



CITY OF VINCENT

AGENDA

Ordinary Council Meeting

17 May 2022

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

**David MacLennan
Chief Executive Officer**

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1. Members of the public present at Council Briefings will have an opportunity to ask questions or make statements during public question time. Questions and statements at Council Briefings must relate to a report contained in the agenda.
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3. Questions asked at an Ordinary Council Meeting must relate to a matter that affects the City of Vincent.
4. Questions asked at a Special Council Meeting or Committee Meeting must relate to the purpose for which the meeting has been called.
5. Written statements will be circulated to Elected Members and will not be read out unless specifically requested by the Presiding Member prior to the commencement of the meeting.
6. Where in-person meetings are not permitted due to a direction issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* questions and/or statements may be submitted in writing and emailed to governance@vincent.wa.gov.au by 3pm on the day of the Council proceeding. Please include your full name and suburb in your email.
7. 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).
8. 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.
9. 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.
10. 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.

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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 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The following questions were submitted to the 5 April 2022 Ordinary Council Meeting:

1. Dudley Maier of Highgate

1. Will the City publish the full minutes of the Rebound Roundtable meetings so that businesses can actually see what is said on their behalf by Town Team members who purport to represent the interests of businesses in the City's Town Centres?

The Rebound Roundtable meeting minutes will be published on the City's website in April 2022. Town Teams, which include community and business representatives, as well as local business representatives, not affiliated with a Town Team, are welcome and able to attend Rebound Roundtable meetings. To participate, local business representatives can express their interest to Council Members, Town Teams and/or City staff and their attendance will be confirmed with the meeting Chair prior to being invited to an upcoming meeting.

2. How often has the Community Reference Committee met, on what dates, what issues were considered, and how many members attended each meeting?

The Community Panel met three times on 3 August, 18 August and 25 August 2021 to discuss the Asset Management Sustainability Strategy. From our records it appears 29 people attended the first workshop, 19 the second and 17 the third.

Some members of the community panel were also invited to participate in a smaller focus group on 3 December 2021 to discuss ways to improve Customer Experience. This was not a meeting of the full panel but a small focus group of people who had a recent customer experience they would like to share. Nine panel members attended.

3. Given that the Administration have stated that a small sub-meter will be installed as part of the Hyde Park Kiosk distribution board, is there any opportunity for the City to charge the tenant the actual cost of power? Given that the installation of a sub-meter is a minor cost why didn't the Administration recommend full electricity cost recovery?

It was unknown at the time of preparing the lease whether a sub-meter could be installed. The City took the view that full electricity cost recovery will be considered at the time of rental review for the optional term.

4. What exactly will the \$1-2million proposed to be put into the Underground Power Reserve be spent on? If it is collected via general rates does it indicate that the Administration are not recommending a user pays-method of funding underground power?

Administration will be recommending a user pays method of funding underground power.

The City of Vincent will be responsible for meeting the local government contribution to the project of around \$17 million.

Western Power would typically issue the first cash call to the local government within two months after the co-funding agreement has been executed. There are normally 3 cash calls, every two months based on a 12 month construction timeframe.

The City will therefore need to be able to meet the first series of cash calls prior to receiving the contribution from the responsible property owner.

Administration will also consider options for staged repayment for the property owner's contribution over, for instance, two years.

The City of Vincent therefore needs to be in a financial position to meet the upfront payment obligations to Western Power given the delay we will have in recouping the property owner's contribution.

5. Item 12.6 identifies three areas for underground power and indicates that this covers 5,336 service meters, plus that the preliminary estimated cost is \$17,600,000. What is the preliminary cost for each of the areas, and how many service meters are in each area (i.e. what is the split up of the 5,336 and \$17,600,000 by area)

<i>North Perth/Mount Lawley:</i>	<i>\$6,280,000</i>	<i>1841 meters</i>
<i>North Perth/Mount Hawthorn:</i>	<i>\$6,400,000</i>	<i>1599 meters</i>
<i>Perth/Highgate:</i>	<i>\$4,683,000</i>	<i>1896 meters</i>
<i>Total:</i>	<i>\$17,363,000</i>	<i>5336 meters</i>

6. Can you confirm that Vincent employees get 5 weeks annual leave with one of those weeks called 'special leave'?

Yes.

Annual leave for employees covered under the City of Vincent Enterprise Agreement 2017 are set out and provided for in the National Employment Standards and the Local Government Industry Award 2020.

An Employee, other than a casual employee, is entitled to 1 week paid special leave per year (pro rata for part-time employees).

What is 'special leave – is it a benefit that can be taken as either time off or as 'pay'?

Time off with pay. No leave loading applies.

An employees' entitlement to paid special leave accrues progressively during a year of service according to the employees' ordinary hours of work and accumulates from year to year.

Over each 12-month period, an employee is entitled to cash out their special leave entitlement in minimum of one (1) day increments.

Did Vincent employees get 4 days 'special leave' in 2020-2021 in lieu of an across the board pay rise?

Yes. They were entitled to 4 days off with pay. This assisted the City to retain staff during 2020-2021 without impacting the salary budget. This benefit had no impact on the salary budget and could not be cashed out.

Did Vincent employees receive an across the board 1.5% pay rise this financial year as foreshadowed in the budget report to council on 22 June 2021 (Item 11.7 - page 555)?

Yes, this was paid on 1 January 2022.

What was the meaning of 'salary benchmarking increase for all City of Vincent Staff' as shown on page 7 of the January Monthly Financial Statements?

This is the 1.5% pay raise referred to above, paid from 1 January 2022. This comment refers to the fact that the pay raise was also supported by industry data indicating that Vincent pay rates were below industry standards (ie salary benchmarking).

7. Given that the Administration has stopped including CAPEX Actual vs Budget graphs in the monthly financial statements because they were incorrect and misleading, and that the YTD CAPEX budgets for February to June are not available, how will the City provide accurate information in reports such as the 'Statement of Financial Activity by Program', and other such reports?

The waterfall chart of Capital expenditure Actual vs Budget YTD variance is a more accurate view of this information.

For actual expenditure the City provides additional commentary on a monthly basis to advise material variances.

The budget was recast at mid-year and provides a guide as to where we expect to finish the financial year given the status of projects.

8. Given that the design for the Hyde Park Toilet Block West does not adhere to CPTED principles what mechanisms will the Administration put in place to protect the community, including vulnerable homeless people, once the construction is complete? Given the significant nature of the changes proposed was a Development Application submitted and advertised for community comment?

The proposed works address CPTED principles as detailed below and comments in line in green where met, and comments in blue where improvement opportunity.

Principle 1: Surveillance

- *Passive surveillance provided by adjacent land uses – The existing location of the kiosk and toilet block provides opportunities for passive surveillance from the nearby playgrounds,*

- *Clear sightlines provided through landscaping – There are relatively clear sightlines of the kiosk and toilet block, which have been achieved by the provision of a verandah to open up the façade around the toilet block. Although there is a number of large mature trees, the kiosk would be clearly visible from both nearby playgrounds, as well as the path network. There are also openings around the perimeter of Hyde Park which would provide visibility from Throssell Street.*

- *Provision of street, walkway and park lighting encourages day and night-time use – The opening hours are limited to 4pm (in the lease) which wouldn't encourage night time activity. Notwithstanding there is existing lighting within the park along the footpath. The kiosk would also be lit 24 hours a day (based on Andrew's advice)*

- *Footpaths are legible, have good surveillance and are free from entrapments – Around the south-east there is heavy vegetation. Unclear on the extent of lighting but the dense vegetation could provide an opportunity for concealment, when combined with the retention of the brickwork to form the corners of the verandah. The verandahs contribute towards sense of surveillance, noting that there is no actual surveillance with no windows and only the toilet doors. 24 hours lighting also assists to contribute to perceived surveillance.*

Principle 2: Territorial definition

- *Clear signage and wayfinding. Couldn't see a reference to signage anywhere? – Verandah element and new concrete path help to clearly define the space, and its current location at the end of an existing path assists with wayfinding.*

Principle 3: Access control

- *Multiple exit and entry points are easy to navigate – verandah creates different points to access the toilet facilities. Access points to service areas are limited and secure to prevent unauthorised access. Single entry point to café is clearly distinguished.*

- *Designed for diversity – upgrades will provide for a facility which accommodates different functions, being for toilets and the kiosk space.*

Principle 4: Space management

- *Adjacent active uses such as a café provide additional activity and surveillance – Kiosk use will contribute activity, which will bring with it passive surveillance by patrons. Retention of existing façade design doesn't contribute activity, with there being one access point along the east. The windows to the north are remaining unchanged and are highlight windows with security screens, and don't offer opportunities for surveillance or activation.*

- *Facilities and landscaping is of a high quality and well maintained – The refurbished will be an upgrade on the existing appearance, and would maintained by the City. Hyde Park which features high quality and maintained landscaping.*

The changes to the external nature of the building are not considered significant and appropriate approvals for the works have been obtained.

9. In reference to the IAP2 engagement spectrum, what level of community engagement will take place for the proposed blocking of Grosvenor Road (i.e. Inform, Consult, Involve or Collaborate)? Why did the community have to find out about this through the RAC member magazine?

At its 22 June 2021 Ordinary Meeting (Item 12.1), Council noted the results of community consultation for the Barlee Street Car Park Options project that indicated a desire by some members of the community to have additional public space for people within the Beaufort Street Town Centre.

As part of the same decision, Council requested 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.

Action 2.3 Trial Pedestrian Streets was subsequently included within the Beaufort Street Town Centre Place Plan (BSTCPP) to 'trial pedestrian spaces at Grosvenor Road or Barlee Street'.

Administration has been in consultation with adjacent property owners and businesses to inform project scoping, traffic management planning and to identify possible collaboration opportunities. Administration has also met with RTRFM General Manager and members of the Beaufort Street Network to provide information about the project and scope possible activation initiatives.

Administration intends to pursue an 'involve' engagement approach for the planning of the trial and in its delivery. A key aim of the engagement will be to establish regular networking across the town centre businesses and leverage this project as a platform to attract locals to visit following months of COVID-19 restrictions. Other planned community initiatives include online project forums to inform local businesses of the project updates and invite involvement.

The draft project scope is to be presented at the 12 April 2022 Council Workshop for Council Member feedback. Pending Council Member feedback on the draft trial details and length, residents adjacent Raglan Road, Hutt Street, Arnold Lane, Grosvenor Road, Danker Lane, Boodja Lane and Chelmsford Road, between Hutt Street and Beaufort Street, will be contacted during April/May 2022 to provide feedback in relation to any proposed traffic management to be implemented during the trial. Residents will also be notified regarding the timing of when the report to Council, prepared in response to the 22 June 2021 Council decision, will progress to an Ordinary Council Meeting. The report will confirm the proposed details of the trial, seek Council support for the proposed trial initiatives and length, and include an engagement plan, to be implemented as part of the trial.

Administration will actively engage during the trial to receive ideas and feedback from residents, businesses and visitors. The trial findings, feedback and outcomes will be reported to Council following the conclusion of the trial.

10. The last sentence of the Minutes of the AGM states that each person who moved a motion will be contacted and advised when the response is going to a Council Meeting. Did this ever happen, if so when? If not, why not?

None of the proponents of motions were contacted individually in response to the statement made by the Mayor at the Annual Meeting of Electors. This was an administrative oversight and the City apologises for the error. The timeframes were clearly outlined at the 8 March 2022 Council meeting.

11. Did the City get a refund of the \$16,500 paid to the Rotary Club of North Perth for the cancelled Hyde Park Fair?

No. The City's sponsorship agreement provides support for not-for-profit organisations if an event is cancelled due to COVID-19 restrictions. The organisation must provide an acquittal, reflecting money already spent on preparing to hold the event.

This has been a consistent policy for the past 2 years and ensures not-for-profit organisations remain financially stable and able to resume events the following year.

2. Thomas Young of Highgate – Item 10.3

Questions were raised at the Council meeting in July 2014, as to the kiosk's commercial viability and long term sustainability and queried what has changed that Council now believe this is viable?

Response at the meeting:

The Presiding Member, Emma Cole, advised that the fitout is basic works to the storage shed, this includes tiling the floor, providing a sink and putting in a ceiling. The lessee will still need to do a fitout and have contracted an architect to design this. Mayor Cole suggested that the use of the word "fitout" is misleading.

Further response:

There is a strong and clear demand from the community for a high-quality food and beverage offering at Hyde Park.

This is demonstrated by the high level of interest by mobile food van operators to locate in Hyde Park over recent years and the high level of interest in the kiosk EOI process from commercial food business.

The commercial viability of the kiosk is a business consideration for the operator.

3. Greg Johnson of Mt Hawthorn

Within 1km of the retail precinct there are 25 licences premises, 9 liquor outlets within 5km. How is the demand for this category shown?

Requested Council to establish criteria for retail diversity, and what is sustainable?

Response at the meeting:

The Presiding Member, Emma Cole, asked Mr Johnson if he was referring to the Copper & Oak applications, and he confirmed that he was. Mayor Cole advised that information will be provided on what consultation occurred at that time and information on changes of use generally, and what has happened in that space from a State Government perspective.

Further response:

The development application referenced is for a change of use from Shop to Tavern with associated alterations

and additions at Nos. 169-173 Scarborough Beach Road and Nos. 60-62 Coogee Street, Mount Hawthorn.

The application was approved by Council at its Ordinary Meeting on 14 December 2021.

The site is zoned District Centre under the City's Planning Scheme No. 2 and is located within the Mount Hawthorn Town Centre area. A tavern is a contemplated land use in the District Centre zone.

In dealing with the development application, community consultation was required to be undertaken. Community consultation was undertaken in accordance with the City's Community and Stakeholder Engagement Policy that prescribes the method and length of advertising for a proposed tavern land use in a District Centre zone. This included 28 letters sent to owners and occupiers of adjoining properties, a sign displayed on site and a notice displayed on the City's website. The proposal was advertised for a period of 14 days.

Advertising of this application as prescribed under the City's Policy is adequate to inform and allow participation from owners and occupiers immediately surrounding the site, within the Mount Hawthorn Town Centre area and more widespread.

The presence of other similar venues that are licensed premises in the Mount Hawthorn Town Centre area is reflective of their popularity, the market demand and their contribution towards a thriving day and night time economy.

Small liquor stores and small bars are examples of licensed premises venues that are exempt from the need to submit a development application and obtain development approval if they are located in a Town Centre area. This is a State Government exemption that applies State-wide under the Planning and Development (Local Planning Schemes) Regulations 2015 and is reflective of the appropriateness of these types of land uses in a Town Centre setting from a planning perspective. There is no restriction on the number of these types of licensed premises venues permitted in an area under planning legislation. The market forces of supply and demand effectively inform the quantity of land uses in any given area. The threat of economic competition to existing businesses is also not a relevant planning consideration.

It is the responsibility of the operator to separately obtain a liquor license under the Liquor Control Act 1988 from the State Government's Racing, Gaming and Liquor. A public interest assessment forms part of this separate application process. The public interest test is based on the principle that licensed premises must operate within the interests of the local community and factors in the number and location of all existing licensed premises in the area. In considering this, it is at the State Government's discretion as to whether the liquor license will be issued.

The City identifies Thriving Places as a key priority in its Strategic Community Plan. This is supported by outcomes that we will work towards such as being recognised as a City that supports local and small business. We are doing this through increasing our role and influence in attracting, retaining and growing independent businesses in the City through economic development initiatives and support for town teams. This is achieved through the actions being delivered within the Mount Hawthorn Town Centre Place Plan.

We are also working towards this priority through encouraging innovation in business, social enterprise and imaginative uses of space, both public and private. We are doing this by encouraging business growth and community interaction in smaller neighbourhood centres across the City, through inclusion in business support initiatives. This is achieved through the actions being delivered in the Vincent Rebound Plan in response to the COVID-19 pandemic and the City's participation in the Small Business Friendly Approvals Program with the Small Business Development Corporation.

We are also doing this by streamlining systems and policies to reduce red tape and barriers for business. Retail diversity is largely market driven, the City recognises this and promotes market diversity by enabling innovative and new business concepts to be realised throughout Vincent by working with these proponents throughout the approval process.

The City has identified the need to capture more data around the economic and business performance of our town centres and surrounding areas. This is being achieved through engaging experts to undertake comprehensive commercial and place analysis so that we understand current performance in relation to economic development and place and its sustainability and diversity. This allows for a baseline to measure change and a set of criteria to be built to measure this change and success. This will allow the City to better understand the key commercial and market drivers that influence the economic and place performance of the area.

