



CITY OF VINCENT

AGENDA

Council Briefing

15 June 2021

Time: 6.00pm
**Location: E-Meeting and at the Administration
and Civic Centre,
244 Vincent Street, Leederville**

**David MacLennan
Chief Executive Officer**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Vincent (City) for any act, omission, statement or intimation occurring during Council Briefings or Council Meetings. The City disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Briefings or Council Meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Briefing or Council Meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. The City advises that anyone who has any application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

Copyright

Any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

PROCEDURE FOR PUBLIC QUESTION TIME

The City's Council Briefings, Ordinary Council Meetings, Special Council Meetings and COVID-19 Relief and Recovery Committee Meetings are held in the Council Chamber located upstairs in the City of Vincent Administration and Civic Centre. Physical distancing measures are in place. Meetings are also held electronically (as eMeetings), and live streamed so you can continue to watch our meetings and briefings online at <https://www.vincent.wa.gov.au/council-meetings/livestream>

Questions or statements made at an Ordinary Council Meeting can relate to any matters that affect the City.

Questions or statements made at a Council Briefing, Special Meeting of the Council or a Committee Meeting can only relate to the items on the agenda or the purpose for which the meeting has been called.

Public Questions will be strictly limited to three (3) minutes per person.

The following conditions apply to public questions and statements:

1. Questions and statements can be made in person or by emailing governance@vincent.wa.gov.au with the questions prior to 3pm on the day of a Council Briefing or Meeting or prior to 10am on the day of a Committee Meeting. Please include your full name and suburb in your email.
2. Questions emailed will be read out by the CEO or his delegate during public question time if they relate to an item on the agenda. If they do not relate to an item on the agenda they will be answered outside of the meeting. Statements will not be read out.
3. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name and the suburb in which they reside or, where a member of the public is representing the interests of a business, the suburb in which that business is located and Agenda Item number (if known).
4. Questions/statements are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or City Employee.
5. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be "taken on notice" and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
6. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act). The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

RECORDING AND WEBSTREAMING OF COUNCIL MEETINGS

- All Council proceedings are recorded and livestreamed in accordance with the Council Proceedings – Recording and Web Streaming Policy.
- All recordings are retained as part of the City's records in accordance with the State Records Act 2000.
- All livestreams can be accessed at <https://www.vincent.wa.gov.au/council-meetings/livestream>
- All live stream recordings can be accessed on demand at <https://www.vincent.wa.gov.au/council-meetings>
- Images of the public gallery are not included in the webcast, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns with the live streaming of meetings, please contact the City's Governance Team on 08 9273 6500.

Order Of Business

1	Declaration of Opening / Acknowledgement of Country	7
2	Apologies / Members on Leave of Absence	7
3	Public Question Time and Receiving of Public Statements	7
4	Declarations of Interest	7
5	Strategy & Development	8
5.1	No. 290 (Lot: 10; D/P: D059211) Beaufort Street, Perth - Change of Use to Restaurant/Café, Shop and Small Bar, including Alterations/Additions and Signage (Amendment to Approved)	8
5.2	City of Vincent Rebound Plan - Quarterly Update	17
5.3	Arts Rebound: Town Centre Artworks	21
5.4	Built Form Policy Amendment 3.....	24
5.5	Britannia Reserve Development Plan	29
6	Infrastructure & Environment	33
6.1	E-Permits Implementation Progress Report	33
6.2	Waste Strategy Project - 8 Commercial Waste Collection - Progress Update and Response to Petitions	35
7	Community & Business Services	36
7.1	Leederville Gardens Trust Fund COVID-19 Relief Grants Update	36
7.2	Management Agreement - Vincent Tool Library - Portion of Britannia Reserve, 41 Britannia Road, Mount Hawthorn.....	40
7.3	Support for Uluru Statement from the Heart - responses	44
7.4	Investment Report as at 30 April 2021	46
7.5	Authorisation of Expenditure for the Period 1 April 2021 to 30 April 2021	50
7.6	Financial Statements as at 30 April 2021	53
7.7	Adoption of the Annual Budget 2021/22 [ABSOLUTE MAJORITY DECISION REQUIRED]	58
8	Chief Executive Officer	59
8.1	Results of Consultation - Barlee Street Car Park Options for Future Use.....	59
8.2	Repeal of Local Government Property Local Law 2008 and approval to advertise Local Government Property Local Law 2021 [ABSOLUTE MAJORITY DECISION REQUIRED]	67
8.3	Outcome of advertising and adoption of new Fraud Corruption and Prevention Policy	74
8.4	Governance Framework - Proposed Updates and proposed repeal of Council Member and Employee Business Dealings Policy.....	76
8.5	Annual Review of Council Delegations [ABSOLUTE MAJORITY DECISION REQUIRED]	80
8.6	Information Bulletin	84
9	Motions of Which Previous Notice Has Been Given	85
	Nil	
10	Representation on Committees and Public Bodies	85
11	Closure	85

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

“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 LEAVE OF ABSENCE








Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

4 DECLARATIONS OF INTEREST

Cr Josh Topelberg has declared a financial interest in Item 6.2 - Waste Strategy Project - 8 Commercial Waste Collection - Progress Update and Response to Petitions. The extent of his interest is that he operates a business which will be directly affected by the proposed changes. He has not requested permission to remain in Chambers while this matter is discussed

5 STRATEGY & DEVELOPMENT**5.1 NO. 290 (LOT: 10; D/P: D059211) BEAUFORT STREET, PERTH - CHANGE OF USE TO RESTAURANT/CAFÉ, SHOP AND SMALL BAR, INCLUDING ALTERATIONS/ADDITIONS AND SIGNAGE (AMENDMENT TO APPROVED)****Ward:** South

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

RECOMMENDATION:

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

1. All conditions, requirements and advice notes detailed on development approval 5.2021.73.1 dated 31 May 2021 continue to apply to this approval, except as follows:

- 1.1 Condition 1 is amended to read as follows:

1. This approval is for Change of Use to Restaurant/Café, Shop and Small Bar, including Alterations/Additions and Signage as shown on the approved plans dated 2 March 2021, 12 April 2021 and 11 May 2021. No other development forms part of this approval; and

- 1.2 Conditions 2.1 and 2.2 are amended, and a new Condition 2.3 is added to read as follows:

2. Use of Premises

- 2.1 This approval is for Restaurant/Café, Shop and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2.

Use of the subject land for a different use may require further development approval in accordance with the provisions of the City's Local Planning Scheme No. 2 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- 2.2 The Restaurant/Café and Small Bar shall be limited to a maximum of 70 patrons.

- 2.3 The hours of operation of the Small Bar shall be limited to:

- Midday to 6:00pm Monday and Tuesday;
- Midday to 10:00pm Wednesday, Thursday and Sunday; and
- Midday to midnight Friday and Saturday.

PURPOSE OF REPORT:

To consider an application for an amendment to a previous development approval for the addition of a Small Bar use at No. 290 Beaufort Street, Perth (subject site).

PROPOSAL:

The premises at the subject site is currently approved for use as a Restaurant/Café and Shop. The subject development application seeks approval for the premises to also operate as a Small Bar in addition to the previously approved Restaurant/Café and Shop uses.

The Small Bar is proposed to operate in conjunction with the previously approved Restaurant/Café and Shop uses, and operate as one business, being Tom's Wholesome Food.

Details of the operation include:

- The Small Bar is proposed to operate complimentary to the previously approved uses;
- Operating hours of the Small Bar are proposed to be:
 - Monday and Tuesday – midday to 6:00pm;
 - Wednesday, Thursday and Sunday – midday to 10:00pm; and
 - Friday and Saturday – midday to midnight;
- The premises accommodating a maximum of 70 patrons at any one time; and
- No on-site parking bays are provided for staff and customers of the premises.

The application does not propose any works.

Plans of the proposal are included as **Attachment 2**. Supporting information provided by the applicant is also attached including a cover letter (**Attachment 3**), acoustic report (**Attachment 4**) and venue management plan (**Attachment 5**).

BACKGROUND:

Landowner:	Lara Lukich atf Meade House Investment Trust
Applicant:	Urbanista Town Planning
Date of Application:	8 March 2021
Zoning:	MRS: Urban LPS2: Zone: Mixed Use R Code: R80
Built Form Area:	Mixed Use
Existing Land Use:	Restaurant/Café and Shop
Proposed Use Class:	Small Bar – 'A' use
Lot Area:	280m ²
Right of Way (ROW):	No
Heritage List:	Management Category B

The subject site is located at No. 290 Beaufort Street, Perth. A location plan is included as **Attachment 1**.

The subject site is zoned Mixed Use R80 under the City's Local Planning Scheme No. 2 (LPS2) and is located within the Mixed Use built form area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy) where a building height of four storeys is permitted.

The subject site is bound by Beaufort Street to the west and Brisbane Street to the north. Beaufort Street is identified as an Other Regional Road under the Metropolitan Region Scheme. The property adjoining the subject site to the east is a mixed use development, comprising of three offices and eight apartments at No. 79 Brisbane Street.

The property adjoining the subject site to the south is Nos. 286-288 Beaufort Street that accommodates the Association for Services to Torture and Trauma Survivors (ASeTTS). ASeTTS provides services to people who have experienced torture or trauma, including support for family and children, youth, counselling and community development. This site is owned by the City and leased to ASeTTS.

Outside of this immediate context, the broader area of Beaufort Street consists of a mix of residential and commercial uses. There are existing food and beverage venues in close proximity to the subject site, including:

- The Brisbane Hotel, directly opposite the subject site to the north at No. 292 Beaufort Street;
- Source Foods and P'tite Ardoise Bistro, directly opposite the subject site to the west at Nos. 283-289 Beaufort Street; and
- Safa City Cafe, approximately 40 metres south-west from the subject site at No. 273 Beaufort Street.

The subject site was developed with a single storey commercial building. The primary entrance to the building is provided from Brisbane Street, with access to a rear service area provided along the eastern boundary. The subject site is largely built out, with the exception of this service area, and does not currently provide for any on-site car parking.

Heritage Listing

The subject site is registered as Meade House on the City's Municipal Heritage Inventory (MHI) as Management Category B – Conservation Recommended. Meade House was constructed in 1915 and is a representative example of the Federation Free Classical style of commercial development which compliments the similar style of the Brisbane Hotel, and reinforces the commercial node at the Beaufort Street and Brisbane Street intersection.

Historically the use of Meade House has varied between commercial uses that have included shop, billiard room and hall, hairdresser and tobacconist. The building is currently vacant. The City does not have any record of previous development approvals for uses occupying the premises, however it appears to have most recently been used as an office.

Existing Approvals

On 31 May 2021 Administration approved a development application under delegated authority for a change of use at the subject site. Details of this application include:

- Change of use to Restaurant/Café and Shop. The Restaurant/Café would serve café-style food and beverages, while the Shop would sell deli-style groceries;
- The approval did not restrict the operating hours for the premises. The intended operating hours as advised by the applicant are:
 - Monday, Tuesday and Sunday – 6:00am to 6:00pm;
 - Wednesday and Thursday – 6:00am to 10:00pm; and
 - Friday and Saturday – 6:00am to midnight;
- The uses would accommodate a maximum of 70 patrons at any one time;
- Façade upgrades and signage consistent with that shown in the proposed plans for the subject application; and
- The provision of two short-term bicycle bays to be located within the Brisbane Street verge adjacent to the premises.

With no existing parking area on site, the development application for Restaurant/Café and Shop was approved with nil parking on site for staff or customers.

A copy of the delegated approval notice and plans is included as **Attachment 6**.

The development application for Restaurant/Café and Shop was determined separately to the proposed Small Bar use which is the subject of this application. This was to better support small business and streamline the approvals process by enabling the applicant to obtain the relevant Building and Health approvals and allow works to commence on-site as soon as possible. The development approval sought for the Small Bar is to facilitate the liquor licence sought by the applicant.

Liquor Licensing

Approval as a Small Bar would require the applicant to obtain a Section 40 Certificate from the City. A Section 40 Certificate confirms that the premises has the necessary development approvals.

The requirement to obtain a Section 40 Certificate forms part of the application process of liquor licensing under the *Liquor Control Act 1988*. This is administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI).

On 28 April 2021 the DLGSCI issued a conditional Small Bar licence to the premises. Amongst other conditions, this requires a Section 40 Certificate to be obtained before commencing the Small Bar use.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015*, City's LPS2, and the City's local planning policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously Approved	Requires the Discretion of Council
Land Use			✓
Car and Bicycle Parking		✓	
Signage		✓	
Hours of Operation			✓
Façade Design		✓	

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council are as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
LPS2 Small Bar 'P' Use	'A' Use
Hours of Operation	
Deemed-to-Comply Standard	Proposal
Policy No. 7.5.7 – Licenced Premises Permitted trading hours: <ul style="list-style-type: none"> Monday to Sunday – 7:00am to 10:00pm 	Proposed trading hours: <ul style="list-style-type: none"> Monday and Tuesday – midday to 6:00pm; Wednesday, Thursday and Sunday – midday to 10:00pm; and Friday and Saturday – midday to midnight.

The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 21 days from 22 April 2021 to 14 May 2021. The method of consultation included a sign on-site, an advertisement in the local newspaper and 734 letters being mailed to all the owners and occupiers of the properties within a 150 metre radius of the subject site (as shown in **Attachment 1**), in accordance with the City's Policy No. 4.1.5 – Community Consultation.

The City received a total of 52 submissions, including 51 in support and one objecting to the proposal. The objection received related to concerns of anti-social behaviour from the Small Bar.

A summary of submissions and Administration's response is included as **Attachment 7**. The applicant has not provided a response to the submissions.

Design Review Panel (DRP):

Referred to DRP: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 3.5 – Historic Heritage Conservation;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.5.21 – Sound Attenuation;
- Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties;
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements; and
- *Liquor Control Act 1988*.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Delegation to Determine Applications:

The matter is being referred to Council in accordance with the City's Delegated Authority Register as the delegation does not extend to applications for development approval that propose the Small Bar land use.

RISK MANAGEMENT IMPLICATIONS:

Low: There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications applicable to this application.

PUBLIC HEALTH IMPLICATIONS:

This is not in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced harmful alcohol use

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:Land Use

The subject site is zoned Mixed Use and Small Bar is an 'A' use. An 'A' use means that the land use can be approved, but at the discretion of the local government after community consultation has been undertaken.

The City received submissions in support of the Small Bar land use. These submissions noted that the proposal would contribute towards vibrancy and employment opportunities, provide for activity in the area to combat anti-social behaviour, and would have less impacts from noise and traffic perspectives than other venues in the area.

The proposal is consistent with the objectives of the Mixed Use Zone under LPS2 and the relevant matters to be considered under Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The Small Bar use is an active use which would contribute towards interaction and activation of the street. The premises is currently vacant and is prominently located on the corner of Beaufort Street and Brisbane Street. The nature of the use would enhance amenity, contribute towards activity and revitalise what is currently a vacant building that would increase surveillance and integration with surrounding land uses. The ground floor design, which is not proposed to be altered as part of the subject application, provides for an open and active façade, with the opportunity to incorporate an outdoor dining area further encouraging interaction with the street;
- The Small Bar use is a permissible use within the Mixed Use zone. The surrounding context consists of a mix of uses and activities, including commercial uses and apartments located within mixed use developments. In the immediately locality the subject site is surrounded by the Brisbane Hotel to the north, mixed use development to the east which includes an office on the ground floor and apartments above, an office to the south accommodating ASeTTS, and a two storey building on the western side of Beaufort Street accommodating restaurant/cafes (Source Food and P'tite Ardoise Bistro) and a photography studio. The proposed Small Bar use would be compatible with the existing surrounding uses and prevailing context of the area;
- Adjoining the subject site directly to the east is a three storey mixed use development, with office tenancies on the ground floor and two levels of apartments. The development has a three storey boundary wall with no openings abutting the subject site. These boundary walls extend to in line with the front of the apartments with balconies which front Brisbane Street. The existing building remains consistent with how it was originally developed and therefore how it interfaces with the adjoining mixed use development. The development is designed so as to not have an undue impact on the amenity of these adjoining residents. This is because the activity of the proposed use would be concentrated within the existing building with pedestrian entry to the venue provided from Brisbane Street located towards Beaufort Street, away from the adjoining mixed use development. The existing amenity of this area along Brisbane Street is currently reflective of activity and noise from the Brisbane Hotel and nearby commercial uses, passing traffic along Beaufort Street which is classified as an Other Regional Road, and on-street parking along Brisbane Street and in the Brisbane Street car park. The adjoining mixed use development is screened from the subject premises by the abovementioned boundary walls. This area would also be used as an emergency exit as required;
- Adjoining the subject site directly to the south is ASeTTS which provides for counselling services and operated between 9:00am and 5:00pm Monday to Friday. The development has a landscaped area which abuts the rear of the subject site. The development is designed to have activity concentrated along Brisbane Street towards Beaufort Street so as to not adversely impact on the amenity of ASeTTS. This rear portion of the subject premises would not provide for patron activity and instead would accommodate the office, toilet, kitchen areas, as well as an enclosed bin store;
- The adaptive re-use of an existing heritage building is consistent with sustainability principles. The applicant is also engaging with a separate private contractor related to waste collection, with the City ceasing its commercial waste service in July 2021;
- In respect to the relevant Clause 67 matters:
 - The proposed use contributes towards a diversity of entertainment and employment opportunities within the City. The City's Local Planning Strategy identifies for this section of Beaufort Street to act as a conduit between Mount Lawley and Northbridge, with a focus on commercial activities along this corridor;
 - The proposal is consistent with State Planning Policy 3.5 – Historic Heritage Conservation (SPP 3.5), which supports sympathetic adaption and change of use as a way of conserving and protecting heritage places. Similarly the proposal is consistent with the City's Policy No. 7.6.1 –

- Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Policy) ensuring that there is no detrimental impact on the built or cultural heritage of the subject site; and
- The Small Bar use would be compatible with and would not adversely impact the amenity of the locality. As outlined above, the building design is appropriate for the intended use in the context of the existing surrounding development. Further discussion on amenity considerations such as noise and operating hours are detailed further below. In respect to car parking, there are no car parking spaces on site and the shortfall of car parking provision on site has previously been accepted. This is also discussed in further detail below.

