



CITY OF VINCENT

NOTES

Council Briefing

1 February 2022

Table of Contents

1	Declaration of Opening / Acknowledgement of Country	5
2	Apologies / Members on Approved Leave of Absence	5
3	Public Question Time and Receiving of Public Statements	5
4	Declarations of Interest	7
5	Strategy & Development.....	9
5.1	Advertising of amended Character Areas and Heritage Areas policy - Wilberforce and Kalgoorlie Streets.....	9
5.2	Outcomes of Advertising - Amendment No. 7 to Local Planning Scheme No. 2 - Leederville Precinct Structure Plan.....	10
5.3	Public Open Space Strategy - Implementation Progress Update.....	12
5.4	Draft Smoke Free Areas and Smoke Free Areas - Education and Enforcement Policy	14
5.5	Variation of Licence to Bonnie Brew Pty Ltd - Part of Road Reserve adjacent to No. 639 (Lot 1) Beaufort Street, Mount Lawley (corner Grosvenor Road).....	15
5.6	Extension of Lease and Deed of Contract to Belgravia Health & Leisure Group Pty Ltd - Loftus Recreation Centre - Portion Lot 501 (99) Loftus Street, Leederville	17
5.7	Advertising of New Policy - Temporary Employment or Appointment of CEO Policy	18
5.8	Outcome of Advertising and Adoption of New Election Signs Policy	19
5.9	Advertising of Amended Policy - Elected Members Continuing Professional Development.....	20
5.10	Advertising of Amended Policy - Council Members – Allowances, Fees and Reimbursement of Expenses Policy	21
5.11	Submission on Proposed Reforms - Local Government Act 1995	22
6	Infrastructure & Environment	24
6.1	Monmouth Street Reserve Eco-zoning - Results of Consultation	24
6.2	Britannia Reserve Lighting Project - Change of Scope Request.....	25
7	Community & Business Services	26
7.1	Authorisation of Expenditure for the Period 1 November 2021 to 30 November 2021	26
7.2	Authorisation of Expenditure for the Period 1 December 2021 to 31 December 2021	27
7.3	Investment Report as at 30 November 2021	28
7.4	Investment Report as at 31 December 2021	29
7.5	Financial Statements as at 30 November 2021.....	30
7.6	Financial Statements as at 31 December 2021.....	31
7.7	3 Year Funding Agreement - Y WA	32
7.8	Outcome of advertising and adoption of amendments to Investment Policy.....	33
8	Chief Executive Officer	34
8.1	Repeal of Information and Communications Technology - Conditions of Use Policy - 1.1.1	34
8.2	Council Recess Period 2021-2022 - Receiving of items dealt with under Delegated Authority between 15 December 2021 and 1 February 2022.....	35
8.3	Information Bulletin	36
9	Motions of Which Previous Notice Has Been Given.....	37
10	Representation on Committees and Public Bodies.....	37

11 Confidential Items/Matters For Which the Meeting May be Closed37

12 Closure37

**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AT THE E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 1 FEBRUARY 2022 AT 6.00PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Jonathan Hallett Cr Dan Loden Cr Ashley Wallace Cr Suzanne Worner Cr Ron Alexander Cr Ross Ioppolo</p>	<p>Presiding Member South Ward North Ward South Ward North Ward (electronically) South Ward North Ward North Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy</p> <p>John Corbellini</p> <p>Virginia Miltrup</p> <p>Peter Varris</p> <p>Mark Fallows Rhys Taylor Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Strategy and Development Executive Director Community & Business Executive Manager Corporate Strategy & Governance Manager Built, Environment & Wellbeing Executive Manager Financial Services Council Liaison Officer</p>
Public:	Two 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 Mark Furr of YMCWA – Item 7.7

- Spoke in support of the recommendation.
- Stated that the YMCWA is keen to continue to partner with the City to deliver on its Youth Action Plan
- Gave a short history on the programs offered by the YMCWA

3.2 Dudley Maier of Highgate – Item 6.1

- Mentioned that he felt there was a lost opportunity to engage with the community
- Provided a short background to the report

- Stated that the community was not asked which option they would prefer
- Asked if the community could be involved and engaged
- Requested that Council defer this item so that the above engagement could be undertaken.

The following question and statement was submitted in writing prior to the meeting.

3.3 Andrew Main – Item 5.11

1. The proposals by the government are vague and it is difficult to provide a well-considered response until further clarity is provided.

The State Government is driving the reform agenda and this is potentially the only opportunity for the City to provide feedback on this round of reform. There is several points in the City's response where it is noted that a full response cannot be provided until specific context and further detail is provided.

2. Putting this aside, is the City's proposed response meant to reflect the views of the Vincent community? If so, why were residents and ratepayers not given the opportunity to provide their views to the City.

In 2017 the (then) Minister for Local Government commenced a review of the Local Government Act 1995. This was the first major review since the Act was introduced more than 20 years ago and the review aims to modernise the Act, reduce red tape and ensure WA communities benefit from efficient and effective councils. The theme for the review at the time was Agile, Smart, Inclusive and Phase 1 focussed on modernising local government. The key focus areas included:

- *Electronic availability of information*
- *Meeting public expectations for accountability, including gift disclosures*
- *Meeting community expectations of standards, ethics and performance*
- *Building capacity through reduction of red tape*

Consultation was completed in 2017 and the report was presented to Parliament in late 2018.

