



CITY OF VINCENT

NOTES

Council Briefing

1 March 2022

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

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Jonathan Hallett Cr Ashley Wallace Cr Ron Alexander Cr Dan Loden Cr Ross Ioppolo Cr Suzanne Worner	Presiding Member South Ward (electronically) North Ward (electronically) South Ward (electronically) South Ward (electronically) North Ward (electronically) North Ward (electronically) South Ward (joined at 6.44pm during item 5.7) North Ward
IN ATTENDANCE:	David MacLennan Andrew Murphy John Corbellini Virginia Miltrup Jay Naidoo Tara Gloster Rhys Taylor Peter Varris Wendy Barnard	Chief Executive Officer Executive Director Infrastructure & Environment (electronically) Executive Director Strategy & Development (electronically) Executive Director Community & Business (electronically) Manager Development & Design (electronically) Manager Policy & Place (electronically) Executive Manager Financial Services (electronically) Executive Manager Corporate Strategy & Governance Council Liaison Officer
Public:	One member of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Emma Cole, 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

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 Mario Zulberti of Leederville – Item 5.4

- Stated he is CEO of Rosewood Group, which owns the aged care facility next to the land in question

- Stated that Rosewood proposes world class dementia garden where the residents could spill out onto a park and engage in a range of different activities and enjoy different spaces.
- Mentioned that the front part of the land could be an NDIS housing development, which they would subcontract.
- Stated that access would be granted to school children during designated times, and at other times seniors from Leederville Gardens could use the activity centres.
- Stated that if Rosewood owned the site the dementia garden concept would be an Australia-first initiative and a trail blazer in this area.

There being no further speakers, Public Question Time closed at approximately 6.07pm.

3 DECLARATIONS OF INTEREST

Nil

4 STRATEGY & DEVELOPMENT

5.1 NO. 31 (LOT: 74; D/P: 32) SMITH STREET, HIGHGATE - PROPOSED ALTERATIONS AND ADDITIONS TO PLACE OF WORSHIP

Ward: South

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Heritage Impact Statement
4. Determination Advice Notes

NO QUESTIONS

5.2 NO. 188 (LOT: 1; D/P: 33790) VINCENT STREET, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO PLACE OF WORSHIP**Ward:** South

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Heritage Impact Statement
4. Table of Proposed Works
5. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the development application for Alterations and Additions to Place of Worship at No. 188 (Lot: 1; D/P: 33790) Vincent Street, North Perth, in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Development Plans

This approval is for Alterations and Additions to Place of Worship as shown on the approved plans dated 4 November 2021, 13 December 2021 and 10 January 2022. No other development forms part of this approval;

2. Stormwater

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

3. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details as indicated on the approved plans, to the satisfaction of the City;

4. Cleaning of Stonework

Any cleaning of stonework of the building shall be undertaken with pressure water washing and soft brush cleaning so that no pitting or raking of the surface stone occurs, to the satisfaction of the Department of Planning, Lands and Heritage; and

5. Documented Record

Within 28 days of completion of the approved works, a photographic record of the completed works (internal and external) shall be submitted to the City for inclusion in its Historical Archive Collection, to the satisfaction of the City.

NO QUESTIONS

5.3 NO. 3 (LOT: 43; D/P: 1237) ALMA ROAD MOUNT LAWLEY - PROPOSED GROUPED DWELLING (AMENDMENT TO APPROVED)**Ward:** South**Attachments:**

1. Consultation and Location Map
2. Final Development Plans
3. Approved Plans - Determined by Council 30 April 2019

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application to amend Development Approval 5.2018.477.1 dated 30 April 2019 for Grouped Dwelling at No. 3 (Lot: 43; D/P: 1237) Alma Road, Mount Lawley, in accordance with plans shown in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2018.477.1 granted on 30 April 2019 continue to apply to this approval, except as follows:
 - 1.1 Condition 6.3 is deleted.

NO QUESTIONS

5.4 SALE OF NO. 26 BRENTHAM STREET, LEEDERVILLE

- Attachments:**
1. No. 26 Brentham Street, Leederville - Location and Current State of Land
 2. No. 26 Brentham Street, Leederville - Land and Surrounding Public Open Space
 3. Brentham Street Reserve Potential Improvements
 4. 26 Brentham Street - Market Valuation Report - Confidential

RECOMMENDATION:

That Council:

1. **APPROVES** the disposal of the City's Lot 37 (No. 26) Brentham Street, Leederville, pursuant to section 3.58 of the *Local Government Act 1995*, via public tender:
 - 1.1 the Request For Tender criteria would include the terms of sale, offer, any conditions, and proposed settlement date; and
2. **NOTES:**
 - 2.1 proceeds of a sale as per Recommendation 1 would be held in the Public Open Space reserve to create or enhance POS within the City of Vincent, ideally in areas of shortfall such as Mount Hawthorn;
 - 2.2 Administration will consult with the community regarding a landscape plan within the Brentham Street Reserve green space (comprising new play equipment, extension of footpath and lighting through to Bourke Street, additional trees, and landscaping) to be constructed using part proceeds of a sale not exceeding \$299,000; and
 - 2.3 Administration will present a separate report to Council at its March 2022 Meeting regarding the rezoning of the whole of No.26 Brentham Street to *Residential R60*.