4. Steve Burke – North Perth – Item 12.5

- Queried why a report was commissioned, money allocated for the solution and then no action taken. Who decided to remove it and on what basis?
- Stated that he believes the Councillors are taking advice, and would like to know if the person offering advice is qualified, do they have indemnity insurance, are they the right person to override the expert advice in the report?
- What modelling has taken place?
- Queried why do the requirements for the development application on this agenda specify water must be contained, but the Council does not have to comply with the same rules.

The drainage is regularly cleaned by contractors every year, gullies and soak wells in priority low points are suctioned clean to the bottom or to below the lowest invert of the storm water pipe outlet. This works is done at the commencement of March/April prior to the winter and the first expected rainfalls.

The City takes all reasonable measures to alleviate the leaf build up on road by using the street sweeper to sweep the roads prior to any forecast large storm event. The cleaning of the drainage that the residents would undertake is the removal of the build-up of debris that washes down and sits on top of the gullies during a storm event and while not ideal is unfortunately necessary as council cannot always be there immediately when this occurs.

The money allocated originally was spent and included many of the recommendations as well as partial building of the retaining wall, when the first report was commissioned, and study completed. Discussion commenced as to whether to remove or maintain the pavilion and due to this it was determined that no action in regard to the remainder of the wall be taken as predicting the impact to drainage would not be possible. Based on continuing community concern of perceived flooding risk and alleged flow of storm water, although no notable flooding has been reported since the large-scale storm event of 2010, funds have been allocated by Council to continue with the installation of the retaining wall. Officers have approached the consultant to undertake new modelling to determine the extent and height of wall required since the removal of the pavilion. It is important to

have an accurate requirement of the wall so as to alleviate concerns that may arise over the effectiveness of the retaining.

Officers have requested that the consultants undertake the study and reporting requirements for the wall as soon as possible, and although funds have been placed on budget for construction this financial year it will not be possible as there is a minimum of 6-8 weeks lead in to provide the required limestone. It is the hope that construction can commence early within the next financial year and will be based on the new recommendation from the study.

Developments are requested to maintain storm water on site to reduce the strain placed on existing drainage infrastructure. In the event that it is established that this is not possible then a system is requested to hold the storm water on site during a rainfall event and then allowed to be released into the council network at a specified flow rate, again this is to alleviate the demand placed onto a networks capacity.

The City of Vincent has insurance to cover loss or damage to property or persons should a claim be made against The City and it be found liable for the incident.

The following questions were submitted to the 29 March 2022 Council Briefing:

5. Rob Goulding of North Perth – Item 6.4

With reference to ongoing heightened levels of traffic on Alma Road (including ongoing Cole's HGV delivery trucks) in addition to the expected increase of traffic attributable to the Fitzgerald Street development, we would like the Council to respond to the following questions:

- Further to previous correspondence from the Council, when will a trial period to block access to Alma Road commence and for how long?

In the Council Minutes of its Meeting on the 5th April:

http://vincent.infocouncil.biz/Open/2022/04/CO_20220405_MIN_7443.PDF

It decided that:

4. CONSULTS with the residents and businesses about:

4.1 a 12 month trial of a 'diagonal diversion' at the intersection of Alma Road and Leake Street,

as shown on Plan 3715-CP-0, Attachment 8; and

4.2 reducing the speed limit to 40 kph on local roads within the area bounded by Charles,

Fitzgerald, Angove and Vincent Streets.

5. RECEIVES a further report on the results of the consultation in August 2022;

The City administration will be working on undertaking the consultation for the trial 'diagonal closure' in July and, if approved August, implementation of the trial in the 2022/23 FY.

- Will the Council consider a local traffic management system identical to the one in Mt Lawley that also has traffic management on the same streets around a busy retail district similar to the North Perth Shopping Plaza (Alma Road, Raglan Road and Grosvenor Road)?

Engineering officers will be in contact with Mr Goulding to obtain further information on what traffic system/which location in Mt Lawley is referred to so we can provide sufficient/relevant information.

- Will the council publicly share the data collected for traffic (quantity of vehicles) recorded on Alma Road, Claverton Street, Leake Street and View Street?

Yes - traffic data on these streets has been included in previous council reports related to North Perth traffic.

- Where variances in data sets exist between Alma Road and Claverton Street (a street parallel to Alma Road not typically used as a short cut between Charles Street and North Perth Shopping Plaza), what are the Council's conclusions to the variances in traffic volume between Alma Road and Claverton Street?

Alma Road has a shopping complex on one end. This will naturally attract more traffic.

- CLAVERTON ST 09-Dec-20 ALFONSO - CAMELIA 874 vpd
- ALMA RD 15-May-19 GLEBE-FITZGERALD 2738 vpd
- Does the council consider the volume in Alma Road traffic (heavy goods and regular vehicles) a health and safety risk managed to ALARP (As Low as Reasonably Practicable) for local residents and their children?

The traffic carried by this road is typical of local roads in the metropolitan region and within the MRWA design criteria for the road

From Liveable Neighbourhoods, Local Roads (Access streets) can have an indicative traffic volume of up to 3000 vpd.

<https://www.wa.gov.au/government/publications/liveable-neighbourhoods>

6. Vern Gardam of Mt Lawley – Item

- Complained that the Grosvenor Road pedestrian street trial has not been dealt with in the normal manner
- The street trial was for business to better utilise public spaces, improve outdoor dining areas and street closures
- The last update was in March 2020 and was not clear
- Concerned that changes to the loop will result in increased times to exit the loop safely in the direction he wishes to travel
- Mentioned danger from trucks making deliveries and collecting garbage, there is not enough space for trucks to turn
- Stated that a 12 month trial road closure
- Queried who authorised this and by what authority and what are the terms of the agreement with RAC and why was Grosvenor Road chosen ahead of Barlee Street?
- Mentioned that the word "resident" does not appear in the quarterly update on the Vincent Rebound plan.
- Mentioned that the closure did not appear on the News portion of the City website, and asked that the ratepayers and residents are kept informed and to survey what they want.

Response at the meeting:

The Presiding Member, Emma Cole, thanked Mr Gardam for his comments and offered to meet with him to discuss this. Mayor Cole mentioned that the City is holding a short trial for some street events. No works or infrastructure works are planned.

Manager Policy & Place advised that this action is in the Beaufort Street Place Plan. Grosvenor Road was deemed less disruptive to traffic and drop off zones. The timing of the trial has not been confirmed, but a six week period is being considered. This will be workshopped with Council before a decision is made.

Mayor Cole enquired about community advertising and awareness.

Comments were received on the Beaufort Street Place Plan, as this action was included in it. Considerable engagement with the Beaufort Street community has taken place to understand what they would like to see from this trial. Once the timing is confirmed further consultation will take place with the residents of those streets and the wider community.

Mayor Cole noted that Mr Gardam had significantly exceeded his 3 minute allocated time to ask his question and requested that he take his seat. Mr Gardam thanked Mayor Cole for the offer to speak with him, but advised that the public are caught by what is to happen and the scope of this item.

Mayor Cole advised that not all City documents are detailed, this is a forecast for the future, which doesn't necessarily mean the communication plan is in place, that the dates are in place, all of that will follow. There will be consultation on this and she again offered to meet with Mr Gardam to discuss this in more detail with Manager Policy & Place who could give an indication of what the project would look like and what activities are intended to happen in that space.

Further response:

These questions were answered on the night and the Mayor has offered to meet with Mr Gardam.

4 APPLICATIONS FOR LEAVE OF ABSENCE

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

6 CONFIRMATION OF MINUTES

Ordinary Meeting - 5 April 2022

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

8 DECLARATIONS OF INTEREST

8.1 Cr Jonathan Hallett declared a proximity interest in Item 8.8 Vincent Underground Power Project (VUPP). The extent of his interest is that his partner's property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. He is seeking approval to participate in debate and vote in the matter.

8.2 Cr Suzanne Worner declared a proximity interest in Item 8.8 Vincent Underground Power Project (VUPP). The extent of her interest is that her property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. She is seeking approval to participate in debate and vote in the matter.

8.3 Cr Ron Alexander declared a proximity interest in Item 8.8 Vincent Underground Power Project (VUPP). The extent of his interest is that his property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. He is seeking approval to participate in debate and vote in the matter.

8.4 Cr Ashley Wallace declared a proximity interest in Item 8.8 Vincent Underground Power Project (VUPP). The extent of his interest is that his property is within the Project Zone. This is an interest in common with a significant number of ratepayers covering an estimated 5,336 electricity service meters to properties in the City of Vincent. The report identifies that underground power may provide an estimated increase in property value of approximately \$12,000 per residential property. He is seeking approval to participate in debate and vote in the matter.

8.5 David MacLennan, CEO declared an impartiality interest in Item 11.1 Appointment of the Design Review Panel. The extent of his interest is that he knows one of the applicants through his involvement in AUDRC – including through his position as AUDRC Chair. He was not involved in the assessment process for the DRP applicants.

8.6 Cr Susan Gontaszewski declared a proximity interest in Item 7.5 Advertising of new policy - Sportsground Allocation - Use and Hire Policy. The extent of her interest is a section of her property is directly opposite one of the parks mentioned in the policy. She is not seeking approval to participate in debate and vote in the matter.

9 STRATEGY & DEVELOPMENT

9.1 NOS. 596-598 (LOT: 116; D/P: 2360) NEWCASTLE STREET, WEST PERTH - PROPOSED AMENDMENT TO PREVIOUS APPROVAL: BILLBOARD SIGNS (UNLISTED USE)

Ward: South

Attachments:

1. Consultation and Location Map [↓](#) 
2. Development Plans [↓](#) 
3. Applicant Supporting Information [↓](#) 
4. Road Safety Audit [↓](#) 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for an Amendment to Approved Billboard Signs at Nos. 596-598 (Lot: 116; D/P: 2360) Newcastle Street, West Perth, in accordance with the plans shown in Attachment 2, for the following reasons:

1. The proposed Unlisted Use (Billboard Signs) advertising third party content would be inconsistent with the objectives of the City's Policy No. 7.5.2 – Signs and Advertising, the objectives of the Commercial Zone under the City's Local Planning Scheme No. 2, and Clauses 67(2)(m) and (n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the permanent approval of this signage would be incompatible with the desired future character of and adversely impact on the amenity of the locality; and
2. The proposed Unlisted Use (Billboard Signs) advertising third party content would be inconsistent with Clauses 67(2)(b) and (w) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The permanent approval of this signage would be contrary to the purposes of orderly and proper planning, as:
 - The City is reviewing its planning framework in relation to third party advertising. The permanent approval would have the potential to prejudice this outcome; and
 - The planning framework as it relates to the site has not substantially changed since the previous time limit was approved and would result in inconsistent decision-making.

PURPOSE OF REPORT:

To consider an application for development approval for an amendment to a previous approval for Billboard Signs (Unlisted Use) at Nos. 596-598 Newcastle Street, West Perth (subject site). The location of the subject site is shown in **Attachment 1**.

PROPOSAL:

The application proposes to amend the development approval for the subject site by deleting Condition 1. In accordance with Condition 1 the development approval is valid until 21 October 2029.

This application seeks to delete Condition 1 of the previous development approval. This would remove the time limit on the approval and grant permanent approval for the two billboard signs.

The development plans are included in **Attachment 2**. The plans remain unchanged from the previous approval.

Applicant Justification

The applicant submitted written justification to support the proposal, as included in **Attachment 3**. The justification is summarised as follows:

- The billboard signs have existed since 2004 and now form part of the area's character;
- The billboard signs are positioned to the rear of the subject site to minimise their visual prominence when viewed from the public realm and adjoining residential properties;
- The intersection of Newcastle and Loftus Streets are characterised by commercial properties and signage is a prominent feature in the area;
- No complaints have been received regarding the billboard signs, including their appearance, content, safety or length of time they have occupied the site;
- Vehicle access to the site is constrained due to the narrow frontage and proximity to the signalised intersection of Newcastle and Loftus Streets. It is unlikely these constraints could be resolved to facilitate redevelopment of the site;
- The site will be redeveloped in the future when vehicle access issues could be resolved; and
- Approval of the billboard signs in perpetuity would not preclude a more optimal planning outcome from being achieved.

Overall, the applicant considers that no beneficial planning purpose is served by continuing to impose a time limit on the approval and should be approved in perpetuity.

BACKGROUND:

Landowner:	Graham Cerini
Applicant:	Lateral Planning
Date of Application:	22 October 2021
Zoning:	MRS: Urban LPS2: Commercial R Code: R-AC3
Built Form Area:	Activity Corridor
Existing Land Use:	Billboard Signs (Unlisted Use)
Proposed Use Class:	Billboard Signs (Unlisted Use)
Lot Area:	641m ²
Right of Way (ROW):	N/A
Heritage List:	N/A

Location & Planning Context

The subject site is located on the corner of Loftus Street and Newcastle Street and adjoins a vacant lot of land to the north, an office building to the east, Newcastle Street to the south and Loftus Street to the west.

The subject site is zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2). The adjoining property to the east is zoned Mixed Use R160 under LPS2 and the adjoining property to the north is zoned Residential R80 under LPS2. Adjacent properties across Loftus Street are within the Regional Centre zone under LPS2.

The subject site and the eastern adjoining properties along Newcastle Street are within the Activity Corridor built form area and have a building height standard of six storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The northern properties that orientate towards Kingston Avenue are within the Residential built form area and have a building height standard of three storeys under the Built Form Policy.

The City's Built Form Policy allocates the R Code of R-AC3 to Commercial zoned lots.

Relationship to Strategic Sites

The City's current Local Planning Strategy does not identify the subject site as a strategic development site.

Properties located on the other side of Newcastle Street that are bound by Loftus Street, Newcastle Street, Charles Street and the Mitchell Freeway are within the Pickle District. This is identified as a key redevelopment area under the Local Planning Strategy.

Properties to the west of the subject site, across Loftus Street, are within the Leederville Regional Centre under LPS2 and would be subject to requirements of the Leederville Precinct Structure Plan, which seeks to increase density close to the town centre and train station.

Subject Site

The subject site has an 11.0 metre frontage to Newcastle Street and 28.7 metre frontage to Loftus Street, with a truncation provided at the intersection of Newcastle and Loftus Streets.

Both Loftus Street and Newcastle Street are designated as District Distributor A roads under the Main Roads road hierarchy. They have a primary purpose of carrying high volumes of traffic between industrial, commercial, and residential areas.

Loftus Street is also classified as an Other Regional Road (ORR) under the care of the Department of Planning, Lands and Heritage (DPLH). The ORR road reservation does not extend into the subject site and ends at the lot boundaries. Newcastle Street is not an ORR and is under the care of the City.

Existing Development

The subject site currently accommodates two billboard signs that advertise third party content and a landscaped area.

Each billboard has dimensions of 12.6 metres x 3.36 metres. The billboards are situated on top of a 1.7 metre high colourbond stand.

The surrounding landscaping of the subject site was required to be provided as a condition of the previous billboard signs approval in 2018. Since its installation it has been maintained to the satisfaction of the City.

Planning Approval History

Summary of Approval History

The existing billboards were first approved by Council in 2004 and have been in place since 2004. The billboards have regularly received renewals of the initial approval and have been located on the subject site for approximately 18 years.

A list of all the approvals granted by Council for the existing billboards are as follows:

- 9 March 2004 – Council resolved to grant conditional development approval for the two Billboards for a period of three years. The minutes of this meeting are available [here](#).
- 8 August 2006 – Council resolved to grant conditional development approval for the two Billboards for a period of three years. The minutes of this meeting are available [here](#).
- 23 February 2010 – Council resolved to grant conditional development approval for the two Billboards on the subject site for a period of five years. The minutes of this meeting are available [here](#).
- 21 October 2014 – Council resolved to grant conditional development approval for the two Billboards for a period of five years. The minutes of this meeting are available [here](#).
- 6 March 2018 – Council resolved to grant conditional development approval for the two Billboard Signs for a period of 10 years. The minutes of this meeting are available [here](#).

The original development approval and subsequent approvals were granted in recognition that the future development of the site is constrained by vehicle access issues from Loftus and Newcastle Streets.

The City has no record of receiving any complaints from the community or any government agencies in relation to the billboard signs since their construction in 2004.

Background on Current Approval

The applicant proposed for the billboard signs to be permanently approved as part of the 2018 development application.

In considering the acceptability of permanent approval at the time, Administration recognised the potential for the subject site to be developed in the future, particularly given the Commercial zoning and the recent adoption of the Built Form Policy in December 2016.

The Built Form Policy introduced increased building height and other built form standards for the subject site that increases the ability for high-density development to occur. Administration also recognised the potential for the site to coordinate development and access arrangements with adjoining properties.