Consultation for Phase 2 "delivery for communities" commenced late 2018 supported by various community and industry workshops, forums and discussion papers. Consultation has been open to all local government stakeholders, including the community.

Council has been provided the opportunity to consider matters in the reform process through workshops and establish the City's position on a range of issues.

In respect to the most recent consultation (late 2021) the initial deadline set by the Minister was short and this restricted the ability to workshop the reform proposals with Council Members. The City's Administration developed the draft response based around the City's current practice and influenced by Council's past positions.

This timeframe did not provide the capacity to obtain community feedback on the draft response, however the paper was distributed to all Council Members in late December 2021 to obtain feedback.

2. What criteria were used to determine the position on each proposal in the City's response?

The City Administration developed the draft response based around the City's current practice and influenced by Council's past positions.

4. I ask that you do not provide comments to the Minister until the community of Vincent has had the opportunity to provide it's considered views to the City.

The Minister's now revised deadline prohibits the capacity to seek community feedback.

5. If not, I ask that the City indicate in its response to the State Government, that the response reflects the views of the administration and that residents and ratepayers have had no input into the formulation of the response.

A Council Member is elected to make decisions on behalf of the community whether subject to community consultation or not.

6. In relation to proposal 1.6 'declaring vexatious complainants'. I am disappointed the City is supporting this. The threat of being labelled vexatious is a form of bullying that will intimidate people and have a negative impact on residents and ratepayers highlighting valid concerns.

If the city is to support it, it should definitely state that it be mandatory for councils to have a policy on the process for declaring people vexatious. This policy should also require the Council to approve a proposal to declare an individual vexatious, and in addition, an independent third party should approve such proposals.

It should be noted that during consultation carried out by the Government in 2018, citizens highlighted the issue of councils NOT responding to queries and complaints made by them. In response to this, the government floated the idea of an independent body being established that citizens could contact to assist them with getting a response from their council. The City of Vincent should consider proposing this approach in its response to the government.

Council and the City is very conscious of meeting the reasonable needs of its Community and stakeholders. Regrettably there are some customers that are not satisfied and refuse to accept the outcome of a matter. The City will inform dissatisfied customers of their rights and the opportunity to pursue a review through external parties (including the Ombudsman). Some will continue to pursue the matter with the City and this will mean that City's resources need to be redirect away from other matters to respond. The City is reviewing its customer complaints policy and procedures and will incorporate the best practice approach recommended by the Ombudsman.

7. Please note that the Local Government Elected Members Association has put out the following advice on the issue of providing a response to the Government.

"The reform proposals disempower Councils and Elected Members. Unless EMs have carefully read, understood, held workshop about proposals they should reject, NOT endorse submissions proposed by CEOs."

Comment Noted.

8. Please note that Larry Graham, has prepared a very detailed and extremely well researched response to the government's reform proposals. His recommendations include restarting the reform process, engaging with the community during this process, and preparing a green bill that the government had previously promised.

Comment Noted.

There being no further speakers, Public Question Time closed at approximately 6.09pm.

4 DECLARATIONS OF INTEREST

- 4.1 Cr Alex Castle declared a proximity interest in Item 5.1 Advertising Of Amended Character Areas And Heritage Areas Policy - Wilberforce And Kalgoorlie Street. The extent of her interest is that her property is adjacent to the portion of Kalgoorlie Street being proposed for character retention. She is not seeking approval to participate in the debate or remain in chambers or vote in the matter.
- 4.2 Cr Alex Castle declared an impartiality interest in Item Britannia Reserve Lighting Project - Change of Scope Request. The extent of her interest is as the President of the Floreat Athena Football Club supported her during her election campaign. She also purchased a ticket to the Floreat Athena vs Adelaide United match and received an additional minor amount of hospitality, below the threshold for declaration.
- 4.3 Cr Dan Loden declared an impartiality interest Item 10.2 Britannia Reserve Lighting Project - Change of Scope Request. The extent of his interest is that he plays indoor soccer with people who are members of the Floreat Athena Club and executive, and his daughter plays for the Club.
- 4.4 Mayor Cole declared an impartiality interest in Item 10.2 Britannia Reserve Lighting Project - Change of Scope Request. The extent of her interest is that her son is a junior player of the Club.

- 4.5 David MacLennan, CEO, declared an impartiality interest in Item 10.2 Britannia Reserve Lighting Project - Change of Scope Request. The extent of his interest is that his niece plays for Floreat Athena Football Club.

5 STRATEGY & DEVELOPMENT

5.1 ADVERTISING OF AMENDED CHARACTER AREAS AND HERITAGE AREAS POLICY - WILBERFORCE AND KALGOORLIE STREETS

- Attachments:
1. Draft Amended Character Areas and Heritage Areas Policy
 2. Draft Kalgoorlie Street Character Area Guidelines - For Consultation
 3. Draft Wilberforce Street Character Area Guidelines - For Consultation

RECOMMENDATION

That Council:

1. **PREPARES** the amendments to the Character Areas and Heritage Areas Policy as included as Attachments 1, 2 and 3 in accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments in accordance with Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

MAYOR COLE:

How is the consultation proposed to be run with the community and how will the details be communicated?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

As part of the previously consulted Cleaver Precinct Character Area, we developed a 'side by side' comparison document which compared the proposed policy changes to the existing framework. In combination with a community workshop, door knocking and individual calls and emails, this was very effective in explaining to the community exactly what applying 'character guidelines' to an area meant for them and their street. We would be circulating and using a similar method for this consultation.

