS**

**Attachments:** 1. Arts Rebound: Town Centre Artworks Expression of Interest

**RECOMMENDATION:**

That Council **ENDORSES** the Arts Rebound: Town Centre Artworks Expression of Interest included as Attachment 1, for the purpose of advertising.

**CR FOTAKIS:**

Do we need to be clear that the funds are uncommitted or in our reserve?

**MANAGER POLICY & PLACE:**

*When referring to uncommitted funds Administration is referring to those funds that are in the Percent for Art cash-in-lieu reserve which have not been allocated to another project.*

**CR HALLETT:**

Can other reports include similar comments in the Public Health Plan and Sustainability Implications comments?

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

*Will review template and discuss approach with the Executive team.*

**5.4 BUILT FORM POLICY AMENDMENT 3**

- Attachments:**
1. **Schedule of Modifications to Policy No. 7.1.1 - Built Form**
  2. **Built Form Policy Amendment 3 - Marked Up**
  3. **Built Form Policy Amendment 3 - Updated**
  4. **R Codes Volume 1 - Tracked changes of amendments**

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

1. **DETERMINES** that in accordance with Schedule 2, Part 3, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 3 to Policy No. 7.1.1 - Built Form is a minor amendment;
2. **ADOPTS** Amendment 3 to Policy No. 7.1.1 – Built Form at Attachment 3; and
3. **RESOLVES** to proceed with Amendment 3 to Policy No. 7.1.1 – Built Form without modification in accordance with Schedule 2, Part 2, Clause 4(3)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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|---------------------|
| <b>NO QUESTIONS</b> |
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**5.5 BRITANNIA RESERVE DEVELOPMENT PLAN 7.14PM**

- Attachments:**
1. **Britannia Reserve Draft Development Plan**
  2. **Britannia Reserve Draft Changeroom Concept**
  3. **Britannia Reserve Engagement Plan**

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

1. **APPROVES** the Draft Britannia Reserve Development Plan to be advertised for community consultation in accordance with the City's Policy No. 4.1.5 – Community Consultation; and
2. **NOTES** that the Draft Britannia Reserve Development Plan will be presented back to Council In August 2021 for endorsement following the Community Consultation.

**CR FOTAKIS:**

Can the City contact the State to suggest affordable housing on telecommunications tower site.

**CHIEF EXECUTIVE OFFICER:**

*Will do*

**CR TOPELBERG:**

Selection process undertaken for changerroom design – EOI etc.

**EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*The focus of the design is the internal change-rooms layout and not the aesthetics of the façade.*

*The proposed layout was developed in accordance with the FFA/Football West's requirements for NPL games and in discussions with the club. We had to reach an agreed position (in respect of the internal layout and location) before we can consider the external finishes. As a consequence we engaged Design Right to undertake the preliminary design for the purposes of discussion.*

*The final design, including the external finishes, is yet to progress to an 'issued for construction' stage.*

**CR TOPELBERG:**

Some commentary around landscaping opportunities and sustainability. Access to shade, generally (pg. 417) how comfortable would it be on those seats on a hot day, fully exposed? Can this be included in consultation report?

**MANAGER POLICY & PLACE:**

*This has been included in the report and community consultation survey.*

**6 INFRASTRUCTURE & ENVIRONMENT**

**6.1 E-PERMITS IMPLEMENTATION PROGRESS REPORT**

Attachments: Nil

**RECOMMENDATION:**

That Council NOTES the progress in the implementation of the E-Permit system.

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| <b>NO QUESTIONS</b> |
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**6.2 WASTE STRATEGY PROJECT 8: COMMERCIAL WASTE COLLECTION: PROGRESS UPDATE AND RESPONSE TO PETITIONS**

- Attachments:**
1. **Petition Received - Nicholas Catania - Confidential**
  2. **Petition Received - Cam Sinclair - Confidential**
  3. **Commercial Waste Service Changes - Information Pamphlet**

**RECOMMENDATION:**

That **COUNCIL NOTES** the progress update on implementation of Council's decision to cease the City's commercial waste service as part of Project 8 of the Waste Strategy and the response to the petitions received.

**CR LODEN:**

How many businesses impacted, and how many didn't get a commercial service prior to this change, how many opted out, how many will be able to access micro business opportunity?

**EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

- *There are a total of 1748 commercial ratepayers (2456 businesses).*
- *Around 160 (9%) of the City's commercial ratepayers do not currently use the City's commercial waste service. Additionally there are many that use the City allowance and get "top up" services from other Waste Service Providers (as observed during site visits).*
- *We estimate that 6.5% (160) of the 2456 businesses may be able to operate using the City's current 2 bin system. However, as advised during the Council Briefing whilst some of these businesses may be able to cope with the current 2 bin collection system, this may not be the case when the FOGO 3 bin system is implemented and collection parameters change, i.e. to 1 x 140lt general waste bin serviced fortnightly, 1 x 240lt recycling bin serviced fortnightly, 1 x 240lt FOGO bin serviced weekly.*
- *We currently have 15 businesses interested in pursuing the micro-business service. Others that have enquired, either did not realise that this was a discretionary paid service option, or could not cope with the standard residential FOGO three bin system and its aligning volume or collection frequency parameters.*

## 7 COMMUNITY & BUSINESS SERVICES

### 7.1 LEEDERVILLE GARDENS TRUST FUND COVID-19 RELIEF GRANTS UPDATE

Attachments: 1. Leederville Gardens Trust Fund Grant Recipients Program Status Update

#### RECOMMENDATION:

That Council:

1. **NOTES** the progress of the funding provided to benevolent not-for-profit organisations under the Leederville Gardens Trust COVID-19 Relief Grant Funding program;
2. **APPROVES** the request from Foodbank WA Inc for an extension to the terms of their Leederville Gardens Trust COVID-19 Relief Grant Agreement and for a variation to the agreed funding amount as detailed in this Report;
3. **APPROVES** the request from People Who Care Inc for an extension to the terms of their Leederville Gardens Trust COVID-19 Relief Grant Agreement as detailed in this Report; and
4. **NOTES** that the Executive Director, Community & Business Services will prepare and enter into a variation to the funding agreements for Foodbank WA Inc and People Who Care Inc.

#### CR FOTAKIS:

Can we get an idea of the impact of rental moratorium ending?

#### EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

*The below information is provided by Shelter WA who are the peak housing and homelessness body in Western Australia.*

- *There is a shortfall of 369,200 social and 19,300 affordable homes across WA*
- *The residential vacancy rate is at a 40 year low*
- *Rent values are predicted to surge by 20% when the moratorium on rent increases and evictions ends*
- *Over half of WA's renters are experiencing rental stress – paying more than 30% of their income on rent*
- *The rental market is completely unaffordable for lower income households. The Anglicare Rental Affordability Snapshot 2020 found a single person on the Job Seeker payment can afford 0% of properties in the Perth metro region. The 2020 National Shelter Rental Affordability Index found private rental properties in WA to be severely unaffordable for most people on lower incomes.*

**7.2 MANAGEMENT AGREEMENT - VINCENT TOOL LIBRARY - PORTION OF BRITANNIA RESERVE, 41 BRITANNIA ROAD, MOUNT HAWTHORN 7.33PM**

- Attachments:**
1. Proposed Management Agreement Area for Tools N Things Library Inc
  2. Storage Cage requested for inclusion under Management Agreement area Tools n Things Library Inc

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** a Management Agreement for a portion of Britannia Reserve, 41 Britannia Road, Mt Hawthorn (as shown in Attachment 1) to Tools n Things Library Inc (TNTL) on the following key terms:
  - 1.1 **Term:** 6 (six) months
  - 1.2 **Option term:** 1 x 6 (six) months at City's sole discretion;
  - 1.3 **Tenancy Fee:** \$246 (excluding GST) per term, which includes a 50% community benefit rebate, indexed at CPI;
  - 1.4 **Outgoings:** Emergency Services Levy (ESL) to be paid by TNTL, all other outgoings payable by the City;
  - 1.5 **Public liability:** TNTL to effect and maintain current public liability insurance of not less than \$20,000,000 (per claim);
  - 1.6 **Condition:** provided in 'as is, where is' condition. The City will not undertake any capital or renewal works during the term of the Management Agreement, which includes repairing or replacing any fixtures or fittings at the end of their life;
  - 1.7 **Building insurance:** payable by the City with excess on any claim payable by TNTL;
  - 1.8 **Maintenance/repairs:** responsibility of TNTL, this includes keeping the Premises interior and exterior clean and tidy and repairing or replacing any fittings or fixtures if required;
  - 1.9 **Capital upgrades:** City will not undertake capital or renewal works; and
  - 1.10 **Damage to Premises:** in the event the Premises is damaged so it becomes unfit for use the City may at its discretion terminate the Management Agreement, and no compensation will be payable to the tenant.
2. **Subject to final satisfactory negotiations being carried out between TNTL and the Chief Executive Officer, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Management Agreement in recommendation 1 above; and
3. **APPROVES** a waiver of fees in the amount of \$246 for the first term of the Management Agreement in order to provide further assistance with the establishment of the Tool Library in the City of Vincent.