Public Health Plan

The City's Public Health Plan 2020-2025 (Public Health Plan) identifies reduced harmful alcohol use as one of the long term health outcomes.

Amongst other initiatives, the Public Health Plan seeks to reduce the risk of anti-social behaviour and alcohol related harm in the community through partnerships with licenced premises, support the implementation of alcohol-free environments including festivals, events, activities and/or clubs, and advocate for reduced exposure to alcohol advertising, marketing, promotion and sponsorship.

The City's Public Health Plan itself is not a specific relevant consideration under the planning framework. The initiatives of the Public Health Plan do not extend to private property or contemplate strategies to restrict premises serving alcohol. A Small Bar is a permissible land use under the City's LPS2, and the planning framework contemplates other types of premises where alcohol is sold and/or consumed including Liquor Stores, Nightclubs and Taverns.

The *Liquor Control Act 1988* includes specific requirements aimed at restricting harmful alcohol use, including the training of staff in the responsible service of alcohol. The *Liquor Control Act 1988* is not legislation created under or for the purposes of the *Planning and Development Act 2005*. Compliance with the requirements of the Liquor Control Act 1988 would need to be achieved separate to any development approval granted. An advice note to this effect has been included to remind the operator of this obligation.

Licensed Premises Policy

The City's Policy No. 7.5.7 – Licensed Premises (Licensed Premises Policy) provides a guide for appropriate operating hours in various zones. The Licensed Premises Policy does not specify appropriate hours for Small Bars within the Mixed Use zone, as the Policy was adopted in 2014 prior to the gazettal of LPS2 that introduced the Mixed Use zone. The Policy provides guidance for the Residential/Commercial zone trading hours. The subject proposal has been assessed against this guidance which is equivalent to (now) Mixed Use zone.

The Licensed Premises Policy permits Small Bars to operate between 7am to 10pm Monday to Sunday in the Residential/Commercial zone. The proposed operating hours are consistent with the Licensed Premises Policy, with the exception of Friday and Saturday evenings, that are intended to operate until midnight.

The City received one objection relating to concerns of anti-social behaviour from the premises. The City also received comments in support noting that the proposal would assist with addressing current instances of anti-social behaviour by providing for activation of the streetscape, as well as having less of an impact as a result of noise than other venues in the area.

The proposed Small Bar and its intended operating hours would satisfy the objectives of the Licensed Premises Policy for the following reasons:

- The applicant has submitted an acoustic report prepared by Hewshott Acoustics. This is consistent with the requirements of the Licensed Premises Policy and is included as **Attachment 4**. This acoustic report assessed the noise that would be generated by the premises, inclusive of the approved Restaurant/Café and the proposed Small Bar. Based on the proposed operating hours, number of patrons and staff, and amplified music being played at low-level background noise the acoustic report concluded that compliance with the *Environmental Protection (Noise) Regulations 1997* would be achieved, with the exception of after 10pm. The acoustic report recommends that to achieve compliance after 10pm, windows are to be closed. Administration recommends a condition be imposed for the acoustic report to be implemented to ensure that noise generated from the premises would satisfy the

requirements of the *Environmental Protection (Noise) Regulations 1997* and would not adversely impact on the amenity of nearby residential properties;

- The applicant has submitted a venue management plan. This is consistent with the Licensed Premises Policy and is included as **Attachment 5**. The venue management plan outlines measures related to the responsible service of alcohol, noise control and management, parking management and harm minimisation. The implementation of the venue management plan would ensure that the premises is appropriately managed to ensure that there is no detrimental impact on the amenity of the area. The need to implement the venue management plan has been previously conditioned in the approval for the Restaurant/Café and Shop;
- The Licensed Premises Policy outlines that licensed premises are generally located within Town Centre areas and along major roads, and areas zoned District Centre and Commercial would be most appropriate, although consideration may be given in other areas. The proposed Small Bar is located adjacent to Beaufort Street. The site is zoned Mixed Use under LPS2 and with adjoining properties that front Beaufort Street zoned Commercial under LPS2. The site's location amongst Commercial zoned properties fronting Beaufort Street, the main building frontage oriented towards Beaufort Street and close proximity to existing uses of a similar nature makes the subject site well suited and appropriate to accommodate the proposed Small Bar use; and
- The proposed hours would be consistent with existing licensed premises within the locality. The Brisbane Hotel adjacent to the subject site operates until midnight on Fridays and Saturdays, while Safa City which is located approximately 40 metres from the subject site operates until 1:00am on Fridays and Saturdays. P'tite Ardoise Bistro which is directly opposite the subject site to the west operates until 10pm on Fridays and Saturdays. In the wider locality there are other licensed premises venues that operate with similar hours including the Ellington Jazz Club, the Queens Tavern, and the former Flying Scotsman. The proposed operating hours would also be consistent with the *Liquor Control Act 1988* which permits premises with a Small Bar license to operate from 6am to midnight Monday to Saturday, and 10am to midnight on Sunday.

Administration recommends a condition be imposed restricting the operating hours of the Small Bar component to be between midday to 6pm on Monday and Tuesday, midday to 10:00pm on Wednesday, Thursday and Sunday, and midday to midnight on Friday and Saturday.

Car Parking

There is no parking shortfall being proposed as part of this application and no discretion is being sought in this regard. This is because the operation of the proposed Small Bar would not operate independently, but rather in conjunction with the previously approved Restaurant/Café and Shop. As a result there would be no intensification of activity on the site and no additional car parking demand generated.

The previous development approval issued for the Restaurant/Café and Shop at the subject site accepted a shortfall of 14.7 parking bays. Of these, 14 bays were required for the Restaurant/Café component and 0.7 bays were required for the Shop component.

The parking shortfall for the previous Restaurant/Café and Shop development approval was accepted for the following reasons:

- The building on the subject site was developed without the provision of any on-site parking. Businesses operating from the premises historically have not had any on-site parking availability;
- The building is listed on the City's MHI. To provide for on-site parking, the building would need to be partially demolished, which would be inconsistent with the principles of the City's Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Policy);
- The site is in close proximity to public transport and public car parking which would accommodate the demands of the development. The site is located adjacent to Beaufort Street which is a high frequency bus route. The following public car parking is also available nearby to the subject site:
 - There are 214 parking bays located within the Brisbane Street car park which is located approximately 35 metres across the road from the subject site and provides for ticketed parking between 7:00am to midnight Monday to Sunday. The City's parking survey data identifies that there are on average 178 bays available at any one time. The busiest period was between 6:00pm and 8:00pm on Saturday where 153 bays were available;
 - There are 49 on-street parking bays along Brisbane Street that are located immediately in front of the subject site. The City's parking data identifies that there are on average 17 bays available at

any one time. The busiest period was between 12:00pm and 2:00pm on Friday and Saturday where nine bays were available; and

- Under the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements (Parking Policy), the parking standards for Restaurant/Café and Small Bar are the same, being 0.2 spaces per person. Given the Small Bar and Restaurant/Café uses do not operate independently and there is no intensification of activity in the premises, the subject application does not propose any greater parking shortfall than that previously approved.

Heritage Policy

The subject site consists of Meade House which is identified as Category B – Conservation Recommended on the City's MHI.

The subject application does not propose any works to the building. External works to the façade, including signage and modifications to the windows fronting Brisbane Street were approved under the previous development application for the Restaurant/Café and Shop. These works were supported by a Heritage Impact Statement and were consistent with the requirements of the City's Heritage Policy.

The City's Heritage Policy does not include specific requirements related to change of use proposals. The development control principles of [State Planning Policy 3.5 – Historic Heritage Conservation](#) encourage change of uses as a means of conserving and protecting heritage places. The cultural heritage significance of Meade House is noted as reinforcing the commercial node on the corner of Beaufort Street and Brisbane Street. The proposed change of use is consistent with this and would not detrimentally negatively impact on the cultural significance of the building.

5.2 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.**

PURPOSE OF REPORT:

To receive an update on the City of Vincent Rebound Plan implementation and the City's actions to manage, recover and rebound from the COVID-19 pandemic.

BACKGROUND:

On 15 September 2020 at its Ordinary Meeting, Council endorsed the [City of Vincent Rebound Plan](#) (Rebound Plan), as an addendum to the [COVID-19 Relief & Recovery Strategy](#) and noted that the implementation of the Rebound Plan would be reported monthly to the Rebound Roundtable and quarterly to Council.

On 23 March 2021 at its Ordinary Meeting, Council noted the quarterly update on the implementation of the Rebound Plan and that implementation would continue to be reported monthly to the Rebound Roundtable.

The Rebound Roundtable was established 12 August 2020, as a collaborative partnership, and forum to share learning and ideas, between the City, local business representatives and the local Town Teams. The Rebound Roundtable evolved from the Town Team Roundtable which had been established in April 2020, as an online forum to obtain feedback regarding the City's Covid-19 relief and recovery measures.

With the exclusion of January 2021 due to attendee availability, the Rebound Roundtable has met monthly since August 2020 to guide the implementation of the Vincent Rebound Plan – Implementation Framework (Implementation Framework), included as **Attachment 1**. The Implementation Framework addresses the ongoing actions and deliverables for the rebound phase of recovery. To enable specific deliverables to be discussed in detail at the Rebound Roundtable, a Rebound Roundtable Forward Agenda has been prepared and is included as **Attachment 2**.

COVID-19 State of Emergency Directions

At 12.01am on Saturday 24 April 2021 the Perth metropolitan and Peel regions went into a three day lockdown by way of the 'Stay at Home and Closure (Perth, Peel and Rottnest) Directions', issued under the *Emergency Management Act 2005*. Lockdown restrictions included the requirement for all people to stay at home unless working as an essential worker, obtaining essential goods, providing care or support for a relative or exercising under certain conditions.

On Tuesday 27 April 2021 Safe Transition for Western Australia Directions were issued with post lockdown transition restrictions in place until Saturday 1 May 2021. During this time, masks were mandatory when leaving the home, requiring businesses and the community to quickly adapt. The face mask requirement remained in place from Saturday 1 May until Saturday 8 May but was eased to only include public indoor areas, on public transport and outside where physical distancing was not possible.

From Saturday 8 May until Saturday 15 May 2021 mask requirements were eased even further to remain mandated only on public transport and events with a crowd capacity of more than 1,000.

Following this time, Western Australia reverted back to pre-lockdown conditions as experienced prior to 12.01am on Saturday 24 April 2021.

In March 2021, the Western Australian Local Government Association (WALGA) provided an economic briefing which highlighted the Western Australia economy as the fastest of all states to recover, expanding by 1.4 percent during the 2019-20 financial year. This was driven by the successful containment of COVID-19, the strong mining sector and significant levels of State and Commonwealth Government stimulus spending. WA's employment rate has also improved from the June 2020 COVID-19 induced peak of 8.7 percent and stood at 6.2 percent in January 2021. Although the outlook is positive, economic recovery is still fragile and will require further attention.

Western Australia has recorded the country's strongest growth in state final demand at 3 per cent, according to the Australian Bureau of Statistics. The national figure was 1.6 per cent, with Victoria in second place behind WA. The national economy has now exceeded pre-COVID levels after another 1.8 per cent of growth in the first three months of 2021 and has grown 1.1 per cent through the year. Only five other countries have an economy that is larger now than before the pandemic.

DETAILS:

The Rebound Plan is a locally responsive action plan designed to support the City's community and businesses to return to strong economic performance by making it easier to do business in the City, further cutting red tape and supporting initiatives to encourage community connection. It is a living document, updated regularly, allowing for new opportunities and initiatives to be included as they arise. It is tracking the City's economic development and social reconnection initiatives over a 24-month period.

The third quarterly update to Council is outlined through the Implementation Framework included as **Attachment 1**. The highlights from this are summarised below:

- To make it easy to use town centre public spaces and simplify the process to host events and activations (Action 1.1) a pre-approved event space working group was formed in April 2021 and identified actions that the City can implement to provide pre-approved elements for selected event spaces.
- To encourage and support events and activations (Action 1.2), a special events funding round has supported four community events (RTRFM Neon Picnic, Hyde Park Fair, City of Vincent Football Match and Soundscapes at Beatty Park (postponed due to COVID)). The Pickle District also held a very successful art crawl event in May titled After Dark.
- To enhance the presentation of town centres and main streets (Action 1.3), a deep pressure clean of the Leederville Town Centre, William Street Precinct, Mount Hawthorn (The Boulevard to Fairfield Street), Angove Street, Fitzgerald Street and Beaufort Street has been completed this year. Road resurfacing of Cleaver Street in the Pickle District has also been completed with the installation of 5 artlets and planting of 8 street trees in the median.
- To make it easy to get around Vincent and visit town centres and main streets (Action 1.4), the Request for Quote for the Vincent Wayfinding Strategy has been advertised, submissions were assessed in early May, and the preferred consultant was appointed in late May.
- To encourage and promote active transport to visit and shop local (Action 1.5), a Cycle Market was held on 20 March 2021. Learn to Ride and Social Riding cycling courses were held weekly from 10 April to 19 June 2021.
- To enhance the public realm through incorporation of cultural infrastructure and activation (Action 1.6), two public art opportunities have been determined (incorporating feedback from Council, AAG and town teams); a suspended lighting artwork located at the corner of William and Brisbane Streets and a functional artwork located at the corner of Oxford and Newcastle Streets. The Expression of Interest for these opportunities will be presented to Council at its 22 June 2021 Ordinary Council Meeting. Liz Gray's copper artwork was installed in the upstairs administration foyer with a small official launch event on 3 June 2021.
- To improve engagement and communication with local and small business (Action 2.4), the seventh and eighth editions of the Business E-Newsletter have been distributed to 971 local businesses (an expansion from 590 businesses at the last quarterly update).
- To support community groups and sporting clubs to become more sustainable (Action 3.3), the Club Development Plan has commenced being drafted and a Funding Agreement with the Department of Local Government, Sport & Cultural Industries for \$45,000 has been signed.
- To foster wellness by ensuring the community has knowledge of, and access to, services that enhance wellbeing, sense of safety and belonging (Action 3.4), Headspace has delivered a series of workshops to Aranmore College. Information has also been delivered to secondary school students at the Youth Engagement Summit and to over-50s at the LiveLighter Information Day.

In addition to the rebound highlights, there are a number of positive upcoming developments within the Leederville Town Centre including:

- The draft Leederville Precinct Structure Plan, draft Leederville Town Centre Plan and a Local Development Plan for 40 Frame Court are out for public consultation.
- 800 ABN staff are scheduled to move into the new building at 301 Vincent Street this month.
- A 120-seat restaurant on Carr Place by restaurateur, Will Meyrick, is scheduled to open in August.
- The multi-million-dollar refurbishment of The Leederville Hotel is scheduled to open in August and will include a new dining area, bar, shops and kiosks that will open onto the laneway.
- The laneway behind the new ABN building has been named Electric Lane and will incorporate overhead lighting, public art and alfresco dining once complete. Four of the seven tenancies available have been leased (coffee shop, hair studio, restaurant and takeaway shop).

CONSULTATION/ADVERTISING:

The Rebound Plan will continue to be implemented in consultation with the town team community and business representatives through the Rebound Roundtable.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to note the implementation of the actions identified in the Rebound Plan.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

Our community facilities and spaces are well known and well used.

Thriving Places

We are recognised as a City that supports local and small business.

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

Our community is aware of what we are doing and how we are meeting our goals.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

On 18 August 2020, Council supported the 'Statement of Principles' announced by the Mayors of the C40 Climate Leadership Group with the goal to build a better, more sustainable, more resilient and fairer society out of the recovery from the COVID-19. The Rebound Plan has been considered against the Statement of Principles and has been found to be in alignment.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

Mitigate the impact of public health emergencies

FINANCIAL/BUDGET IMPLICATIONS:

The Rebound Plan highlights existing budgeted services, projects and programs.

The actions listed in the Rebound Plan have all been accounted for through the City's approved budget. The relevant funding allocations are referenced against each action in **Attachment 1**. These allocations will be updated following adoption of the City's 2021/22 budget, through the Rebound Plan quarterly update in September.

Under Phase 3 of the Local Roads and Community Infrastructure (LRCI) Program, the City will receive an additional funding allocation of \$541,114. Phase 3 will continue to assist local governments to deliver local road and community infrastructure projects, as well as create local job opportunities particularly where employment in other sectors have been negatively impacted. The funding will be available from 1 January 2022, with construction due to be completed by 30 June 2023. The longer delivery timeframe will allow more time to consider broader scopes and potentially take up larger, more complex builds.

Under Round 1 of the 2021/22 Urban Canopy Grant Program, the City received \$17,320 for tree planting within the Beaufort Street median strip between Bulwer Street and Brisbane Street.

Future initiatives and actions will be subject to Council consideration and/or external grant funding. External grant funding opportunities have and will continue to be sought as opportunities arise.

COMMENTS:

Ongoing engagement with community and business representatives to guide the implementation of the Rebound Plan will support community reconnection, working towards creating more agile and resilient places, and provide ongoing support for businesses to thrive, diversify and start up. This will promote community ownership of the Rebound Plan and ensure it meets the needs and expectations of the community and businesses.

5.3 ARTS REBOUND: TOWN CENTRE ARTWORKS

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

RECOMMENDATION:

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

PURPOSE OF REPORT:

To consider endorsing the Arts Rebound: Town Centre Artworks Expression of Interest (EOI) for the purposes of advertising.