5.2 OUTCOMES OF ADVERTISING - AMENDMENT NO. 7 TO LOCAL PLANNING SCHEME NO. 2 - LEEDERVILLE PRECINCT STRUCTURE PLAN

- Attachments:
1. Amendment No. 7 to Local Planning Scheme No. 2 - Form 2A
 2. Summary of Submissions

RECOMMENDATION:

That Council:

1. **ENDORSES** the Administration response to submissions, included at Attachment 2, received during advertising of Amendment No. 7 to Local Planning Scheme No. 2;
2. **SUPPORTS** Standard Amendment No. 7 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, included at Attachment 1, for submission to the Western Australian Planning Commission.

CR IOPPOLO:

What was advertised?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Letters were sent to owners and occupiers in the Scheme Amendment area and to the relevant Government Agencies on 3 November 2021 inviting comment until 15 December 2021.

The letters explained that the Leederville Precinct Structure Plan and Place Plan had been prepared and endorsed by Council (14 September 2021) and that Amendment No. 7 to Local Planning Scheme No. 2 would support the implementation of these documents. The letter also directed people to the website with information on imagine Vincent titled 'Design Leederville' with the history of the project and all relevant Precinct Structure Plan, Place Plan and Scheme Amendment documents available.

The letters and website provided details to contact the City for more information. Approximately ten phone calls were received from land owners seeking information regarding the impact of the amendment on their lot.

CR IOPPOLO:

Is it possible to receive the full response from the Water Corporation?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Please find the full submission from the Water Corporation:

'Thank you for your letter dated 3rd of November 2021. The Corporation has no objection to the proposed amendment 7 of the Local Planning Scheme No. 2.

Consistent with advice provided to the City of Vincent in letter dated 5th of July 2021 (attached), the Corporation reviews long-term infrastructure planning in response to amended land uses, zonings, dwelling yields and population projections.

The reclassification of land to 'Centre' does not provide a level of detail of which the Corporation can undertake detailed review of infrastructure planning. This has the potential to constrain and delay development due to adhoc planning analysis.

As noted in the Leederville Precinct Structure Plan Servicing Report, "Once a final plan has been developed and approved, the Water Corporation will then use the revised zoning and density codes to upgrade its infrastructure planning and advise the City of any other issues arising or system upgrades that may be required."

To better service future development in the City, we request that the City provide further information regarding anticipated population densities throughout the Centre.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.'

The Water Corporation will not review their infrastructure planning until the Precinct Structure Plan is approved by the Western Australian Planning Commission. This is due to the fact that the WAPC may require modifications to the plan which may change the density and scale of the precinct and impact Water Corporations Infrastructure Planning.

The information requested regarding anticipated population densities throughout the Centre is outlined in the Precinct Structure Plan and the City of Vincent Local Planning Strategy sets this out for the entire City of Vincent. The Water Corporation has been provided with both of this information to support their planning.

The Water Corporation are the body responsible for planning, funding and delivering reticulated water and sewer infrastructure in Vincent. The City of Vincent has no role to play in this process, other than to provide the Water Corporation with the information they need to carry out their planning. The Water Corporation funds infrastructure upgrades by levying contributions from developers through subdivision approvals and where needed from broader State Government revenue. The City of Vincent is not responsible for the funding of any necessary upgrades.

5.3 PUBLIC OPEN SPACE STRATEGY - IMPLEMENTATION PROGRESS UPDATE

Attachments: 1. Public Open Space Strategy - Implementation

RECOMMENDATION:

That Council NOTES the Public Open Space Strategy Implementation Update as at Attachment 1.

MAYOR COLE AND CR WALLACE:

In relation to the Land Utilisation Policy, when is this policy proposed to be workshopped with Council and completed?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The Land Utilisation Policy is anticipated to be presented for workshop with Council in the last quarter 2022.

MAYOR COLE:

Count the establishment of a POS reserve be included as an item that has been completed

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

A Public Open Space Reserve Fund has been created. As of 31st December the closing balance in the Public Open Space reserve fund is \$657,035. This information is presented to Council monthly in the Financial Statements.

Due to the all tasks under key action 6 not being completed, the entire item is not marked as completed.

MAYOR COLE:

Could the Grosvenor Road closure and trial as a public open space be included in item 7?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Key Action 13 in the implementation spreadsheet has been updated to include:

A trial to temporarily convert a section of Grosvenor Road in the Beaufort Street Town Centre into a pedestrianised area is currently being planned and is scheduled to occur in September-November 2022. The project aims to understand the possibilities for public realm improvements, and demonstrate the benefits of putting people first and creating places for people. The project will also deliver a permanent continuous footpath across Grosvenor Road (adjacent to Beaufort Street) to improve the pedestrian experience of the area.

The Vincent Pedestrian Streets project is being delivered in partnership with RAC, through its Reconnect WA initiative, which aims to create vibrant streets and public spaces for Western Australians to interact and connect with each other. RAC's \$1 million Reconnect WA initiative provides local governments across Western Australia with funding to deliver community-based project which change the look and feel of streets and public spaces.

MAYOR COLE:

Could more information be included in section 17 regarding pesticides and fertilisers?