**CR LODEN:**

How can they increase their rebate above 50%? How was it calculated?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

*Administration has discussed the waiver of fees with the Vincent Tool Library and they have been made aware that following the expiration of the waiver of fees, the group will be required to pay the lease fee.*

*Administration has already accessed the Vincent Tool Libraries Community Benefit (50% as mentioned in the report). Like with all other groups and organisations based within Category 1 & 2 of the Property*

*Management Framework, the City will assist in ensuring that all tenants are aware of the Community Benefit Subsidy, how it works and what they are required to do to ensure that they continue to provide a community benefit. In addition, Administration will provide all tenants in Category 1 & 2 with a copy of the Community Benefit Matrix (that determines the level of subsidy) when discussing new arrangements.*

**7.3 SUPPORT FOR ULURU STATEMENT FROM THE HEART – RESPONSES**

- Attachments:**
- 1. Letter from Hon Ken Wyatt - Uluru Statement from the Heart**
  - 2. Letter from Hon Linda Burney - Uluru Statement from the Heart**

**RECOMMENDATION:**

**That Council**

- 1. NOTES the receipt of letters from Hon Ken Wyatt AM MP and Hon Linda Burney MP in response to letters sent by the City of Vincent supporting the Uluru Statement from the Heart.**

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|---------------------|
| <b>NO QUESTIONS</b> |
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**7.4 INVESTMENT REPORT AS AT 30 APRIL 2021****Attachments: 1. Investment Statistics as at 30 April 2021****RECOMMENDATION:**

**That Council NOTES the Investment Statistics for the month ended 30 April 2021 as detailed in Attachment 1.**

**CR TOPELBERG:**

No longer getting a report on the value of our share portfolio. For clarity we did own shares in Bendigo Bank (11,000) and it used to appear on investment report. Would like to see how that is going.

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

*The City still owns shares in North Perth Community Financial Services Ltd (Bendigo) and have received a dividend payment in May 2021 of \$1100, a return of 10%.*

*Shares will be updated in the investment report from July 2021.*

**7.5 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021  
7.38PM**

- Attachments:**
1. Payments by EFT and Payroll April 21
  2. Payments by Direct Debit April 21

**RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 April 2021 to 30 April 2021 as detailed in Attachments 1, 2 and 3 as summarised below:

|                                       |                       |
|---------------------------------------|-----------------------|
| EFT payments, including payroll       | \$4,244,354.40        |
| Cheques                               | \$0.00                |
| Direct debits, including credit cards | \$162,518.93          |
| <b>Total payments for April 2021</b>  | <b>\$4,406,873.33</b> |

**CR GONTASZEWSKI:**

How many marquees did we get for 2.6k

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

*Included in the \$2.6k were 6 marquees, 22 chairs, 10 trestle tables and bunting. The description in the report attachment has been amended.*

**CR TOPELBERG:**

Parking revenue distribution, 375 Williams Street – can you add detail as to frequency?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

*This is for a 3 month period from 1 January 2021 to 31 March 2021. The description in the report attachment has been updated.*

**CR TOPELBERG:**

ICT allowance was including in the sitting allowance for Councillors – can this be amended

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

*Each of the Mayor's and Council Members payments have been split in the report attachment to show meeting fees and ICT allowance separately.*

**7.6 FINANCIAL STATEMENTS AS AT 30 APRIL 2021**

**Attachments: 1. Financial Statements as at 30 April 2021**

**RECOMMENDATION:**

**That Council RECEIVES the Financial Statements for the month ended 30 April 2021 as shown in Attachment 1.**

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

**7.7 ADOPTION OF THE ANNUAL BUDGET 2021/22 6.38PM**

- Attachments:**
1. Statutory Budget Statements
  2. 2021/2022 Capital Budget
  3. Summary of Income and Expenditure by Service Area
  4. Fees and Charges Schedule
  5. Service Delivery Review Program 2021/2022
  6. Submission - Differential Rates