MAYOR COLE:

Can a map with the area in question be provided and also a high level explanation of the options that could be explored to create additional public open space – private land purchase opportunities, road reserve, potential long term lease opportunities, etc.

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

A map from the City's Public Open Space Strategy has been included as an attachment to the Council Meeting report. This map identifies the North-West section of Mount Hawthorn as having a shortfall of POS. The 'Sale Process' section of the report has been edited to include further information regarding opportunities for the use of potential funds. Upon completion of the proposed RFT process, Council would be presented with all offers received, and with further information regarding specific areas suitable for acquisition and opportunities for road reserves to be repurposed into POS – this will be reflected in updated recommendations in the report.

CR CASTLE:

How could we deal with Item 5.5 and 5.4, if one is passed and the other is not?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

If Council approves the rezoning without supporting the sale, the City would go through the scheme amendment process for no apparent benefit to the City, nor would it affect the current land use of 26 Brentham Street. If Council approves selling the land and does not approve the scheme amendment, it would affect the market value of the land and reduce the potential monetary benefit to the City that would be applied to benefit the wider Vincent community in enhancing POS in shortfall areas.

MAYOR COLE:

Should there be reference in 5.5 to 5.4? Reverse the order in the agenda for next week?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Due to technical limitations the request to reverse the order of items 5.4 Sale of No 26 Brentham Street, Leederville and 5.5 Amendment 8 to Local Planning Scheme No. 2 (No. 26 Brentham Street, Leederville)

is unable to be achieved in the Council agenda papers. In accordance with the Meeting Procedures Local Law the Presiding Member is able to alter the order of business for the convenience of the meeting.

MAYOR COLE:

Contact with Aranmore Primary School – has there been any feedback in relation to have a landscape plan and renewed playground? Provide an update

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The City has met with the Principal of Aranmore Catholic Primary School who has confirmed they support the proposed landscape plan and renewed playground.

MAYOR COLE:

Play equipment – if the school wants it can it still be gifted to them?

EXECUTIVE MANAGER INFRASTRUCTURE AND ENVIRONMENT

The Principal at Aranmore Catholic Primary School has advised that they cannot accept and use 'used' playground equipment on site.

MAYOR COLE:

What height would R60 zoning permit?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

At the Council Briefing it was stated that the deemed-to-comply height of the site and the surrounding properties was two (2) storeys. This was incorrect. The deemed-to-comply height of the site and the surrounding properties is actually three (3) storeys.

CR LODEN:

POS Strategy information could be included? What would the funds be used for, and what would the benefits be? Will the benefits be made clear?

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Additional information has been add to report.

CR CASTLE:

Recommendation 2.1 "ideally" – is that binding enough to say it will be spent in that area?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The recommendation has been modified to change the word 'ideally' to 'specifically'.

CR WORNER:

Could this possibly be an apartment block?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

With an R60 zoning, the land could be used for an apartment building.

The RFT criteria is recommended to consider the suitability of the future use of the land. The results of this criteria would be presented to Council to consider any offers presented.

Cr Loden left the meeting at 6.32pm.

Cr Loden returned to the meeting at 6.34pm.

5.5 AMENDMENT 8 TO LOCAL PLANNING SCHEME NO. 2 (NO. 26 BRENTHAM STREET, LEEDERVILLE)

- Attachments:**
1. Form 2A - Amendment 8 to Local Planning Scheme No. 2
 2. Surrounding Public Open Space
 3. Map of Surrounding Landholdings

RECOMMENDATION:

That Council **PREPARES** Amendment 8 to Local Planning Scheme No. 2, included as Attachment 1, pursuant to section 75 of the *Planning and Development Act 2005*, to reclassify a portion of Lot: 37 (No. 26) Brentham Street, Leederville from Public Open Space to Residential R60, for community consultation pursuant to Section 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

NO QUESTIONS

5.6 RESCINDING OF POLICY NO. 4.1.23 - STATE ADMINISTRATIVE TRIBUNAL**Attachments:** 1. Draft State Administrative Tribunal Management Practice**RECOMMENDATION:****That Council:**

1. RESCINDS Policy No. 4.1.23 – State Administrative Tribunal, pursuant to section 2.7 of *Local Government Act 1995*; and
2. NOTES the management practice, included at Attachment 1, to be managed and maintained by Administration.

NO QUESTIONS

5.7 ADVERTISING OF AMENDED POLICY - POLICY NO. 7.5.3 - EDUCATION AND CARE SERVICES

- Attachments:**
1. Engagement Results Report
 2. Draft Local Planning Policy: Education and Care Services
 3. Local Planning Policy: Education and Care Services - Tracked Changes

RECOMMENDATION:

That Council **PREPARES** Amendment 2 to Local Planning Policy No. 7.5.3 – Education and Care Services, included at Attachment 2, for the purpose of public advertising, pursuant to clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

MAYOR COLE:

30% share in outdoor areas, with a preference for natural shade – should canopy requirements be included.