MANAGER PARKS:

Key Action 17 in the implementation spreadsheet has been updated to include:

The City has reviewed the use of pesticides and fertilisers and continues to review, monitor and control their use. The City uses alternatives management methods where possible including:

- *Use of alternative weed controls (organic pesticide – pelargononic acid, manual removal, use of mulch for weed suppression).*
- *Minimising glyphosate use, including no spraying near playgrounds or during school holidays.*

The use of glyphosate is under constant review. It is currently only used to control perennial woody weeds or perennial running grasses that are not able to be controlled by other options.

All current practices are in accordance with the APVMA (Australian Pesticides Veterinary Medicines Authority).

MAYOR COLE:

Under item 13, is the Woodville Reserve Landscape Plan proposed to be implemented in 21/22 or 22/23?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Key Action 13 in the implementation spreadsheet has been updated to state:

Implementation is scheduled to commence in April/May with a view to complete the majority of works by end of June. The bulk of the shrub planting works will be carried out in July.

CR WORNER:

When will the Woodville Reserve Plan get back on track?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Woodville Reserve Master Plan is scheduled for 24/25.

MAYOR COLE:

What is the status of the North Perth Tennis Club Lease?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

A draft lease for the North Perth Tennis Club is currently being prepared and Administration will work with the club throughout February to finalise.

5.4 DRAFT SMOKE FREE AREAS AND SMOKE FREE AREAS - EDUCATION AND ENFORCEMENT POLICY

- Attachments:
1. Consultation Paper - Smoke Free Town Centre Boundaries
 2. Draft Smoke Free Area Maps
 3. Draft Smoke Free Areas - Education and Enforcement Policy

RECOMMENDATION:

That Council:

1. **ENDORSES** Administrations comments to the submissions received during the smoke free town centre boundaries consultation between May to August 2021 at Attachment 1; and
2. **GIVES** local public notice of its intention to make smoke free areas with the Leederville, Mount Hawthorn, North Perth, Beaufort Street and William Street town centres, as shown in Attachment 2, in accordance with clause 5.18 of the City of Vincent Local Government Property Local Law 2021; and
3. **ENDORSES** the draft Smoke Free Areas - Education and Enforcement Policy, included at Attachment 3, for the purpose of community consultation.

CR GONTASZEWSKI:

Section 3.3 and 3.4 of enforcement policy – public interest factors, the age, health of vulnerability of victim or witness – is this meant to be the victim or witness or the person who is smoking?

MANAGER BUILT, ENVIRONMENT AND WELLNESS:

The policy has been modified, as mention of the victim/witness was an error. Changes to the draft Smoke Free Areas – Education and Enforcement and Policy are detailed below:

3.3 *The following principles would be considered by an authorised person when making enforcement decisions relating to observed non-compliance in smoke free areas:*

- *The number of times an offence has been observed, graduating to enforcement if a person is unresponsive to education;*
- *The safety and vulnerability of the person; and*
- *The public interest to pursue enforcement described in the WA Director of Public Prosecutions: Statement of Prosecution Policy and Guidelines.*

~~3.4 Public interest is contained in the WA Director of Public Prosecutions: Statement of Prosecution Policy and Guidelines. Certain public interest factors relevant to smoke free areas includes:~~

- ~~• Reasonable prospects of conviction; and~~

~~The age, health or vulnerability of a victim or witness.~~

5.5 VARIATION OF LICENCE TO BONNIE BREW PTY LTD - PART OF ROAD RESERVE ADJACENT TO NO. 639 (LOT 1) BEAUFORT STREET, MOUNT LAWLEY (CORNER GROSVENOR ROAD)

Attachments: Nil

RECOMMENDATION:

That Council:

1. **AUTHORISES** the variation of the existing licence over part of road reserve adjacent to No. 639 (Lot 1) Beaufort Street, Mount Lawley (corner Grosvenor Road) between the City and Bonnie Brew Pty Ltd (ACN 642 782 081) to allow Outdoor Furniture (Tables and Planter Boxes) to remain in situ on the Licence Area provided that the Licensee:
 - 1.1 ensures the Outdoor Furniture (Tables and Planter Boxes) that do not obstruct or prevent public access to the road reserve or the Licence Area; and
 - 1.2 affixes the Outdoor Furniture (Tables and Planter Boxes) (that do not obstruct or prevent public access) to the alfresco deck structure, to the City's satisfaction; and
2. **AUTHORISES** the affixing of the common seal of the City of Vincent to the variation of licence in accordance with the City's Execution of Documents Policy.

MAYOR COLE:

Can the Elford also provide chairs in the space after hours so that the table can be used by the public?

EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT:

The Elford's trading hours are 11:00am to 11:00pm/12:00am each day.

Administration had previously advised the Elford that Administration would not support leaving chairs and small tables on the deck after the close of business, as this light movable furniture was likely to be vandalised.

Administration has discussed with the Elford management whether they would be supportive of providing chairs in the space after hours so that the tables could be used by the public in the morning.

The Elford management has advised that they arrive at the site at 6am each morning and they take out the chairs and small tables at this time each day so people can use the space to stop and sit while enjoying a coffee or reading the newspaper. They have observed this happening most mornings and commit to continuing to do this each and every day so that the covered deck area can continue be used by the public in this way.

CR GONTASZEWSKI:

Previously this item went to Main Roads which provided feedback which set the terms of the lease. Was this forwarded to them this time around?

EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT:

- *The City does not have any record of consulting with Main Roads in regard to the licence.*
- *The OCM report dated 20 October 2020 informed that the Department of Planning, Lands and Heritage (DPLH) confirmed that the licence terms satisfied the Minister for Land's requirements. DPLH's approval as the owner of the road reserve was obtained in respect of the Development Application of the alfresco decking.*
- *DPLH's specific consent was not required for the Licence. Consequently, the variation of the licence will not require DPLH's written consent.*

CR GONTASZEWSKI:

What is the current lease fee?

SENIOR LAND AND LEGAL ADVISOR:

The licence fee is \$3,500 plus GST per annum subject to annual CPI.

CR HALLETT:

Is there signage on the decking that is visible without much investigation that it remains a public open space without the public having to purchase products?

EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT:

No. There is no signage required to be provided on the deck stating that the deck is open to the public.

CR WALLACE:

Is admin still satisfied that the terms of the agreement align with the definition of 'license' in the property management framework

EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT:

The Property Management Framework (PMF) covers leasing, licencing and management of the City's properties. The Elford Licence Area is a road reserve and was not intended to be covered by the PMF. For this reason, Administration had in 2020 sought DPLH's confirmation that the licence satisfied the Minister for Land's requirements.

CR WALLACE:

What would be an appropriate fee for the area if it were instead to be leased?

EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT:

The PMF was not intended to apply to road reserves and so has not been used to calculate an appropriate fee if this space was leased.

Allowing the seven (7) large tables and the planter boxes to remain in the space after the Elford closes would not change the Elford's use of this space into a lease as the tables and planters do not restrict access to the space by the public and the space would still remain open to the public.

5.6 EXTENSION OF LEASE AND DEED OF CONTRACT TO BELGRAVIA HEALTH & LEISURE GROUP PTY LTD - LOFTUS RECREATION CENTRE - PORTION LOT 501 (99) LOFTUS STREET, LEEDERVILLE

Attachments: Nil

RECOMMENDATION:

That Council:

- 1. APPROVES an extension to Belgravia Health & Leisure Group Pty Ltd (ACN 005 087 463) of the:**
 - 1.1 Deed of Contract, governing the operation and management of the Loftus Centre, for a further term of 12 months commencing 1 January 2022 and expiring on 31 December 2022 subject to all other terms and conditions remaining the same; and**
 - 1.2 Lease (including the Car Parking Licence) for part of the Loftus Centre at Lot 501 (99) Loftus Street, Leederville, for a further term of 12 months commencing 1 January 2022 and expiring on 31 December 2022 subject to all other terms and conditions remaining the same; and**
- 2. AUTHORISES the affixing of the Common Seal of the City of Vincent to the extension of the Deed of Contract and Lease in accordance with the City's Execution of Documents Policy.**

MAYOR COLE:

Parking licence – allocation of car bays under the licence

EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

20 underground allocated parking bays (LRC identified on the bays) plus ACROD parking.

5.7 ADVERTISING OF NEW POLICY - TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY

- Attachments:
1. Draft Temporary Employment or Appointment of CEO Policy
 2. WALGA Template Policy - Temporary Employment or Appointment of CEO
 3. Council Delegation 2.2.1 - Appointment of an Acting CEO

RECOMMENDATION

That Council **APPROVES** the proposed new Temporary Employment or Appointment of CEO Policy, at Attachment 1, for the purpose of community consultation.

MAYOR COLE:

Could the policy consider the secondment of a temporary CEO from another Local Government in the event of a substantive vacancy

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, this will be added and to clause 3.1(c) and the attachment will be updated in the Council report.

5.8 OUTCOME OF ADVERTISING AND ADOPTION OF NEW ELECTION SIGNS POLICY

- Attachments:**
1. Election Signs Policy (for adoption)
 2. Election Signs Policy (marked up)

RECOMMENDATION:

That Council **ADOPTS** the Election Signs Policy at Attachment 1.

CR WALLACE:

Request a study to see if the signs will be able to put anywhere with these requirements? Is election signage more of a risk than other signage?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The forthcoming Federal Election (April/May 2022) will provide an opportunity to assess the application of the new policy and Administration will seek feedback from candidates to inform this process.

Election signage is often erected by campaign volunteers in an ad-hoc manner whereas other signage is generally better controlled and managed through the local law.

Feedback from candidates will be included in a review of the policy. The draft policy conditions also align generally with that of the City of Stirling.

5.9 ADVERTISING OF AMENDED POLICY - ELECTED MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT

- Attachments:
1. Elected Member Continuing Professional Development Policy - (marked up)
 2. WALGA Template Policy - Council Member Continuing Professional Development

RECOMMENDATION

That Council **APPROVES** the proposed amendments to the Elected Member Continuing Professional Development Policy, at Attachment 1, for the purpose of community consultation.

MAYOR COLE:

Sections 5, 6,7 8 – accommodation, travel, cash allowance and accompanying person – no budget, COVID restrictions no ability to travel and policy reviewed after every election, are these sections necessary?
Foreshadow an amendment to remove those sections

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Noted

5.10 ADVERTISING OF AMENDED POLICY - COUNCIL MEMBERS – ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES POLICY

Attachments: 1. Council Members – Allowances, Fees and Reimbursement of Expenses Policy - (marked up)

RECOMMENDATION

That Council

APPROVES the proposed amendments to the Council Members – Allowances, Fees and Reimbursement of Expenses Policy, at Attachment 1, for the purpose of community consultation. .