BACKGROUND:

On 30 March 2020 at its Special Council Meeting, Council approved the establishment of an Arts Relief Working Group, with the purpose of providing advice to the COVID-19 Relief and Recovery Committee (Committee) or Council. At this time, Council also approved \$500,000 from the City's Percent for Art cash-in-lieu reserve to be used to develop projects that provide local artists and creative industries relief from the impact of COVID-19. These projects are collectively referenced as the COVID-19 Arts Relief project.

On 15 September 2020 at its Ordinary Meeting, Council endorsed the City of Vincent Rebound Plan (Rebound Plan), as an addendum to the COVID-19 Relief & Recovery Strategy. The Rebound Plan included *Action 1.6 - Enhance the public realm through improved development outcomes and the incorporation of cultural infrastructure and activation* and the following associated deliverables:

- *complete phase 1 of the COVID-19 Arts Relief Grant funding; and*
- *launch phase 2 (Major Public Artwork) of the COVID-19 Arts Relief Grant funding.*

On 27 October 2020, a draft EOI document for phase 2 (Major Public Artwork) of the COVID-19 Arts Relief Grant funding was presented at Council Workshop for feedback prior to being further developed with the Arts Relief Working Group.

On 1 December 2020, Item 7.2 Arts Relief Working Group – Closure Report was presented to the Committee. The Committee determined as follows:

3. *APPROVES the amendment of the action entitled "Launch Phase 2 (Major Public Artwork) of the COVID-19 Arts Relief Grant funding" in the City of Vincent Rebound Plan, to "Launch Phase 2 (Medium Scale Town Centre Artworks) of the COVID-19 Arts Relief Grant funding".*
4. *REQUESTS Administration to prepare an EOI with proposed locations for the Medium Scale Town Centre Artworks, with advice from the Arts Advisory Group, for presentation to Council no later than March 2021."*

On 24 February 2021, a draft EOI for the medium scale town centre artworks, including proposed locations, was presented to the Rebound Roundtable and the Arts Advisory Group (AAG). Based on feedback received the draft EOI was updated and presented at the 13 April 2021 Council Workshop. Following feedback, the draft EOI was further refined and the project name updated from '*Phase 2 (Medium Scale Town Centre Artworks) COVID-19 Arts Relief Grant funding*' to '*Arts Rebound: Town Centre Artworks*'.

In May 2021 the Rebound Plan was updated to reflect the new project name and the revised draft EOI was provided to the AAG and relevant town teams, this was further discussed at the 19 May 2021 AAG meeting. Final feedback was received, incorporated, and the resulting EOI is included as **Attachment 1**.

DETAILS:

The EOI included as **Attachment 1**, was developed in consultation with the Rebound Roundtable and AAG. Based on feedback received during consultation, it was determined that artwork of a medium size and scale, suitable for locating in the City's town centres, would cost upwards of \$80,000.

Since the inception of the COVID-19 Arts Relief project, \$151,373 of the Percent for Art cash-in-lieu reserve has been committed and \$400,243 currently remains uncommitted. The remaining uncommitted amount includes recently received contributions.

Artwork Locations

The suburbs of Mount Lawley, Highgate, West Perth and Mount Hawthorn were discounted as potential artwork locations due to insufficient funds being attributed to these areas in the Percent for Art cash-in-lieu reserve.

North Perth was discounted as a potential artwork location in this instance as the City has recently invested in a significant amount of artwork in North Perth, including the 'Rings' artwork delivered as part of North Perth Common, and because of the potential to accrue future contributions attributed to North Perth, to deliver a larger scale artwork in the future.

Artwork Budget

The Percent for Art cash-in-lieu reserve currently includes \$80,173 attributed to the suburb of Leederville and \$222,008 attributed to the suburb of Perth.

It is proposed \$80,000 is allocated to the Leederville Town Centre artwork, located in the suburb of Leederville, and \$200,000 is allocated to the William Street Town Centre artwork, located in the suburb of Perth.

CONSULTATION/ADVERTISING:

The AAG and Rebound Roundtable, including the relevant town teams, have been consulted at various stages during the development of the draft EOI and feedback from these groups has significantly influenced the final EOI.

If endorsed for advertising, the EOI is scheduled to be released 30 June 2021.

LEGAL/POLICY:

- Policy No. 3.10.7 – Art Collection;
- Policy No. 3.10.8 – Public Art; and
- Policy No. 7.5.13 – Percent for Art Policy.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to endorse and advertise an EOI for public artwork commissions.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

An arts culture flourishes and is celebrated in the City of Vincent.

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

Our many cultures are celebrated.

We recognise, engage and partner with the Whadjuk Noongar people and culture.

We are an inclusive, accessible and equitable City for all.

Thriving Places

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

Sensitive Design

*Our built form character and heritage is protected and enhanced.
Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.*

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*. However, the EOI in multiple locations instructs applicants to use materials that are durable and weatherproof, and to design artworks that require minimal ongoing maintenance.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

Increased physical activity

Artworks in the public realm not only increase vibrancy and improve the experience of the area, but can also increase the mental health and wellbeing of users particularly when the artwork expresses the context, heritage and culture of the area as well as the people who live, work and play there. When people can identify with public artworks and spaces it creates a sense of belonging and connectivity. The EOI outlines the necessity of these objectives.

FINANCIAL/BUDGET IMPLICATIONS:

The proposed project budget is \$280,000. This includes \$80,000 allocated to the Leederville Town Centre artwork, from the \$80,173 currently attributed to Leederville in the Percent for Art cash-in-lieu reserve, and \$200,000 allocated to the William Street Town Centre artwork, from the \$222,008 that is currently attributed to Perth in the Percent for Art cash-in-lieu reserve.

COMMENTS:

The City of Vincent recognises that COVID-19 has had and will continue to have a significant impact on the City's arts community. Artists perform a vital role in Vincent and have provided immeasurable value to our communities. This project aims to support Vincent's local arts industry and the broader Vincent community by delivering public realm artworks which encourage and support social interaction, creativity and vibrancy.

5.4 BUILT FORM POLICY AMENDMENT 3

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To provide an overview of the interim amendments to State Planning Policy No. 7.3 – Residential Design Codes Volume 1 (R Codes), to identify how these would affect the City's Policy No. 7.1.1 – Built Form (Built Form Policy), and to consider proposed Amendment 3 to the Built Form Policy to address inconsistencies between the two policies created by the interim amendments.

BACKGROUND:

At its meeting on 16 June 2020 Council endorsed Amendment No. 2 to the Built Form Policy. Amendment No. 2 to the Built Form Policy is in operation, noting Administration is continuing to pursue the Western Australian Planning Commission (WAPC) approval for the following provisions:

Volume 1 – Single House and Grouped Dwellings

- Clauses 1.2, 4.2, 5.2 – Lot boundary setbacks; and
- Clauses 1.4, 4.5, 5.9 – Landscaping.

Volume 2 - Multiple Dwellings and Mixed Use

- Clauses 1.4, 4.3, 5.3 – Tree canopy and deep soil areas;
- Clause 1.7 – Car and bicycle parking; and
- Clause 1.10 – Energy Efficiency.

The City submitted these provisions to the Department of Planning Lands and Heritage (DPLH) on 11 September 2020. At this time DPLH were progressing various Planning Reforms which would mean that the submission would be assessed following the completion of Planning Reforms at the end of 2020. The City has since discussed these provisions with DPLH and in light of the draft Medium Density Codes (MD codes) it was suggested that the City await the outcome of the draft before determination of the Built Form Policy provisions. DPLH have indicated that the draft MD codes will be finalised at the end of 2021 however this is not confirmed. As the date for finalisation is unknown City has sought determination of the Built Form Policy provisions. The City has provided additional information requested in April 2021 and is awaiting indication that a report is being prepared and presented to the WAPC for consideration.

The WA Government has since reviewed the R Codes as part of its package of planning reforms to assist with the economic recovery from the COVID-19 pandemic. The review resulted in a series of amendments to the R Codes that aim to support the residential building industry, local governments, and homeowners by

simplifying clauses and streamlining approval processes for low to medium density housing projects. The R Codes amendments will be gazetted and become operational on Friday 2 July 2021.

As part of this review, the WA Government is in the process of creating a new document called the Medium Density Housing Code. This document will form part of the R Codes Volume 1 and will guide single houses and grouped dwellings in areas coded R30 and above, and multiple dwellings coded R30 – R60.

A major review of the Built Form Policy (Amendment 4) would be undertaken following the finalisation of the Medium Density Housing Code. This further amendment would include a full review and community consultation to address all concerns and improvement opportunities of the Built Form Policy.

DETAILS:

A summary of the R Codes amendments and Administration's response is included in **Attachment 1**. The summary identifies where modifications to the Built Form Policy would apply, what impact they may have, and where the Built Form Policy would continue to apply as existing. The amendments to the Built Form Policy are minor and simply reflect the amendments made to the R Codes.

Proposed modifications to the Built Form Policy

In response to the R Codes amendments, a series of modifications to the Built Form Policy are recommended. A copy of the Built Form Policy showing the tracked changes is included as **Attachment 2** and an updated version of the Built Form Policy showing these changes implemented is included as **Attachment 3**. The key changes are outlined below:

Street setbacks (Item 7 of Appendix 1 and 4)

The R Codes have been amended to allow unenclosed porches, verandahs and balconies to project up to 50 percent into the primary street setback area, without providing equal compensating area as required by Clause 5.1.2 C2.1 of the R Codes. This new provision of the R Codes would apply from Friday 2 July 2021 unless the Built Form Policy is amended to change it.

Removing the requirement for a compensating area of open space to be provided behind the setback line whenever a porch or verandah project forward of the primary street setback would not impact on development achieving the objectives of the Built Form Policy. Development would still be required to provide the same amount of open space and landscaping across the site and encouraging porches and verandahs would provide opportunity for increased activation between dwellings and the street. There is no objection to this provision and so it is proposed to be included into the Built Form Policy in a manner that is consistent with its five either side primary street setback standard.

The reduced setback of balconies, as prescribed by the R Codes, would not align with the intent of the Built Form Policy, as the Built Form Policy currently requires balconies to be setback one metre behind the ground floor predominant building line. The current provisions relating to balconies are proposed to remain and as such the new provision of the R Codes relating to balconies would not take effect.

Patios, verandahs and the equivalent (Item 8 of Appendix 1 and 4)

The R Codes have been amended to allow patios to have a nil setback to the lot boundary when the structures are not more than 10 metres in length, not more than 2.7 metres in height, the structure is located behind the primary street setback, and the eaves, gutters and roof is setback not less than 450 millimetres.

The amendment to the R Codes represents typical development that would not have a detrimental impact on adjoining properties. The Built Form Policy is recommended to be amended to allow these R Code provisions to apply.

Boundary walls (Item 9 of Appendix 1 and 4)

The R Codes have been amended to remove the reference to boundary walls of a similar dimension, remove the reference to 'averaging' and to permit boundary walls on up to two site boundaries.

Removing the reference to 'averaging' means that boundary walls would be permitted to have a maximum height of 3.5 metres, which is consistent with the existing requirements of the R Codes. There would be a minor increase in boundary wall heights due to there no longer being consideration of the average height.

The Built Form Policy already permits boundary walls on two site boundaries and so this change to the R Codes simply brings it into alignment with the Built Form Policy.

The amendment to the R Codes would simplify the assessment of boundary walls and would be consistent with the built form outcome delivered by the Built Form Policy. The provisions of the Built Form Policy would be redundant under these R Code changes and are recommended to be deleted.

Outbuildings (Item 38 of Appendix 1 and 4)

The R Codes have been amended to distinguish between small, and large/multiple outbuildings. The criteria for small outbuildings align with the Building Codes of Australia and allows small outbuildings to be exempt from requiring development and building approval when they meet the specified criteria relating to number of structures, location, size, height, and other site considerations.

The requirements for large and multiple outbuildings includes deemed to comply criteria to better regulate the potential impact on adjoining properties.

The Built Form Policy does not include any provisions to replace those of the R Codes and no changes are recommended in response to these modifications to the R Codes.

Building height (Item 45 of Appendix 1 and 4)

The R Codes have been amended to increase permitted building heights by 0.5 metres to one metre for single storey and two storey development.

The Built Form Policy already includes heights above those in the R Codes, though these are slightly lower than those soon to be permitted by the R Codes. The additional building height reflected in the R Codes respond to typical development and would not have a detrimental impact on the bulk, scale, and visual outlook of developments. It is recommended the Built Form Policy is modified to reflect the maximum building heights prescribed by the R Codes.

Modifications to the R Codes not included in the Built Form Policy

The R Codes contains several modifications that are not proposed to be incorporated to the Built Form Policy as they are contrary to the intent and built form outcome being sought by the City.

A copy of the R Codes showing the tracked changes is included as **Attachment 4**.

The key changes to the R Codes that have not been incorporated into the Built Form Policy are outlined below:

Carports (Item 11 of Appendix 1 and 4)

The R Codes have been amended to permit carports to project up to 50 percent into the front setback area without providing a compensating area of open space, and to have a maximum width of 60 percent of property frontage.

The Built Form Policy already includes separate provisions regulating carports and would replace the new R Codes provision. No amendments to the Built Form Policy are recommended as the R Codes provision is not consistent with the intended built form outcomes of the Built Form Policy.

Garages (Item 15 of Appendix 1 and 4)

The R Codes have been amended to permit garages to have a maximum width of 50 percent of the lot frontage, regardless of its proximity to the dwelling.

The Built Form Policy already includes separate provision regulating garage width. No modifications to the Built Form Policy are recommended as the R Codes provision is not consistent with the intended built form outcomes of the Built Form Policy.

Landscaping (Item 24 – 26 of Appendix 1 and 4)

The R Codes have been amended to:

- provide more robust provisions and to provide clarity so that landscaping is provided in open spaces generally, not just common property and communal spaces;
- provide clarity and to include a requirement for one shade tree for every four uncovered car parking spaces (previously one per six); and
- include new deemed to comply requirements that stipulate space to provide at least one tree per dwelling with a minimum dimension of 2 metres, now required for single houses, grouped dwellings and multiple dwellings.

The Built Form Policy contains local housing objectives and deemed to comply requirements that seek to achieve more robust landscaping outcomes. The landscaping provisions within the Built Form Policy represent a Council adopted policy position but do not apply until the WAPC have granted approval in accordance with section 7.3 of the R Codes Volume 1.

Whilst the new provisions within the R Codes would result in an improved landscaping outcome, Administration will continue to pursue approval from the WAPC for the landscaping provisions within the Built Form Policy.

No changes to the Built Form Policy are recommended because of this modification.

Ancillary dwellings (Item 39 of Appendix 1 and 4)

The R Codes previously set a deemed-to-comply standard allowing ancillary dwellings on sites not less than 450 square metres. The R Codes amendments change this standard to 350 square metres. New provisions are also included to control the location, design, and site requirements.

The Built Form Policy does not include any provisions to replace those of the R Codes and no further changes are recommended in response to these modifications as the R Codes requirements would assist in moderating the built form outcome of the development.

CONSULTATION/ADVERTISING:

In accordance with Schedule 2, Part 2, Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* local governments can make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

The amendment to the Built Form Policy is a minor amendment as it responds to the amendments of the R Codes only and ensures effective and continual operation of the Policy.

Upon adoption of Amendment 3 to the Built Form Policy, the City would notify key stakeholders of the key changes in writing and include a notification on the City's website.

LEGAL/POLICY:

Section 2.7(2)(b) of the Act provides Council with the power to determine policies.

The City's [Policy Development and Review Policy](#) sets out the process for repealing and adopting policies.

RISK MANAGEMENT IMPLICATIONS

Low: Adopting Amendment 3 to the Built Form Policy is low risk.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Sensitive Design

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

SUSTAINABILITY IMPLICATIONS:

Nil.

PUBLIC HEALTH IMPLICATIONS:

Nil.




FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Amendment 3 to the Built Form Policy proposes minor changes only. The changes are intended to simplify and improve the design outcomes and would not have a detrimental impact to the application of the Built Form Policy. The amendment responds to the changes to the R Codes only and ensures the Built Form Policy continues to be operational and legible.

5.5 BRITANNIA RESERVE DEVELOPMENT PLAN

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To seek Council consideration and endorsement of the Draft Britannia Reserve Development Plan (Development Plan) for the purpose of community consultation.

BACKGROUND:

At the Ordinary Council Meeting on 12 November 2019, Council noted that the City would work collaboratively with Floreat Athena Football Club (FAFC) and the Australian Government to obtain \$3 million through the Community Development Grants Program towards upgraded sporting facilities, including a full integration between Litis Stadium and Britannia Reserve and rationalising any non-essential assets.

The planned project was intended to ensure that any funding opportunities, or resources that are invested would be used to further an overall vision for the site. Consideration was also given to reducing costs including identifying opportunities for multi-purpose infrastructure and reducing ongoing maintenance expenses. The agreed vision was '*To identify the optimum layout for community and sporting use of the site which develops a strong connection between Litis Stadium and Britannia Reserve*'.

Between February and August 2020, the City liaised with FAFC through ongoing Working Group meetings to determine their requirements for the site. This information was detailed at the Council Workshop on 17 August 2020 where Council were presented with the City's and FAFC's project priority details and options.

Rigorous discussion has been held between the City and FAFC through working group meetings to come to the now preferred option to locate the change rooms on the current site of the grandstand, based off the initial options within the project's Business Case. Construction of the change rooms on other potential locations and restoration of the current grandstand were explored, however due to the grandstand's condition and the estimated cost of restoration and maintenance it was deemed that this option was significantly beyond what both parties could facilitate. A structural assessment of the grandstand at Litis Stadium was undertaken in December 2020, finding that the grandstand was in poor condition making it unsuitable for continued occupation. The grandstand is currently non-operational.