Administration did not support the proposal for the billboard signs to be approved in perpetuity and considered it appropriate for the time limited condition on the existing approval to be amended to allow the billboards for an additional 10 years.

Council resolved to time limit the approval for an additional 10 years until 21 October 2029 in line with Administration's recommendation.

DETAILS:

Summary Assessment

Assessment of billboard signs is required under the City's LPS2 and the City's Policy No. 7.5.2 – Signs and Advertising (Signage Policy).

The table below summarises the planning assessment of the proposal against the provisions of LPS2 and the Signage Policy. 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	Requires the Discretion of Council
Land Use		✓
Signage		✓

Detailed Assessment

The elements that require the discretion of Council are as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
Local Planning Scheme No. 2 – Zoning Table 'P' use	Unlisted use. The proposed billboard signs are not a use referred to within LPS2.
Signage	
Deemed-to-Comply Standard	Proposal
Policy No. 7.5.2 – Signs and Advertising The definition for billboard signs is: <i>'A sign erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected'.</i> <i>Part 3(iiii) – Bill Posting and Billboards –</i> Bill Posting, Billboards and the structures of a similar or identical type are not permitted within the City of Vincent.	The application proposes to retain the two existing billboard signs on the subject site in perpetuity. The signage is not related to a business on site and seeks to advertise third-party content.

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:Public Consultation

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days commencing on 8 November 2021 and concluding on 22 November 2021. Community consultation was undertaken by way of a notice displayed on the City's website and written notification with 13 letters being sent to adjoining landowners and occupiers as shown in **Attachment 1**, in accordance with the City's Community and Stakeholder Engagement Policy.

The City received a total of two submissions from community members during the consultation period. This included two letters of support which provided the following comments:

- The site is well maintained;
- The billboard signs do not provide adverse impacts to surrounding properties; and
- Support the billboard signs to remain on-site in perpetuity.

Administration notes these comments of support.

External Agency Consultation

The MRS designates Primary Regional Roads (PRR) and Other Regional Roads (ORR). Main Roads Western Australia (MRWA) is responsible for managing PRRs, while the DPLH are responsible for managing ORRs.

The Instrument of Delegation 2022/03 – Powers of Local Government outlines when applications are required to be referred to either MRWA or DPLH to provide transport planning-related comments and recommendations in respect to PRRs or ORRs.

The application was not required to be referred to DPLH under the Instrument of Delegation. This is because the application does not propose development within or that would impact on the ORR reservation that Loftus Street is designated, and does not propose new access points.

The application was not required to be referred to MRWA under the Instrument of Delegation because neither Loftus nor Newcastle Streets are designated as PRR's.

Notwithstanding that the application was not required to be referred, both MRWA and DPLH provided comments to the City on the application. These comments are outlined below.

Main Roads– Objection

MRWA is a landowner within the consultation radius and provided a submission on the application.

On 16 December 2021, MRWA advised that it did not support the permanent installation of the signage for the following reasons:

1. *The billboard signage is located on a local road reserve and is in close proximity to traffic signals;*
2. *The signs are located within the Device Restriction Area of the intersection, and Main Roads' review identified that the intersection has a vehicle crash history of 8 Killed or Seriously Injured (KSI) crashes. This is a public safety concern; and*
3. *The development is inconsistent with the Planning and Development (Local Planning Schemes) Regulation 2015 schedule 2 Part 9, Clause 67 (r) due to public safety risk.*

Department of Planning, Lands and Heritage – Support

Administration contacted the DPLH in relation to the traffic safety issues raised by MRWA in its comments to the City. This is because the DPLH is responsible for managing Loftus Street as an ORR.

On 17 February 2022, the DPLH advised that it had no objection to the signage being permanently installed on the basis that:

- *The signage complies with Regulation 297(5) of the Road Traffic Code 2000; and*
- *The signage development does not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy D.C 5.4, paragraph 5.3.1.*

The DPLH also provided the following advice in respect to the ability for vehicle access to be provided to Loftus Street through potential redevelopment of the site:

- *The Department has no objection to a single point of access in principle. Any future access should be located as far as practical (preferably upstream) from the signalised intersection. Alternatively, the site could be amalgamated with a neighbouring lot and future access be obtained from the lower order road network. This is in accordance with the Commission's Regional Roads (Vehicular Access) Development Control Policy (D.C. 5.1), which seeks to minimise the number of new crossovers onto regional roads.*

Main Roads – No Objection

Following the receipt of the DPLH comments, Administration had further discussions with MRWA in relation to its previous comments.

MRWA requested additional time to conduct further investigation of the impact of the signs on the Loftus Street and Newcastle Street intersection.

On 29 March 2022, MRWA advised that it withdrew its previous objection on the basis that the signs are located:

- *On the local road reserve;*
- *Not visible from State roads; and*
- *Therefore the criteria within the current MRWA Policy and Guidelines for Static Billboard Advertising Signs would therefore not apply.*

The acceptability of the billboard signs in relation to public safety is discussed in further detail in the Comments section of this report.

Design Review Panel (DRP):

Referred to DRP: No

The built form is not proposed to change from what was previously approved.

LEGAL/POLICY:

Relevant Legislation & Policy

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Metropolitan Region Scheme;*
- *City of Vincent Local Planning Scheme No. 2;*

Local Policies

- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form; and*
- *Policy No. 7.5.2 – Signs and Advertising.*

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

The following matters set out in Schedule 2, Clause 67 of the LPS Regulations are relevant matters Council is to have due regard to as part of determining this application:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (g) *any local planning policy for the Scheme area*
- (m) *the compatibility of the development with its setting including –*
 - (i) *the compatibility of the development with the desired future character of its setting;*
 - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely affect of the height, bulk, scale, orientation and appearance of the development; and*
 - (iii) *social impacts of the development.*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development.*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety.*
- (w) *the history of the site where the development is located.*
- (y) *any submissions received on the application.*

City of Vincent Local Planning Scheme No. 2Zone Objectives

In considering the acceptability of the Unlisted Use (Billboard Signs), Council is to have regard to the objectives of the relevant zone.

The objectives of the Commercial zone under LPS2 are as follows:

- *To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*
- *To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

Amendments to LPS2

At its Ordinary Meeting on 14 December 2021, Council requested Administration to amend LPS2 to prohibit third party advertising / billboards throughout Vincent as part of the next LPS2 review. The review of LPS2 has commenced and is scheduled to be completed in mid-to-late 2024.

Policy No. 7.5.2 – Signs and Advertising

In considering the acceptability of the billboard signs, Council is to have due regard to the objectives of the Signage Policy.

The objective of the Signage Policy is as follows:

To ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas while providing appropriate exposure of activities or services.

There is a deemed-to-comply provision in the Signage Policy that sets out that billboards are not permitted within the City of Vincent.

Amendments to Signage Policy

At its Ordinary Meeting on 14 December 2021, Council approved for Administration to undertake advertising for public comment on amendments to the Signage Policy.

Amendments to the Signage Policy clarify that variations to the deemed-to-comply provision which prohibits billboards within the City shall not be assessed against the performance criteria (design principles) listed under Clause 5 of the Policy.

The advertising for the amended Signage Policy concluded on 19 March 2022. Administration is reviewing the comments received from community consultation. The final draft policy is intended to be presented to Council for its approval before the end of the financial year.

Delegation to Determine Applications:

The application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because it proposes to amend a development approval previously determined by Council and would impact the conditions previously imposed.

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:

The Environmentally Sustainable Design Provisions of the City's Built Form Policy, which is informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024 are not applicable to this proposal. This is because the application does not propose to modify the existing building on site.

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:

There are no finance or budget implications from this report.

COMMENTS:

In determining the application, the City is required to consider the extent that the proposal satisfies the objective of the Signage Policy, the objectives of the Commercial zone under LPS2 and the relevant matters to be considered under Clause 67(2) of the LPS Regulations.

These relevant matters to consider when in determining this application are detailed below, together with Administration's comments.

Local Planning Scheme No. 2 and Signage Policy

Clauses 67(a) and 67(g) of the LPS Regulations requires Council to have due regard to the aims and provisions of LPS2 and the City's Signage Policy.

Current LPS2

Since the most recent extension of time for the billboard signs which was granted on 6 March 2018, there have been changes to the local planning framework. These were as a result of the gazettal of LPS2, which replaced the previous Town Planning Scheme No. 1 (TPS1) on 23 May 2018.

The subject site was not affected by any changes, with the zoning and applicable density code remaining as Commercial R-AC3.

Changes did occur to the adjoining properties to the east, located north of Newcastle Street. These changes resulted in these properties being rezoned from Residential R80 to Mixed Use R160.

This change in zoning resulted in subsequent changes to permissible land uses and built form standards for these adjoining properties, including:

- The plot ratio standard was previously 1.0 under Residential R80. It is 2.0 under the current zoning of Mixed Use R160. This doubles the amount of plot ratio permitted on these sites;
- The building height increased from the previous standard of two storeys to six storeys under the Built Form Policy; and
- The change from the Residential zone to Mixed Use zone results in the ability for a compatible mix of high density residential and commercial development to be provided.

Billboard signage remains an unlisted use under LPS2, as it was under TPS1.

Review of LPS2

At its Ordinary Meeting on 14 December 2021, Council requested Administration to amend LPS2 to prohibit third party advertising / billboards throughout Vincent as part of the next LPS2 review.

The review of LPS2 has commenced and is scheduled to be completed in mid-to-late 2024.

Current Signage Policy

The City's Signage Policy sets out that billboard signage advertising products or services which are not being offered on the site (third party content) are not permitted within the City.

The City's Signage Policy also sets out that variations to the deemed-to-comply provision, which prohibits billboards within the City, shall not be assessed against the performance criteria (design principles) listed under Clause 5 of the Policy.

Review of Signage Policy

At its Ordinary Meeting on 20 October 2020, Council resolved to:

- Amend the Signage Policy to clarify that variations to the deemed-to-comply provision which prohibits billboards within the City shall not be assessed against the performance criteria (design principles) listed under Clause 5 of the Policy; and
- Request that Administration investigate the suitability of billboards through community consultation and a review of the Signage Policy by December 2021.

The review of the City's Signage Policy is currently progressing. Relevant to the current application, the draft amended Signage Policy includes a new provision that would set an end date for the further extension of existing time limited approvals for billboard signs in line with the current LPS2 review.

Consultation on the draft Signage Policy concluded on 19 March 2022 and is anticipated to be presented to Council for approval mid-2022. If approved, it would then come into effect. In the meantime Council is to give due regard to the draft Signage Policy in considering the application.

Administration Comment

- Existing Approval – Administration's report for the most recent extension of time development approval for the billboard signs in 2018 noted that there were constraints with developing the site. It also noted that the billboards would be appropriate for the medium term while the context of area changes in line with the Activity Corridor vision envisaged under the Built Form Policy. Administration maintains that the approval of the billboard signs in perpetuity would not be consistent with the intent of the Commercial zone under LPS2 or the objectives of the Signage Policy;
- Context and Amenity – The objectives of the Commercial zone and the Signage Policy requires signage to not adversely impact on the amenity of the area, and to be compatible with and appropriate to the area. The permanent installation of third-party advertising content would detrimentally impact on the amenity of the locality. The locality currently consists of predominantly residential development along the northern side of Newcastle Street and commercial development along the southern side. To the north of the subject site, Kingston Avenue is zoned Residential R80 and currently consists of generally low-scale residential development. The presence of permanently installed advertising content that does not bear relevance to the site could result in a proliferation of signage and would adversely impact on the locality by way of its visual prominence. This would be inconsistent with the existing and desired built form outcome for the locality;
- Planning Framework Review – Since the most recent time limited approval of the billboard signage on the site was issued in 2018, the City has commenced the process of amending the Signage Policy and LPS2 to prohibit billboard signs absolutely. This relevant because:
 - Signage Policy – Consultation on the draft Signage Policy has concluded, and is intended to be presented to Council for approval in mid-2022. The draft policy includes a provision which clarifies that when existing time limited billboards and third party advertising planning approvals expire, these should only be extended until 2024 to coincide with the completion of the LPS2 review. The current approval for the site that is due to expire in 2029 would be consistent with the intent of this draft policy provision. The proposed permanent approval would not be. Although this draft policy provision would provide further guidance relating to the prohibition of billboards, it would ultimately not change the position that the City does not support billboard signage. This position was established when the Signage Policy was first adopted in 2001 and states that billboards are not permitted within the City. This was in effect at the time that the previous approvals for the subject site were granted and has remained unchanged; and
 - LPS2 – The review of LPS2 is progressing to include provisions relating to third party advertising and billboard signage. The review process of LPS2 has only recently commenced. The retention of the existing time limited approval timeframe is appropriate to allow this review to occur, while not prejudicing the potential outcome in the interim;
- Complaints – There is no record of any complaints regarding the billboards or site maintenance since they were constructed in 2004;

- Redevelopment Potential – The opportunity and potential for the subject site to be redeveloped exists and remains unchanged since the previous approval was issued in 2018. The ability to provide alternative development outcomes on the site that would better reflect the highest and best use of the site in itself is not a relevant planning consideration in the determination of this application, as the proposal needs to be determined on its own merits. Notwithstanding this, the redevelopment potential that exists is based on the current Commercial zoning and the building height standard of six-storeys, as well as the potential for the site to be amalgamated with adjoining properties. While vehicle access to the site may present some challenges, due to the site being located on the corner of Newcastle Street and Loftus Street, the following is noted:
 - Newcastle Street – Potential access to the site from Newcastle Street would not be supported on safety grounds due to the proximity of the site to the intersection of Newcastle Street and Loftus Street. This is because MRWA requires new crossovers to be located 50 metres from signalised intersections. This 50 metre distance is referred to as the acceleration lane. The purpose of this separation distance is to avoid potential conflicts between vehicles accelerating out of the intersection and vehicles entering or exiting from the subject site. The subject site has a frontage of 11 metres to Newcastle Street and would mean that any new crossover would be located at its furthest approximately 8 metres from this intersection and within the acceleration lane;
 - Loftus Street – Potential access to the site would be restricted to Loftus Street. This is because there is an existing level difference between the subject site and the existing road pavement, with the site approximately 2.2 metres higher. This would require upgrades to the road including the provision of a slip lane and modification to the shared path to provide safe access and egress;
 - Alternative Access – The DPLH advised it had no objection to supporting vehicle access in principle based on the current site conditions. DPLH advised that any future access should be located as far as possible from the signalised intersection, or that the site could be amalgamated with a neighbouring lot and future access be obtained from an alternative road (such as Kingston Avenue if the site were amalgamated with the adjoining site to the north); and
 - Development Options – Noting these access constraints, there is also the ability under the current planning framework to consider the provision of no on-site parking bays as part of a redevelopment proposal. This would be dependent on the development concept proposed but could be explored based on good accessibility to high-frequency public transport and cycle networks, good pedestrian connectivity surrounding the site, and given the site is located near employment centres.

Orderly and Proper Planning and History of the Site

Clause 67(b) of the LPS Regulations requires Council to have due regard to the principle of orderly and proper planning. Orderly and proper planning generally relates to whether an application is consistent with the objectives of a planning scheme and any relevant policy.

Signage Policy Review

The ongoing review of the Signage Policy is relevant for the purposes of orderly and proper planning. This is because the consultation on the draft policy concluded on 19 March 2022 and is intended to be presented to Council mid-2022 for approval. While the draft policy has not been approved following public consultation, it is seriously entertained and can be given due regard.

The draft policy seeks to strengthen the existing position in prohibiting billboards. It clarifies that for existing billboards and third party advertising when time limited planning approvals expire, these should only be extended until end of 2024. This is to coincide with the completion of the review of LPS2. This draft policy provision is not a significant change to the planning framework, as the current policy already sets out that billboards are not permitted within the City.

The approval of the billboard signage in perpetuity would be inconsistent with the draft Signage Policy and the existing signs would not be a suitable long term or ultimate use for the site. The approval of the billboard signs in perpetuity may also disincentive the applicant from progressing with selling, amalgamating or redeveloping the subject site.

LPS 2 Review

The ongoing review of LPS2 is not a relevant consideration for the purposes of orderly and proper planning. This is because the LPS Regulations identify that due regard is to be given to an amendment to a local planning scheme which has been advertised for public comment.

While the intended outcome of this review is for an absolute prohibition of billboard signs and third party advertising, the review of LPS2 has only recently commenced and has not progressed to public consultation. It would be premature for the LPS2 review to be considered seriously entertained as a planning instrument for the purposes of this clause.