MAYOR COLE:

The marked up policy at Attachment 1 refers to the Salaries and Wages Tribunal under the header Introduction, should this read the Salaries and Allowances Tribunal?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, this will be corrected and the attachment will be updated in the Council report.

CR HALLETT:

Clause 1.1 of the existing policy provides that the annual meeting attendance fee is provided on the principle that each Council Member regularly attends meetings of Council. The marked up policy is proposing the removal of this condition. If this condition is removed, how will the requirement for Council Members to regularly attend meetings of Council be enforced?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Clause 4(2)(d) of the City's [Code of Conduct for Council Members, Committee Members and Candidates](#) requires Council Members to attend and participate in Council Briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role. This rationale has been included in the Council report.

5.11 SUBMISSION ON PROPOSED REFORMS - LOCAL GOVERNMENT ACT 1995

- Attachments:**
1. **City of Vincent Response to Proposed LGA Reforms**
 2. **Local Government Reform Summary of Proposed Reforms WALGA Submission**

RECOMMENDATION:**That Council:**

1. **ENDORSE** the City's submission regarding the *Local Government Act 1995* proposed reforms, as at Attachment 1; and
2. **AUTHORISE** the Chief Executive Officer to submit the City's response to the Department of Local Government, Sport and Cultural Industries.

MAYOR COLE:

With regard to Item 1.1 - Early Intervention Powers, I found the City's response to be a little unclear. Could the language be cleared up?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, this will be updated and the attachment will be updated in the Council report.

MAYOR COLE:

The City's comments to Item 3.4 – Additional Online Registers, lists the registers that the City publishes. The City also publishes the Register of Fees, Expenses and Allowances Paid to Council Members. Could this register please be added to the list?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, this will be added and the attachment will be updated in the Council report.

MAYOR COLE:

The City's comment in relation to Item 3.5 - Chief Executive Officer Key Performance Indicators (KPIs) be Published, notes that there may be instances where a Council wishes to set KRIs for their CEO that are personal or confidential. Could these be referred to as professional development KPIs?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, this will be updated and the attachment will be updated in the Council report.

MAYOR COLE:

In relation to Item 4.3 – Introduction of Preferential Voting, I would like to flag an amendment to indicate that the introduction of compulsory voting would be the biggest improvement to community representation.

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Noted.

MAYOR COLE:

In relation Item 5.5 - Education Allowance could we include clarification on who sets the defined maximum value and whether it is cumulative.

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Yes, this will be added and the attachment will be updated in the Council report

MAYOR COLE:

In relation Item 6.8 - Cost of Waste Service to be Specified on Rates Notices could we include clarification as to whether this is a separate waste charge or whether the proposal is to note the waste component within rates. We should also note that this would have implications for pensioner rebates and ensure that this is highlighted in our submission so that the issue is considered by the State Government

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE

Yes, this will be added and the attachment will be updated in the Council report.

CR CASTLE:

Flagged an amendment with regard to the City's response to Item 6.8 – Cost of Waste Services to be Specified on Rates Notices.

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Noted

CR HALLETT:

Would you be able to clarify whether this submission is for the purpose of the WALGA State Council, for the Department of Local Government etc directly, or both? Are you able to outline the timeline for developing this submission, the rationale for not including community engagement and how the positions in the submission were arrived at?

In 2017 the (then) Minister for Local Government commenced a review of the Local Government Act 1995. This was the first major review since the Act was introduced more than 20 years ago and the review aims to modernise the Act, reduce red tape and ensure WA communities benefit from efficient and effective councils. The theme for the review at the time was Agile, Smart, Inclusive and Phase 1 focussed on modernising local government. The key focus areas included:

- Electronic availability of information*
- Meeting public expectations for accountability, including gift disclosures*
- Meeting community expectations of standards, ethics and performance*
- Building capacity through reduction of red tape*

Consultation was completed in 2017 and the report was presented to Parliament in late 2018.

Consultation for Phase 2 "delivery for communities" commenced late 2018 supported by various community and industry workshops, forums and discussion papers. Consultation has been open to all local government stakeholders, including the community.

Council has been provided the opportunity to consider matters in the reform process through workshops and establish the City's position on a range of issues.

In respect to the most recent consultation (late 2021) the initial deadline set by the Minister was short and this restricted the ability to workshop the reform proposals with Council Members. The City's Administration developed the draft response based around the City's current practice and influenced by Council's past positions.

This timeframe did not provide the capacity to obtain community feedback on the draft response, however the paper was distributed to all Council Members in late December 2021 to obtain feedback.

Can you provide some commentary on the suggestion from Mr Main that we develop a policy related to vexatious complaints and the proposal of an independent body being established to enable citizens to get assistance if they are having difficulty obtaining a response from their Council?

Is there a way for the city to also encourage community members to participate in this current state government consultation process and will there be future opportunities to comment on more detailed proposals?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Council and the City is very conscious of meeting the reasonable needs of its Community and stakeholders. Regrettably there are some customers that are not satisfied and refuse to accept the outcome of a matter. The City will inform dissatisfied customers of their rights and the opportunity to pursue a review through external parties (including the Ombudsman). Some will continue to pursue the matter with the City and this will mean that City's resources need to be redirected away from other matters to respond. The City is reviewing its customer complaints policy and procedures and will incorporate the best practice approach recommended by the Ombudsman.