Following Council direction and feasibility analysis of the site, the City continued to work with FAFC through additional project meetings from August 2020 to May 2021 to finalise the draft Development Plan.

The cost to deliver new change rooms and renewal and upgraded FAFC clubroom facilities has been estimated at \$3 million, meaning the \$3 million Federal Government grant could not be used for renewal and upgrade of the Britannia Reserve floodlighting. Additional funding has been provided by the Department of Infrastructure, Transport, Regional Development and Communications for this floodlighting renewal and upgrade. The total project cost for the lighting is \$750,000. Grant funding has been approved through the Local Roads & Community Infrastructure Program funding \$491,444 of the floodlighting. The balance is proposed to be funded through the City's capital works budget in the 2021/22 financial year.

The City has also been approached by Optus regarding the pending decommissioning of their current mobile phone tower located between Anzac Road and Lynton Street in Mount Hawthorn. Optus have proposed to locate a replacement tower on the western side of Britannia Reserve, near the freeway in order to fill the mobile reception blackspot that would be left when the existing tower is decommissioned.

DETAILS:

Change rooms and FAFC Clubrooms

The City and FAFC have been working closely to come up with a concept for the change rooms, clubrooms and floodlighting that would meet the requirements of the grant; meet the objectives of the City and FAFC respectively; and result in a positive outcome for the community.

The draft Development Plan in **Attachment 1** incorporates a newly constructed change room facility and refurbishment of the current clubroom facility, with both the City and FAFC Board now in agreement of this as a preferred option for the site. This is in line with the Masterplan for the site. Feedback received through this process will inform future masterplanning.

Attachment 2 displays the design proposed for the new community change room facility. The remaining grant funding is proposed to be used for renewal and upgrade of the existing clubroom facility.

The plan proposed the following work be carried out:

- Demolition of current grandstand and adjacent toilet block;
- Following demolition of grandstand and adjacent toilet block, build new fit-for-purpose change rooms and public toilets to the north of existing FAFC clubrooms;
- Address unsafe and non-compliant accessibility and general amenity to the existing Floreat Athena clubrooms and stands; and
- Renewal and upgrade of FAFC clubrooms.

Future improvements could then be considered in future years, pending funding, such as:

- Create new open forecourt to FAFC clubrooms.
- Remove portion of the former velodrome on the south east side, which would open up the field with the rest of Britannia Reserve, and provide a strong visual and physical link between the two facilities and parks.
- Improve pedestrian and cycling link around the site.
- Improve the ecological and environmental performance of the area with native planter beds and additional tree canopy.

Sports Lighting Renewal and Upgrade

The Local Roads & Community Infrastructure Program has committed to fund \$491,444 of the project to renew and upgrade the lights at Britannia Reserve and address the problem definition outlined as:

Sports group floodlights are failing. This is a heavily used community reserve for cricket and football (soccer).

The area to be lit at Britannia Reserve is identified in **Attachment 1**. This would include lighting the western field up to 200lux to incorporate evening usage by the cricket club, whilst the remaining areas indicated would be lit up to 100lux. This would allow the club to train and play during the evenings across each of these grounds and reduces damage to the playing fields.

Telecommunications Tower

Optus have proposed to locate a telecommunications tower which would also accommodate Telstra and Vodafone on Britannia Reserve. This would reduce the demand for additional towers elsewhere in Mount Hawthorn.

CONSULTATION/ADVERTISING:

If approved, the Development Plan would be advertised for community consultation through the following mediums:

- Social media campaign;
- Letter to surrounding residents;
- Signage in Britannia Reserve;
- Imagine Vincent project page;
- Online survey;
- News item on website; and
- Workshop with FAFC.

Attachment 3 shows the Engagement Plan and further outlines the process of consultation to the community.

The specific consultation in relation to the Britannia Reserve Sports Lighting Renewal is being carried out as a separate exercise due to the short timescale in which this capital project needs to be completed (December 2021) as a requirement of the grant funding.

LEGAL/POLICY:

- Policy No. 4.1.5 – Community Consultation; and
- State Planning Policy 5.2 – Telecommunications Infrastructure (<https://www.dplh.wa.gov.au/spp5-2>).

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve the Development Plan for community consultation.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

Our parks and reserves are maintained, enhanced and well utilised.

Connected Community

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

Our community facilities and spaces are well known and well used.

Thriving Places

Our physical assets are efficiently and effectively managed and maintained.

Sensitive Design

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

Our community is aware of what we are doing and how we are meeting our goals.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

Increased physical activity

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising will be met through the City's existing operational budget.

Change rooms and FAFC Clubrooms

The Federal Government Department of Infrastructure, Transport, Cities and Regional Development announced a \$3 million funding commitment through their Community Development Grants Programme to Floreat Athena Football Club for the redevelopment of Litis Stadium, which is located on property owned in freehold by the City.

A Schematic Cost Estimate of \$2,386,138 has been provided for the demolition of the grandstand and construction of the new change room and spectator seating, as per the plans shown in **Attachments 1 and 2**.

The estimated remaining funds of \$613,862 would be used by FAFC to renew and upgrade their existing clubroom.

Floodlighting

The estimated total cost of renewing and upgrading floodlighting on Britannia Reserve in line with recommended floodlighting option is \$750,000.

Local Roads and Community Infrastructure Program has provided a funding allocation of \$491,444 towards the construction of the new floodlights on Britannia Reserve. The remaining costs would be contributed by the City which would come to an estimated total of \$258,556.

Telecommunications Tower

The rental return rates in the area have been estimated to be between \$25k-\$30k for this type of structure.

COMMENTS:

Britannia Reserve plays a key role in providing sufficient recreational and sporting opportunities to the local and wider community. The current assets are dated and below current standards, and these developments will greatly enhance the useability and quality of the respective facilities to meet growing community needs. The Development Plan aims to achieve full integration between Litis Stadium and Britannia Reserve, and rationalise any non-essential assets.

The respective potential investments of \$3 million (Community Development Grants Programme) and \$491,444 (Local Roads and Community Infrastructure Program) from the Australian Government into sporting and community facilities at Litis Stadium and Britannia Reserve would be of great benefit to the current users and local community.

The next steps will be to present the Development Plan to the community for feedback on the current proposed elements and potential improvements in the future.

6 INFRASTRUCTURE & ENVIRONMENT

6.1 E-PERMITS IMPLEMENTATION PROGRESS REPORT

Attachments: Nil

RECOMMENDATION:

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

PURPOSE OF REPORT:

To provide an update to Council on the progress of the implementation of the e-permits system.

BACKGROUND:

At the Ordinary Council Meeting of 23 March 2021, Council requested Administration to provide a monthly report on the progress of the implementation system.

This report has been prepared to address that request.

DETAILS:

Since the e-permit system went live on 2 November 2020, there has been a total of 3,344 residents who have created an account and are utilising the new system. This number consists of current permit holders and new residents. Of the current permit holders who were notified of the new system, approximately 78% have created an e-permits account.

There are 889 current permit holders who have not yet created an account despite two letters sent, an email and some have also been contacted by telephone. These residents have not made any contact with the City and so it appears that many of these existing permit holders either no longer live in Vincent or no longer require permits (e.g. have sufficient off street parking).

Telephone calls to current permit holders who have not yet registered will continue with the hope that they can be contacted to ascertain if they no longer reside within the City, or if they are experiencing any difficulty in accessing the system. From the 1st of April, Rangers began informal enforcement by issuing a caution to residents displaying paper permits. The process does not attract a parking fine and the intention is to encourage eligible residents to make contact with the City or to register. To date there have been a total number of 65 cautions issued, which resulted in 17 accounts created and/or vehicle registrations activated.

From the 1st of July 2021, Rangers will commence issuing infringement notices for those vehicles without an active e-permit, in line with standard procedure.

CONSULTATION/ADVERTISING:

Two letters and an email have been sent to all current paper permit holders who have not registered for e-permits. Phone calls have also been made and will continue.

LEGAL/POLICY:

The City has run a security assessment against the e-permits system based on the Australian Cyber Security Centre framework, including confirmation of various security arrangements by the software vendor. The City is satisfied with data security controls that are in place for the e-permits system.

The City also reviewed the e-permits system against the Australian Privacy Principles. The Principles helped the City review how it intended to collect and use personally identifiable information for e-permits. The City has identified several opportunities to improve its management of the information captured by e-Permits and is working on its own policies and also with the software vendor on suitable changes.

The City's *Register of delegations, authorisations and appointments* identifies which users within Administration have access to the e-permits database. Any additional requests for access to this information must be authorised by the CEO directly. No other external authorities have access to the e-permits database, nor is there any intention to make this data available to any external authority.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to have the e-permits system implemented. There are a small number of residents who have ongoing concerns about the use of this technology for the City's residential parking permit system. Administration is working with these residents to address these concerns.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:
Enhanced Environment

We have minimised our impact on the environment.
Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

Waste Reduction

The replacement of approximately 10,000 paper permits with e-permits is a more sustainable option.

PUBLIC HEALTH IMPLICATIONS:

This is not in keeping with any of the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The e-permits system will result in an estimated financial saving of \$6,200 per annum.

E-permits also provides a more efficient and reliable system for enforcement of the residential parking permit policy to ensure only those residents entitled to the permits are using them.

6.2 WASTE STRATEGY PROJECT - 8 COMMERCIAL WASTE COLLECTION - PROGRESS UPDATE AND RESPONSE TO PETITIONS

The Waste Strategy Project - 8 Commercial Waste Collection - Progress Update and Response to Petitions will be finalised and published prior to the 15 June Council Briefing.

Justification for its inclusion in accordance with clause 2.5 of the City's [Meeting Procedures Policy](#) will be provided in the late agenda.

7 COMMUNITY & BUSINESS SERVICES

7.1 LEEDERVILLE GARDENS TRUST FUND COVID-19 RELIEF GRANTS UPDATE

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

RECOMMENDATION:

That Council:

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

PURPOSE OF REPORT:

To provide an update for the COVID-19 Relief and Recovery Committee on the progress of the grants provided under the Leederville Gardens Trust COVID-19 Relief Funding program and to seek approval of a variation for the Foodbank WA Inc (Foodbank) Grant Agreement and the People Who Care Inc (PWC) Grant Agreement.

BACKGROUND:

At the Special Meeting of Council on 30 March 2020 it was resolved that Council:

- ‘1. *As trustee of the Leederville Gardens trust fund ENDORSES the allocation of up to \$1 million from those funds for the provision of urgent relief of people in need as a direct or indirect consequence of the conditions imposed by COVID-19;*
2. *INVITES Expressions of Interest from Registered Public Benevolent Institutions to be considered for funding under Recommendation 1 above; and*
3. *NOTES that the outcome of the expression of interest process in Recommendation 2 above will be presented to the City’s COVID-19 Relief and Recovery Committee for consideration and approval.’*

Following this, administration invited suitable Public Benevolent Institutions (PBI’s) to submit their Expression of Interest for funding under this program. Applications were assessed by Administration and funds approved to PBI’s at the COVID-19 Relief and Recovery Committee meetings as per the below schedule:

Meeting Date	PBI	Amount
28 April 2020	St Vincent De Paul	\$200,000
28 April 2020	Uniting Care West	\$129,000
5 May 2020	RUAH	\$27,800
5 May 2020	People Who Care	\$105,000
12 May 2020	YMCA of WA	\$138,000
9 June 2020	Foodbank WA	\$178,476
30 June 2020	Derbarl Yerrigan Health Service	\$68,559

Agreements have been entered into for all organisations listed in the above schedule.

In September 2020, Foodbank formally requested an extension and variation to their grant, following lower than expected uptake of their support and services within Vincent. Foodbank asked that the range of products that they deliver be expanded and to be able to distribute support to partner community service organisations delivering services within the City of Vincent. This would enable them to expand their support to people experiencing homelessness and those who accessed services within Vincent but were not residents.

At the meeting on 3 November 2020 it was resolved that the COVID-19 Relief and Recovery Committee:

- ‘1. *NOTES the progress of the funding provided to benevolent not-for-profit organisations under the Leederville Gardens Trust COVID-19 Relief Grant Funding program;*
2. *APPROVES the request from Foodbank WA Inc for a variation to the terms of their Leederville Gardens Trust COVID-19 Relief Grant Agreement as detailed in this Agenda Paper; and*
3. *NOTES that the Executive Director, Community & Business Services will prepare and enter into a variation to the funding agreement for Foodbank WA Inc.’*

A request for an extension of the grant period by Foodbank WA was not endorsed, however it was noted by the Committee that Foodbank could resubmit their request for extension closer to the end of the grant funding period should they still wish to do so.

DETAILS:

Administration has worked closely with the grant recipients to monitor the progress of the grant programs. Further details regarding the progress of each grant is listed in Attachment 1.

The original intent of the COVID-19 Relief Funding program, as set out in the agenda paper presented on 30 March 2020 states:

The current COVID-19 pandemic has raised the potential of imminent hardship being experienced by many of our more disadvantaged and at-risk community members. This may place extra strain on the services and programmes currently provided by various not-for-profit, charitable or volunteer organisations and exacerbate areas of underserviced demand.

It is noted that all the organisations delivering emergency relief and financial relief support have seen a slower than expected uptake in services. It is believed that the financial support measures which were implemented on a Federal level, including Jobkeeper and Jobseeker payments, utility and mortgage relief, provided a ‘buffer’ to people who may have been experiencing financial difficulty. Since these measures have been wound back, there has been no significant increase in demand from City residents for these support services.

The end of the State Government Rent Moratorium means that there may be spike in demand over the coming months if rental price and availability pressures result in additional people experiencing financial hardship.

Foodbank WA Inc Grant Extension and Variation Request

The City has received a second request from Foodbank for extension of their grant.

Foodbank received grant funding to the amount of \$178,476.00 plus GST to deliver food hampers and some ready-made meals to residents in the City from July 2020 to March 2021.

Following continued lower than expected uptake of emergency relief, Foodbank have resubmitted their request for a grant extension until 31 December 2021 (see Attachment 2 {two}). Additionally they are requesting to return \$160,476 of the grant funding as they do not believe they can acquit the full funding amount even with an extension. This would result in their total grant funding reducing to \$18,000 plus GST.

In support of their request, Foodbank has advised that in February 2021, they commenced delivering (at their own cost) orders to Perth Inner City Youth Service (PICYS) and the Centre for Asylum Seekers, Refugees

and Detainees (CARAD) who both operate within the City of Vincent. Up until 28 February 2021 Foodbank have expended a total of \$4,611. Based on the current demand from these agencies, Foodbank believe that revising the grant funding to \$18,000 will allow them to continue to support PICYS and CARAD throughout 2021. Foodbank would continue to arrange delivery to these agencies at their own cost, meaning the entire service would be free of charge to PICYS and CARAD.

It should be noted that Foodbank have continued to approach other charitable agencies within the City to offer support to residents, however there have been no other agencies who have taken up this service.

Administration is recommending an extension be granted to Foodbank until 31 December, and a reduction in total grant funding to \$18,000 plus GST, noting the grantee will return \$160,476 of grant funding as services were not required.

People Who Care Inc Grant Extension and Variation Request

People Who Care (PWC) have also requested a grant extension.

PWC received grant funding to the amount of \$105,000 to provide utility, medical, emergency and financial relief to residents in the City from May 2020 to June 2021.

PWC have advised that they have been working closely with local community organisations, however the demand for their services has been low within the City of Vincent. PWC have indicated that they expect the end of the rental moratorium could result in an increase in need. As of the end of February 2021, PWC have expended a total of \$34,259 with a total of \$70,741 remaining.

As noted in Attachment 3, they have requested to continue to provide support to residents within the City in need until the remaining funds have been utilised. Administration is supportive of an extension however believes that a fixed end date is required. Therefore, Administration is recommending an extension be granted to PWC until 31 December 2021.

CONSULTATION/ADVERTISING:

Relevant programs have been promoted through the City's communication channels and partnerships to provide awareness of assistance available to residents.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to extend the grant period for these grants. This is being managed by monitoring and the risk is minimal, given grant agreements stipulate a return, or partial return, of grant funding is required if agreed outcomes are unable to be met. Additionally, reducing the grant amount for Foodbank will reduce the potential financial risk.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

We are an inclusive, accessible and equitable City for all.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased healthy eating

Mitigate the impact of public health emergencies

FINANCIAL/BUDGET IMPLICATIONS:

The full grant funding amount has already been provided to both Foodbank and PWC. Approval of the variation to Foodbank's grant would result in the return of \$160,476 + GST to the Leederville Gardens Trust Fund.

COMMENTS:

While it is not standard practice for the City to provide long term extensions to grant funding, it is noted that the nature of the COVID-19 emergency and unpredictability of the pandemic's impacts over the coming year means that it is not straightforward to predict the demand for support in the community.

Regardless of whether an increase in demand is experienced following the end of the rental moratorium, the nature of the grants provided to PWC and Foodbank ensures that funds are being provided to people experiencing genuine financial distress and who are most at risk should there be further impacts from the COVID-19 Pandemic. Therefore Administration recommends that both grants are extended until 31 December 2021 and that the variation to the funding amount for Foodbank is approved, with the additional funds to be returned to the City immediately.

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

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To consider entering into a management agreement for the Turnstile building located at 41 Britannia Road, Mt Hawthorn to Tools n Things Library Inc and extension of the premises to include the outdoor storage cage adjacent to the Turnstile building (Attachment 2).

BACKGROUND:

In June 2020 Administration became aware that Transition Town Vincent (TTV) had entered into a sub-lease arrangement with Floreat Athena Football Club to use the undercroft area of the grandstand at Litis Stadium for a community Tool Library.