Consistency in Decision-Making

Clause 67(w) of the LPS Regulations requires Council to have due regard to the history of the subject site. Consistency in decision-making is an important planning principle in considering requests for extensions to time limited approvals. This includes whether or not the proposed development is substantially the same as that previously considered, and whether there has been any significant change in the planning framework for the area. In relation to this:

- No changes are proposed to the size or location of the existing billboards since the last approval in 2018. The built form of the existing billboards would remain unchanged since its original approval in 2004; and
- A change to the planning framework has occurred since the last approval in March 2018 that provides for greater opportunity to redevelop on adjoining sites. This was as a result on LPS2 coming into effect and replacing TPS1 on 23 May 2018. The zoning of the subject site was unchanged, while the zoning of the adjoining properties to the east changed from Residential R80 to Mixed Use R160. These changes to LPS2 also resulted in an increase in the identified height under the Built Form Policy from two storeys to six storeys.

The outcome of this application could be expected to be consistent with and does not warrant a change to the time limited previously imposed.

Safety

Clause 67(r) of the LPS Regulations requires Council to have due regard to the potential safety impacts from the development.

In response to the original comments raised by MRWA in December 2021 in respect to this application which raised concerns over the impact of the billboard signs on traffic safety, the applicant engaged a traffic consultant to undertake a Road Safety Assessment (RSA). The RSA is included as **Attachment 45**, and concluded:

- The billboard signs are located outside of the road reserve and do not obstruct the view of traffic lights or traffic signs;
- When viewed from the stop line of the southern side of Loftus Street, the billboards would be in the background of the traffic signals located to the south-west of the subject site. For vehicles turning right from Loftus Street onto Newcastle Street these traffic signals would be secondary with the primary focus of drivers being on the signals located on the northern side of this intersection and within the Newcastle Street median strip; and
- A review of recorded crashes from MRWA data was undertaken. This found that a seven crashes had occurred for vehicles travelling northbound on Loftus Street and seven crashes had occurred eastbound along Newcastle Street. Of these, five of the northbound and six of the eastbound crashes occurred in locations where the billboards are not visible. There were no recorded fatal crashes in either direction during this period. Therefore, there is no evidence that the billboards have a negative impact to the crash statistics/frequency of the intersection.

Notwithstanding that MRWA subsequently withdrew these comments, safety is a relevant planning consideration and Administration engaged an independent traffic consultant to undertake a peer review of this RSA.

This independent consultant agreed with the findings of the RSA, and noted that the crash history does not indicate that the billboards would have an unacceptable impact on traffic safety at the Loftus Street and Newcastle Street intersection.

Compatibility of Development

Clauses 67(m) and (n) of the LPS Regulations requires Council to have due regard to the compatibility of the development with its setting and its impact on the amenity of the locality.

At the time of the most recent approval in March 2018, the planning framework relating to the subject site and its surrounds was undergoing change, including:

- The Built Form Policy had been adopted by Council at its meeting on 13 December 2016. The Built Form Policy replaced the now rescinded Policy No. 7.1.5 – Cleaver Precinct. Under this former policy, the northern side of Newcastle Street, including the subject site, was identified as being for low-intensity commercial uses, with a building height of two storeys being strongly encouraged, and third and fourth storeys capable of being considered. The Built Form Policy located this area in the Activity Corridor. This seeks to promote a higher density of development and a mix of residential and non-residential uses, and identifies a possible height of six storeys. While the Built Form Policy was in place at the time of the 2018 approval for the billboard signs, separately the City's former TPS1 was being reviewed which would further encourage redevelopment consistent with the intent of the Built Form Policy; and
- The impending gazettal of LPS2, which would occur in May 2018 and replace the former TPS1. While the subject site was unaffected by this, the adjacent properties to the east were rezoned from Residential R80 to Mixed Use R160 to increase the redevelopment potential.

In recognition of the changing planning framework, the 10 year approval timeframe was considered to be an appropriate response to allow for the planning framework to be resolved, and in recognition of the potential for development of the subject site or a coordinated redevelopment with adjoining properties.

The planning framework has now been resolved, with LPS2 and the Built Form Policy reconciling the development for and the desired future character and amenity of the area.

The permanent installation of third party billboard signage would be inconsistent and incompatible with the desired future character and amenity of the area as:

- The permanent installation of billboards displaying third party content would be incompatible with the future built form of the area. The subject site would be capable of being developed to a height of six storeys and with nil setbacks to Newcastle Street and Loftus Street under the Built Form Policy. The existing billboards are setback approximately 18 metres from Loftus Street and 33 metres from Newcastle Street. This existing built form is inconsistent and incompatible with this desired built form context; and
- The permanent installation of third party advertising content would detrimentally impact on the future character and amenity of the locality. The locality currently consists of predominantly residential development along the northern side of Newcastle Street and commercial development along the southern side. The northern side of Newcastle Street is identified for high density development including residential development. To the north of the subject site, Kingston Avenue is zoned Residential R80 and features residential development. The permanent installation of the billboards in this prominent location would be inconsistent with the future desired residential and mixed-use character and amenity of subject site and surrounding locality.

Consultation Comments

Clause 67(y) of the LPS Regulations requires Council to have due regard to the comments received during community consultation.

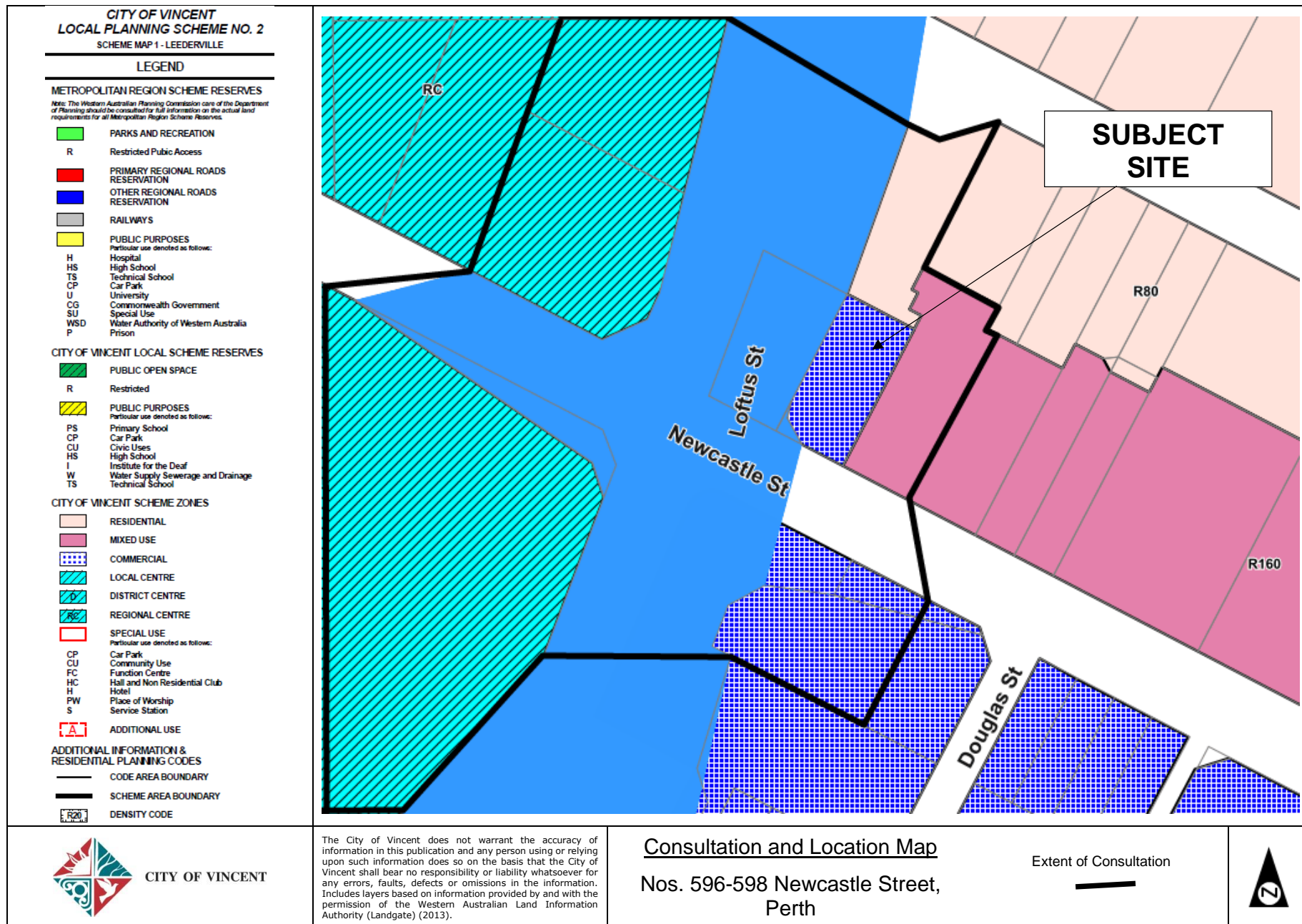
As outlined in the Consultation/Advertising section of this report, two submissions in support of the application were received from the community. An additional two submissions were also received during the consultation period from the DPLH and MRWA. Both of these submissions did not object to the proposal in respect to its possible impact on traffic safety.

Administration Recommendation

Administration does not support the application to delete Condition 1 of the previous development approval, which would remove the existing time limit and grant permanent approval for the two existing billboard signs. This is because:

- At the time of the previous approval, the existing signs were considered to be a suitable use in the interim until such time as a development outcome reflective of that envisaged in the planning framework arose. The billboard signs were not an appropriate permanent outcome;

- The City has since undertaken a review of the Signage Policy, to strengthen its position in relation to existing time-limited billboards. A review of LPS2 has also recently commenced with a view to absolutely prohibit these throughout the City. Both of these reviews recognise and reaffirm the City's position that it does not support billboards and third-party advertising;
- The current approval time limit of 21 October 2029 would allow for both the Signage Policy and LPS2 reviews to be completed. This would provide the applicant with certainty in the medium term and establish a clear direction for any future applications. It would also remain open to the landowner to seek redevelopment of the site in the interim, which could be either independent or through amalgamation with an adjoining property; and
- Permanent approval of the signage in the meantime would be inconsistent with the City's position in relation to billboard signage. Retaining the existing time limit would ensure that the long-term use of the site does not remain for the use of displaying billboard signage and ensure that it the high-density mixed-use vision set for the site and as reflected by the site's current zone and applicable R Code as specified in the local planning framework can be realised.



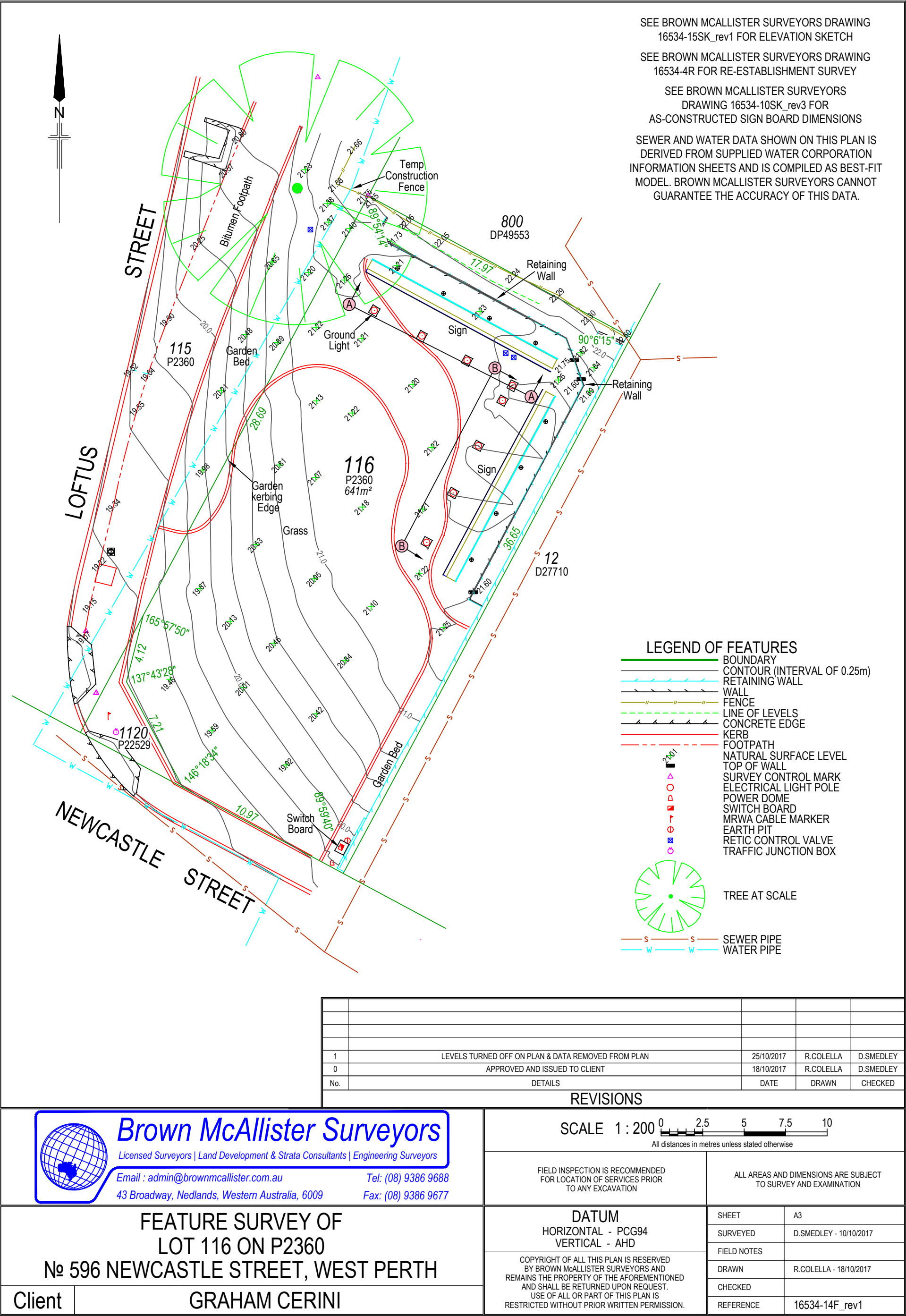


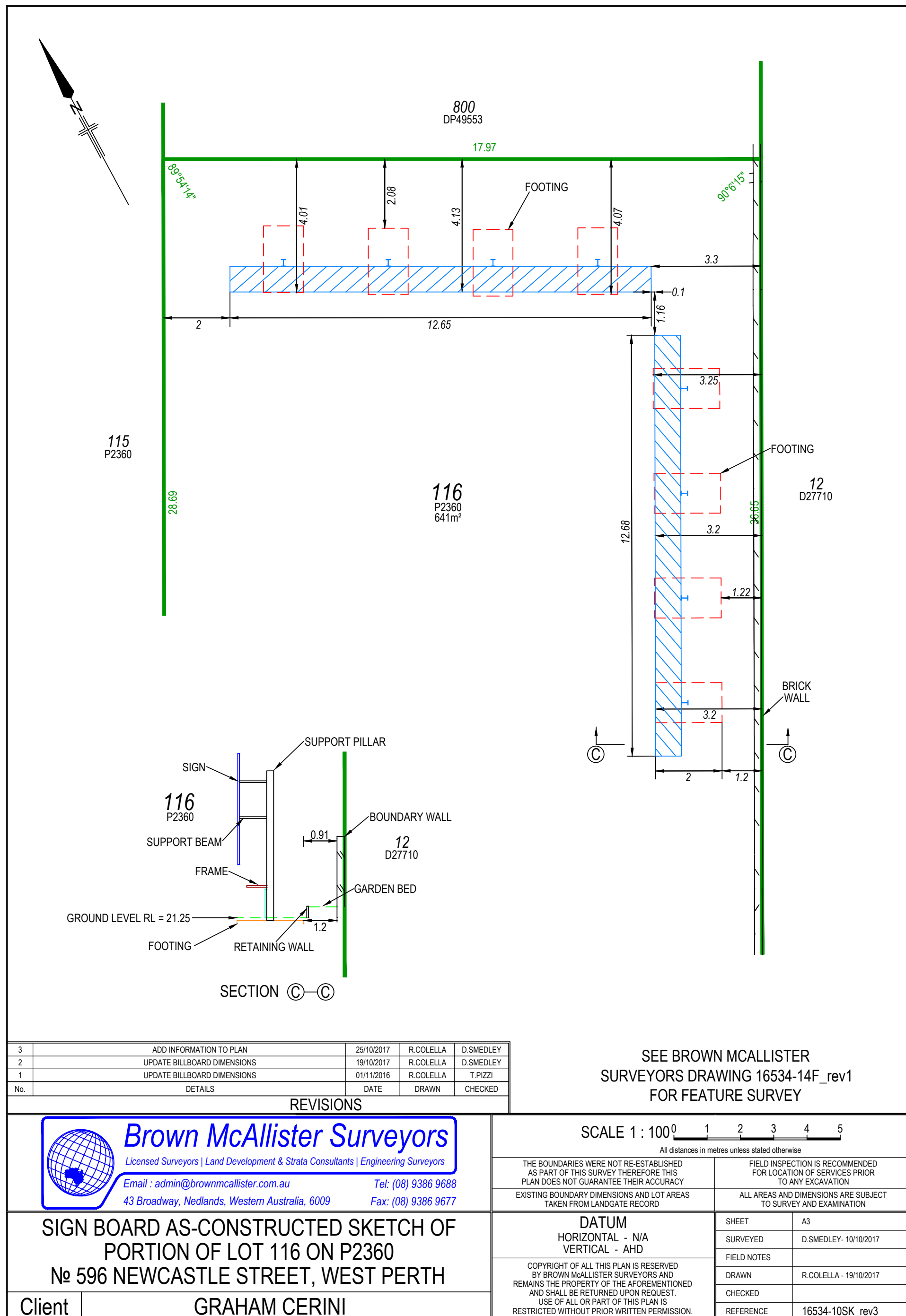
CITY OF VINCENT

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Nos. 596-598 Newcastle Street,
Perth