In respect to the current consultation process for the Local Government Reform proposals, the City does not know if there will be a further opportunity to provide feedback. The current consultation period ends 5pm 25 February 2022. Anyone may submit comments either directly by email, or by adding comments to the Summary of Proposed Reforms document and emailing the document to actreview@dlgsc.wa.gov.au

Details can be found on the following link - <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-reform-consultation>

The City could advise the community through social media platforms of the opportunity to provide feedback directly to the Department of Local Government.

6 INFRASTRUCTURE & ENVIRONMENT

6.1 MONMOUTH STREET RESERVE ECO-ZONING - RESULTS OF CONSULTATION

- Attachments:
1. EHQ Consultation Summary
 2. Proposed Eco-Zoning Landscape Plan (Option 2)
 3. Proposed Eco-Zoning Landscape Plan (Option 1)

RECOMMENDATION:

That Council APPROVES the implementation of eco-zoning at Monmouth Street Reserve as shown in Attachment 2.

MAYOR COLE:

Could more detail on the costs be included?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

A breakdown of costs has been included in the report.

CR HALLETT:

Which policy requires a jacaranda tree on the verge?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

The City's Street Tree Policy states the following guideline for planting street trees:

2 (ii) (e) Tree shall be planted to ensure consistency of street tree species in the applicable street, subject to community consultation where an entire street is to be planted.

In this case the street trees in this location are Jacarandas so in line with the policy and to ensure consistency a Jacaranda is proposed to be planted in this this verge "gap".

CR LODEN:

What is the ongoing cost of waste collection?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

The typical cost to empty a street bin is \$6.30 per lift (includes collection and disposal). Therefore a bin serviced 5 x weekly would cost \$1638.00 per year.

CR WORNER:

What is the cost to add a dog bag dispenser and bin?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

There is already a dog bag dispenser and bin on site which is sufficient to service this very small area. This was not shown on the plan presented to Council.

6.2 BRITANNIA RESERVE LIGHTING PROJECT - CHANGE OF SCOPE REQUEST

Attachments: 1. Project Scope - Original & Proposed

RECOMMENDATION:

That Council:

1. **APPROVES** that the Britannia Reserve Lighting Project proceeds as originally scoped, and;
2. **APPROVES** a budget reallocation of capital funds of \$320,000 for the provision of lighting to the Britannia Reserve Lighting renewal project sourced from savings identified in the 2021/2022 Capital Works budget.

MAYOR COLE:

Declared an Impartiality interest as her son is a junior with Floreat Athena Football Club which practices there. Could more clarity be provided on the list of savings?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

This information has been added to the report.

CR GONTASZEWSKI:

Growth in membership reason for 6 fields – what portion of the Floreat Athena members that would be training there are Vincent residents?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

In 2018 the percentage of FAFC members from the City was 28%. This has risen in 2021 to 46% overall; when you look at Juniors only the percentage is 68.5% from the City.

In 2018 Leederville Cricket Club had 40% of its members from the City of Vincent and in 2021 the Leederville Mount Hawthorn Junior Cricket Club had 80% of its members from the City.

CR CASTLE:

Brief review of impact of reducing scope on the site for skate park?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

The proposed sports ground lighting locations for both options will not impact either of the potential skate spaces at Britannia Reserve.

7 COMMUNITY & BUSINESS SERVICES**7.1 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 NOVEMBER 2021 TO 30 NOVEMBER 2021**

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

RECOMMENDATION:

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

EFT payments, including payroll and BPAY	\$5,295,975.70
Cheques	\$2,500.95
Direct debits, including credit cards	\$157,334.56
Total payments for November 2021	\$5,455,811.21

NO QUESTIONS

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 DECEMBER 2021 TO 31 DECEMBER 2021

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

RECOMMENDATION:

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

EFT payments, including payroll	\$7,223,961.43
Cheques	\$187.35
Direct debits, including credit cards	\$201,717.93
Total payments for December 2021	\$7,425,866.71

NO QUESTIONS

7.3 INVESTMENT REPORT AS AT 30 NOVEMBER 2021

Attachments: 1. Investment Statistics as at 30 November 2021

RECOMMENDATION:

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

NO QUESTIONS

7.4 INVESTMENT REPORT AS AT 31 DECEMBER 2021

Attachments: 1. Investment Statistics as at 31 December 2021

RECOMMENDATION:

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

NO QUESTIONS

7.5 FINANCIAL STATEMENTS AS AT 30 NOVEMBER 2021

Attachments: 1. Financial Statements as at 30 November 2021

RECOMMENDATION:

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

CR GONTASZEWSKI:

Can I get a breakdown of the \$375k in terms of the insurance premium recoups and how that works in relation to revenue? Why was it higher than anticipated and is this something we are thinking may continue into the future?

EXECUTIVE MANAGER FINANCIAL SERVICES:

A breakdown of the \$375,686 favourable variance of Other Revenue has been provided below, which included a number of factors including insurance premiums.

We have noted a classification error in the internal allocations below, which will be corrected in the January 2022 reports. There will be no impact to the overall reported result.

Insurance Premium recoups were approximately \$40k favourable to budget at Nov 21.