MANAGER POLICY & PLACE:

The Policy has been amended to require 30 percent of the external play space to be provided as canopy coverage.

AYOR COLE:

Consideration for access to natural light and ventilation?

MANAGER POLICY & PLACE:

The Education and Care Services National Regulations 2012 include provisions relating to natural sunlight and ventilation. These requirements are also governed by the Building Codes of Australia.

MAYOR COLE:

Protect privacy of adjoining land owners has been included, should privacy of children be included in objectives.

MANAGER POLICY & PLACE:

Objective Three of the Policy has been updated to require privacy for the child care premise users.

MAYOR COLE:

Should minimum room sizes be included?

MANAGER POLICY & PLACE:

Minimum room sizes are determined by the Education and Care Services National Law (WA) Act 2012 and Education and Care Services National Regulations 2012. It is determined based on the number of children attending the service.

MAYOR COLE:

Optimal environment for children – super centre with big numbers of children, is there an optimal number for child care centres?

MANAGER POLICY & PLACE:

The Education and Care Services National Regulations 2012 include provisions relating to the number of children per square metre:

- 3.25sqm of indoor space per child; and
- 7sqm of outdoor space per child.

The number of children is also determined by the number of carers and qualified carers and parking requirements.

Limiting child numbers further may deter operators from providing child care centres within the City of Vincent, or result in unforeseen impacts. A one size fits all approach would not consider individual site context and may result in over or under development of sites.

A review of eight local governments within the metropolitan area was undertaken. The City of Perth is the only local government to include a maximum number of children per centre (maximum of 25 with the ability to increase to 40). This Policy was adopted in 1999 and is outdated.

New South Wales (NSW) State Government has released a Child Care Planning Guideline document that establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. The guidelines cover seven principles (context, built form, adaptive learning spaces, sustainability, landscape, amenity and safety). No local planning policies for individual local governments was found when reviewed.

The number of children permitted within child care centres in NSW is determined based off the same criteria as WA (e.g. indoor/outdoor spaces, parking, number of carers).

CR GONTASZEWSKI:

Definition of family day care service – is the intention that family day care should be run through a service, so has to be on the register.

MANAGER POLICY & PLACE:

Yes, family day care residence or family day care venue must obtain approval through an approved service. The family day care service must undertake annual reviews of the residence or venue to ensure the safety and protection of the children.

CR GONTASZEWSKI:

Adjacent to commercial use – if non-residential use, like a park or place of worship, why was that not included?

MANAGER POLICY & PLACE:

The Policy has been updated to refer to other non-residential land uses.

CR GONTASZEWSKI:

Would existing centres be approved with the new policy provisions in place?

MANAGER POLICY & PLACE:

A review of several child care centres within the City was undertaken. Key characteristics are highlighted below.

257 Walcott Street:

- *Local Centre;*
- *Adjacent to residential properties (separated by a laneway);*
- *Outdoor play space on upper level, towards the rear of the lot (adjacent to residential properties). Landscaping and fencing used to manage noise and visual impact; and*
- *Vehicle access was prohibited to be via Walcott Street.*

This proposal would not meet clause 3.1 b) of the Policy. This location was appropriate as it provided an appropriate design response to the site context, and provided activation of the frontage.

79 Paddington Street:

- *Residential zone (adjacent to Charles Street);*
- *Building and play space is located away from residential properties (optimal location); and*
- *Short term parking reasonably located away from residential properties. Long term parking adjacent to residential properties (deemed appropriate as limited movement would be expected).*

This proposal would not meet clause 3.2 of the Policy as it is not located adjacent to other non-residential development. However the application proposed all play space and parking areas away from the adjoining residential development to mitigate amenity impacts.

233 Scarborough Beach Road (change of use from Consulting Rooms to Child Care Premises):

- *Mixed use zone, adjacent to a Residential zone;*
- *Long term parking adjacent to Residential zone. On-street drop off/pick up on Paddington Street;*

- *Outdoor play space is located adjacent to other Mixed Use zones.*

This proposal is located within a Mixed Use zone and can accommodate non-residential development. The application was approved with the requirement for acoustic treatments to be provided to mitigate amenity impacts.

5.8 CITY OF VINCENT REBOUND PLAN - QUARTERLY UPDATE

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

RECOMMENDATION:

That Council **NOTES** the:

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

MAYOR COLE:

Status of pop up play initiative at Edinburgh Street Park.

EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

Pop up play agility workshop planned during Youth Week (April 11-15).

Young people who live in the area surrounding the Edinboro Street Reserve will be invited to attend a workshop which will include a run through of the draft pop up play design including the ability to suggest a few minor alterations to the design.

In anticipation of COVID restrictions, bookings will be required as well as masks and physical distancing. The session will be run outside by a qualified fitness instructor, parks and community development staff. If COVID restrictions increase, we may look at online options. Following the workshop, the obstacle course elements will be ordered and installed.