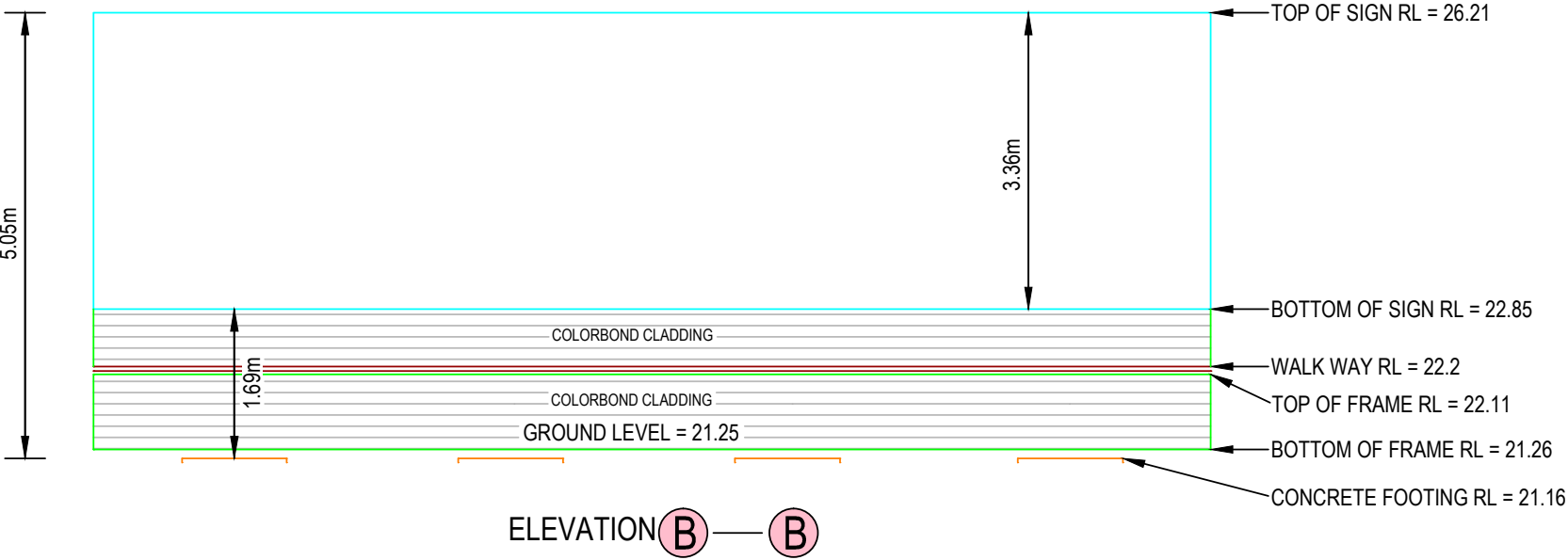
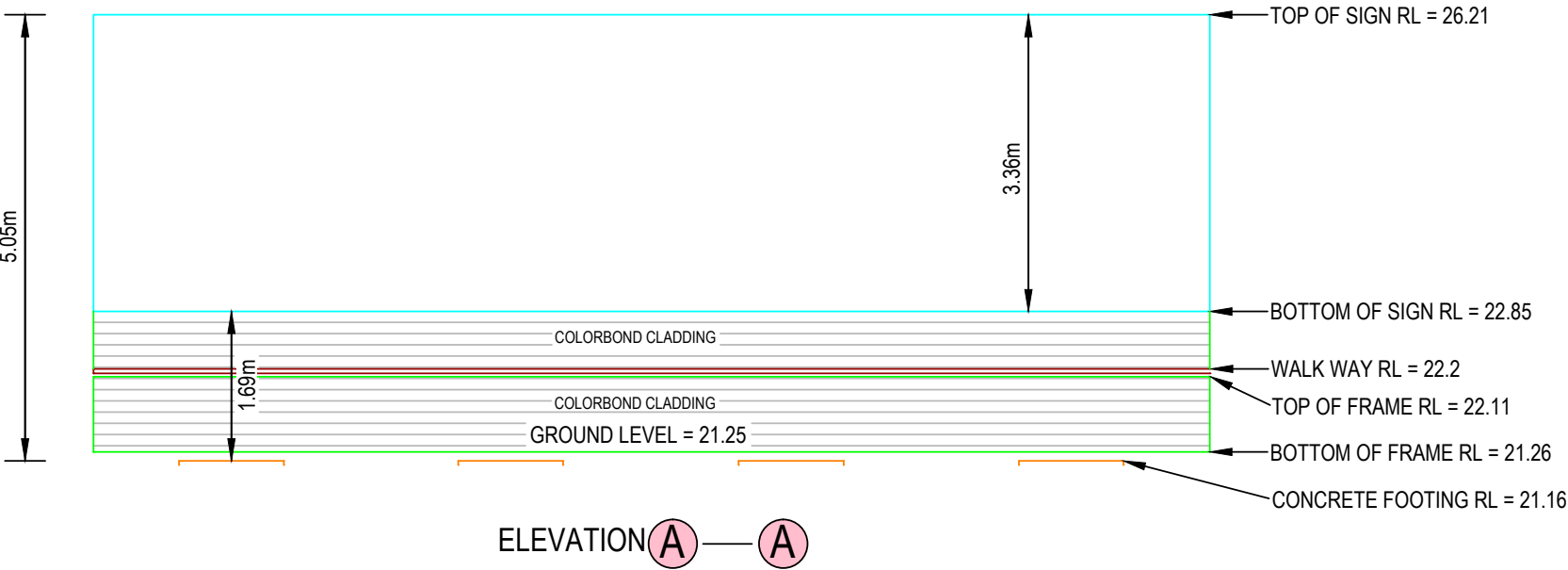




SECTION A-A



SECTION B-B



SEE BROWN MCALLISTER SURVEYORS DRAWING 16534-14F FOR FEATURE SURVEY

1	INFORMATION ADDED TO PLAN	25/10/2017	R.COLELLA	D.SMEDLEY
0	APPROVED AND ISSUED TO CLIENT	23/10/2017	R.COLELLA	D.SMEDLEY
No.	DETAILS	DATE	DRAWN	CHECKED
REVISIONS				

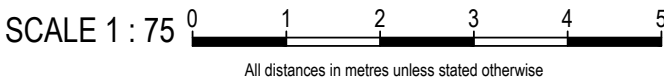


Brown McAllister Surveyors

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43 Broadway, Nedlands, Western Australia, 6009 Fax: (08) 9386 9677



FIELD INSPECTION IS RECOMMENDED
FOR LOCATION OF SERVICES PRIOR
TO ANY EXCAVATION

SIGN BOARD ELEVATION PLAN OF
LOT 116 ON P2360
No 596 NEWCASTLE STREET, WEST PERTH

Client GRAHAM CERINI

DATUM
HORIZONTAL - N/A
VERTICAL - AHD

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SHEET	A3
SURVEYED	D.SMEDLEY - 10/10/2017
FIELD NOTES	
DRAWN	R.COLELLA - 19/10/2017
CHECKED	
REFERENCE	16534-15SK_rev1



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URBAN
PLANNING

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242 Murray Street, Perth WA 6000

13 October 2021

Chief Executive Officer
City of Vincent
PO Box 82
Leederville WA 6902

Attention: Planning Services

**APPLICATION TO AMEND CONDITIONS OF DEVELOPMENT APPROVAL
EXISTING ADVERTISING SIGNS
LOT 116 (No.596) NEWCASTLE STREET, WEST PERTH**

Stewart Urban Planning acts for Graham Cerini, the owner of Lot 116 (No.596) Newcastle Street, West Perth ('site').

Pursuant to Deemed Provision 77 of the Planning and Development (Local Planning Schemes) Regulations, please find enclosed Application for Development Approval ('Amended Application') to amend the Conditions of Development Approval issued 6 March 2018 with respect to the existing Billboard Signs on the site.

The Application comprises:

- Completed Application Forms, signed by the land owner;
- The applicable statutory fee for an Amended Application;
- Copy of the Certificate of Title for the site;
- Drawings of the existing as-constructed advertising signs; and
- This letter, setting out the justification for the Amended Application.

Subject Site

Description

The site is located at the north-east corner of Newcastle Street and Loftus Street, West Perth, in the City of Vincent ('City'). The site has an area of 641 square metres, with a frontage of 11 metres to Newcastle Street.

The abutting land to the east is occupied by a single storey commercial premises, while the land to the north is vacant. The land at the north-west corner of Newcastle Street and Loftus Street is occupied by a two-storey office. A warehouse occupies the land at the south-east corner of Newcastle and Loftus Streets, while the Water Corporation occupies the land to the south-west of the intersection, diagonally opposite the site. The site does not abut any existing residential properties.



Site History

The site, which has been owned by the current proprietor's family since the 1930's, was originally occupied by two attached dwellings. In May 1998, the south-west corner of the site was resumed by the State Government for the purpose of widening Loftus Street, to accommodate additional traffic upon completion of Graham Farmer Freeway. The owner has verbally advised that around this time an application was made for vehicle access to the site, however, this was refused by the City. In late 2003, the former duplex dwelling on the site was demolished, with landscaping, retaining walls and two advertising signs installed in 2004. More recently, in September 2016, the City granted conditional approval for a 'service vehicle' access crossover to the site (refer attached approval letter).

Planning History

The existing advertising signs and associated works have been the subject of a series of time-limited approvals issued by the City since 2004, as summarised below.

Date of Approval	Time Limit
9 March 2004	3 years
8 August 2006	3 years
23 February 2010	5 years
21 October 2014	5 years
27 February 2018	10 years

The approval granted by Council at its meeting of 27 February 2018 amended the terms of the approval granted 21 October 2014, as follows:

This application for development approval is subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2014.439.1 granted on 21 October 2014 included in Attachment 2 continue to apply to this approval, with the exception of the following:
 - 1.1. Condition 1 is deleted and a new Condition 1 inserted as follows:

"1. This approval for the billboard signs is valid until 21 October 2029;"
 - 1.2. Condition 2.3 is deleted; and
 - 1.3. Condition 3 is deleted and a new Condition 3 inserted as follows:

"3. Landscaping

 - 3.1. *A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:*
 - 3.1.1. *The location and type of existing and proposed trees and plants;*
 - 3.1.2. *Areas to be irrigated or reticulated; and*
 - 3.1.3. *Landscaping to screen the colour bond base of the Billboards;*
 - 3.2. *All works shown in the approved detailed landscape and reticulation plans as identified in Condition 3.1. above shall be undertaken to the City's satisfaction and shall be maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers."*



The effect of the Council approval of 27 February 2018 is that the Conditions of the approval granted 21 October 2014 now read as follows.

1. Approval Period

This approval for the billboard signs is valid until 21 October 2029.

2. Billboard Signs Requirements

- 2.1 *The billboard signs shall not have flashing or intermittent lighting as determined by the City;*
- 2.2 *The billboard signs shall not display advertising which, as determined by the City, by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs;*
- 2.3 *The billboard signs are not to exceed the dimensions as shown on the approved plans; and*
- 2.4 *The billboard signs shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

3. Landscaping

- 3.1 *A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:*
 - 3.1.1 *The location and type of existing and proposed trees and plants;*
 - 3.1.2 *Areas to be irrigated or reticulated; and*
 - 3.1.3 *Landscaping to screen the colourbond base of the billboards;*
- 3.2 *All works shown in the approved detailed landscape and reticulation plans as identified in Condition 3.1 above shall be undertaken to the City's satisfaction and shall be maintained thereafter to the satisfaction of the City at the expense of the owners / occupiers*

The 27 February 2018 approval did not modify the Advice Notes attached to the 21 October 2014, which read:

Advice Notes

- 1. *The application is considered a special case and renewal of the approval should not be considered a precedent for allowing Billboard signs within the City of Vincent;*
- 2. *Should the applicant wish to continue the use after the approval period, it shall be necessary to reapply to and obtain approval from the City prior to the approval lapsing; and*
- 3. *Any proposed change to the billboard signs that does not comply with the Billboard signs requirements of this approval, as shown above, or, if it is determined by the City that the appropriateness of the advertising displayed on the billboard signs is undesirable and detrimental to the amenity of the locality, a new planning application shall be submitted to the City for approval.*



Description of Proposed Development

The purpose of this Amended Application is to seek approval in perpetuity for the existing advertising signs. The Amended Application seeks approval to delete the Condition limiting the term of the approval to 21 October 2029. The Amended Application also proposes revised wording to the Condition requiring the submission of a Landscape Plan as the current wording does not reflect the fact the advertising signs already exist.

For the avoidance of doubt, the Amended Application seeks approval to modify the Conditions of Development Approval to read as follows:

1. Billboard Signs

- 1.1 *The billboard signs shall be constructed and maintained in accordance with the approval plans as attached in Annexure 1.*
- 1.2 *The billboard signs shall not have flashing or intermittent lighting as determined by the City;*
- 1.3 *The billboard signs shall not display advertising which, as determined by the City, by virtue of colour or content may confuse the motorist or imitate traffic signals or road signs;*
- 1.4 *The billboard signs shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

2. Landscaping

- 2.1 *A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City within 60 days of this approval. The plan shall be drawn to a scale of 1:100 and show the following:*
 - 3.1.1 *The location and type of existing and proposed trees and plants;*
 - 3.1.2 *Areas to be irrigated or reticulated; and*
 - 3.1.3 *Landscaping to screen the colourbond base of the billboards;*
- 2.2 *All works shown in the approved detailed landscape and reticulation plans as identified in Condition 2.1 above shall be undertaken to the City's satisfaction and shall be maintained thereafter to the satisfaction of the City at the expense of the owners / occupiers*



Town Planning Considerations

Metropolitan Region Scheme

The site is zoned Urban under the Metropolitan Region Scheme ('MRS') and abuts an MRS Reserve for an Other Regional Road (Loftus Street).

Local Planning Scheme 2

Zone

The site is zoned Commercial under the City's Local Planning Scheme 2 ('LPS2').

Objectives of the Commercial Zone

The Objectives of the Commercial zone are:

- To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.
- To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.
- To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

The existing signs form part of the established streetscape, having been in place since 2004. The signs are maintained to high standard within a landscaped setting with no impact on any residential properties. It is therefore considered the signs are consistent with the relevant Objectives of the Commercial zone.

Land Use Considerations

Advertising signs are not intended (nor required) to be considered in accordance with the land use provisions of LPS2, with neither the zoning table in Clause 17 nor the land use terms in Clause 38 making any reference to 'advertising' or 'signage'.

Development Considerations

Deemed Provision 1

The term 'advertisement' is defined in Deemed Provision 1 as follows:

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes -

- a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- b) any airborne device anchored to any land or building used for the display of advertising; and
- c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising.

The signs fall within the definition of an 'advertisement', however, LPS2 does not contain any provisions relating specifically to advertising signs.



Deemed Provision 67

Deemed Provision 67 sets out the matters that a decision-maker is required to consider in determining this Application. The table below explains how the Application addresses each relevant matter in Deemed Provision 67.