The City's consent was not sought prior to entering the sub-lease, however Administration permitted TTV to continue to occupy the space on a temporary basis, while assisting TTV to find an alternate premise. In July 2020, the Tool Library formally separated from TTV and became incorporated under the name of Tools N Things Library Inc (TNTL).

Floreat Athena Football Club's lease and the sub-lease expired in September 2020 and Administration agreed to TNTL's continued occupation of the space, on the basis that the nearby turnstile building at Litis Stadium was to be investigated as a suitable new location for the Tool Library.

A structural assessment of the grandstand at Litis Stadium was undertaken in December 2020, finding that the grandstand was in poor condition making it unsuitable for continued occupation by TNTL. On 15 January 2021, the Acting Chief Executive Officer, under Delegated Authority, approved the following:

1. *NOTES that Tools N Things Library Inc (TNTL) are currently occupying a portion of the grandstand at Litis Stadium, 41 Britannia Road, Leederville, for the purposes of a Tool Library and that the building is unsuitable for continued use due to its condition;*
2. *APPROVES a licence for TNTL to occupy the turnstile building at Litis Stadium, 41 Britannia Road, Leederville, as shown in the plan at Attachment 1, for a period of 6 months commencing 15 January 2021, on the following key terms:*
 - 2.1 *Rent: Nil;*
 - 2.2 *Outgoings: To be paid by the City;*
 - 2.3 *Building Condition: Provided in 'as is, where is' condition. The City will not undertake any capital or renewal works during the term, except at its sole discretion;*
 - 2.4 *Repairs and Maintenance: City is responsible for repairs and maintenance. TNTL to keep premises in a clean and tidy condition and repair any damage it causes;*
 - 2.5 *Insurance: TNTL to effect and maintain a public liability policy with cover not less than \$20 million;*
 - 2.6 *Indemnification: TNTL to indemnify the City against all costs and claims;*
 - 2.7 *Permitted Purpose: Tool library and associated community activities; and*
 - 2.8 *Alterations: Not without the prior approval in writing of the City.*
3. *NOTES that the Chief Executive Officer will present a further report to Council in respect to a longer term arrangement between the City and TNTL prior to the expiry of the temporary licence, which is on 15 July 2021.*

DETAILS:

TNTL have been operating out of the Turnstile building since late January and held their official 'housewarming' launch event, which was funded by the City of Vincent Community Grants program, on 20

March 2021. Their opening hours are Wednesdays 4 - 6pm and Saturdays 10am - 12noon. Tool Library memberships are currently available for a 'foundation member' rate of \$75 for an 18 month period and will change to a standard member rate of \$75 for a 12 month period later this year.

TNTL now have a total of 65 members, with approximately 5 to 10 items being borrowed each week. They have 12 volunteers. The library is continuing to grow with more than 450 items now available for loan.

In May 2021 the TNTL committee wrote to Administration, requesting to extend the agreement for use of the Turnstile building for another 12 months with a further waiver of fees for this period for use of the property. Additionally, TNTL requested that the storage cage located adjacent to their building be included in their Management Agreement area, as they wish to utilise this for storage and working space.

Administration is supportive of TNTL's ongoing use of the building, however it is recommended that the Management Agreement provide an initial 6 month term with a further 6 month option at the City's sole discretion. This is due to the upcoming public consultation process for Britannia Reserve Development Plan which will take place in the second half of 2021.

The storage cage that TNTL are seeking to utilise is approximately 26 square metres in area. This asset is not being actively used by the City and relevant Administration teams have indicated their support for allowing TNTL to utilise this space.

The Gross Rental Value (GRV) for the turnstile building is \$9,875. In accordance with the terms of the Property Management Framework for Category 1 groups, the tenancy fee has been calculated as 10% of the GRV, with a 50% community benefit rebate applicable. This equates to \$493 per year, or \$246 per 6 month term as per Recommendation 1.

Given that TNTL have already received a waiver for the first 6 months use of this building in addition to the period which they utilised the grandstand undercroft area for free, Administration believes that an additional 6 month waiver is appropriate, rather than a further 12 month waiver as requested by TNTL.

CONSULTATION/ADVERTISING:

The proposed Management Agreement to TNTL does not require public notice, in accordance with section 3.58 (Disposal of property) of the *Local Government Act 1995*, as TNTL has cultural and recreational purposes and members do not receive any pecuniary profit. As a result, the exemption under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* applies.

LEGAL/POLICY:

Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*:

'(2) A disposition of land is an exempt disposition if —

(b) the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions...'*

The proposed Management Agreement terms align with the City's Property Management Framework for a Category 1 tenant, with the exception of the Term. It is considered appropriate to enter into a shorter lease Term given the current Britannia Reserve Development Plan process, until such time as it is determined that the Plan will not impact on the future availability of the Turnstile Building for use by TNTL.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to consider a Management Agreement for a community building.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

Our community facilities and spaces are well known and well used.

Thriving Places

Our physical assets are efficiently and effectively managed and maintained.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following priority outcomes of the City's *Sustainable Environment Strategy 2019-2024*:

Waste reduction

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

FINANCIAL/BUDGET IMPLICATIONS:

The proposed tenancy fee is \$987 per annum excluding GST. The Tools n Things Tool Library is eligible for a 50% community benefit rebate, which means the annual tenancy fee payable is \$493. As the proposed term is for a 6 month period, with a further 6 month option at the City's discretion, the tenancy fee payable per term is \$246. Administration propose that the initial term 6 months tenancy fee is waived to allow TNTL to establish and build a sustainable operation.

Utilities will be paid for by the City with TNTL responsible for ESL and building insurance excess.

7.3 SUPPORT FOR ULURU STATEMENT FROM THE HEART - RESPONSES

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

RECOMMENDATION:**That Council**

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

PURPOSE OF REPORT:

To present two letters received in response to letters from Mayor Emma Cole expressing Council's support of the Uluru Statement from the Heart.

BACKGROUND:

At the Ordinary Council Meeting on 15 December 2020 a report outlining the City's support of the Uluru Statement from the Heart was passed unanimously with the following actions:

That Council:

1. *SUPPORTS the Uluru Statement from the Heart with the following actions:*
 - 1.1 *acknowledges Aboriginal and Torres Strait Islander Peoples as the Traditional Owners of this Country and pay respect to their ongoing spiritual and cultural connections;*
 - 1.2 *recognises the need for constitutional change that goes beyond the symbolic, and gives breath to the benefits that a treaty offers all Australians as we move towards a reconciled Australia;*
 - 1.3 *endorses the Mayor submitting a letter to the Prime Minister and key Federal Parliamentarians expressing Council's support for the Uluru Statement from the Heart; and*
 - 1.4 *requests that there is a focus on community engagement and awareness surrounding the Uluru Statement from the Heart as part of the annual NAIDOC and Reconciliation Week events.*

Letters were sent by Mayor Emma Cole to the Prime Minister and key Federal Parliamentarians in March 2021 expressing Council's support for the Uluru Statement from the Heart.

DETAILS:

Two responses were received from the Minister for Indigenous Australians Hon Ken Wyatt AM MP as at **Attachment 1** and the Shadow Minister for Indigenous Australians the Hon Linda Burney MP as at **Attachment 2**.

The letters were presented to the Reconciliation Action Plan Working Group (RAPWG) on 10 May.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to receive the letters.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

We recognise, engage and partner with the Whadjuk Noongar people and culture.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This is not in keeping with any of the priority health outcomes of the City's *Public Health Plan 2020-2025*.

7.4 INVESTMENT REPORT AS AT 30 APRIL 2021

TRIM Ref: D21/82414
Author: Nalukui Mwale, Coordinator Financial Services
Authoriser: David MacLennan, Chief Executive Officer
Attachments: 1. Investment Statistics as at 30 April 2021 

RECOMMENDATION:

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

PURPOSE OF REPORT:

To advise Council of the nature and value of the City's Investments as at 30 April 2021 and the interest amounts earned year to date.

BACKGROUND:

The City's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance to the City's Investment Policy (No. 1.2.4).

Details of the investments are included in **Attachment 1** and outline the following information:

- Investment performance and policy compliance charts;
- Investment portfolio data;
- Investment interest earnings; and
- Current investment holdings.

DETAILS:**Summary of key investment decisions in this reporting period**

- No additional funds have been invested in April to ensure cash flows are maintained at an optimum level; and
 - (a)
- The City's non-fossil fuel exposure has maintained its low levels for the past few months due to the following reasons:
 - Record low interest rates offered by banks divested in fossil fuel activities; and
 - Smaller divested banks have capped the number of term deposits they can undertake due to surplus cash positions primarily fuelled by low borrowing costs in the market.

Investment Status

As at 30 April 2021, the total funds held in the City's operating account (including on call) is \$33,129,488. Interest bearing term deposits account for \$30,931,997 and the remaining \$2,197,491 is held in a non-interest bearing account.

The following table shows funds under management for the previous and current year: -

Month Ended	2019/20		2020/21	
	Total funds held	Total term deposits	Total funds held	Total term deposits
July	\$32,209,493	\$26,105,854	\$21,740,955	\$17,906,824
August	\$49,641,327	\$44,977,692	\$26,788,392	\$16,238,861
September	\$44,876,698	\$41,017,535	\$38,460,372	\$23,921,321
October	\$46,846,286	\$37,782,515	\$37,495,284	\$34,251,899
November	\$46,118,236	\$36,123,083	\$39,183,018	\$35,651,552
December	\$38,557,295	\$34,633,796	\$38,061,941	\$33,065,398
January	\$37,915,806	\$33,773,707	\$38,678,150	\$33,457,047
February	\$35,377,640	\$33,681,961	\$38,487,371	\$30,813,182
March	\$33,969,162	\$28,466,025	\$35,043,974	\$31,443,637
April	\$30,832,893	\$25,975,451	\$33,129,488	\$27,858,186
May	\$28,935,398	\$22,319,031		
June	\$25,079,463	\$17,565,310		

Interest Status

Total accrued interest earned on investments as at 30 April 2021 is:

Total Accrued Interest Earned on Investment	Original Budget	Revised Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$230,000	\$100,000	\$69,895	\$61,558	88.07%
Reserve	\$180,205	\$130,205	\$130,205	\$73,791	56.67%
Subtotal	\$410,205	\$230,205	\$200,100	\$135,349	67.64%
Leederville Gardens Inc. Surplus Trust*	\$0	\$0	\$0	\$60,501	0.00%
Total	\$410,205	\$230,205	\$200,100	\$195,850	97.88%

*Interest estimates for Leederville Gardens Inc. Surplus Trust were not included in the 2020/21 Budget as actual interest earned is restricted.

The City has a weighted average interest rate of 0.49% for current investments whereas the Reserve Bank 90 days accepted bill rate for April 2021 is 0.03%. Further Commonwealth bank have advised Administration that the online Saver interest rate of 0.2% will be reduced to 0.1% from the 1st May 2021.

Due to the impact of the current economic situation the interest forecast will be adjusted in the third Budget review in May 2021.

Sustainable Investments

The City's investment policy requires that in the first instance, the City considers rate of return of the fund. All things being equal, the City then prioritises funds with no current record of funding fossil fuels. The City can increase the number of non-fossil fuel lenders but will potentially result in a lower rate of return.

Administration utilises 'Market Forces' to ascertain the level of exposure banks have in fossil fuel activities and utilises a platform called 'Yield Hub' to determine daily interest rates published by banks.

As at 30 April 2021, \$1,119,330 (3.6%) of the City's investments are held in financial institutions considered to be investing in non-fossil fuel related activities.

Investment Guideline update

In March 2021 Administration updated the investment guidelines which is the supplementary document to the Council Investment Policy. The new investment guidelines conform with the investment policy objective to give preference to institutions that:

- are assessed to have a higher social and environmental responsibility rating; and
- have been assessed to have no current record of funding fossil fuels, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions.

As a result, the maximum exposure limits to divested institutions have been increased to 90% as reflected in the below table. The majority of divested institutions lie within A-2 and A-1 categories.

Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum %with any one institution		Maximum % of Total Portfolio	
	Guideline	Current position	Guideline	Current position
A1+	30%	15.9%	90%	52.4%
A-1	25%	10.0%	90%	10.1%
A-2	20%	18.8%	90%	37.5%
				100%

Administration will continuously explore options to ascertain if a balanced investment strategy can be developed where investments in divested banks can be increased with a minimal opportunity cost of loss in interest rate returns for instances when banks not divested in fossil fuel activities offer a higher rate of return.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The power to invest is governed by the *Local Government Act 1995*.

“6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - (b) *deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Further controls are established through the following provisions in the *Local Government (Financial Management) Regulations 1996*:

19. Investments, control procedures for

- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) *In this regulation —*
authorised institution *means —*

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
- foreign currency** means a currency except the currency of Australia.

- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
- (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.”*

Council has delegated the authority to invest surplus funds to the Chief Executive Officer or his delegate to facilitate prudent and responsible investment.

RISK MANAGEMENT IMPLICATIONS:

Low: Administration has developed effective controls to ensure funds are invested in accordance with the City's Investment Policy. This report enhances transparency and accountability for the City's investments.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

Our community is aware of what we are doing and how we are meeting our goals.

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's Public Health Plan 2020-2025.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of this report are as noted in the details section of the report. Administration is satisfied that appropriate and responsible measures are in place to protect the City's financial assets.

7.5 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021
--

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

RECOMMENDATION:

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

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

PURPOSE OF REPORT:

To present to Council the list of expenditure and accounts paid for the period 1 April 2021 to 30 April 2021.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 2.2.18) the power to make payments from the City's Municipal and Trust funds. In accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

The list of accounts paid must be recorded in the minutes of the Council Meeting.

DETAILS:

The Schedule of Accounts paid for the period 1 April 2021 to 30 April 2021, covers the following:

FUND	CHEQUE NUMBERS/ BATCH NUMBER	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		
EFT Payments	2662 – 2669 and 2672	\$3,038,028.00
Payroll by Direct Credit	April 2021	\$1,206,326.40
Sub Total		\$4,244,354.40
Cheques		
Cheques		\$0.00
Sub Total		\$0.00

Direct Debits (including Credit Cards)

Lease Fees	\$29,064.30
Loan Repayments	\$100,782.60
Bank Charges – CBA	\$23,223.23
Credit Cards	\$9,448.80
Sub Total	\$162,518.93

Total Payments **\$4,406,873.33**

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Regulation 12(1) and (2) of the *Local Government (Financial Management) Regulations 1996* refers, i.e.-

“12. *Payments from municipal fund or trust fund, restrictions on making*

- (1) *A payment may only be made from the municipal fund or the trust fund —*
- *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - *otherwise, if the payment is authorised in advance by a resolution of Council.*
- (2) *Council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to Council.”*

Regulation 13(1) and (3) of the *Local Government (Financial Management) Regulations 1996* refers, i.e.-

“13. *Lists of Accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- *the payee’s name;*
 - *the amount of the payment;*
 - *the date of the payment; and*
 - *sufficient information to identify the transaction.*
- (2) *A list prepared under sub regulation (1) is to be —*
- *presented to Council at the next ordinary meeting of Council after the list is prepared; and*
 - *recorded in the minutes of that meeting.”*

RISK MANAGEMENT IMPLICATIONS:

Low: Management systems are in place that establish satisfactory controls, supported by the internal and external audit functions. Financial reporting to Council increases transparency and accountability.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

Our community is aware of what we are doing and how we are meeting our goals.

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Expenditure covered in this report includes various projects, programs, services and initiatives that contribute to protecting/enhancing the City's built and natural environment and to improving resource efficiency.

PUBLIC HEALTH IMPLICATIONS:

Expenditure covered in this report includes various projects, programs and services that contribute to the priority health outcomes within the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

All municipal fund expenditure included in the list of payments is in accordance with Council's annual budget.

7.6 FINANCIAL STATEMENTS AS AT 30 APRIL 2021

Attachments: 1. Financial Statements as at 30 April 2021 

RECOMMENDATION:

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

PURPOSE OF REPORT:

To present the statement of financial activity for the period ended 30 April 2021.

BACKGROUND:

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, as compared to the budget.

DETAILS:

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ending 30 April 2021: -

Note	Description	Page
1.	Statement of Financial Activity by Program Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature or Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-46
5.	Capital Expenditure including Funding graph and Capital Works Schedule	47-52
6.	Cash Backed Reserves	53
7.	Rating Information and Graph	54-55
8.	Debtors Report	56
9.	Beatty Park Leisure Centre Financial Position	57

Comments on the Statement of Financial Activity (as at Attachment 1)

Operating revenue is reported separately by 'Program' and 'Nature or Type' respectively. The significant difference between the two reports is that operating revenue by 'Program' includes 'Profit on sale of assets and the report for 'Nature or Type' includes 'Rates revenue'.

Revenue by Program is favourable compared to the YTD budget by \$2,351,246 (16.1%). The following items materially contributed to this position:

- A favourable variance of \$477,752 relating to increased revenue from activities at Beatty Park, public halls, and sporting grounds (**Recreation and Culture**) within the City and higher than anticipated swim school and retail revenue.

A favourable variance of \$1,546,147 compared to the year- to-date budget. **(Transport): -**

- A favourable variance of \$924,400 relating to increased revenue generated from parking activities within the City and \$600,000 grant funding from Main Roads (restricted grant funds) being released to unrestricted grant.

Revenue by Nature or Type is favourable compared to the YTD budget by \$2,315,383 (4.6%). The following items materially contributed to this position: -

- A favourable variance of \$1,651,176 resulting from increased activity at Beatty Park and parking facilities within the City (**Fees and charges**) and higher than anticipated Swim School and Retail revenues.
- There is favourable variance of \$543,229 (operating grants, subsidies and contributions) due to grant funding from Main Roads (restricted grant funds) being released to unrestricted grant.