**RECOMMENDATION:**

That Council **BY ABSOLUTE MAJORITY:**

**1. BUDGET:**

Pursuant to the provisions of Section 6.2(1) of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, **ADOPTS** the City of Vincent Annual Budget as detailed in Attachments 1 and 2 for the year ended 30 June 2022, which includes:

- 1.1 Statement of Comprehensive Income by Nature or Type, and Statement of Comprehensive Income by Program, showing a net result for that year of (\$6,698,067);
- 1.2 Statement of Cash Flows showing a net cash provided by operations of \$2,872,391 and net decrease in cash held of \$3,533,088;
- 1.3 Rate Setting Statement by Program showing an amount required to be raised from rates of \$36,683,624;
- 1.4 Transfers to/from Reserves as detailed on the Cash Backed Reserves Statement showing a 30 June 2022 closing balance of \$8,954,580 which is a net decrease in cash reserves of \$2,887,737 ;
- 1.6 Notes to and forming part of the Budget as included in Attachment 1; and
- 1.7 Capital Works Program showing a total of \$22,158,710 (including 2020/2021 carry forward projects).

**2. RATES:**

**NOTES** one (1) submission was received in response to the Notice published in accordance with section 6.36(1) of the *Local Government Act 1995* and for the purpose of yielding up the deficiency disclosed by the Budget adopted in 1 above, Council pursuant to Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, **IMPOSES** the following differential general rates and minimum payments on Gross Rental Values (GRV):

**2.1 General Rates:**

| Differential General Rate         | Cents in the dollar |
|-----------------------------------|---------------------|
| Residential                       | 7.9730              |
| Residential Vacant                | 7.6125              |
| Commercial Vacant                 | 12.817              |
| Other (Commercial and Industrial) | 6.7180              |

**2.2 Minimum Payments:**

| Differential General Rate | Minimum Payment on GRV |
|---------------------------|------------------------|
|---------------------------|------------------------|

|                                   |            |
|-----------------------------------|------------|
| Residential                       | \$1,241.00 |
| Residential Vacant                | \$1,170.00 |
| Commercial Vacant                 | \$1,516.40 |
| Other (Commercial and Industrial) | \$1,197.70 |

### 2.3 RATE PAYMENT OPTIONS:

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

| Option | Instalment                | Date            |
|--------|---------------------------|-----------------|
| (a)    | Due Date/First instalment | 27 August 2021  |
| (b)    | Second instalment         | 29 October 2021 |
| (c)    | Third instalment          | 7 January 2022  |
| (d)    | Fourth instalment         | 11 March 2022   |

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

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

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

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

ADOPTS an interest rate of 7% per annum, calculated daily from the due date and continuing until the date of payment:

2.5.1 On overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, subject to Section 6.51(4) of the *Local Government Act 1995* and clause 14 of the *Local Government (COVID-19 Response) Amendment Order 2021*; and

2.5.3 Amounts due to the City in accordance with Section 6.13 of the *Local Government Act 1995*; and

2.5.4 In accordance with clause 8 of the *Local Government (COVID-19 Response) Amendment Order 2021*, interest on outstanding rates will not be applied to a person who has been considered by the City of Vincent as suffering financial hardship as a result of the COVID-19 pandemic.

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

### 3. REPORTING OF BUDGET VARIANCES:

Pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the monthly reporting variance for the 2021/2022 financial year of 10% or more, where that variance is also more than \$20,000;

## 4. FEES AND CHARGES:

Pursuant to Section 6.16 of the *Local Government Act 1995*, ADOPTS the Schedule of Fees and Charges;

## 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:

|  |            |                     |
|--|------------|---------------------|
| Floreath 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          |
| Floreath Athena Soccer Club Inc. Britannia Reserve           |            | \$2,267.33          |
| Swimming WA Inc. Beatty Park                                 |            | \$3,397.96          |
| <b>TOTAL</b>   |            | <b>\$115,806.92</b> |

6. APPROVES a reserve to be created for *Public Open Space Reserve - General* to be utilised for the future development of public open space in the City.

7. NOTES a provision of \$100,000 within the budget that will be used to assist ratepayers in financial hardship, as determined by the Chief Executive Officer.

**CR GONTASZEWSKI:**

0.5FTE resource to deliver the Accessible City Strategy– what capacity is there for current staff to take on this, or would it be external staff or consultants?

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

0.5 FTE will be delivered using existing resources, in a combination of staff, agency and consultants with no increase to budget.

**CR LODEN:**

Council's over East having a separate procedure for double rating situation (public question).

**EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:**

We don't intend to make any changes to differential rating for 2021/22.

Vincent operates under different regulatory conditions to the East Coast.

**CR GONTASZEWSKI:**

Proposal to increase capacity in relation to parking compliance. What proportion of the Ranger's time is spent on parking compliance and how would the proposed change impact that capacity?

**EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*Currently we have 9 x Rangers allocated to Parking. Their time is generally split 80% parking, and 20% other compliance duties. We also have 6 x Rangers allocated to Community Rangers. Their time is split 20% parking and 80% other compliance duties. This works out to about 70% of all Rangers time spent on parking.*

*With the additional 3 x Rangers allocated to parking (with a 80%/20% time split) this would take the total percentage of time spent on parking for all Rangers up to 80%.*

**8 CHIEF EXECUTIVE OFFICER****8.1 RESULTS OF CONSULTATION - BARLEE STREET CAR PARK OPTIONS FOR FUTURE USE  
7.41PM**

- Attachments:**
1. Summary of Community Consultation - Graphs
  2. Summary of Community Consultation - Detail
  3. Submission - survey of local business owners - Confidential
  4. Transition Plan for conversion to park/town square
  5. Submission - Additional #1
  6. Submission - Additional #2

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

1. **NOTES** the results of community consultation and Administration's responses as at Attachment 2;
2. **NOTES** the potential park/town square proposal received strong support through the community consultation, reflected in the Transition Plan at Attachment 4;
3. **NOTES** the agent for the private landowners have advised that they intend to pursue a mixed use development outcome on their lots irrespective of the land swap proposal;
4. **NOTES** that Administration considers a market sale for the City-owned lot is the most viable option given the number of uncertainties involved in executing the Transition Plan and following a detailed financial analysis;
5. **AUTHORISES** the Chief Executive Officer to commence the advertising for sale of the City's lot 48 (No. 590) Beaufort Street, Mount Lawley, pursuant to section 3.58 of the *Local Government Act 1995*;
6. **NOTES** any proceeds of a sale as per Recommendation 5 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent;
7. **AUTHORISES** the Chief Executive Officer to negotiate a financially sustainable management agreement or lease extension with the owners of the car park for the interim period before any sale is finalised;
8. **AUTHORISES** the Chief Executive Officer to continue discussions with the current or future landowners on the Transition Plan at Attachment 4 if a sale process of lot 48 (No. 590) as per Recommendation 5 does not elicit offers which exceed the market valuation;
9. **REQUESTS** the Chief Executive Officer to provide a further report to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street.

**CR GONTASZEWSKI:**

Can further information on other carparks in the vicinity be provided?

Can a map of lease area be provided?

Commentary on the availability of land in other carparks for reconfiguration or redevelopment.

Consideration of potential shared space in other areas – what is the timeline proposed for that work?

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

*A map of the other car parks along Beaufort Street has been added to the report as Attachment 7. There is minimal opportunity for reconfiguration that would result in additional car bays.*

*The investigation portion of the shared space project is due to be undertaken in the 21/22 financial year. Design and construction would be from 22/23 onwards depending on the findings.*

**CR GONTASZEWSKI:**

Will this recommendation require removal or relocation of Beaufort Street sign? Can additional information be added to report. When will this work be done, and when will it be in the budget?

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

*The sale of the land is independent of the removal or relocation of the Beaufort Street artwork. The City will work with the owners to try to maintain the artwork where it is. This could include using retention of the artwork as part of the owners' percent for art obligations. Failing that, a separate Council decision will be required on what to do with the artwork. Relocation options have started being explored but are in very early stages without any costings or business cases being completed.*

**CR GONTASZEWSKI:**

Accessible City Strategy items funded through cash-in-lieu – what elements are applicable to Beaufort Street and issues raised in the consultation?

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

*1.2.1 Develop and implement a high-quality, safe pedestrian path network. This was raised by submitters multiple times as a suggestion for the use of funds from the sale of land.*

*3.3.4 Better manage the supply of on street parking. This was also raised as a suggestion, noting that there are parking issues on the residential streets that connect to Beaufort Street.*

*Both of these projects could be funded by cash-in-lieu of parking.*

**CR CASTLE:**

Could the commentary around the Public Health Plan be improved?

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

*Updated wording in report for PHP and Sustainable Environment Strategy.*

**CR FOTAKIS:**

Can an amendment include commentary on the implications of the reserve funding being site specific and what that means for other potential land sites in other precincts in donating the money towards a particular precinct as opposed to a strategy?