The planned youth week activities, including this workshop, will be presented to the next CYPAG meeting in March for discussion.

MAYOR COLE:

Update on how the Events grant funding. Whether receiving any interest at this difficult time. The report does talk about whether we move to an annual grants funding process for that.

EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

Administration has currently received 9 applications for festival and event funding events to take place in 2022/2023 financial year, applications will close 14 March. Most events are occurring during spring and summer.

CR CASTLE:

Update on the state of events, I think we have all seen a number of cancellations recently and I just want to get a sense of if any things are still running, and that might help us direct some support if it is needed.

EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

Events are currently in another uncertain wave with COVID-19 restrictions, the hardest one to adhere to is the 500 capacity limits which will hopefully only be in place for 3-4 weeks as borders open.

We have seen an increase of external/private events and activations in local parks, these are taking place almost every weekend. Booking volume is up 40% (18 Feb to 31 Mar) compared to the same time last year following the State Government 2msq rule applying to public indoor facilities and home gatherings being restricted to 30 people, moving many of these events to parks and indoor facilities that cater for over 30 people.

Events that have been cancelled recently:

- Hyde Park Fair;
- St Patricks Day; and
- Mt Hawthorn Hawkers Markets.

Events going ahead:

- *Picnic on the Pitch;*
- *RTRFM Neon Picnic – working to go ahead with maximum 500 people at any one time;*
- *Noongar Radio First Nations Welcome All Nations;*
- *Anzac Day – working with RSL to run a COVID safe event;*
- *Native Plant Sale – will run in sessions to ensure crowd can be dispersed; and*
- *Citizenships.*

CR CASTLE:

Broad health check on how businesses are coping with the changing environment?

MANAGER POLICY & PLACE:

As part of the City's Place Performance Measurement Study, Administration worked with Curtin University students to survey City of Vincent businesses between 7 December 2021 and 31 January 2022. Although the timing of the survey does not capture the impact of the new February/March restrictions on business perception, it does establish a baseline health check of business confidence prior to the border opening and widespread community transmission. A key question within this survey was – how businesses best describe their trade and sales pre-COVID (before February 2020) compared to their current trade and sales conditions. Of the 148 business that answered this question:

- *21 percent described conditions as the same;*
- *20 percent believed it to be a little worse;*
- *15 percent believed it to be a little better;*
- *18 percent believed conditions this year were a lot worse;*
- *10 percent believed conditions were a lot better; and*
- *16 percent were not sure or declined to answer.*

The survey responses also indicated businesses were concerned with:

- *the potential of losing customers who do not want to be vaccinated, wear masks or who feel like their privacy is being intruded upon;*
- *the need to hire extra staff and the time implications of checking vaccination requirements; increased costs of cleaning;*
- *their ability to move to a primarily takeaway business (rather than dine in); and*
- *the reduced capacity limits; and their fears from previous experiences with lock downs and mandates.*

Business perceptions are currently mixed. Some businesses report doing well whilst others note they have been struggling. The ability to retain staff seems to be an ongoing concern. Administration continues to monitor and engage with businesses in person and work with them to find solutions to challenges that arise throughout the ever-changing environment. Administration will report these findings through the monthly Rebound Roundtable and quarterly Rebound Plan reporting.

5.9 ADVERTISING OF NEW POLICY - DRAFT VIBRANT PUBLIC SPACES POLICY

- Attachments:**
1. Draft Development on City Owned and Managed Land Policy - Summary of Submissions
 2. Draft Development on City Owned and Managed Land Policy - Policy Restructure
 3. Vibrant Public Spaces Engagement Results
 4. Draft Vibrant Public Spaces Policy

RECOMMENDATION**That Council:**

1. **APPROVES** the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising; and
2. **AUTHORISES** the Chief Executive Officer to advertise the proposed new policy and invite public comments for a period of at least 21 days.

MAYOR COLE:

Establishment fee but no ongoing fee, would we be approving structures ongoing? If the structure is in the public realm and not maintained who is responsible? Or what happens when the City needs to do works?

MANAGER POLICY & PLACE:

The draft Policy Guidelines include applicant responsibilities for each vibrant public space type. These have been developed to be detailed and clear to ensure that the applicant is aware of their responsibilities for the life of the vibrant public space.

The vibrant public space agreement for each applicant will detail these responsibilities ensuring that the applicant agrees and adheres to the requirements for hosting a vibrant public space.

In addition to the responsibilities, the agreement is to include the relevant public space type (structure) definition to be acknowledged and adhered to by the applicant. This inclusion is to ensure that the structure meets the intended purpose and is publicly accessible as prescribed by the draft Policy and Policy Guidelines.