Expenditure by Program is favourable, attributed by an under-spend of \$1,966,510 (3.9%) compared to the year-to-date budget. The following items materially contributed to this position: -

- A favourable variance of \$347,149 mainly contributed by a budget to actuals timing variance relating to legal and subscription costs, management & operating initiative programmes in the CEO's section, IT software maintenance and records management (**Governance**).
- A favourable variance of \$657,537 primarily contributed by a budget to actuals timing variance relating to the provision of waste tipping, bulk verge, and recycling services (**Community Amenities**).
- Favourable variance of \$578,823 mainly attributed to reduced vehicle maintenance costs, delay in some scheduled programs and projects as planned and other timing variances relating to various works (**Other Property Services**).

Expenditure by Nature or Type is favourable, attributed by an under-spend of \$1,896,770 (3.8%). The following items materially contributed to this position: -

- Employee costs reflects a favourable variance of \$311,537 mainly attributed to the following items:
 - Staff training courses and agency labour costs yet to be required due to timing variance.
 - Vacant staff positions still to be filled.
- There is a favourable variance of \$987,176 primarily attributed to an underspend and timing variance of works under Materials and Contracts:
 - Waste services - \$456,059 relating to tipping, bulk verge & recycling costs.
 - Vehicle maintenance costs -\$108,790 relating to fuel & repairs; and
 - Maintenance works - \$409,557 relating to building maintenance; various sites & street cleaning works.
- There is a favourable variance of \$430,259 relating to Other Expenditure largely contributed by timing variance in the delivery of works in multiple service areas:
 - Leisure & Strategic planning programmes (Policy & Place services) and Statutory planning services - \$203,200.
 - Health Programmes (syringe disposal strategy) and Library services local history programmes - \$63,400.
 - Recreational programmes, community arts programmes, community safety programmes, artwork maintenance and public - \$148,400

Surplus Position – 2020/2021

As at 30 April 2021 the closing budget surplus position for 2020/21 was \$15,903. This position will change in May as a result of the third quarter budget position.

The actual surplus position for April is \$15,005,740 as compared to \$17,557,346 in March 2021. This surplus is anticipated to decrease as the City incurs expenditure for normal operating activities and complete its capital expenditure program for the year.

The estimated closing surplus calculated for the draft budget for 2021/22 is \$5,166,974 of which \$2,378,675 relates to carry forwards, \$1,288,299 relates to restricted grants and an estimated surplus projection of \$1,500,000 due to savings and underestimation of carry forwards.

The closing surplus for this financial year will be finalised when the audit for the City is completed during the latter part of the year.

Content of Statement of Financial Activity

An explanation of each report in the Statement of Financial Activity (**Attachment 1**), along with some commentary, is below:

1. Statement of Financial Activity by Program Report (Note 1 Page 1)

This statement of financial activity shows operating revenue and expenditure classified by Program

2. Statement of Comprehensive Income by Nature or Type Report (Note 2 Page 4)

This statement of Comprehensive Income shows operating revenue and expenditure classified by Nature or Type.

3. Net Current Funding Position (Note 3 Page 5)

'Net current assets' is the difference between the current assets and current liabilities, less committed assets and restricted assets.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 46)

This statement shows a summary of operating revenue and expenditure by service unit including variance commentary.

5. Capital Expenditure and Funding Summary (Note 5 Page 47 - 52)

Below is a summary of the year-to-date expenditure of each asset category and the funding source associated to the delivery of capital works

	Revised Budget \$	YTD Budget \$	YTD Actual \$	Remaining Budget %
Land and Buildings	5,865,504	3,597,934	1,782,807	69.6%
Infrastructure Assets	6,332,790	3,624,167	2,595,285	59.0%
Plant and Equipment	398,812	358,550	334,342	16.2%
Furniture and Equipment	1,272,100	939,600	295,309	76.8%
Total	13,869,206	8,520,251	5,007,743	63.9%
FUNDING	Revised Budget \$	YTD Budget \$	YTD Actual \$	Remaining Budget %
Own Source Funding - Municipal	8,025,873	6,131,101	3,167,187	60.5%
Cash Backed Reserves	3,365,850	380,000	334,549	90.1%
Capital Grant and Contribution	1,704,483	1,236,150	578,574	66.1%
Other (Disposals/Trade In)	773,000	773,000	927,433	-20.0%
Total	13,869,206	8,520,251	5,007,743	63.9%

The full capital works program is listed in detail in Note 5 in **Attachment 1**.

6. Cash Backed Reserves (Note 6 Page 53)

The cash backed reserves schedule provides a detailed summary of the movements in the reserve portfolio, including transfers to and from the reserve. The balance as at 30 April 2021 is \$10,332,578.

7. Rating Information (Note 7 Page 54 - 55)

The notices for rates and charges levied for 2020/21 were issued on 7 August 2020. *The Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

	Due Date
First Instalment	18 September 2020
Second Instalment	18 November 2020
Third Instalment	18 January 2021
Fourth Instalment	18 March 2021

Rates debtors for 2020/21 was raised on 29 July 2020 after the adoption of the budget.

The outstanding rates debtors balance as at 30 April 2021 was \$2,096,136 excluding deferred rates of \$103,294. The outstanding rates percentage as at 30 April 2021 was 5% compared to 4% for the similar period last year. This is comprised of:

- 62 ratepayers opting to pay their rates by Special Payment Arrangement of weekly, fortnightly, or monthly through direct debit.
- 46 ratepayers seeking hardship support, with deferred rates. Administration is reviewing and finalising the hardship rebate of \$500 for these applications.

8. Receivables (Note 8 Page 56)

Total trade and other receivables as at April 2021 was \$1,944,657.

Below is a summary of the significant items with outstanding balance over 90 days: -

- \$1,473,824 (97%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are referred to the Fines Enforcement Registry (FER), which then collects the outstanding balance on behalf of the City for a fee.

\$971,183 of the unpaid infringements has been transferred to long-term infringement debtors (non-current portion).

As a result, a doubtful debt provision has also been allowed for:

- \$181,310 has been provided for doubtful debt (Current – Up to 12 months).
- \$238,616 has been provided for doubtful debt (Non- Current. Over 12 months). This complies with Australian Accounting standard (AASB 9).

- \$137,883 (8%) relates to cash-in-lieu of car parking debtors. In accordance with the *City's Policy 7.7.1 Non-residential parking*, Administration has entered into special payment arrangements with long outstanding cash in lieu parking debtors to enable them to pay their debt over a fixed term of five years.

However, on 8 April 2020, the Minister of Planning WA issued a provision that exempts proponents from making cash in lieu related payments for existing or new non-residential development to the City. This exemption is effective up to the earlier date of either: -

- 90 days after the date upon which the State of Emergency Declaration ceases to have effect or is revoked; or
- Midnight, 1 May 2023.

- Tenancy related debts have been dealt with in accordance to the direction approved by the City's COVID-19 Committee.
- Health licenses debtors are being followed up with final reminders. Thereafter, the debts will be sent to the debt collectors for further follow up.

9. Beatty Park Leisure Centre – Financial Position report (Note 9 Page 57)

As at 30 April 2021, the Centre's operating deficit position was \$113,999 (excluding depreciation) compared to a surplus position of \$28,505 in March 2021. This position is favourable compared to the budgeted deficit of \$274,899.

10. Explanation of Material Variances

The materiality thresholds used for reporting variances are 10% and \$20,000, respectively. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the year-to-date budget and where that variance exceeds \$20,000 (+/-). This threshold was adopted by Council as part of the budget adoption for 2020/2021 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

In accordance with the above, all material variances as at 30 April 2021 have been detailed in the variance comments report in **Attachment 1**.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and other financial reports as prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a statement of financial activity each month, reporting on the source and application of funds as set out in the adopted annual budget.

A statement of financial activity and any accompanying documents are to be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates. *Section 6.8 of the Local Government Act 1995* specifies that a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

RISK MANAGEMENT IMPLICATIONS:

Low: Provision of monthly financial reports to Council fulfils relevant statutory requirements and is consistent with good financial governance.

STRATEGIC IMPLICATIONS:

Reporting on the City's financial position is aligned with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

Our community is aware of what we are doing and how we are meeting our goals.

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Expenditure within this report facilitates various projects, programs, services and initiatives that contribute to protecting/enhancing the City's built and natural environment and to improving resource efficiency.

PUBLIC HEALTH IMPLICATIONS:

Expenditure within this report facilitates various projects, programs and services that contribute to the priority health outcomes within the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

As contained in this report.






7.7 ADOPTION OF THE ANNUAL BUDGET 2021/22

The Annual Budget 2021/22 Report will be finalised and published following Budget Workshop 8 June 2021.

In accordance with clause 2.5 of the City's [Meeting Procedures Policy](#) this report will supplement the agenda as a late report due to the following circumstances:

- the urgency of the adoption of the Annual Budget is such that the business cannot await inclusion at a subsequent meeting; and
- the delay in referring the adoption of the Annual Budget to a subsequent meeting could have adverse legal or financial implications for the City.

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

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To consider the community submissions in regard to the future use of Barlee Street car park, Mount Lawley and to determine the future use of the car park.

BACKGROUND:

The City owns Lot 48 on Deposited Plan 692, known as 590 Beaufort Street, Mount Lawley (Lot 48). Pursuant to a lease dated 29 March 2001 (Lease), the City leases Lots 49 and 50 on Deposited Plan 692, known as 596 Beaufort Street, Mount Lawley (Premises) from Theo Anthony Palassis, George Anthony Palassis and Palassis Holdings Pty Ltd (ACN 008 779 128) (Owners). The Lease expires on 13 February 2022.

At the Ordinary Meeting of Council held on 7 April 2020 (Item 12.3), Council approved consultation with the community, including through on-site signage, regarding the potential sale of Lot 48.

Subsequent to this meeting, Administration discussed the potential sale of Lot 48 with the Owners. The Owners expressed interest in an equal area land exchange (Lot 48 for an equal area of Lot 50), subject to the land acquired by the City becoming a park. The land exchange would allow the Owners to construct their development so it opened onto and interacted with the park and would result in a park/town square of approximately 455sqm adjacent to Barlee Street.

At the Ordinary Meeting of Council held on 20 October 2020 (Item 12.6) Council approved a one year lease extension to allow the use of the Barlee Street car park to continue in the interim to the future use of Lot 48 being determined.

Council also considered the land exchange proposal and community consultation approach, and resolved in part as follows:

- “5. *NOTES the proposal from the Owners of 596 Beaufort Street, Mount Lawley for an equal area land exchange (Lot 48 for an equal area of Lot 50), as shown in Confidential Attachment 2, noting that it would be subject to the City using the acquired land as a park.*
6. *APPROVES the Chief Executive Officer consulting with the community on the potential sale of Lot 48 in early 2021, which will include the proposal for a land exchange as set out in Recommendation 5. above. The results of the community consultation will be presented to Council by April 2021.*
7. *REQUESTS that a map similar to that in Attachment 4 which shows the access to any public open space in the area surrounding Lot 48 is included in the community consultation material referred to in Recommendation 6.”*

Public advertising occurred between 22 February 2021 and 21 March 2021 by:

- Public notice in the Perth Voice (27 February and 6 March 2021);
- Public notice in the Stirling-Vincent Reporter (4 March 2021);
- Notice on Imagine Vincent (EHQ) (from 22 February 2021 to 21 March 2021)
- Notice on the City’s website and social media;
- Flyer delivered to businesses on Beaufort Street and the nearest 1,500 residents;
- Five large format signs installed in and around Barlee Street car park; and
- Notice in City’s February e-newsletter.

The consultation asked for submissions on the following options:

1. Sell the land – Money generated from the sale would then be used to upgrade or fund another public open space;
2. Swap the land – A land swap with the neighbouring property would allow the City to create a park or town square on the corner of Barlee and Beaufort; or
3. Keep the land – Keep the land and seek a new lease with the neighbouring property owners to allow the City to continue operating the car park.

DETAILS:

The project page had a total of 777 visits during the consultation period and 303 users interacted with the information provided on the project page to learn more. There were 124 survey responses, with 78 (63%) responses in favour of Option 2 (swapping the land to create a park/town square). A further 20 responses were submitted to Administration directly by email leading to a total of 144 submissions as follows:

	Option 1 – sell land	Option 2 – land swap and park/square	Option 3 – keep carpark	Other	Total submissions received
Submissions in favour	17	85	41	1	144
% of total submissions	11.8%	59%	28.5%	0.69%	100%

A summary of all submissions is at **Attachment 1**, with further detail provided at **Attachment 2**. Approximately 59% of respondents are in favour of Option 2 (land swap to create a park or town square) with the next preferred being Option 3 (retaining the carpark) at approximately 28.5%.

The City also received a submission which contained a survey of local businesses owners and their staff, as a confidential **Attachment 3**. The survey demonstrates support by around 300 local business owners and staff for Option 3 to retain the car park. Administration confirmed with the respondent that he wished the survey to be attached as a confidential attachment to the report as he conducted the survey on the basis that all responders' details would be kept confidential. The respondent is also aware that, as the survey is not being treated as a petition, his response will count as one submission.

The main comments raised during consultation were as follows:

1. A low confidence in the City-wide parking survey from 2018;
2. Concern around pedestrian crossings in Mt Lawley/Highgate; and
3. Various ideas were submitted for the park/town square concept.

1. Parking and Barlee Street Car Park Usage

The consultation raised queries in respect to the current use of, and demand for, parking in the Barlee Street car park. The 2018 parking survey does not address queries, specifically around the occupancy of the car park.

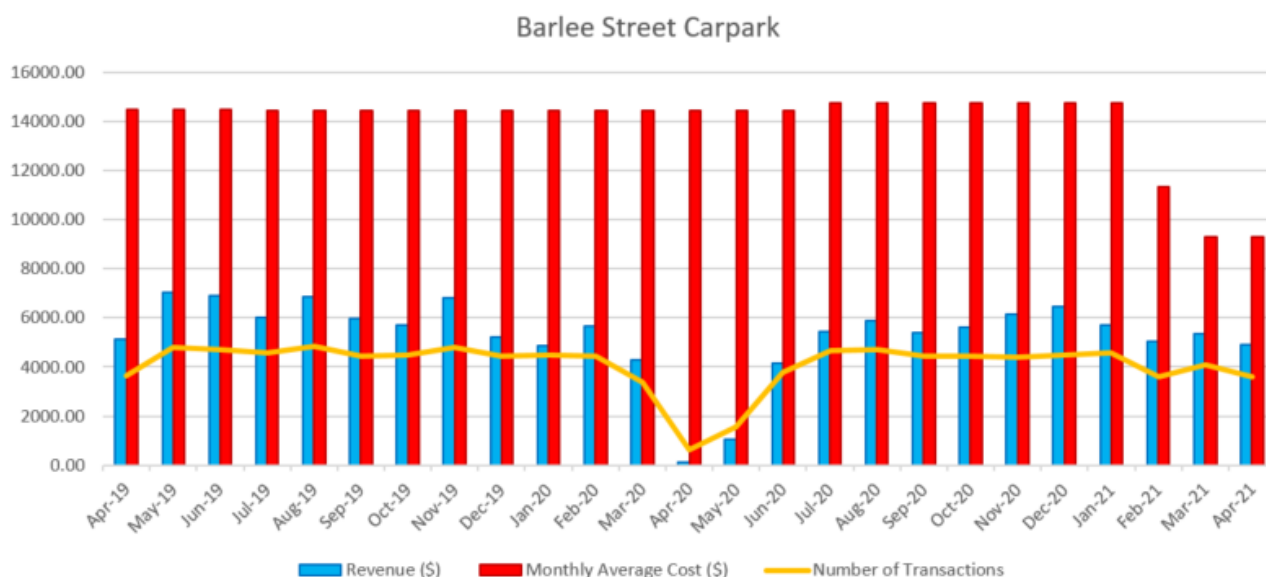
		Barlee St Car Park		Raglan Road Car Park		Chelmsford Road Car Park		Combined Occupancy		Combined Occupancy without Barlee	
Total Bays		49		80		58		187		138	
		Count	Occupancy	Count	Occupancy	Count	Occupancy	Count	Occupancy	Count	Occupancy
Monday 19 April 2021	8-10am	1	2%	22	28%	3	5%	26	14%	26	19%
	12-2pm	12	24%	52	65%	17	29%	81	43%	81	59%
	2-4pm	16	33%	33	41%	15	26%	64	34%	64	46%
	6-8pm	12	24%	23	29%	24	41%	59	32%	59	43%
Tuesday 20 April 2021	8-10am	1	2%	26	33%	6	10%	33	18%	33	24%
	12-2pm	13	27%	65	81%	22	38%	100	53%	100	72%
	2-4pm	16	33%	38	48%	26	45%	80	43%	80	58%
	6-8pm	15	31%	26	33%	20	34%	61	33%	61	44%
Wednesday 21 April 2021	8-10am	4	8%	22	28%	4	7%	30	16%	30	22%
	12-2pm	11	22%	57	71%	24	41%	92	49%	92	67%
	2-4pm	14	29%	52	65%	28	48%	94	50%	94	68%
	6-8pm	17	35%	25	31%	23	40%	65	35%	65	47%
Thursday 22 April 2021	8-10am	5	10%	20	25%	5	9%	30	16%	30	22%
	12-2pm	10	20%	58	73%	21	36%	89	48%	89	64%
	2-4pm	14	29%	50	63%	27	47%	91	49%	91	66%
	6-8pm	43	88%	54	68%	56	97%	153	82%	153	111%
Friday 23 April 2021	8-10am	7	14%	28	35%	10	17%	45	24%	45	33%
	12-2pm	9	18%	82	103%	32	55%	123	66%	123	89%
	2-4pm	18	37%	47	59%	26	45%	91	49%	91	66%
	6-8pm										

Parking was observed the week of 19 April 2021 to observe the occupancy of the Barlee Street car park, as well as Raglan Road and Chelmsford car parks. The observations were disrupted and did not continue once the WA State Government announced Perth and Peel lockdown restrictions as of 24 April 2021. The times the parking was observed, the parking demand could be accommodated by Chelmsford and Raglan Road car parks if the parking were to be removed from Barlee Street car park, except on Thursday evening.