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

*It is recommended from a financial perspective to keep the proceeds of sale in a reserve that is not overly restrictive, such as the POS Reserve. In the present example, there is no plan for where or when the proceeds of sale should be spent. In the interim before making that decision, there may be a requirement to spend money in other locations or for other purposes. If the proceeds are restricted to a very specific reserve, then they cannot be used for those more urgent or higher priority purposes.*

**CR LODEN:**

Can the amendment also show the current greatest shortfall of POS within City?

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

*The Public Open Space Strategy 2018 shows, on page 17, the shortfall of POS in the City. High priority areas are the north-west of Mount Hawthorn, Leederville along Loftus Street, North Perth near Angove and Charles St, and Mount Lawley west of Beaufort Street.*

**CR TOPELBERG:**

Why has administration decided to treat the 300 person petition as one submission? Can some info be provided regarding the value of car parking in the area? And sentiment of local business?

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

*It would not be valid to include all 300 signatories as separate submissions along with those who emailed or used the City's Imagine Vincent platform. The 300 signatories received a petition that stated as follows:*

We the undersign comprise Business Owners, Employees, Residents, Visitors, Customers etc of Beaufort Street Mount Lawley hereby respectfully **STRONGLY EXPRESS OUR PREFERENCE for the Barlee Street Car Park to REMAIN A PUBLIC CAR PARK.**

**REASON:**

Parking in Mount Lawley has ALWAYS BEEN LIMITED IN AVAILABILITIES. Removing the Barlee Street Public Car Park would further exacerbate the pre existing limited availabilities. Outcome of which includes: reduction in vibrancy of the immediate area (eg. less visitors); loss of business (due to difficulty of parking); crawl of parking into private commercial/residential parking zones (increase competition and increase further landlord/resident complaints to City of Vincent) etc.

*The petition did not mention the proposal for a land swap which could result in a town square/park, nor the potential to use proceeds of sale on improving the local area. Without either of these options presented, the City cannot confirm that the 'preferred' stance of all signatories was for the land to remain as a car park.*

**CR TOPELBERG:**

Can some info be provided regarding the value of car parking in the area? And sentiment of local business?

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

*23 respondents on Imagine Vincent identified themselves as business owners or employees in Vincent (not necessarily along Beaufort Street). Their sentiments are as follows:*

*Sell the land – 4*

*Swap the land – 9*

*Keep the car park – 9*

*13 of these people use the car park more than once a year.*

*The text comments are split between those wanting to maintain the car park to benefit businesses, and those wanting to improve public spaces and green spaces as it too would benefit businesses.*

**8.2 REPEAL OF LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008 AND APPROVAL TO ADVERTISE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2021**

- Attachments:**
1. Submission on draft Local Law
  2. Local Government Property Local Law 2021 - Tracked Changes
  3. Local Government Property Local Law 2021

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

1. **RECOMMENCE** the process of repealing the Local Government Property Local Law 2008 and adopting the Local Government Property Local Law 2021, pursuant to section 3.13 of the Local Government Act 1995;
2. **AUTHORISES** the Chief Executive Officer to provide Statewide and local public notice in accordance with section 3.12(3) of the Local Government Act 1995, for a period of at least 6 weeks, that:
  - 2.1 it is proposed to repeal the City of Vincent Local Government Property Local Law 2008 and replace it with the City of Vincent Local Government Property Local Law 2021 at Attachment 3;
  - 2.2 the purpose of repealing the City of Vincent Local Government Property Local Law 2008 and replacing it with the City of Vincent Local Government Property Local Law 2021 is to:
    - 2.2.1 increase the efficiency in the management of signs located on local government property;
    - 2.2.2 provide the City with a discretion to require a permit for the erection or display of an election sign on local government property;
    - 2.2.3 remove provisions regarding animals;
    - 2.2.4 assist with the management and regulation of security deposits and bank guarantees provided by developers constructing on private land;
    - 2.2.5 increase the deterrent for:
      - (a) causing damage to local government property;
      - (b) increasing the risk of public harm or harming fauna on local government property; and
      - (c) using local government property for a commercial activity without a permit;
    - 2.2.6 increase the deterrent for offensive and indecent behaviour on local government property;
    - 2.2.7 increase the efficiency in the management (beautification) of verges;
    - 2.2.8 deter damage or removal of trees on verges, thoroughfares or local government property;
    - 2.2.9 prohibit and effectively deter the use of recording devices within change rooms;
    - 2.2.10 amend the local law in accordance with prior advice received from the Department of Local Government, Sport and Cultural Industries;
    - 2.2.11 make administrative modifications so that the local law aligns with common practice and the City's current objectives and processes; and