The agreement is to include a copy of the approved vibrant public space structure design, with the applicant required to construct the structure accordingly. As per the applicant responsibilities within the draft Policy Guidelines, the following is to be included in the vibrant public space agreement:

- *Applicant must notify the City 24 hours prior to the installation of any approved structure, to confirm the installation date and time, and within 24 hours of completing installation, to confirm the installation is complete.*

A number of applicant responsibilities within the draft Policy Guidelines refer to maintenance, and will be included in the vibrant public space agreement to ensure that the structure is of a high standard and is as approved at all times. These responsibilities are as follows:

- *Applicant must ensure the structure is well maintained in a clean, tidy, good, inoffensive and aesthetically appealing condition at all times.*
- *Applicant must ensure any plants associated with the structure are maintained in a healthy, neat and tidy condition at all times.*

A number of applicant responsibilities within the draft Policy Guidelines refer to removal of the structure, and will be included in the vibrant public space agreement to ensure that the structure can be removed as required. These responsibilities are as follows:

- *Applicant must remove the structure and replace any planting, at the applicants expense, and make good to the satisfaction of the City at the request of the City or public utility provider within 14 days of receiving the request. Reasons for removal requests may include but are not limited to required service access and non-compliance with the executed agreement.*

- In the case of planned maintenance, the applicant is responsible for the removal, storage and reinstallation of the structure.
- Note that if a parklet or eatlet is paved it is not required to be removed during road works/resurfacing making maintenance easier in comparison to a parklet or eatlet with a decked platform as its base.

The detailing of the applicant responsibilities in the Policy Guidelines and subsequent agreement will allow the City to take compliance where the Policy Guidelines and agreement are not being met. The City's current policy framework does not provide such detail and the new Policy will better assist the City when taking any required compliance action. If compliance requirements continue to not be met and the agreement is not being adhered to, the City has the right to remove the structure. This will be outlined in the vibrant public space agreement and the cost to remove the structure will come from the approval fee paid by the applicant.

It should be noted that the agreement will vary slightly for each vibrant public space structure type based on the specific detail of that structure as per the relevant applicant responsibilities section of the Policy Guidelines.

MAYOR COLE:

What types of permanent structures could we be looking at?

MANAGER POLICY & PLACE:

The City at present has a number of structures which are located on City owned and managed land. These structures are currently classified as street furniture, parklets and outdoor eating areas. The draft Policy would result in a reclassification of these structures as follows:

Existing Structure	Current Classification	Classification as per the draft Policy	Explanation
Previous Foam Café – 130 Oxford Street	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to use the parklet to relax, eat, etc. Patrons of the adjacent business are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
Pixel Café – 226 Oxford Street	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to use the parklet to relax, eat, etc. Patrons of the adjacent business are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
Pinchos – 112-124 Oxford Street	Parklet	Eatlet	The space functions as an outdoor eating area servicing the adjacent business with table service provided to the patrons of

			this business. Alcohol consumption is permitted as the structure area is licensed. For this reason, the structure would be reclassified as an eatlet under the draft Policy. The eatlet is a dual purpose space which functions an outdoor eating area during business operating hours and a small public park available to anyone to access outside of business operating hours. The design of the structure meets the design objectives, design requirements and location requirements of eatlets as per the draft Policy and is classified as an eatlet with a decked platform.
Roberts on Oxford – 173 Oxford Street	Parklet	Eatlet (non-compliant)	The space functions as an outdoor eating area servicing the adjacent business with table service provided to the patrons of this business. Alcohol consumption is permitted as the structure area is licensed. For this reason, the structure would be reclassified as an eatlet under the draft Policy. The eatlet is a dual purpose space which functions an outdoor eating area during business operating hours and a small public park available to anyone to access outside of business operating hours. The design of the structure does not at present meet Design Objectives O4.2.7 and O4.2.8 of the draft Policy as the structure does not provide good lines of sight to key locations due to the lack of visual permeability above 0.9 metres in height. The structure does not meet Design Requirements D4.3.4 and D4.3.5.

As per the draft Policy this structure is classified as an eatlet with decked platform.

Kitsch Bar – 229 Oxford Street	Parklet	Eatlet	The space functions as an outdoor eating area servicing the adjacent business with table service provided to the patrons of this business. Alcohol consumption is permitted as the structure area is licensed. For this reason, the structure would be reclassified as an eatlet under the draft Policy. The eatlet is a dual purpose space which functions an outdoor eating area during business operating hours and a small public park available to anyone to access outside of business operating hours. The design of the structure meets the design objectives, design requirements and location requirements of eatlets as per the draft Policy and is classified as an eatlet with a decked platform.
Jus Burgers/Gusto Gelato – 743 Newcastle Street	Parklet	Eatlet	The space functions as an outdoor eating area servicing the adjacent business with table service provided to the patrons of this business (Jus