		Count	Occupancy
Friday 28 May 2021	8-10am	8	16%
	12-2pm	18	37%
	2-4pm	13	27%
	6-8pm	20	41%
Saturday 29 May 2021	8-10am	5	10%
	12-2pm	20	41%
	2-4pm	28	57%
	6-8pm	32	65%
Sunday 30 May 2021	8-10am	3	6%
	12-2pm	13	27%
	2-4pm	12	24%
	6-8pm	18	37%

The City undertook further surveys of Barlee Street Car Park as above.

To help validate the car parking surveys, the City undertook a review of parking revenue information. Based on ticket sales for this car park over the last two years, usage of the car park has remained relatively consistent. The only significant downturn in use of the car park occurred because of COVID-19, with ticket sales decreasing between March and June 2020. The graph below shows the revenue generated from this car park based on the ticket sales data (number of transactions) in comparison with the lease costs (including the management fee).



The data from ticket sales does not provide the occupancy of the car park, but has been used to understand the trends and compare revenue to outgoing costs. On this basis, the five days of surveys undertaken could be considered as a 'standard' week, along with the extra weekend days later surveyed.

2. Improving pedestrian crossings on Beaufort Street

Comments identified existing issues with the ability for pedestrians to cross Beaufort Street. Some respondents were of the opinion that proceeds of the potential sale should be used to improve crossing arrangements.

The Draft Beaufort Street Town Centre Place Plan identifies in Action 2.3 to investigate pedestrian crossing improvements on Beaufort Street in 2021/22, which was endorsed for advertising on 27 April 2021.

It is too early to determine exactly where or how many improvements would be required without undertaking the investigation.

3. Ideas and proposals for Park/Town Square concept

Comments suggested a number of proposals for a future park or town square, including:

- That the City should try to maintain the Beaufort Street sign;
- Green space would be preferable;
- A park should be children- and family-friendly;
- A town square could be used for markets; and
- Parking bays are still essential.

If the City proceeds with a proposal to create a park/town square, Administration would undertake community consultation of concepts in late 2021.

It is Administration's intention to try and retain the concrete Beaufort Street sign public art. The retention of the sign is, however, dependent on the proposed development of the private lots. As a result, it may be necessary to relocate part or all of the sign into another property.

From 2021/22, the City will implement Action 2.4 – Trial Pedestrian Streets in the Draft Beaufort Street Town Centre Place Plan. The City is proposing to trial the temporary closure of Barlee Street or Grosvenor Road to understand if the space is suitable for a more permanent transformation of implementing a shared space, similar to the Leederville Village Square. The results of these trials would inform a co-design process with the community, local businesses and the Beaufort Street Network for the concept development and planning for a future park/town square.

Analysis of Options

Option 1 (Sale)

Option 1 received the lowest (11.8%) overall support from the community.

The sale of Lot 48 could result in \$955,000 revenue for the City, as per a formal valuation from August 2020. This money could be used for a variety of purposes, including the improvement or creation of public spaces on Beaufort Street.

As an initial concept, Administration has investigated the potential for 'Micro-spaces' along Beaufort Street verge and medians, or on side streets including Grosvenor Road, Chelmsford Road, and Barlee Street. These spaces could provide multiple opportunities for respite and activity in the town centre and could include a combination of green space, shade, and seating. These spaces would respond to and reflect the way people are already using the built environment, rather than acting as attractions in themselves. In a future annual review of the Beaufort Street Town Centre Place Plan, a new action can be created to capture the visioning and development of the micro spaces.

The proceeds of sale could also be used to improve parking arrangements in other nearby car parks such as those between Raglan Road and Chelmsford Road. This could take the form of access upgrades, improved pedestrian accessibility, or even general maintenance. In accordance with the City's Accessible City Strategy, once a precinct parking management plan is prepared, there may be an ability for the sale proceeds to increase the available parking in the area.

There are a number of projects in the draft [Beaufort Street Town Centre Place Plan](#) that could be funded from the proceeds of sale, including:

- Plan improvements to the pedestrian environment on Beaufort Street;
- Investigate options to repair, replace or remove medians along Beaufort Street; and
- Trial pedestrianisation of Grosvenor Road and Barlee Street.

Grosvenor Road presents an opportunity to host events and gatherings in a safe manner away from the busy traffic and high frequency buses of Beaufort Street. If the City were to trial a closure to vehicle traffic, residents could retain access via Raglan Road or a possible reopening of Hutt Street.

If Council determine to sell the land, it is not recommended to make a decision on the expenditure of the proceeds until the land is actually sold. This will provide more time to prepare concepts and gauge community opinions on all of the above options, as well as taking into account the City's financial position at the time the revenue is received.

Option 2 (Land Exchange)

The land exchange option received the majority of support (59%) from the recent community consultation.

The proposed location of the park/town square is north facing and would have minimal overshadowing, while also having three street frontages on Beaufort Street, Barlee Street and Kaata Lane.

Public advertising identified that the land could be used as a park or a town square. A key rationale was that the Public Open Space Strategy identifies a lack of usable public open space in this section of Mount Lawley.

The proposed lot of 455sqm would provide a usable sized public open space. The park would likely fill the role of a casual place for relaxation and respite. There would be the existing noise and safety concerns from traffic on Beaufort Street. Design of a new public space would need to incorporate best practice CPTED principles to minimise the risk of anti-social behaviour.

Forrest Park is within 300m of the car park and serves a neighbourhood purpose for residents on the east of Beaufort Street. Ideally, a new park would be located on the west of Beaufort Street to improve accessibility.

If Council chooses Option 2, the final outcome would occur over a number of years in accordance with the draft Transition Plan at **Attachment 4**. During construction of the adjacent private development, the City's newly-acquired lot could be used for parking by the construction workers to reduce impact on adjoining streets. Even after development has finished, there is the option for the City to carry on using its lot as a car park until it is in a position to be able to create the public space.

The estimated cost of the public space would be between \$500,000 and \$1 million.

Option 3 (Keep Car Park)

Maintaining the car park received 28.5% community support and an informal 300 person submission.

The City's lease of the car park (at \$60,000 p.a.) expires at the end of February 2022. The City may be able to negotiate another year at the current rate, but it is unlikely to be successful beyond that timeframe without an increased rent.

If Barlee Street car park is retained, there is an opportunity to increase the revenue to operate the car park at a profit. If the City were to remove the first hour free parking, based on the 2020 parking demand, the City could receive between \$110,000 and \$145,000 in revenue. It is expected there would be some decrease in demand, however this is difficult to determine in advance and would require monitoring over time.

Some members of the public consider the car park should not need to cover its cost and should be subsidised by ratepayers as a broader community service. Administration does not support continuing an unfavourable lease for private land to operate a loss making car park given there is sufficient supply of alternative public car parking within the vicinity.

CONSULTATION/ADVERTISING:

If the land sale or land exchange options are supported by Council, then the City would provide local public notice for a period of 14 days. This would include:

- Notice on the City's website/social media;
- Sign on site; and
- Notice in a local newspaper.

LEGAL/POLICY:

Section 3.58(3) of the *Local Government Act 1995* sets out the public notice requirements for disposal of property to a commercial entity.

RISK MANAGEMENT IMPLICATIONS

Low: There is a medium risk of reputational damage in proceeding with an option that was not supported by community engagement.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Thriving Places

Our physical assets are efficiently and effectively managed and maintained.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This is not in keeping with any of the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:Car Park Costs

The City operating the Barlee Street Car Park previously resulted in an annual loss of approximately \$100,000 due to the lease costs, management fee and ticket machine costs. This annual loss has now reduced to \$40,000 due to the renegotiation of the lease fee last year. The new lease fee is \$60,000 (as opposed to approximately \$120,000), and applied from 13 February 2021 to February 2022.

The revenue derived from ticket sales to date compared with the lease and carpark operation costs are set out in the table below.

Items	20/21 to date	2019/20	2018/19
Parking revenue (ticket machines)	53,763.49	57,366	75,425
Carpark Cleaning	-698.82	-1,130	-1,222
Utilities	-2,271.65	-2,837	-3,016
Lease Costs (incl. rates, land tax and management fee)	-147,011.54	-161,819	-159,888
Car park operation costs	-6,206.55	-7,188	-10,212
Car park costs	-156,188.56	-172,974	-174,338
Total (loss)	-102,425.07	-115,608	-98,913

While the lease fee and revenue currently balance, there are an additional ~\$45,000 of other fees and costs that would be saved if the City closed the Barlee Street Car Park.

The revenue the City generates from the car park ticket sales and fines (~\$60,000) is unlikely to be significantly affected as alternative car parks in Mount Lawley would fill this demand without reaching capacity at most times. The ultimate result of this change would be an approximately \$105,000 net change in financial position, from a \$45,000 loss to a \$60,000 annual profit.

Discussions with the Owners indicate that they will not be willing to maintain the car park lease at \$60,000 past February 2023.

Development of Adjacent Private Lots

If developed as a mixed-use building, the 1,052sqm private lots (that make up the balance of the car park) could realistically generate between \$52,000 and \$58,000 in rates income per annum for the City depending on the mix of residential and commercial. This would be on top of the \$150,000 change in financial position as a result of closing the car park.

Sale of Lot 48

A valuation received August 2020 shows Lot 48 'as is' could receive \$955,000 on the open market. With the private owners' development unimpeded by the sale of Lot 48, this option would return between \$52,000 and \$58,000 in rates income per annum, as well as a saving of \$105,000 from the closure of the car park.

The sale or development of these lots could take up to five years. Administration is supportive of the car park continuing during this time as long as it is financially sustainable. As described in Detail (Option 3) above, that would require removal of the 'first hour free' from ticket sales.

Land Swap Proposal

The land swap proposal would be contingent on the City committing to the Owners through legal agreement that the acquired lot does not ever become developed for commercial use. Based on this, the City's land assets position would reduce by the value of the existing commercial Lot 48 (\$955,000 + improvements).

The park/town square has not been scoped yet. It is likely that it would include turf, paths, bins, seating, lighting and shade (natural). The estimated cost is between \$500,000 and \$1 million depending on the structures and landscaping. This cost is not included in the City's Long Term Financial Plan. The potential funding sources are as follows:




- Settlement proceeds from the sale of 202 Vincent Street in late 2020 (revenue included in the POS acquisition fund) - \$470,000; and
- Settlement proceeds from the sale of 150 Charles Street in late 2020 (revenue included in the POS acquisition fund) - \$200,000.

Since the land being acquired would have zero market value, the result of this transaction would show on the City's balance sheet as a net \$955,000 loss. The improvements to the acquired land would be shown on the balance sheet as both expenditure of up to \$1,000,000 and a capital improvement on the land of \$1,000,000; therefore, net zero impact. However, it is important to note that the capital improvement would not have any real market value. This means that the ultimate cost to the City, despite what would be shown on balance sheets, is up to \$1,955,000.

Financial Summary of Options

	Revenue	Expenditure
1. Sale	955,000 50,000 p.a. (rates) 105,000 p.a. (saving)	Future decision
2. Land Swap	50,000 p.a. (rates) 105,000 p.a. (saving)	955,000 (loss of asset) 1,000,000 (construction of park)
3a. Car Park with No Free Tickets	145,000 p.a.	60,000 p.a. rent 45,000 p.a. other costs
3b. Car Park with 1hr Free	60,000 p.a.	60,000 p.a. rent 45,000 p.a. other costs

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

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

RECOMMENDATION:**That Council:**

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

- 2.2.11 make administrative modifications so that the local law aligns with common practice and the City's current objectives and processes; and
- 2.2.12 provide the City with discretion to make a determination prescribing a local government property or thoroughfare as a smoke free area;
- 2.3 the effect of the repeal and replacement of the City of Vincent Local Government Property Local Law 2008 with the City of Vincent Local Government Property Local Law 2021 is that:
- 2.3.1 conditions relating to when a sign permit will be required are now provided;
- 2.3.2 election signs placed on local government property will now be governed by the proposed City of Vincent Election Signs Policy;
- 2.3.3 provisions relating to animals will be incorporated into the proposed City of Vincent Animals Local Law;
- 2.3.4 when and how the City may use security deposits or bank guarantees to rectify damage to local government property is regulated;
- 2.3.5 increased penalties will apply for:
- (a) causing damage to local government property;
 - (b) using local government property for a commercial activity without a permit;
 - (c) taking, injuring or killing (or attempting to) any fauna on local government property; and
 - (d) placing/draining offensive fluid or lighting a fire on a thoroughfare without a permit;
- 2.3.6 increased penalties will apply for:
- (a) offensive behaviour in a toilet block or changeroom on local government property;
 - (b) being indecently clothed on local government property; and
 - (c) spitting on or within community facilities;
- 2.3.7 the conditions relating to management (beautification) of verges, prescribed in the City's relevant policy, are incorporated in the local law;
- 2.3.8 increased penalties will apply for damage or removal of trees on verges, thoroughfares or local government property;
- 2.3.9 the use of recording devices within change rooms is prohibited and an appropriate penalty is applicable; and
- 2.3.10 amendments are incorporated in the local law in line with the Department of Local Government, Sport and Cultural Industries recommendations;
- 2.3.11 administrative modifications are made to ensure the local law aligns with common practice and the City's current objectives and processes; and
- 2.3.12 the procedure for making a smoke free area determination is specified and a penalty for smoking in a smoke free area is applicable.

3. NOTES that in accordance with Section 3.12(3)(b) of the Local Government Act 1995 a copy of the City of Vincent Local Government Property Local Law 2021 and the public notice will be provided to the Minister for Local Government; and
4. NOTES that any submissions received as a result of the public notice provided as set out in recommendation 2. above will be presented to Council for consideration.

PURPOSE OF REPORT:

To consider recommending:

- the repeal of Local Government Property Local Law 2008; and
- the making of City of Vincent Local Government Property Local Law 2021 (2021 Local Law),

in accordance with s 3.13 of the *Local Government Act 1995* (Act).

BACKGROUND:

At the 21 July 2020 Council meeting, Council reviewed the draft Local Government Property Local Law 2020 (2020 Local Law) and:

- authorised the CEO providing Statewide and local public notice of the 2020 Local Law in accordance with s 3.12 of the Act for a period of at least 6 weeks;
- noted that in accordance with s 3.12(3)(b) of the Act, a copy of the 2020 Local Law would be provided to the Minister for Local Government; and
- noted that any submissions received as a result of the public notice, would be presented Council for consideration.

The 2020 Local Law was advertised between 11 August and 1 October 2020 by way of publication:

- on the Imagine Vincent website;
- on the City of Vincent website;
- on notice boards at the City's Administration Centre and Library;
- in the Perth Voice newspaper (Saturday, 15 August 2020);
- in the Vincent Eastern Reporter (Thursday, 13 August 2020); and
- in The West Australian Newspaper (Saturday, 15 August 2020).

DETAILS:

One person submitted a comment during the public notice period. A copy of the submission and Administration's response is at **Attachment 1**. No modifications are proposed as a result of this submission.

In October 2020, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided a number of minor grammatical and formatting comments and suggestions. All of the suggested changes have been made and included in the 2021 Local Law.

At its 20 October 2020 Meeting, Council approved the adoption of the Public Health Plan 2020-2025 (PHP). A key objective within the PHP is to achieve 'Smoke-free Town Centres by 2025', to reduce community exposure to environmental tobacco smoke. In response to the PHP, Administration has made substantive amendments to Part 1 (Preliminary) and Part 5 (Matters relating to particular local government property) of the 2020 Local Law to reflect the smoke free town centres objective of the PHP. It is these changes that trigger the requirement to recommence the making of the local law under section 3.13 of the Act.

The City referred the proposed additions to DLGSC, who provided the following comments:

- *In the past, local laws have been made to prohibit smoking on local government property and on public beaches vested under the control of a local government (refer to City of Joondalup local law – see below summary).*
- *The Parliament’s Delegated Legislation Committee concluded that these local laws fell within the general power in the Local Government Act 1995 to make local laws “for good governance”.*
- *However, it is uncertain whether the Committee would accept a local law which:*
 1. *bans smoking from thoroughfares and other public areas; or*
 2. *creates a mechanism by which the Council could implement such a ban, either incrementally or in one go.*
- *If the Delegated Legislation Committee concludes that the City’s proposed amendment is beyond what is contemplated under the LG Act, they might recommend that Parliament disallow the local law.*
- *The Parliament also has the discretion to disallow the local law for any other reason the Parliament deems appropriate (for example, the Parliament may take the view that irrespective of the law’s legality, it’s something they wish to reserve for State legislation).*
- *The proposed amendment will be a “determination device” which allows the establishment of anti-smoking areas by simple majority resolution of Council.*
- *The Delegated Legislation Committee has allowed these kinds of devices in the past. However, this is on the condition that:*
 - (a) *they follow the consultation process specified in the WALGA model (i.e. clause 2.2 of the principal local law);*
 - (b) *the determinations must be recorded in a publicly accessible register; and*
 - (c) *the local law must explicitly state that the power is not delegable to staff.*

Administration has reviewed the Delegated Legislation Committee’s (Committee) decision of 2015 (referred to in the DLGSC’s feedback), which relates to the City of Joondalup’s inclusion in its local law of a provision stating that ‘a person must not smoke in contravention of a sign erected on a beach which prohibits the act of smoking’. In making its determination, the Committee considered:

- (a) section 3.1 of the Act - which specifies that the general function of a local government is to provide for the good government of persons in its district;
- (b) case law in which the High Court considered the scope of the general function of a local government; and
- (c) whether the *Tobacco Products Control Act 2006* (which allowed for smoking to be banned in public places) was the preferred method of introducing a ban rather than a local law,

and concluded that this particular issue ‘fell within the powers of a local government to make laws for the good government of the locality, which included physical areas outside of what was dealt with in state-wide laws’.