2.2.12 provide the City with discretion to make a determination prescribing a local government property or thoroughfare as a smoke free area;

2.3 the effect of the repeal and replacement of the City of Vincent Local Government Property Local Law 2008 with the City of Vincent Local Government Property Local Law 2021 is that:

2.3.1 conditions relating to when a sign permit will be required are now provided;

2.3.2 election signs placed on local government property will now be governed by the proposed City of Vincent Election Signs Policy;

2.3.3 provisions relating to animals will be incorporated into the proposed City of Vincent Animals Local Law;

2.3.4 when and how the City may use security deposits or bank guarantees to rectify damage to local government property is regulated;

2.3.5 increased penalties will apply for:

- (a) causing damage to local government property;
- (b) using local government property for a commercial activity without a permit;
- (c) taking, injuring or killing (or attempting to) any fauna on local government property; and
- (d) placing/draining offensive fluid or lighting a fire on a thoroughfare without a permit;

2.3.6 increased penalties will apply for:

- (a) offensive behaviour in a toilet block or changeroom on local government property;
- (b) being indecently clothed on local government property; and
- (c) spitting on or within community facilities;

2.3.7 the conditions relating to management (beautification) of verges, prescribed in the City's relevant policy, are incorporated in the local law;

2.3.8 increased penalties will apply for damage or removal of trees on verges, thoroughfares or local government property;

2.3.9 the use of recording devices within change rooms is prohibited and an appropriate penalty is applicable; and

2.3.10 amendments are incorporated in the local law in line with the Department of Local Government, Sport and Cultural Industries recommendations;

2.3.11 administrative modifications are made to ensure the local law aligns with common practice and the City's current objectives and processes; and

2.3.12 the procedure for making a smoke free area determination is specified and a penalty for smoking in a smoke free area is applicable.

3. NOTES that in accordance with Section 3.12(3)(b) of the Local Government Act 1995 a copy of the City of Vincent Local Government Property Local Law 2021 and the public notice will be provided to the Minister for Local Government; and

4. NOTES that any submissions received as a result of the public notice provided as set out in

recommendation 2. above will be presented to Council for consideration.

**CR GONTASZEWSKI:**

Removal of provisions in relation to animals. Does this relate to developing a new Animal Local Law?

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

*Yes, relevant new provisions will be added to the draft Animal Local Law. Page 38 of Attachment 2 shows the proposed deleted provisions. These relate to leaving or using an animal on local government property. Page 58 shows the penalties that are proposed to be removed.*

*The main purpose of the animal provisions are to ensure animals do not obstruct vehicles or people on thoroughfares. Even after removal of these provisions, 'obstructions of thoroughfares' is still covered under proposed cl. 10.2.*

**8.3 OUTCOME OF ADVERTISING AND ADOPTION OF NEW FRAUD CORRUPTION AND PREVENTION POLICY**

- Attachments:**
- 1. Fraud and Corruption Prevention Policy**
  - 2. Policy 4.1.17 - Fraud and Corruption Prevention**

**RECOMMENDATION:**

**That Council:**

- 1. ADOPTS the Fraud and Corruption Prevention Policy at Attachment 1; and**
- 2. REPEALS Policy 4.1.17 - Fraud and Corruption Prevention at Attachment 2.**

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

**8.4 GOVERNANCE FRAMEWORK - PROPOSED UPDATES AND PROPOSED REPEAL OF COUNCIL MEMBER AND EMPLOYEE BUSINESS DEALINGS POLICY**

- Attachments:**
- 1. Governance Framework 2020 - Tracked Changes**
  - 2. Policy 4.2.10 - Council Members and Employee Business Dealings with the City**

**RECOMMENDATION:**

**That Council:**

- 1. APPROVES the amendments to the Governance Framework 2020, as at Attachment 1; and**
- 2. REPEALS Policy 4.2.10 - Council Members and Employee Business Dealings with the City, as at Attachment 2.**

**NO QUESTIONS**

## 8.5 ANNUAL REVIEW OF COUNCIL DELEGATIONS

Attachments: 1. Register of Council Delegations for review - marked up

### RECOMMENDATION:

That Council:

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

### CR TOPELBERG:

What was the statutory timeframe for the application considered under Item 5.1, and whether the applicant was advised to split the DA?