			Burgers). Alcohol consumption is permitted as the structure area is licensed. For this reason, the structure would be reclassified as an eatlet under the draft Policy. The eatlet is a dual purpose space which functions an outdoor eating area during business operating hours and a small public park available to anyone to access outside of business operating hours. The design of the structure meets the design objectives, design requirements and location requirements of eatlets as per the draft Policy and is classified as an eatlet with new paving (Leederville Village Square is used as the base). It should be noted that if this structure were to only service Gusto Gelato it would remain as a parklet as the space would not be licensed for the consumption of alcohol and as Gusto provides primarily takeaway goods no direct service from the business would be provided.
Fibber Mcgees – 711 Newcastle Street	Parklet	Eatlet	The space functions as an outdoor eating area servicing the adjacent business with table service provided to the patrons of this business. Alcohol consumption is permitted as the structure area is licensed. For this reason, the structure would be reclassified as an eatlet under the draft Policy. The eatlet is a dual purpose space which functions an outdoor eating area during business operating hours and a small public park available to anyone to access outside of business operating hours. The design of the structure meets the design objectives, design requirements and location requirements of eatlets as per the draft Policy and is classified as an eatlet with new paving (Leederville Village Square is used as the base).
Modus Coffee – 602 – 610 Beaufort Street	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to use the parklet to relax, eat, etc. Patrons of the adjacent business are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
Lawley Bakery – 163-165 Scarborough Beach Road	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to use the parklet to relax, eat, etc. Patrons of the adjacent businesses are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
Casa D'Arte – 73-77 Coogee Street	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to

			use the parklet to relax, eat, etc. Patrons of the adjacent businesses are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
William Topp – 452 William Street	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to use the parklet to relax, eat, etc. Patrons of the adjacent businesses are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
Future Shelter – 56-68 Angove Street	Parklet	Parklet	This structure functions as a small public park set into the existing streetscape. Anyone is permitted to use the parklet to relax, eat, etc. Patrons of the adjacent businesses are also able to use the structure to consume goods purchased from this business. The current function of the structure is intended to continue and is considered a parklet as per the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of parklets as per the draft Policy and is classified as a parklet with a decked platform.
Get Ya Fix – 1/471 William Street	Street Furniture	Street Furniture	The structure is an affixed bike rack. The function and use of this structure is not proposed to change. The design of the structure meets the design objectives, design requirements and location requirements of street furniture as per the draft Policy and is classified as street furniture on an existing ground surface.
Cleaver Street Deli – 14 Cleaver Street	Street Furniture	Affixed Eating Area Furniture	The structure is a significantly weighted bench located adjacent the business. This is associated with an approved outdoor eating area for the use, benefit and enjoyment of business patrons, during business hours, and the public outside of business hours. The current function of the structure is intended to continue and is considered as an affixed eating under the draft Policy. The design of the structure meets the design objectives, design requirements and location requirements of affixed eating areas as per the draft Policy and is classified as an affixed eating area on an existing ground surface.
Standby Espresso – 1 Raglan Road	Street Furniture	Affixed Eating Area Furniture	The structure is a significantly weighted bench located adjacent the business. This is associated with an approved outdoor eating area for the use,

			<i>benefit and enjoyment of business patrons, during business hours, and the public outside of business hours. The current function of the structure is intended to continue and is considered as an affixed eating under the draft Policy.</i> <i>The design of the structure meets the design objectives, design requirements and location requirements of affixed eating areas as per the draft Policy and is classified as an affixed eating area on an existing ground surface.</i>
<i>Spritz Spizzicheria – 148 Scarborough beach Road</i>	<i>Outdoor Eating Area</i>	<i>Eatlet (non-compliant)</i>	<i>The space functions as an outdoor eating area servicing the adjacent business with table service provided to the patrons of this business. Alcohol consumption is permitted as the structure area is licensed. For this reason, the structure would be reclassified as an eatlet under the draft Policy.</i> <i>The design of the structure does not at present meet Design Objectives O4.2.6, O4.2.7 and O4.2.8 of the draft Policy as the structure does not provide a comfortable distance between the façade of the building to encourage physical activity, does not present as accessible to all, and does not provide good lines of sight to key locations due to the lack of visual permeability above 0.9 metres in height. The structure does not meet Design Requirements D4.3.4, D4.3.5, D4.3.20 and 4.3.21 and does not meet Location requirement L4.4.4.</i>

The design of the structure does not give the appearance of being dual purpose and functioning as a small public park outside of business hours. Under the draft Policy, this structure would not meet the design objectives or design requirements and would not be approved.

The structure is classified as an eatlet on an existing ground surface as per the draft Policy.

<i>PROPOSED – Birraz Ristobar – 406 Oxford Street</i>	<i>Parklet</i>	<i>Eatlet</i>	<i>A structure is proposed to be developed on City land adjacent the adjoining business. This structure proposes to be an outdoor eating area during business hours and small public park outside of business hours. The structure is proposed to have new paving as the base and to be built from solid materials such as low height brick walls.</i> <i>This design is considered to meet the design objectives and requirements of an eatlet as the walls have a limited height and do not exceed 0.9m in height as per D4.3.4.</i> <i>Under the draft policy, this structure is classified as an eatlet with new paving.</i>
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CR GONTASZEWSKI:

Majority of public realm should not be privatised – amendment foreshadowed.

MANAGER POLICY & PLACE:

Administration has prepared an amendment to modify the Vibrant Public Spaces Policy to include a maximum number of Eatlets through a radius model that ensures there is a threshold to the number of Eatlets permitted in any one area.