While the above decision suggests that the Committee might support the inclusion of smoke free area clauses in the 2021 Local Law, there is still a possibility that Parliament may exercise its discretion to disallow the 2021 Local Law if (for example) it does not approve of the scope of these provisions. To mitigate against this, Administration has taken into account DLGSC’s suggestions and provided for any decision of Council to prescribe an area as smoke free be made in the form of a determination under the 2021 Local Law, rather than some other mechanism.

To summarise, the proposed amendments and additions to the 2021 Local Law which relate to smoke free areas are as follows:

1. clause 1.6 includes definitions of e-cigarette, smoke/smoking and tobacco product,
2. new clause 5.16 – defines smoke free area;
3. new clause 5.17 (Prohibition on smoking) – provides that:
 - a person must not smoke in a smoke free area; and
 - that an authorised person may direct a person contravening this clause to extinguish the tobacco product or e-cigarette;
4. new clause 5.18 (Determination in regard to smoke free area) – provides that the City may make a determination prescribing a local government property or thoroughfare (or part thereof) as a smoke free area;
5. new clause 5.19 (Procedure for making smoke free area determination):
 - requires the City to provide local public notice of the proposed determination;
 - specifies the requirements of the local public notice;
 - sets out the process for making, amending or not proceeding with the determination (as the case may be); and
 - provides that Council cannot delegate a decision to make, amend or not proceed with a determination;
6. new clause 5.20 (Considerations in making a determination) – sets out the factors (such as submissions from the community and benefits versus detriments to the community) the City must consider in effecting a proposed determination;
7. new clause 5.21 (Signage) - allows the City to erect a sign identifying an area as smoke free;
8. new clause 5.22 (Application of clauses 2.5 and 2.6) – states that clause 2.5 (requiring all determinations be placed on a register) and clause 2.6 (relating to the amendment or revocation of a determination) apply to determinations made under this Division; and
9. new penalties added to Schedule 1:
 - a person must not smoke in a smoke free area - \$100; and
 - failure to extinguish the tobacco product or e-cigarette upon direction of an authorised person - \$200.

As the 2021 Local Law will not be subject to review for five years following its enactment, Administration undertook a final review of the modified penalties for infringement notice offences specified in Schedule 1 of the 2021 Local Law. The following penalties are proposed to be increased based on the seriousness of the offence in question:

Item	Clause	Description	Previous modified penalty \$	Proposed modified penalty \$
11.	4.2(3)(a)	Loiter outside or act in an unacceptable manner in any toilet block	100	200
12.	4.2(3)(b)	Enter or attempt to enter an occupied cubicle or compartment	100	200
13.	4.3(1)	Failure to wear adequate clothing to secure decency	100	200
16.	4.5(2)(a)	Take, injure or kill, or attempt to take, injure or kill any fauna	250	500

32.	5.3(k)	Spitting or expectorating in any part of the community facility, other than in a water closet	100	300
89.	10.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	200	300
91.	10.2(1)(g)	Lighting a fire on a thoroughfare without a permit	200	300

A complete copy of the 2021 Local Law marked up in tracked changes (including the amendments included in the 2020 Local Law, recommended by the DLGSC and the amendments described above) is at **Attachment 2**. A clean copy of the draft 2021 Local Law is included at **Attachment 3**.

Following advertising, any submissions and proposed modifications will be presented to Council for a final decision before publishing the final version of the 2021 Local Law in the Government Gazette.

CONSULTATION/ADVERTISING:

In accordance with section 3.12 of the Local Government Act 1995, the City will provide public notice of the repeal and replacement of the 2008 Local Law in the following ways for a period of no less than six weeks:

- notice in The West Australian newspaper;
- notice in local newspapers; and
- notice on the City's website, social media and e-newsletter.

LEGAL/POLICY:

Section 3.12 of the Act sets out the requirements for making a local law, more particularly s 3.12(2) specifies:

At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Section 3.13 of the Act provides:

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to provide public notice of the proposed *City of Vincent Local Government Property Local Law 2021*.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Thriving Places

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:



If the smoke free area clauses are adopted in the 2021 Local Law, this will be in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced smoking

FINANCIAL/BUDGET IMPLICATIONS:

The costs of advertising the City of Vincent Local Government Property Local Law 2021 can be covered by the City's operational budget.

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

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To consider the outcome of public consultation and determine whether to approve the Fraud and Corruption Prevention Policy at **Attachment 1**.

BACKGROUND:

At its 23 March 2021 Meeting, Council approved providing public notice of its intention to adopt a new Fraud and Corruption Prevention Policy.

In accordance with the City's Community Consultation Policy ([Appendix 2](#)), public notice was given for the period between 1 April 2021 and 27 April 2021, which is in excess of the 21 days required.

The policy was advertised on the City of Vincent website, social media and through the following public notices:

- Vincent Reporter – 1 April 2021;
- Perth Voice – 3 April 2021; and
- Notice at the City's Administration and Library and Local History Centre.

No public submissions were received.

DETAILS:

The City's Policy 4.1.17 - Fraud and Corruption Prevention was reviewed and updated in line with the recommendations in the [Office of the Auditor General's 2019 Performance Audit – Fraud Prevention](#), LGIS's guidelines and in consultation with the City's Audit Committee.

The updated policy removes administrative content and sets out high-level policy statements only.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's [Policy Development and Review Policy](#) sets out the process for repealing and adopting policies.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to provide public notice of the proposed new policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This report has no implications on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

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

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To seek Council approval of the proposed amendments to the Governance Framework 2020 at **Attachment 1** and repeal of Policy 4.2.10 - Council Members and Employee Business Dealings with the City at **Attachment 2**.

BACKGROUND:

In June 2005, Council adopted Policy 4.2.10 - Council Members and Employee Business Dealings with the City (Policy 4.2.10). The development of Policy 4.2.10 was in response to public hearings by the Corruption and Crime Commission into the awarding of tenders and contracts at the City of Bayswater. The hearing highlighted a risk area being where Elected Members may have commercial dealings with the local government.

Administration reviewed Policy 4.2.10 in April 2021 and identified that there is no longer a demonstrated need for the policy since the following adequately apply requirements for Elected Members and employees wishing to undertake business dealings with the City:

- *Local Government Act 1995* (Act) and associated regulations, specifically *Local Government (Rules of Conduct) Regulations 2007* now the *Local Government (Model Code of Conduct) Regulations 2021*;
- the related party declaration requirements of the Australian Accounting Standard; and
- the conflict of interest requirements of the City's Code of Conduct.

Administration is recommending that Council repeal Policy 4.2.10 and amend the Governance Framework to include the City's commitment to disclosing conflicts of interest.

In addition, on 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* (Regulations) took effect requiring all local governments to adopt a Code of Conduct modelled on the Regulations Model Code.

At its 23 March 2021 meeting, Council approved a [Code of Conduct for Elected Members, Committee Members and Candidates](#) (Nominated Members Code) and noted that amendments to the Governance Framework were proposed to reflect the content previously contained within the City's [Code of Conduct 2017](#) and to support the adopted Nominated Members Code.

The following modifications to the Governance Framework were proposed:

- update to reflect the division of the codes of conduct between Nominated Members and Administration;
- update to reflect the procedural requirement for dealing with complaints about alleged breaches of the behaviour included in Division 3 of the Nominated Members Code;
- update and clarify the gift and conflict of interest provisions in line with the new regulations;
- include the City's position on fraud and corruption; and

- include Elected Member accessibility requirements.

DETAILS:

The City proposes to make the following changes to the [Governance Framework](#):

Section	Action	Notes
Ethical Standards and Code of Conduct.	Updated to reflect the division of the codes of conduct between Nominated Members and Administration	This section currently references the superseded Code of Conduct for Elected Members, the CEO and Employees (superseded Code). Updates are required to demonstrate the division of the codes of conduct between Nominated Members and Administration.
Rules of Conduct Regulations and the Standards Panel	The header has been updated to read 'Model Code Regulations' and 3 new subsections have been added as follows: 1. Nominated Member; 2. Behavioural breach; and 3. CEO Standards.	<u>Nominated Member</u> This section has been added to reinforce the requirement for Nominated Members to comply with Council policies, procedures and resolutions (Clause 8(2)(b) of the Regulations and Nominated Code). <u>Behavioural breach</u> This section has been added to reflect the requirement for submitting complaints about alleged breaches of the behaviour included in Division 3 of the Regulations and Nominated Code. <u>CEO Standards</u> This section has been added to reflect the key provisions of the Model Standards and the adopted CEO Standards .
Employees Code of Conduct	Updated to remove reference to Elected Members and to include contractors of the City.	This section currently references the superseded Code. Updates are required to reflect the new Regulations and the division of the codes.
Fraud and Corruption	New Fraud and Corruption section has been added.	Fraud and corruption were previously addressed in the superseded Code but have not been addressed in the Nominated Members Code. This section has been added to reinforce the City's commitment to preventing, deterring, monitoring and reporting fraudulent and corrupt behaviour. The City's Fraud and Corruption Prevention Policy will be linked within this section to facilitate its implementation.
Elected Member Accessibility	New Elected Member Accessibility section has been added.	Elected Member accessibility was previously addressed in the superseded Code but has not been included in the Nominated Members Code.
Appointment to external boards and committees	New Appointment to external boards and committees' section has been added.	Appointments to External Boards, Committees and Working Groups was previously addressed in the superseded Code but have not been included in the Nominated Members Code.
Relationship between Elected Members and Administration	Regulation 9 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> has been updated to read 'clause 19 and 20 of the Nominated Members Code and Regulations'.	Updated in accordance with the new legislation.

Section	Action	Notes
Conflict of interests	This section has been updated to include potential conflicts of interest that may arise from related parties and related entities.	Updated to reflect and strengthen the conflict of interest provisions contained in: <ul style="list-style-type: none"> • <i>Local Government Act 1995</i> (Act) and associated regulations; • related party declaration requirements of the Australian Accounting Standard; and • conflict of interest requirements of the City's Code of Conduct. This addition has been included as part of Administration's recommendation to repeal Policy 4.2.10 at Attachment 2.
Disclosure of interest affecting impartiality	Updated to reflect the new legislative provisions that govern disclosure requirements for Elected Members, Contractors and Administration. The following 2 subsections have been added: 1. Elected Members; and 2. Employees and contractors	This section currently references the <i>Local Government (Rules of Conduct) Regulations 2007</i> and superseded Code. Updates are required to reflect the new Regulations and Nominated Member Code.
Related Party Disclosures	New Related Party Disclosure section added.	This section has been added to reflect the City's commitment to comply with the requirements of the Australian Accounting Standards by identifying conflicts of interest that may arise from related parties. This addition also supports Administration's recommendation to repeal Policy 4.2.10 at Attachment 2.
Gifts	Updated to reflect the new legislative provisions that govern the disclosure of gifts and clarification of circumstances when refusal of a gift may be impossible or impractical. The following 2 subsections have been added: 1. Elected Members; and 2. Employees and contractors	The additional subsections have been added to reflect the new legislative provisions.

The proposed amendments to the Governance Framework have been prepared for Council's consideration and are tracked at **Attachment 1**.

The Governance Framework describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes which the City uses to achieve its strategic priorities and undertake its service delivery. It is a live document and should be updated on a regular basis to reflect changes in legislation and practices.

The Governance Framework is also scheduled for review following the local government election in October this year. This will be conducted in consultation with Elected Members, ensuring new Elected Members have an opportunity to be involved.

CONSULTATION/ADVERTISING:

The Governance Framework is to be reviewed after each ordinary local government election in consultation with Elected Members. The outcome of the review and any proposed amendments will be presented to Council for adoption within 4 months of each election.

No community consultation is required for the proposed amendments.

LEGAL/POLICY:

The Governance Framework summarises key sections of the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and *Local Government (Model Code of Conduct) Regulations 2021*.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve the proposed amendments to the Governance Framework and repeal of Policy 4.2.10. These amendments highlight the City's commitment to providing good governance by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of City business.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This report has no implications on the priority health outcomes of the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

8.5 ANNUAL REVIEW OF COUNCIL DELEGATIONS

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

RECOMMENDATION:**That Council:**

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

PURPOSE OF REPORT:

To consider amendments to the City's Delegated Authority Register (Register), following a review as required under the *Local Government Act 1995* (Act).

BACKGROUND:

All delegations made under the Act must be made by absolute majority and recorded in a register. Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the Act, but also presents an opportunity to review delegations made under other legislation. Council undertook its last annual review of delegations in May 2020 and endorsed the proposed outcome of that review at its 16 June 2020 Meeting.

The purpose of delegating power is to enable routine decision making to be undertaken in a cost effective and efficient manner, or rapidly where a time imperative may be involved.

Council is required to make decisions of high importance, some of which require absolute majority decisions and cannot be delegated.

Council also has discretionary functions that involve making routine decisions that are high frequency and low risk. It is appropriate for Council to delegate these functions to the CEO. The Register of Delegations sets out the powers and functions delegated from Council to the CEO.

DETAILS:

The annual review of delegations by Council is a statutory requirement and is also necessary to ensure the delegations remain consistent with legislation and applicable to the City's current operational needs.

In April 2021, Administration undertook a review of the City's delegations. A 'tracked changes' version of the Council Delegations Register is at **Attachment 1**.

Proposed changes to the Council delegations are as follows.

Delegation	Action	Notes
16.1.1 - Determination of various applications for development approval under the City's Local Planning Scheme	Extend the delegation function to determining accompanying material requirements for Local Development Plans under Clause 49 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> including the type and extent of accompanying material requirements.	The delegations do not currently extend to determine the accompanying material for a Local Development Plan when lodged with the City. .
Proposed amendments to Delegation 16.1.1 conditions as follows:		
Condition 1	Addition of 'Restricted Premises' removal of 'Small Bar' and clarification of 'Tavern'.	Delegation is currently provided to deal with Restricted Premises. This is more appropriate to be dealt with by Council irrespective of the number of objections received through consultation due to sensitivities with the community given the nature of the use. Small Bar has been removed as this use is now exempt in Centre zones under recent changes to the planning framework to support small businesses. It would be unreasonable to mandatorily refer applications for such a use to Council for determination where it is located in a Commercial or Mixed Use zone. Any application would still be subject to community consultation which could trigger the need for Council determination dependent on the number of objections received. Recently the Department of Local Government, Sport and Cultural Industries have changed historic liquor licences of current venues from Hotel to Tavern liquor licence. The approved land use of these premises remain Hotel. The definition of these land uses under the City's Local Planning Scheme No. 2 (LPS2) reference the liquor licence type. Development applications typically related to alterations and additions for these premises then require a change to the land use to align with the definitions in LPS2. In such a circumstance, these applications would be required to be referred to Council for determination, even when there is no change to the existing operation. Any application would still be subject to community consultation which could trigger the need for Council determination dependent on the number of objections received.
Condition 2	Clarification of the Acceptable Outcomes set by State Planning Policy 7.3: Residential Design Codes added	To clarify that the building height is to satisfy both the deemed-to-comply number of storeys and the height measured in metres. The current wording does not specify what is meant by height.
Condition 6	Clause is broadened to include demolition of buildings and/or alterations and/or additions to buildings except where external fixtures (as defined by the Residential Design Codes) or restoration and remediation works are proposed to the building.	To clarify types of development to heritage-listed properties that are of a scale which should be determined by Council, irrespective of the outcome of community consultation.

Delegation	Action	Notes
New Condition 9C	<p>i) <i>Where the development relates to a non-residential use, the adjacent property (as shown in the Community Consultation Policy) is not used for a residential purpose; or</i></p> <p>ii) <i>For all other development where the amendment</i></p>	To provide further clarification on where an amendment to a previous Council decision for non-residential development can be determined by Administration. This is consistent with recent changes to the planning framework to support businesses and where there would be no impact on residential amenity.
New Condition 12	<p><i>This delegation does not extend to applications for development approval that propose permanent structures on City owned or managed land, except where:</i></p> <p>a. <i>The structure is an awning, verandah or similar; or</i></p> <p>b. <i>The structure is for a ground anchor; or</i></p> <p>c. <i>The structure is for an encroachment which:</i></p> <p style="padding-left: 20px;"><i>i. is an architectural feature and does not encroach by greater than 250 millimetres; or</i></p> <p style="padding-left: 20px;"><i>ii. is a window or shutter that encroaches on a road or public space by no more than 50 millimetres when open, and is at least 2.75 metres above the ground level;</i></p> <p><i>as outlined in the Minster's for Land's authorisations.</i></p>	To clarify types of development on City owned or managed land that should be determined by Council.
Proposed amendments to Section 11 as follows:		
Delegation: 11.1 11.2 11.3 11.4 11.5	Remove extension of the following delegations made under the <i>Food Act 2008</i> from Manager Development and Design: 11.1 Determine Compensation; 11.2 Prohibition orders; 11.3 Food business registrations; 11.4 Debt recovery and prosecutions; and 11.5 Food businesses list – public access	The functions of these delegations are undertaken by the Manager Built Environment and Wellbeing. The extension of these delegations to the Manager Development and Design is no longer required.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 5.46(2) of the Act requires Council to review of its delegations at least once every financial year.

RISK MANAGEMENT IMPLICATIONS

Low There is low risk in Council approving the new delegations due to the conditions on the delegations which define clear authorities and accountabilities for City officers.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.












PUBLIC HEALTH IMPLICATIONS:

This report has no implications on the priority health outcomes of the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

8.6 INFORMATION BULLETIN

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

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated June 2021.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

11 CLOSURE