	Adopted Budget	YTD Budget	YTD Actual	YTD Variance
	2021/22	30/11/2021	30/11/2021	
Other Revenue				
Other Revenues	33,650.00	4,450.00	35,067.00 -	30,617.00
Reimbursements	1,104,724.00	482,876.00	420,357.00	62,519.00
Internal Allocations	2,795,950.00	1,164,975.00	1,842,749.00 -	677,774.00
Internal Recovery	(2,795,950.00)	(1,164,975.00)	(1,435,161.00)	270,186.00
	1,138,374.00	487,326.00	863,012.00 -	375,686.00

7.6 FINANCIAL STATEMENTS AS AT 31 DECEMBER 2021**Attachments: 1. Financial Statements as at 31 December 2021****RECOMMENDATION:**

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

MAYOR COLE:

How is the City tracking against capital works budget, will Council be briefed at budget workshop? There has been a significant increase in costs, is a session needed to discuss capital works budget and rising costs? Can a report be presented to Council on projects that are not going to be realised this financial year and ones that will have cost increases, including a forecast how we will deliver against the budget and which projects will take priority?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The Capital Works Programme is currently being updated and reviewed as part of the mid-year review and will be an item for discussion at the next Budget Workshop.

7.7 3 YEAR FUNDING AGREEMENT - Y WA

- Attachments:**
1. Y WA Progress Report
 2. Y WA Deliverables

RECOMMENDATION:

That Council APPROVES the 3-year funding agreement with Y WA in the amount of \$50,000 (excluding GST) per year, commencing July 2022 and concluding in June 2025.

CR HALLETT:

Under the Sustainability Implications, it refers to this item potentially having negative environmental impacts, which I suspect would be negligible. Can we please get some more information on the requirements that are established for recipients of a City community grant in relation to sustainability, reconciliation and public health.

COORDINATOR COMMUNITY DEVELOPMENT

The comment relating to the negative environmental impacts has been removed.

Sustainability

Recipients of community grants are required to ensure that:

- *Free portable water is to be available for patrons as an alternative to bottled water and the use of refillable bottles is to be actively promoted;*
- *Plastic drinking straws are not be supplied; and*
- *Balloons are not used or supplied by the recipient or third parties.*

Reconciliation

Recipients of community grants are required to adhere to the Recognition of Noongar Boodjar Culture and History through the Welcome to Country and Acknowledgement of Country Policy.

In particular:

- *where the City has provided funding or sponsorship for festivals and events, an Acknowledgement of Country must be conducted;*
- *where funding has been provided for significant events that involve State and Federal Government Representatives, major festivals and events, a Welcome to Country must be conducted; and*
- *ensuring the presenter of a Welcome to Country has the opportunity to display the Aboriginal and Torres Strait Islander flag.*

Public Health

Administration is currently considering requirements for community grant recipients to ensure the following alignment to the City's Public Health Plan 2020 – 2025 including (but not limited to):

- *Alcohol free events;*
- *Smoke free events;*
- *Smoke free premises;*
- *Inclusive communities; and*
- *Promotion of healthy eating (where applicable);*

7.8 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO INVESTMENT POLICY

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

RECOMMENDATION:

That Council **ADOPTS** the Investment Policy at Attachment 1.

NO QUESTIONS

8 CHIEF EXECUTIVE OFFICER

8.1 REPEAL OF INFORMATION AND COMMUNICATIONS TECHNOLOGY - CONDITIONS OF USE POLICY - 1.1.1

Attachments: 1. Information and Communications Technology - Conditions of Use policy

RECOMMENDATION

That Council REPEAL the Information and Communications Technology - Conditions of Use policy (1.1.1) at Attachment 1.

NO QUESTIONS

8.2 COUNCIL RECESS PERIOD 2021-2022 - RECEIVING OF ITEMS DEALT WITH UNDER DELEGATED AUTHORITY BETWEEN 15 DECEMBER 2021 AND 1 FEBRUARY 2022

- Attachments:
1. Lease of 596 (Lots 49 50) Beaufort Street Mount Lawley for Barlee Street Car Park
 2. Britannia Reserve Lighting Project - Change of Scope Request (002)

RECOMMENDATION:

That Council RECEIVES the report on the items of business dealt with under delegated authority during the over the Council recess period, 15 December 2021 and 1 February 2022, which are:

1. Lease of 596 (Lots 49 & 50) Beaufort Street, Mount Lawley for Barlee Street Car Park; and
2. Britannia Reserve Lighting Project - Change of Scope Request.

NO QUESTIONS

8.3 INFORMATION BULLETIN

- Attachments:**
1. **Minutes of the Tamala Park Regional Council Meeting held on 9 December 2021**
 2. **Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 16 December 2021**
 3. **Statistics for Development Services Applications as at the end of December 2021**
 4. **Register of Legal Action and Prosecutions Monthly - Confidential**
 5. **Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 21 January 2022**
 6. **Register of Applications Referred to the MetroWest Development Assessment Panel - Current**
 7. **Register of Applications Referred to the Design Review Panel - Current**
 8. **Register of Petitions - Progress Report - January 2022**
 9. **Register of Notices of Motion - Progress Report - January 2022**
 10. **Register of Reports to be Actioned - Progress Report - January 2022**
 11. **Council Workshop Items since 23 November 2021**
 12. **Council Meeting Statistics**
 13. **Council Briefing Notes - 14 December 2021**
 14. **Quarterly Street Tree Removal Report - January 2022**

RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated February 2022.

NO QUESTIONS

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 8.02pm.