CR GONTASZEWSKI:

If Council determined that private development on parks or reserves should not be facilitated. What would need to change within the Policy?

MANAGER POLICY & PLACE:

Administration has prepared an amendment to modify the Vibrant Public Spaces Policy to remove the permissibility of Vibrant Public Spaces within Reserves and Public Open Spaces.

5 INFRASTRUCTURE & ENVIRONMENT

Nil

6 COMMUNITY & BUSINESS SERVICES**7.1 FINANCIAL STATEMENTS AS AT 31 JANUARY 2022**

Attachments: 1. Financial Statements as at 31 January 2022

RECOMMENDATION:

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

NO QUESTIONS

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

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

RECOMMENDATION:

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

EFT payments, including payroll	\$3,547,652.83
Cheques	\$1,014.39
Direct debits, including credit cards	\$216,817.48
Total payments for January 2022	\$3,765,484.70

CR GONTASZEWSKI:

Could you provide details on the energy monitoring project at the depot?

SUSTAINABILITY & INNOVATION ADVISOR:

The expenditure was for the installation of an energy monitoring system at the Depot. This will ensure that the City can monitor energy usage at this large using site and rectify any issues as soon as possible to save money and reduce emissions.

It is an expansion of the current energy monitoring system that we have at other large sites; Administration Building, Beatty Park Leisure Centre and the Library.

CR GONTASZEWSKI:

Requesting some more information on the \$24,000 in Christmas decoration dismantling and storage for visual inspirations?

MANAGER ENGINEERING:

Visual Inspirations have been engaged to install the annual Leederville trees lights and christmas decorations.

Initially the installation involved 3 trees, around the Newcastle / Oxofrd Street intersection which then expanded to 6 trees, (an additional 2 in Oxford Street and 1 in Newcastle Street). Last year the large gum outside Duende was added.

The power cost is funded by the adjacent businesses. The installation and removal process funded by the City is both time and labour intensive.

The lights and decorations are installed over 2 nights in early December (along with bunting in past years), usually starting at 10.00pm through the about 5.00am (to minimise disruption). It involves qualified arborists, tree climbers, a 'cherry picker' (truck mounted elevated work platform) an electrician and road closures (traffic management). In mid January the decorations are removed over 1 night. The lights and cabling are then removed after Easter taking 2 nights. The City owns the lights and transformers, which are stored (part of the cost) until the following year.

7.3 INVESTMENT REPORT AS AT 31 JANUARY 2022

Attachments: 1. Investment Statistics as at 31 January 2022

RECOMMENDATION:

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

NO QUESTIONS

7.4 MID YEAR BUDGET REVIEW 2021/22

Attachments:	1.	Statement of Comprehensive Income by Nature and Type
	2.	Statement of Comprehensive Income by Program
	3.	Rate Setting Statement
	4.	Cash backed reserves
	5.	Capital Budget for MYBR
	6.	Source Funding
	7.	Operating Budget Analysis
	8.	Loftus Recreation Centre

RECOMMENDATION:

That Council **BY ABSOLUTE MAJORITY APPROVES** the following amendments to the 2021/2022 Annual Budget:

- a) A net increase in the Operating Budget of \$1,929,061 as per Attachments 1 and 2;
- b) A net increase in Special Purpose Reserves totalling \$2,309,270 as per Attachments 3 and 4;
- c) A net decrease in the Capital Expenditure Budget of \$7,162,867 as per Attachment 5;
- d) A net increase in the closing surplus of \$512,230, resulting in a forecast year end deficit at 30 June 2022 of \$80,144, as per Attachment 3;
- e) Subsequent to clauses (a) to (d), the capital budget is increased by \$72,091 and the Loftus Recreation Centre Reserve is reduced by \$72,091 as per Attachment 8, and the Financial Statements are updated accordingly.

MAYOR COLE:

Interested given that we have had such a good run on solar, that we had an increase in our utility charges of \$160,000?

EXECUTIVE MANAGER FINANCIAL SERVICES:

The increase for Utility charges of \$160,720 (Electricity \$104,370 & Water \$56,350) relates to:

- *Three cost centres underestimated the original budget by \$113,710 due to administrative error. Electricity and water usage remains at or below previous year utilisation. Budget anomaly was corrected in the mid-year budget review.*
- *Higher electricity and water usage costs of \$47,550, mainly related to the increase usage of public halls, reserve pavilions, facilities and the community centre. Revenue has also been increased to reflect the increased usage of these facilities.*

MAYOR COLE:

Would like a little bit more information on the Beatty Park changerooms deferral to 2023, I did see it talked about design this year, really keen to see that move forward so would like some information on how long design will take and when will works happen?