Matter		Response
(a)	Local Planning Scheme	The Application is capable of approval under LPS2.
(b)	Orderly and proper planning	There are no draft planning proposals relevant to the consideration of this Application. The City recently sought community feedback on Local Planning Policy 7.5.2 – Signs & Advertising ('LPP 7.5.2'), however, a modified version of LPP 7.5.2 has yet to be advertised for comment.
(c)	State Planning Policies	None applicable.
(d)	Environmental Protection Policies	None applicable.
(e)	Any policy of the WAPC	None applicable.
(f)	Any policy of the State	None applicable.
(g)	Local Planning Policies	Local Planning Policy 7.5.2 – Signs & Advertising
(h)	Structure Plans, Centre Plans and Local Development Plans	None applicable.
(i)	Review of Local Planning Scheme	Not applicable.
(j)	Reserved land	Not applicable.
(k)	Built heritage conservation of any place of cultural significance	Not applicable.
(l)	Cultural heritage significance	Not applicable.
(m)	Compatibility with setting	The signs have been place since 2004 and are compatible with the site's setting at the corner of a busy intersection. The use of the site for signage is compatible with signage provided on other sites at the intersection, including the Water Corporation diagonally opposite.
(n)	Amenity of the locality: (i) Environmental impacts (ii) Character of locality (iii) Social impacts	The existing signs do not have any adverse environmental impacts. Lighting for the advertising signs is designed and installed to minimize light spill onto adjacent properties. The signs have existed on the site since 2004 and form part of the character of the locality. A self-regulation system has been adopted by the Australian Association of National Advertisers ('AANA') to monitor the content of advertising, including billboard signs. The AANA is the sole member of Ad Standards, the entity established to manage the complaint resolution process of the advertising self-regulation system. This system minimises the likelihood of any offensive or inappropriate material being advertised on the signs. It is therefore considered the signs will not have any adverse social / community impacts.
(o)	Effect on natural environment	The existing signs do not have an adverse effect on the natural environment.



(p)	Landscaping and tree retention	The site is landscaped to improve its appearance and reduce the visual impact of the signs.
(q)	Environmental risks	None
(r)	Risk to human health or safety	None
(s)	Access and parking	The site's location at the corner of Newcastle and Loftus Streets limits the ability to provide vehicle access. Approval of the signs in perpetuity will not preclude the development of the site in the long term should it become possible to access the site.
(t)	Traffic impacts	The signs do not have any impact on traffic. The Conditions of Approval impose restrictions on the content and operation of the signs to ensure they do not cause any traffic safety issues.
(u)	(i) Public Transport	Not applicable.
	(ii) Public Utilities	The site is provided with power.
	(iii) Waste Management	Not applicable.
	(iv) Pedestrian & Cyclist Access	Not applicable.
	(v) Elderly & Disability Access	Not applicable.
(v)	Loss of community benefit or service	Not applicable.
(w)	History of the site	No relevant site history.
(x)	Impact on the community	Refer to 'Social Impacts' above.
(y)	Submissions on the proposal	To be determined.
(za)	Comments from agencies	To be determined.
(zb)	Other planning considerations	None applicable.

Local Planning Policies

Local Planning Policy 7.5.2 – Signs and Advertising.

The Objective of Local Planning Policy 7.5.2 – Signs and Advertising ('LPP') is:

To ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas while providing appropriate exposure of activities or services.

The existing signs fall within the definition of a 'billboard' under LPP, defined as:

Billboard means a sign erected for the purpose of advertising products or services which are not being offered on a site on which the sign is erected.

Clause 2 (i) of the LPP contains standards common to all signs, as summarised below.

Standards Common to all Signs	Response
Signs not to pose a threat to public safety or health.	The existing signs are positioned toward the rear north-east corner of the site and do not pose any threat to public safety or health.
Signs not to extend beyond the lot boundaries.	The existing signs are contained within the site.



Sign strategy required for signs that advertise services or products other than those available on the site.	On this occasion, the signs are existing and have been constructed in accordance with the previous approval granted, with respect to their location, dimensions, lighting and landscaping. The submission of a Sign Strategy for existing signs is not deemed necessary.
Illuminated Signs	The existing billboard signs are not illuminated and do not use flashing, intermittent or moving lights, consistent with the terms of the existing approval. The existing approval prohibits advertisements that might cause confusion with traffic control signals. All existing external lighting is installed and designed to minimise light spill.
Area of signs not to exceed 10% of building wall.	This standard does not apply as the signs are existing and freestanding, with no buildings on the site.
Signs to be located on structures that form an integral part of the building.	This standard does not apply as the signs are existing and freestanding, with no buildings on the site.
Signs not to protrude over Council property or neighbouring land.	The existing signs are contained within the site.

Clause 3 of the LPP contains sign specific standards. Clause 3 (iii) relates to billboards and states:

Bill Posting, Billboards and the structures of a similar or identical type are not permitted within the City of Vincent.

Clause 5 of the LPP provides guidance for variations to the standards of the LPP, but specifically excludes the consideration of variations with respect to Clause 3 (iii). Notwithstanding, given the signs are existing, consideration has been given to the principles set out in Clause 5, as summarised below.

Principles	Response
Appropriateness of Setting	
(a) Scale and design of signs to be appropriate to the building to which it relates.	This standard does not apply as the signs are freestanding with no buildings on the site.
(b) Scale and design of signs to be compatible with existing surrounding development and appropriate to the general nature of land uses in the area.	The signs are positioned at the rear of a site that has been landscaped to a high standard to enhance the appearance of the site and minimise the visual impact of the signs. The site is located at the intersection of Loftus Street and Newcastle Street, which is characterised by a mix of non-residential uses with signage facing the street, including the Water Corporation site at the south-west corner. The signs are orientated away from the nearest residential properties to the north and east.



	The existing signs have been on the site for almost 20 years and are appropriate to the general nature of land uses in the vicinity.
(c) The signs do not dominate the streetscape.	<p>The signs are positioned at the rear of the site which has been landscaped to a high standard to enhance the appearance of the site and minimise the visual impact of the signs.</p> <p>Conversely, signs on the properties at the south-west and south-east corners of the intersection are positioned on the street boundary and are visually prominent.</p> <p>Whilst the function of the existing signs on the site is to attract the attention of people driving by, the signs have been carefully positioned so as not to dominate the streetscape.</p>
(d) Signs not to block important views or architectural detailing, and not to be detrimental to the amenity of nearby properties.	<p>The signs do not block any important views to or from adjoining properties and as there are no buildings on the site the signs do not detract from the architectural detailing of any buildings.</p> <p>The signs are orientated toward the intersection and landscaping on the site reduces the visual impact of the signs. The signs do not detract from the amenity of any adjoining properties.</p>
(e) Signs do not result in the destruction of important elements of the building fabric.	The signs are existing and freestanding, with no buildings on the site.
Consolidation	
(a) Rationalisation of signs required where signs have been installed in an ad hoc manner over an extended period of time.	Not applicable. The signs have been carefully positioned on the site and constructed in accordance with the approval granted.
(b) Rationalisation of signs required where several businesses are located in close proximity, or form part of a shopping centre or similar commercial aggregation.	Not applicable. The signs have been carefully positioned on the site and constructed in accordance with the approval granted.

Justification

It is acknowledged Deemed Provision 72 provides the City with the power to impose a condition *"limiting the period of time for which development approval is granted"* and the City has imposed such a condition since the original approval in 2004. It is also acknowledged Clause 3 (iii) of the LPP states that billboards are not permitted.

Notwithstanding, the City has power to exercise discretion with respect to the provisions of a Local Planning Policy and has power to amend the conditions of the existing approval.

It is considered this Amended Application to remove the time limit applicable to the existing signs on the site should be approved for the following reasons:



- The signs have existed since 2004 and by the end of the currently approved time limit (2029), the signs will have lawfully been in place for a quarter of a century. The signs are iconic and form part of the area's character.
- The signs are positioned toward the rear of the site to minimise their visual prominence when viewed from the surrounding public realm. To further reduce their visual impact, the site has been landscaped to a high standard.
- The signs do not face any existing or proposed residential properties and are orientated away from the residential zoned area to the north and east.
- Lighting has been designed to minimise light spill onto adjoining properties.
- The intersection of Newcastle and Loftus Streets is characterised by commercial properties to the north-west and south-east, with the Water Corporation occupying the land at the south-west corner. Signage is a prominent feature of these other properties, including signage located on the property boundary.
- Since the signs were installed, no complaints have been registered relating to any aspect of the signs, such as their appearance, content, safety, or length of time the signs have occupied the site.
- For these reasons, the signs do not have any significant adverse impact on the visual amenity or character of the locality.
- The intent of the time limit imposed on the approval is to encourage the site's redevelopment to achieve a more optimal planning outcome commensurate with the applicable planning framework, such as a commercial or mixed-use building.
- Whilst this is an entirely reasonable expectation, vehicle access to the site is severely constrained due to the narrow frontage and proximity to the signalised intersection of Newcastle Street and Loftus Street. It is unlikely these vehicle access constraints will be resolved in the foreseeable future.
- When feasible to do so, the site will be redeveloped in accordance with the planning framework applicable at the time, and when this occurs, the existing signs will be removed. Until then, the continued use of the site for signage is an appropriate and acceptable planning outcome.
- Approval of the signs in perpetuity will not preclude a more optimal planning outcome from being achieved in the long-term when feasible and practical.

In conclusion, no beneficial planning purpose is served by continuing to impose a time limit on the approval. In effect, the signs have passed the 'test' of a time limited approval and ought to be allowed in perpetuity.

Should you require any further information or clarification in relation to this matter, please contact Alan Stewart on 0413 842 645.

Yours faithfully,

Alan Stewart

Alan Stewart

Director

Stewart Urban Planning

Road Safety Assessment Report

Existing Billboard 596-598 Newcastle
Street, West Perth

CW1200231

Prepared for
Stewart Urban Planning

1 April 2022



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now

 **Stantec**



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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.

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1 Introduction

Cardno has been engaged by Stewart Urban Planning ("the Client") to prepare a Road Safety Assessment Report for the 2 existing advertising billboards located at 596 Newcastle Street, West Perth. The billboards are located on the northeast corner of the Loftus Street and Newcastle Street intersection. 1 billboard is facing south, primarily viewable from Loftus Street northbound, while the other billboard is facing west, viewable from Newcastle Street eastbound.

This assessment has been undertaken by Raymond Rachmat (Road Safety Auditor) and Scott Lambie (Senior Road Safety Auditor).

2 Road Environment and Traffic Volumes

Roads in the vicinity of the existing billboards are:

- > **Loftus Street** is classified as a Distributor A under the Main Roads WA Functional Road Hierarchy with a posted speed limit of 60 km/h. The road is a dual carriageway road with 3 northbound lanes and 3 southbound lanes.
- > **Newcastle Street** is classified as a Distributor A under the Main Roads WA Functional Road Hierarchy with a speed limit of 60 km/h. The road is a single carriageway road. East of Loftus Street the road has 2 lanes in each direction, however the kerbside lane is also used for on-street parking. West of Loftus Street the road has 1 lane in each direction and on-street parking.

Intersections in the vicinity of the existing Billboards are:

- > **Loftus Street / Newcastle Street** is a signalised, 4-leg intersection. Loftus Street south leg has 4 stand up lanes, including a dedicated right turn lane. Loftus Street north approach has 3 stand up lanes, and right turns are not permitted. All approaches for Newcastle Street have two stand-up lanes. Newcastle Street west approach has 2 lanes with the second lane shared thru and right. Newcastle Street east approach have 3 stand up lane and an additional left-turn slip lane.

Traffic volumes for key approach legs are presented in the table below.

Table 2-1 Average Mid-Block Traffic Volume

Location	Date	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily
Loftus Street (North of Newcastle Street)	2021/2022*	Northbound: 552 Southbound: 1,429 Total: 1,981	Northbound: 1,748 Southbound: 776 Total: 2,524	Northbound: 14,761 Southbound: 12,787 Total: 27,548
Loftus Street (South of Newcastle Street)	2018/2019	Northbound: 617 Southbound: 1,734 Total: 2,351	Northbound: 1,734 Southbound: 1,048 Total: 2,782	Northbound: 16,906 Southbound: 16,070 Total: 32,976
Newcastle Street (West of Loftus Street)	2021**	Westbound: 157 Eastbound: 104 Total: 261	Westbound: 185 Eastbound: 245 Total: 430	Westbound: 2,148 Eastbound: 2,190 Total: 4,338

Source: *MRWA Traffic Map

** estimates from SCATS data

3 Billboard Location

The location of the existing Billboards is shown in **Figure 3-1**. The billboards are installed on ground level, within a vacant lot at 596-598 Newcastle Street, outside of road reserve. There are 2 billboards, one visible from Loftus Street northbound, and the other visible from Newcastle Street eastbound. **Figure 3-2** shows the billboards from Loftus Street northbound.

Figure 3-1 Location of Billboards



Figure 3-2 Billboard View from Loftus Street Northbound Lanes



3.2 Billboard Visibility

Figure 3-3 below shows the point of view of a driver on Loftus Street northbound. Depending on which lane the car is travelling, the billboard can potentially be visible from a considerable distance. **Figure 3-3** below shows a series montage of a driver's view from the third lane, starting approximately 360m away from the billboard. At 360m the billboard is visible, however it is not legible and it is partially obscured by tree canopies. At approximately 170m, the billboard is fully visible and within the centre of the viewing corridor, as such, drivers can view the billboard while also maintaining a forward gaze. At the stop line of the Newcastle Street intersection, the billboard will be to the right-hand side behind the tertiary traffic signals to the northeast corner of the intersection. While the billboard becomes the background for the traffic signals, at this point the billboard is outside of the driver's viewing corridor and their focus would be towards the secondary signals on the median, far side of the intersection.

Figure 3-4 below shows the billboard viewed from the point of view of a driver on Newcastle Street eastbound. The billboard is first visible at approximately 160m away, although it is partially obscured by buildings on the left-hand side. At 130m away the billboards would be fully visible away from the centre of driver's forward sight line area to the left of the driver. Approaching the intersection stop line 70m away, the billboards are on the left-hand side and do not form a background to the traffic signals. Therefore, it is unlikely that the billboards would have any impact to the conspicuity of the traffic signals.

Figure 3-3 Loftus Street Northbound



Figure 3-4 Newcastle Street Eastbound



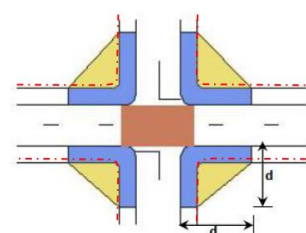
3.3 Device Restriction Area

While not directly applicable to the subject billboards as they are not visible from State-controlled roads, Main Roads' *Policy and Application Guidelines for Advertising Within and Beyond State Road Reserves* (October 2020) was consulted, particularly with regards to Device Restriction Criteria.

A Device Restriction Area (DRA) is an area where advertising devices visible from state-controlled road are restricted under the *Policy*. One of the main reasons for establishing DRAs are to ensure that important information conveyed via traffic control devices (e.g. traffic signals, give way signs, stop signs etc.) are not obscured and to ensure sight lines for vehicle and pedestrian movements are not impeded. Note that even if the billboards are located within the DRA, it will still be subject to general road safety principles and assessed on case by case basis

The relevant DRAs for the existing Billboards are for a cross road shown below in **Figure 3-5**. This DRA is then applied to the intersection of Loftus Street and Newcastle Street in **Figure 3-6**.

Figure 3-5 Relevant DRA for the existing Billboards



2. Cross Road

* See note below



Conflict Area – Area where conflicts may occur with other road users.



Device Restriction Area – Within the road reserve.



Device Restriction Area – Outside the road reserve.

d Device Restriction Distance (m)
(refer to Table 3.1).

0.6V Device Restriction Distance (m)
(refer to Table 3.1).

--- Property boundary.

* **Note:** Will be subject to general road safety principles and risk mitigations assessed on a case by case basis

Speed Limit (km/h)	Distance 'd' (m)	0.6V (m)
50 or less	45	30
60	65	36
70	85	42
80	110	48
90	140	54
100	170	60
110	210	66

Table 3.1¹ – Distance 'd' for use with Device Restriction Area drawings in Appendix A

Figure 3-6 Billboards Location Relative to DRA



The above diagram shows that the billboards are located within the DRA. However, it is considered that the location of the billboards does not contradict with the intent of the DRA due to relevant safety factors as follows:

- > The billboards have been in place for a considerable amount of time (more than 10 years), and crash history data shows that legs where the billboards are visible do not necessarily experience higher crash rate than other legs (see **Section 4**).
- > The subject section of Loftus Street and Newcastle Street are a low speed (60km/h) environment as defined in the *Policy* with associated lower road safety risk;
- > The billboards are located in a position that does not conflict with driver sight lines to traffic signals or traffic signs, and does not form a backdrop to the relevant traffic signal lanterns;
- > No moving images that can potentially avert driver's gaze.