### MANAGER DEVELOPMENT & DESIGN:

*The application was lodged on 8 March 2021. Upon reviewing the application and given that delegated authority does not currently extend to determination of the Small Bar component of the application, Administration discussed separating the applications into two with the applicant to enable works to commence on-site as soon as possible and in an effort to support small business.*

*The application for the Small Bar component was lodged on 10 March 2021. Assuming the application is determined by Council at its meeting on 22 June 2021, the application would be determined in 98 days and outside of the statutory timeframe of 90 days.*

### ADDITIONAL INFORMATION:

*Administration is recommending changes to delegations following Council Briefing. These changes relate to Conditions 6 (heritage places) and 12 (minor encroachments on City owned or managed land), and are detailed below.*

#### Condition 6 (heritage places)

*Administration has updated the wording of Condition 6 to require that Council determine applications proposing any alterations and additions to places on the State Register of Heritage Places (State Register), with the exception of external fixtures (such as solar collectors, and rainwater and storage tanks) and restoration/remediation works. This would enable Administration to continue to deal with alterations and additions to Municipal Heritage Inventory (MHI) listed properties, except where more than five objections are received during community consultation.*

*The updated wording of the delegation recommended by Administration following Council Briefing is:*

- 6. This delegation does not extend to applications for development approval for works in places identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places that propose:*
- a. Demolition of buildings; and/or*
  - b. Alterations and/or additions to buildings to places included on the State Register of Heritage Places except where these are external fixtures (as defined by the Residential Design Codes), or restoration and/or remediation works.*

*The recommendation and commentary in the officer report has been updated to reflect these changes.*

#### Condition 12 (minor encroachments on City owned or managed land)

*Condition 12 was prepared based on the definition of 'minor encroachment' under the Building Regulations 2012. Local Governments are also authorised to sign an application for minor encroachments as an owner in respect to Crown land under the Minister for Lands Instrument for Authorisation.*

*Condition 12(a) relates to structures which are 'an awning, verandah or similar'. The intent of this was to give*

*Administration the ability to determine low scale structures common within the City's commercial and town centre settings, such as awnings, and that have design guidance provided for in the City's Built Form Policy.*

*Verandahs are roofed platforms attached to a building and commonly incorporate support posts.*

*In reviewing the drafted delegation wording following Council Briefing, Administration does not consider verandahs to be minor or of the same scale as an awning, are less common and design guidance is not provided for in the Built Form Policy where they are not located on private property.*

*Administration has updated its recommendation in the report to Council to remove reference to 'verandah or similar' in the delegation wording and updated commentary in the report to reflect this.*

**8.6 INFORMATION BULLETIN 8.14PM**

- Attachments:**
1. **Unconfirmed Minutes of the Tamala Park Regional Council - Special Meeting of Council held on 26 May 2021**
  2. **Minutes Arts Advisory Group (AAG) 19 May 2021**
  3. **Minutes Reconciliation Action Plan Working Group (RAPWG) 10 May 2021**
  4. **Statistics for Development Services Applications as at May 2021**
  5. **Quarterly Street Tree Removal Information**
  6. **Register of Legal Action and Prosecutions Monthly - Confidential**
  7. **Register of Legal Action - Orders and Notices Quarterly - Confidential**
  8. **Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 4 June 2021**
  9. **Register of Applications Referred to the MetroWest Development Assessment Panel - Current**
  10. **Register of Applications Referred to the Design Review Panel - Current**
  11. **Register of Petitions - Progress Report - May 2021**
  12. **Register of Notices of Motion - Progress Report - May 2021**
  13. **Register of Reports to be Actioned - Progress Report - May 2021**

**RECOMMENDATION:**

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

**CR HALLETT:**

More info re the dead trees identified on 29 October

**EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*The 11 dead trees removed on the 29 October 2021, were all Callistemon 'Kings Park Special,' a hybrid species that is in decline across the metropolitan area. Arboricultural consultants believe as a hybrid species they have a shortened lifespan and that is why so many are in decline and dying out.*

*All dead trees are noted at the time of identification and if not determined to be an immediate risk, are removed in blocks (more efficient use of time and cost savings) following underground service location checks. In this case 11 trees were removed on one day by our contractor 'Professional Tree Surgeons'*

**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