The Leederville Parade Greening plan, commentary around being held up by black spot, but would like more detail about how those 2 are linked and how it will affect design proposed on Leederville Parade and the greening and when that project will start?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Indicative high level timelines associated with Beatty Park Changerooms:

- *RFQ Professional Consultant Design Services - March 2022*
- *Design of Changerooms – Mid-April - June 2022*
- *RFT Construction of New Changerooms – July 2022*
- *Tender Evaluation, Council Report, Council Approval – August 2022*

- *Award Contract, Demolition of existing Changerooms – September 2022*
- *Construction of New Changerooms - September-November 2022*

MAYOR COLE:

The Leederville Parade Greening plan, commentary around being held up by black spot, but would like more detail about how those 2 are linked and how it will affect design proposed on Leederville Parade and the greening and when that project will start?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

The Leederville Parade greening project is linked to the blackspot project going ahead. The blackspot involves creating a central median allowing for trees to be planted in the newly created median. The project cannot go ahead until the blackspot design is approved by MRWA so the project is listed as a carry forward as will not be able to be constructed this financial year. Consideration is also being given to withdrawing the project due to the uncertainty around future uses for Frame Court and the Avenue car parks which will be discussed with Council as part of the budget setting process for 2022/23.

CR IOPPOLO:

Change recommendation to 2021/22.

EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

The report has been amended.

7 CHIEF EXECUTIVE OFFICER**8.1 APPOINTMENT OF COMMUNITY MEMBERS TO THE CITY OF VINCENT AUDIT COMMITTEE**

Attachments: 1. Audit Committee Nomination - Resume of Applicant 1 - Confidential
 2. Audit Committee Nomination - Resume of Applicant 2 - Confidential

RECOMMENDATION:

That Council in accordance with sections 5.10 and 7.1A of the *Local Government Act 1995*, **APPROVES BY ABSOLUTE MAJORITY** the appointment of the following two external independent members to the City's Audit Committee for the term 9 March 2022 to the date of the next ordinary local government election, 21 October 2023:

1. Applicant 1; and
2. Applicant 2.

NO QUESTIONS

8.2 MINUTES AND MOTIONS FROM THE ANNUAL MEETING OF ELECTORS HELD ON 2 FEBRUARY 2022

Attachments: 1. Minutes - Annual Meeting of Electors on 2 February 2022

RECOMMENDATION:

That Council:

- 1. RECEIVES the Minutes of the Annual Meeting of Electors (AME) held on Wednesday 2 February 2022, included at Attachment 1; and**
- 2. NOTES that due to the short turnaround, responses to the General Business motions carried at the Annual Meeting of Electors will be presented to the Ordinary Council meeting to be held 5 April 2022.**

NO QUESTIONS

8.3 LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN 2021

Attachments: 1. Compliance Audit Return 2021

RECOMMENDATION:

That Council:

1. **NOTES** that the City of Vincent's Compliance Audit Return for the period 1 January 2021 to 31 December 2021 was reviewed by the Audit Committee at its 15 February 2022 Meeting;
2. **ADOPTS** the Compliance Audit Return for the period 1 January 2021 to 31 December 2021, at Attachment 1, noting one area of non-compliance reported; and
3. **AUTHORISES** the Compliance Audit Return in Recommendation 1. above to be certified by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

NO QUESTIONS

8.4 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 15 FEBRUARY 2022

- Attachments:**
1. Audit Committee Minutes 15 February 2022
 2. Confidential Items for Audit Committee - Confidential
 3. Addendum to Item 5.4 OAG Computing Controls Audit 2020/2021 - Confidential
 4. Addendum to Item 5.5 OAG report into Cyber Security in Local Government - Confidential

RECOMMENDATION:

That Council:

1. **RECEIVES** the minutes of the Audit Committee Meeting of 15 February 2022, as at Attachment 1, and **NOTES** the recommendations;
2. **ADOPTS** the Local Government Statutory Compliance Audit Return for the period 1 January 2021 to 31 December 2021 noting the one area of non-compliance and explanation for this non-compliance.

NO QUESTIONS

8.5 INFORMATION BULLETIN

- Attachments:**
1. Register of Legal Action and Prosecutions Monthly - Confidential
 2. Register of Legal Action - Orders and Notices Quarterly - Confidential
 3. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 17 February 2022
 4. Register of Applications Referred to the MetroWest Development Assessment Panel - Current
 5. Register of Applications Referred to the Design Review Panel - Current
 6. Register of Petitions - Progress Report - February 2022
 7. Register of Notices of Motion - Progress Report - February 2022
 8. Register of Reports to be Actioned - Progress Report - February 2022
 9. Council Workshop Items since November 2021
 10. Council Meeting Statistics
 11. Council Briefing Notes - December 2021

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated February 2022.

CR GONTASZEWSKI:

Register of reports to be actioned – resolution from December for projects plans for asset prioritisation, is that going to be presented in March?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The Council resolution was not included in the register. This was an error and the resolution has now been added to the updated register. A report in relation to the Buildings prioritisation project has now been added to the agenda for March OCM.

CR GONTASZEWSKI:

Workshop on 15 February, cash in lieu and EV item were not discussed, can this be updated

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Report has been updated

ADDITIONAL INFORMATION:

Statistics for Development Services Applications as at the end of February 2022 have now been included as a new Attachment 12.

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

**101 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE
CLOSED**

Nil

12 CLOSURE

There being no further business the meeting closed at 8.03pm.