4 Crash History Review

4.1 Intersection Crashes

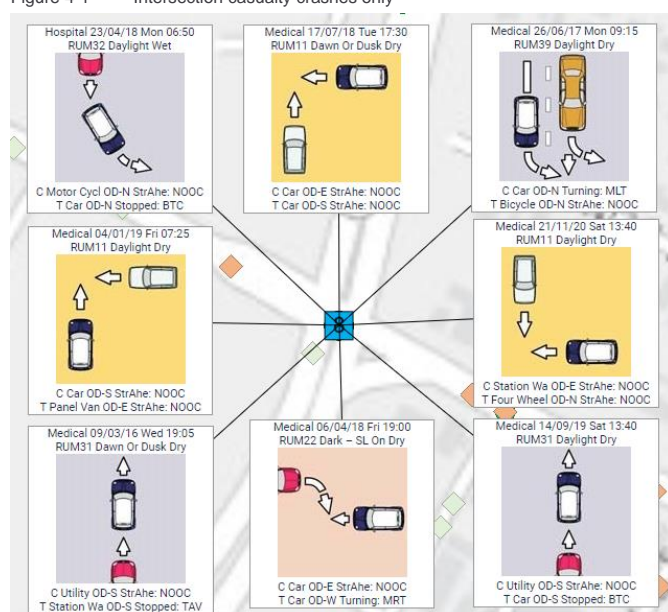
Crash data for the intersection of Loftus Street and Newcastle Street is shown below in **Table 4-1**. The data shown below is the latest 5-year crash data (2016-2020) sourced from Main Roads WA.

As shown below, there are 32 reported crashes at this intersection. The vast majority of crashes only resulted in property damage only, with 8 recorded casualty crashes (medical, hospital and fatal). Rear end crashes are the most common crash type at this intersection.

Table 4-1 Loftus Street and Newcastle Street Intersection Crashes

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Rear End	-	1	2	5	11	19
Right Angle	-	-	3	3	1	7
Sideswipe Same Direction	-	-	1	1	-	2
Right turn thru	-	-	1	2	-	3
Hit Object	-	-	-	-	1	1
Total	-	1	7	11	13	32

Figure 4-1 Intersection casualty crashes only



Out of the 8 casualty crashes, the one hospital grade crash involved vehicles from the north only, where the billboards are not visible. Of the remaining 7 medical grade crashes, 3 crashes involved colliding vehicles originating from the south leg and 0 casualty crash involving colliding vehicles from the west leg. Therefore, with only 38% of the recorded casualty crashes having colliding vehicles originating from the legs actually able to see the billboards, there appears to be no evidence in the recorded crash data that the billboards negatively affect the road safety record of this intersection.

4.2 Midblock Crashes

Midblock crashes in the vicinity of the billboards (area of study shown in **Figure 4-2**) are summarised in **Table 4-2**. The data shown below is the latest 5-year crash data (2016-2020) sourced from Main Roads WA.

As shown below, there were a total of 28 midblock crashes within the specified area and only 5 recorded casualty crash, which occurred on Loftus Street. Most crashes only resulted in property damage only. Sideswipe crashes are the most common crash type on both Loftus Street and Newcastle Street, followed by rear end crashes.

Figure 4-2 Midblock Crashes Area of Study

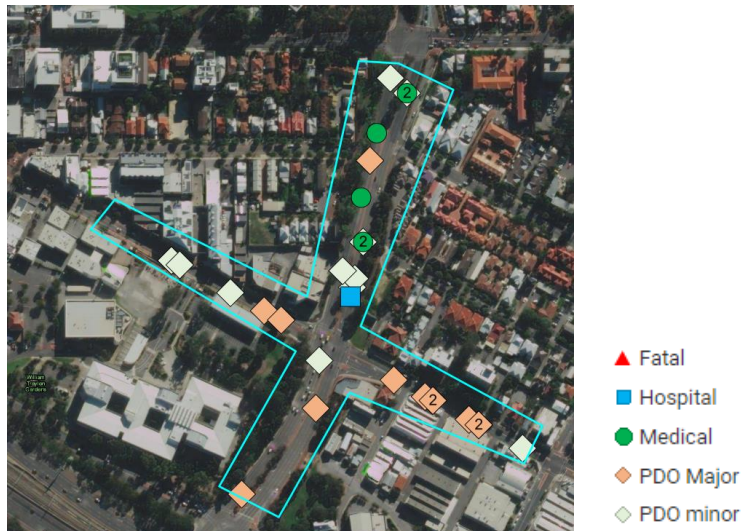


Table 4-2 Loftus Street and Newcastle Street Midblock Crashes

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Loftus Street						
Rear End	-	-	1	3	1	5
Right Angle	-	-	1	-	-	1
Sideswipe Same Direction	-	1	2	-	4	7
Hit Pedestrian	-	-	-	-	1	1
Hit Object	-	-	-	-	1	1
Total	-	1	4	3	7	15
Newcastle Street						
Rear End	-	-	-	2	2	4
Right Angle	-	-	-	1	1	2
Sideswipe Same Direction	-	-	-	4	2	6
Parking Manoeuvre related	-	-	-	-	1	1
Total	-	-	-	7	6	13



As shown above, there are 15 midblock crashes on Loftus Street and 13 midblock crashes on Newcastle Street. However, as the billboards are only viewable from the south and west legs, the midblock crashes would need to be broken down by travel direction to find any relationship with the crash statistics.

> **Loftus Street**

- 8 crashes along the southbound carriageway
- 7 crashes along the northbound carriageway

> **Newcastle Street**

- 7 crashes on the eastbound direction
 - 4 crashes on the westbound direction
- > 2 crashes with unspecified direction

As shown above, there is no significant difference in the number of recorded crashes between the north and southbound traffic along Loftus Street. More importantly, 5 out of 7 northbound crashes occurred north of the intersection, where the billboards are not viewable. Newcastle Street eastbound crashes have higher recorded crashes, however 6 out of 7 of these crashes occurred on the east leg of Newcastle Street, where the billboards are no longer viewable.

Based on the crash statistics above, it appears that there is no evidence that the presence of the billboards has had any impact to midblock crash statistics in the surrounding area.

5 Summary

Cardno has been engaged by Stewart Urban Planning ("the Client") to prepare a Road Safety Assessment Report for the 2 existing advertising billboards located at 596 Newcastle Street, West Perth. The billboards are located on the northeast corner of Loftus Street and Newcastle Street intersection. 1 billboard is facing south, viewable from Loftus Street northbound, while the other billboard is facing west, viewable from Newcastle Street eastbound.

The billboards have been reviewed in relation to its potential road safety impacts. This includes review of their locations, visibility, and crash history review, which are summarised below:

- > The billboards are located outside of the road reserve. The billboards do not obstruct view to traffic lights and traffic signs or pedestrian activity.
- > The billboards have been present for a number of years (more than 10 years), and are therefore a familiar feature of the road environment.
- > When viewed from the stop line of Loftus Street south leg approach, the billboards sit in the background of the back tertiary signals on the northeast corner of the intersection. However, at this point the driver's focus would be towards the secondary traffic signals lantern on the median of Loftus Street. From Newcastle Street westbound, the billboards do not form the background of any traffic signals lanterns.
- > Crash history of the intersection of Loftus Street and Newcastle Street and midblock crashes in the vicinity have been reviewed, particularly in relation to the travel direction of vehicles involved in the crashes. Based on the recorded crash history, the approach legs where the billboards are viewable (south and west) do not experience higher crash numbers than the legs where the billboards are not viewable. Therefore, there is no evidence that the billboards have negative impact to the crash statistics / frequency of the intersection.

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9.2 LOCAL PLANNING STRATEGY AND SCHEME REPORT OF REVIEW AND AMENDMENT NO. 10 TO THE LOCAL PLANNING SCHEME

- Attachments:**
1. City of Vincent Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review [↓](#) 
 2. Amendment No. 10 to Local Planning Scheme No. 2 - Summary of changes [↓](#) 
 3. Amendment No. 10 to Local Planning Scheme No. 2 - Form 2A [↓](#) 

RECOMMENDATION:**That Council:**

1. **ENDORSES** the City of Vincent Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review contained in Attachment 1;
2. **RECOMMENDS** that the Western Australian Planning Commission agrees to the recommendation in the City of Vincent Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review contained in Attachment 1;
3. **PREPARES** Amendment No. 10 to Local Planning Scheme No. 2 as at Attachment 3, pursuant to Section 75 of the *Planning and Development Act 2005* for the purpose of public advertising, subject to approval of the Environmental Protection Authority; and
4. **CONSIDERS** Amendment No. 10 to Local Planning Scheme No. 2 as a standard amendment under Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment;
 - 4.1 **Has minimal impact on land in the scheme area that is not the subject of the amendment, due to the predominately minor text changes proposed;**
 - 4.2 **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
 - 4.3 **The amendment is not a complex or basic amendment.**

PURPOSE OF REPORT:

For Council to consider endorsing the Local Planning Strategy and Local Planning Scheme No. 2 Draft Report of Review and preparing Amendment No. 10 to Local Planning Scheme No. 2.

BACKGROUND:

The Western Australian Planning Commission (WAPC) endorsed the City's Local Planning Strategy and Scheme (Strategy and Scheme) in 2016 and 2018, respectively. Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), a Local Planning Strategy and Scheme must be reviewed every five years.

The City must prepare a 'report of review' that provides an overview of the Strategy and Scheme, development trends, and demographic changes. The report of review should recommend whether both documents should continue in their current form, proceed in an amended form or be revoked and replaced with a new Strategy and Scheme entirely.

Once endorsed by Council, the WAPC would decide within 90 days of receiving the Report of Review whether they agree or disagree with the recommendations in the report and convey this to the City. The City would then initiate review of the Local Planning Strategy and Local Planning Scheme No. 2 and consult with the community on any proposed changes.

The Regulations categorises scheme amendments into either basic, standard or complex, each with several parameters to meet in order to be considered that type of amendment.

Basic scheme amendments are largely administrative in nature and deal with matters such as spelling or administrative errors within a local planning scheme.

Standard scheme amendments broadly include changes to a scheme which would have minimal impact on land in the scheme area and does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Complex scheme amendments are those which are not consistent with any other part of the local planning framework or has the potential to make a significant impact on the locality.

DETAILS:

Report of review process

Administration has prepared the Draft Report of Review (as at **Attachment 1**) in line with the Department of Planning, Lands and Heritage's [manner and form](#) guidelines.

The key findings of the review are that:

- There have been relatively minor changes to the state planning framework that directly affect the City since the last review of the Strategy and Scheme in 2018;
- The City is largely on track to meet its infill development targets set by the State Government as part of the [Perth and Peel @ 3.5 Million framework](#), with residential development activity consistently increasing since 2018 despite uncertainty stemming from the COVID-19 global pandemic; and
- Commercial activity has dropped slightly in 2021, however large commercial development opportunities exist at key development sites such as the East Perth Power Station and in West Perth and Claisebrook.

The report of review recommends that both the Local Planning Strategy and Local Planning Scheme No.2 should continue in their current form, with some minor clarifying changes that can be made to assist in the operation of the Scheme. These are proposed to be dealt with as an omnibus Scheme Amendment No. 10, detailed below.

Amendment No. 10

The Report of Review does identify 10 modifications that should be made to the Scheme to provide clarity and consistency to future decision-making, these include:

- Moving provisions to more appropriate locations;
- Fixing administrative errors and terminology;
- Reinforcing and expanding zone objectives; and
- Closing gaps between the previous scheme and current scheme.

This will be achieved through an omnibus scheme amendment (Amendment No. 10). This is designed to resolve inconsistencies and improve clarity, without changing established positions of Council.

An omnibus scheme amendment is a collection of small or minor amendment proposals that are combined into one scheme amendment. This will typically occur when there is a collection of smaller matters that do not each warrant an individual scheme amendment process. These are summarised at **Attachment 2** and included in full at **Attachment 3**.

CONSULTATION/ADVERTISING:

Since it is a desktop, fact-based analysis, there is no requirement to advertise the Report of Review for public comment. The City is currently undertaking its review of the Strategic Community Plan, the findings of which would feed into a modified Local Planning Strategy and Local Planning Scheme No. 2, which would then be advertised for public comment.

In accordance with the requirements of the Regulations and the City's Community Engagement Policy, Amendment No. 10 would be advertised for 42 days.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Local Planning Scheme No. 2; and
- City of Vincent Local Planning Strategy (2016).

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to endorse the Local Planning Scheme and Strategy Report of Review and Amendment No. 10 as this marks the beginning of the more comprehensive analysis of the Local Planning Strategy and Scheme.

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the consultation of Amendment No. 10 will be met through standard operating budgets.

LOCAL PLANNING STRATEGY
LOCAL PLANNING SCHEME NO. 2
REPORT OF REVIEW



CITY OF VINCENT

Scheme and Strategy Report of Review

City of Vincent

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Scheme and Strategy Report of Review

City of Vincent

1. PURPOSE OF REPORT

The purpose of this report is to review the performance and currency of the City of Vincent's Local Planning Scheme No. 2 and Local Planning Strategy, pursuant to Regulation 65 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

The Regulations require a report to be prepared five years after a local planning scheme has come into effect. This report is consistent with the manner and form prescribed by the Western Australian Planning Commission's (WAPC) August 2015 publication 'Review of Local Planning Schemes'.

Scheme and Strategy Report of Review

City of Vincent

2. CITY OF VINCENT OVERVIEW AND HISTORY

The City of Vincent (the City) encompasses an area of 11.3 square kilometres and sits immediately north of the Perth CBD. The City forms part of the central sub-region of the Perth Metropolitan area and includes the suburbs of North Perth, Leederville, Highgate, Mount Lawley, Mount Hawthorn, and parts of Perth, West Perth, East Perth, Coolbinia & Osborne Park.

The City sits West of Derbal Yerrigan (Swan River), East of Galup (Lake Monger) and is on land that forms part of an area known as Mooro, frequented by Yellagonga and his band. The City is located on land which incorporates nine sites of Aboriginal significance for the Whadjuk Noongar people. The City of Vincent acknowledges the Whadjuk people as the traditional custodians of the greater Mooro/Vincent area, having inhabited the land for tens of thousands of years prior to European settlement.

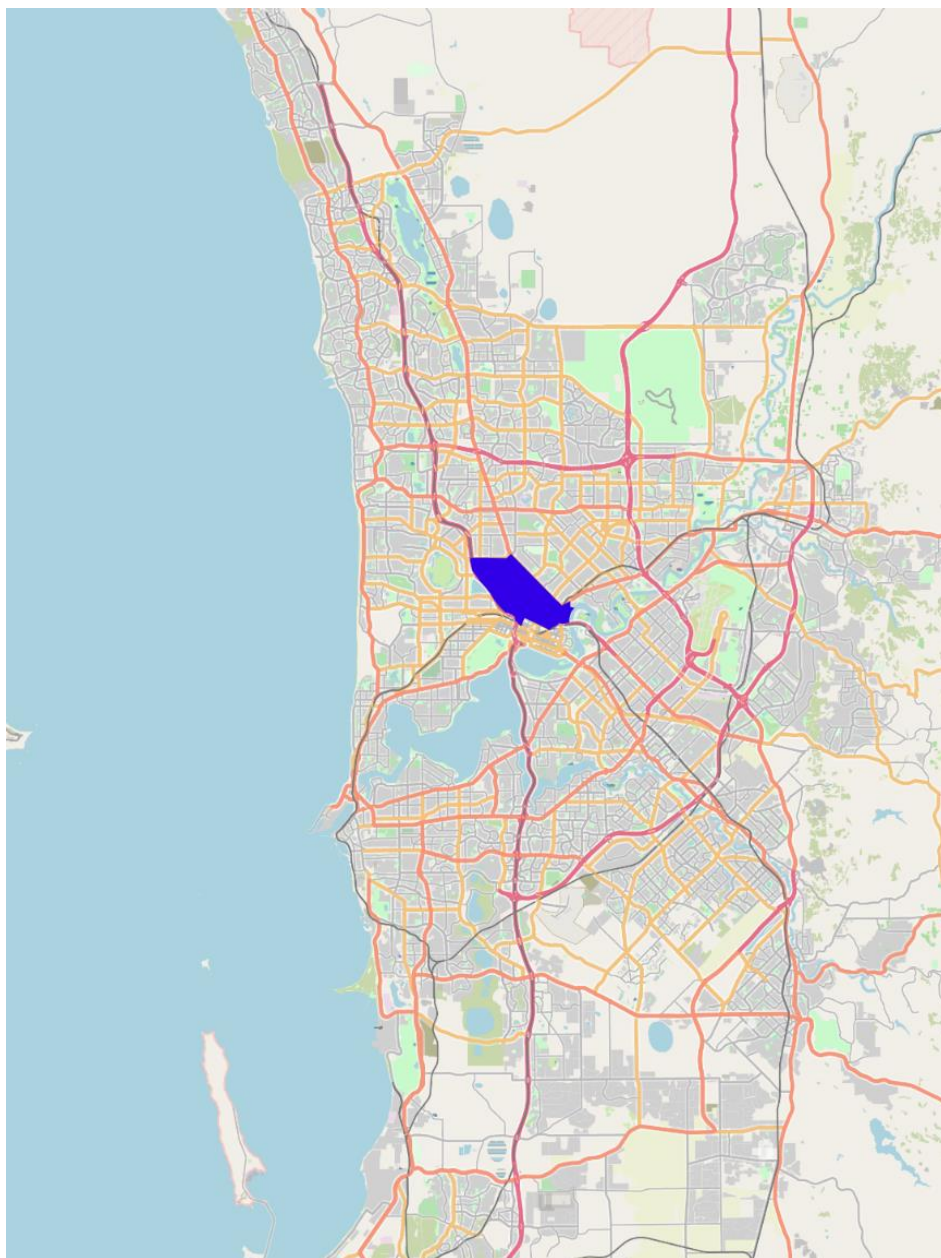
The years following European settlement in 1829 saw the widespread dispossession of land and displacement of traditional landowners, in favour of the Swan River Colony expansion. By the mid-1850s to 1883, the principal lakes in the area were drained and, following the establishment of Perth as a municipality under the 1871 Municipalities Act, Leederville, Highgate and North Perth were put under the control of the Perth Road Board District.

Infrastructure improvements in the 1880s, including the Fremantle to Guildford railway line, saw residential development progress in Highgate and North Perth, with development moving north steadily over time and seeing Mount Hawthorn experiencing subdivision and development between the late 1890s and early 1900s. The population towards the end of the 1800s was more than one thousand.

A migration peak after the First World War, then led into a decline in activity around the 1930s due to the depression. While the end of the Second World War saw relative population stagnation, the City still saw a steady increase in population into the millennium. The Town of Vincent formally came into effect in July 1994 as part of a City of Perth restructure and later in 2011 became the City of Vincent.

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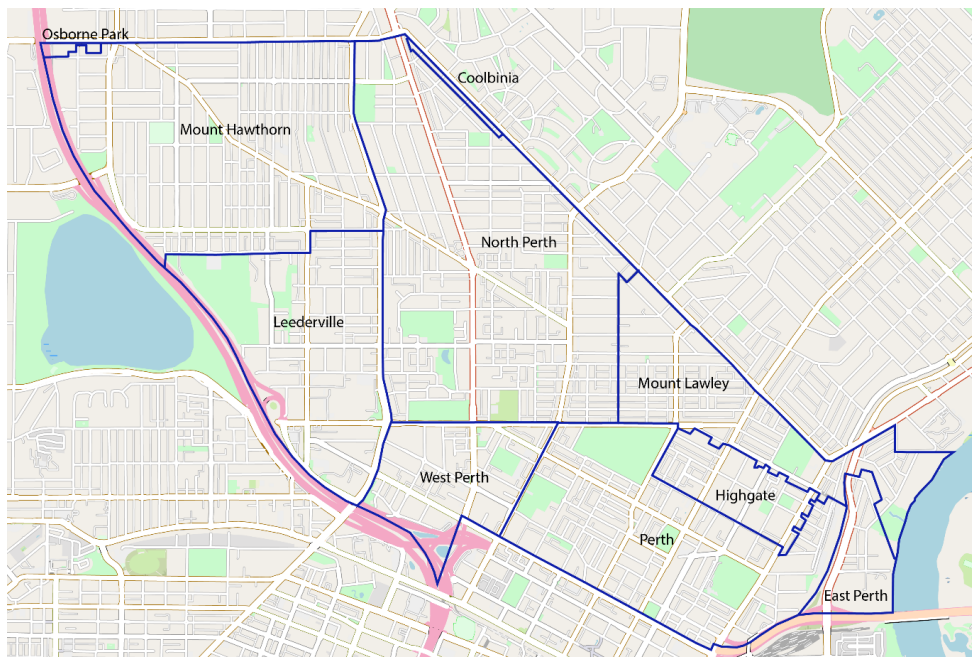
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City of Vincent Location

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City of Vincent Suburb Boundaries



Town Centres City of Vincent

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2.1 Predominant Land Uses

The majority of land uses within the City, by area, is residential. Density is low to medium in traditional residential areas of Mount Hawthorn, North Perth and Mount Lawley, and medium to high within the City's five activity centres and along major traffic and transport routes such as Scarborough Beach Road, Fitzgerald Street, Beaufort Street and Oxford Street.

Guided by the community, urban growth within the City has encouraged limited redevelopment of the suburban areas in favour of greater redevelopment along transit corridors and in activity centres. This achieves the outcomes of retaining heritage characteristics in favour of high density development to support the businesses in each of the City's town centres. Within these centres, development activity is mixed commercial and residential uses typically with ground floor commercial and hospitality and upper floor offices and residential.

There are limited industrial land uses within the City. There are some significant sites, such as the Hanson and Holcim concrete batching plants in Perth which have a time limited approval to encourage mixed use development to occur once the site becomes vacant. The West Perth area known as the 'Pickle District' contains historic warehouses that have ceased industrial uses and are now mainly being used for lighter commercial activities and artistic spaces.

2.2 Town Centres

Under State Planning Policy 4.2 (Activity Centres), the City contains part of the capital City Centre (Perth), Secondary Centre (Leederville), District Centres (Highgate/Mount Lawley, Mount Hawthorn, Fitzgerald Street and Glendalough) as well as local and neighbourhood centres recognised in the local planning strategy. The Strategy focuses on high density development in planned growth areas, strategic development sites (such as these town centres) and along major roads to respond to the growing demand for high quality development in well serviced areas;

2.3 Demographics, Access and Transport

2.3.1 Population and Age

The City's population forecast for 2022 is 37,753 and is forecast to grow to 47,591 by 2041 (Population and household forecasts, 2016 to 2041, prepared by .id , February 2022).

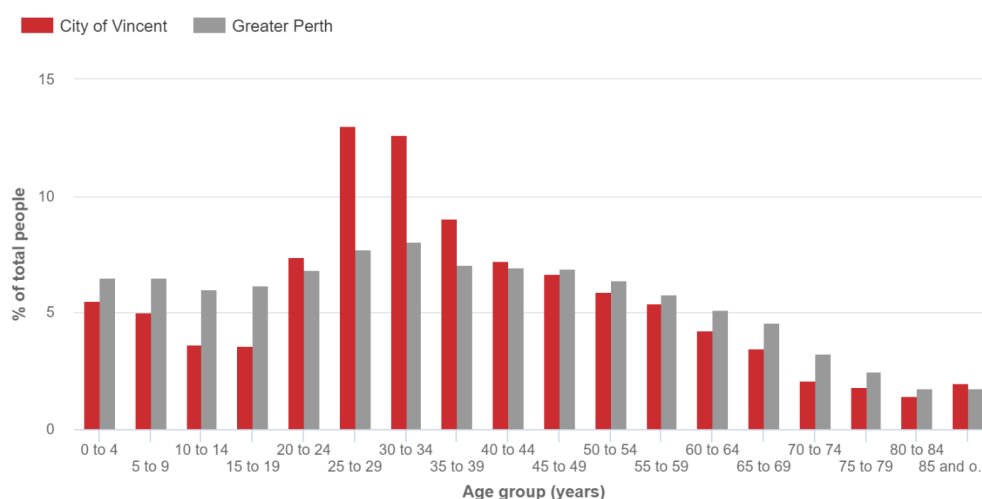
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In 2016, the dominant age groups for persons within the City was ages 25 to 29 which accounted for 13.0% of total persons and ages 30 to 34 which accounted for 12.6% of the overall population. The City forecasts that these age groups will continue to be a significant portion of the City's resident population into 2041, containing 11.8% (25 to 29) and 11.4% (30 to 34) of resident population.

Age structure - five year age groups, 2016

Total persons



Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Usual residence data). Compiled and presented in profile.id by .id (informed decisions).

.id informed decisions

2.3.2 Migration and Place of Birth

34.5% of people living in the City of Vincent were born overseas (ABS, 2016). This is slightly lower, than the greater Perth average of 36.1%. The top three places of birth, other than Australia, are the United Kingdom (7.5%), Italy (2.9%) and New Zealand (2.1%). Between 2011 and 2016, the number of people born overseas increased by 2,143 (from 31,548 to 33,691).

International and State border controls through 2020-2022 from the COVID-19 global pandemic have created uncertainty in migration forecasts. These figures would be clarified further on the release of the 2021 Census later this year.

2.3.3 Household Structure and Size

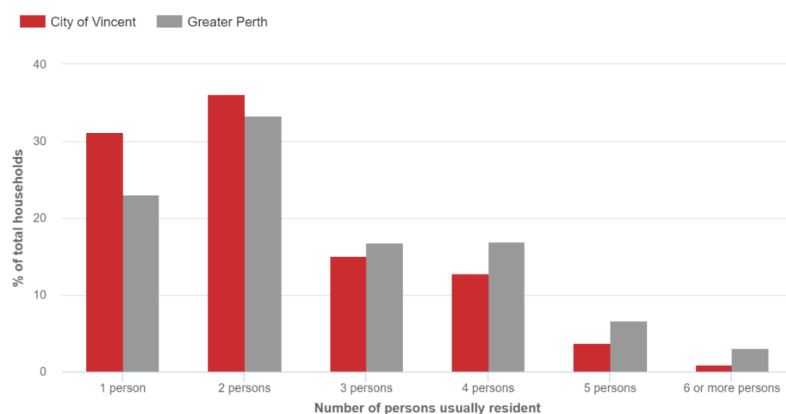
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There are a total of 16,953 dwellings within the City of Vincent (ABS, 2016). 31% of households in the City contained only one person, with the most dominant household size being two persons per household (36.2%).

Comparing the City to the Greater Perth region, there is a larger percentage of households with one or two people and a smaller percentage of households with between four and five people.

Household size, 2016

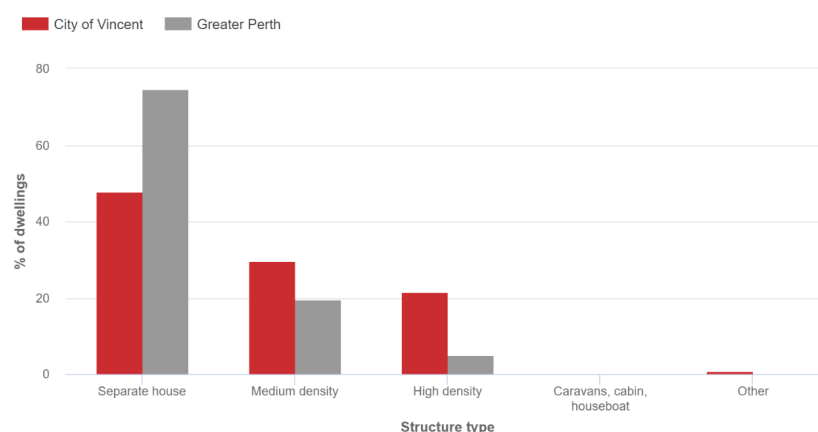


Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Enumerated data). Compiled and presented in profile.id by .id (informed decisions).

.id informed decisions

Household size is generally consistent with dwelling types, where 51% of dwellings are medium or high-density dwellings, compared to 25% in Greater Perth.

Dwelling structure, 2016



Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Enumerated data). Compiled and presented in profile.id by .id (informed decisions).

.id informed decisions

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2.3.4 Transport and Movement

There are several major transport links through the City providing access to the Greater Perth Metropolitan Region.

The City has the advantage of substantial public transport provision. The City's boundaries include or are within a walkable catchment to five train stations: Leederville (Butler Line), Glendalough (Butler Line), Claisebrook (Midland/Thornlie Lines), Mclver (Midland/Thornlie Lines) and East Perth (Midland Line and regional connections). There are also 29 Transperth bus routes, the majority of which have a north-south alignment operating within the City's road network, including four high-frequency services.

The City abuts Principal Shared Paths to the West (Perth to Joondalup) and South (Perth to Midland). Several other local bicycle friendly, Perth bicycle network and other shared paths and on-road bicycle lanes are present within the City.

The City's Accessible City Strategy 2020 – 2030 (ACS) identifies a number of trends relating to community movement patterns. Across Vincent the following observations have been made about how the community travel:

- 15% of residents travel to work using active modes of transport including walking and cycling;
- 18% of people catch public transport to work; and
- 67% of residents drive to work or are a passenger in a vehicle.

These statistics indicate that, while there is some uptake of alternative transport modes (walking, cycling, public transport), the majority of residents rely on private vehicles to get to work. The ACS aims to provide targeted changes to mode share, to help reduce the dependency on personal motor vehicle use, from 67% to 48% in 2030.

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City of Vincent Bus Routes



City of Vincent Cycle and Pedestrian Links

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3. LOCAL STRATEGIC CONTEXT

3.1 The City's Strategic Focus

The City's current Strategic Community Plan 2018-2028, sets out the community's vision for Vincent as:

'In 2028, the City of Vincent is a leafy and vibrant 24 hour city, which is synonymous with quality design and sustainability. Its diverse population is supported in their innovative endeavours by a council that says YES!'

The SCP is underpinned by six key priorities outlined below.

					
Enhanced Environment	Accessible City	Connected Community	Thriving Places	Sensitive Design	Innovative & Accountable
The natural environment contributes greatly to our inner-city community. We want to protect and enhance it, making best use of our natural resources for the benefit of current and future generations.	We want to be a leader in making it safe, easy, environmentally friendly and enjoyable to get around Vincent.	We are a diverse, welcoming and engaged community. We want to celebrate what makes us unique and connect with those around us to enhance our quality of life.	Our vibrant places and spaces are integral to our identity, economy and appeal. We want to create, enhance and promote great places and spaces for everyone to enjoy.	Design that 'fits in' to our neighbourhoods is important to us. We want to see unique, high quality developments that respect our character and identity and respond to specific local circumstances.	The City of Vincent has a significant role to play in supporting our community to realise its vision. To achieve this, we will be an innovative, honest, engaged and responsible organisation that manages resources well, communicates effectively and takes our stewardship role seriously.

3.2 Local Strategic Planning Framework

3.2.1 Local Planning Strategy

The City's Local Planning Strategy was endorsed by the WAPC on 8 November 2016. The Local Planning Strategy supports and informs the establishment of the current Local Planning Scheme No. 2 (gazetted May 2018).

The purpose of the Local Planning Strategy is to:

- Set out the framework of state and regional policies and interpreting these for Vincent;

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- Provide the planning context for the zones, reserves and statutory provisions contained in the City's Planning Scheme; and
- Provide the strategic direction of future population and employment, the broad strategies for housing, employment, shopping and business activities and proposals for transport, parks regional open space and other public uses.

While the Local Planning Strategy has not been formally updated since its adoption, its principles remain sound and relevant. Many of the Strategy's actions have been completed. For those that haven't, the City will reassess, update and consolidate them to align with community expectations. The Strategy's approach to place-based development and involvement from the community is consistent with established practices at the City. Additional and supplementary policies and strategies have also been developed to help deliver the Strategy's objectives.

3.2.2 Local Planning Scheme No. 2

The City's Local Planning Scheme No. 2 was published in the Government Gazette on 16 May 2018.

There have been a total of five amendments made to the Scheme. These amendments include:

Amendment description	Gazettal date
Various provisions to bring in line with Local Planning Scheme Regulations (2015).	3 August 2018
Replacing clauses as they apply to a specific development area within the scheme (Cl. 26.6)	21 December 2018
Reclassifying a portion of land from Public Purpose - Primary school to open space and Public open space to Public Purpose - Primary school. In effect a land swap between the City and a private institution.	28 February 2020
Normalisation into the Scheme of areas previously under the care and control of the MRA.	16 October 2020
Bed and Breakfast, Holiday Accommodation and Holiday House defined in the Scheme and zoning table	20 August 2021

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3.2.3 Structure Plans & Local Development Plans

The City has one draft Precinct Structure Plan, being for the Leederville Activity Centre Precinct. The Leederville Precinct Structure Plan (LPSP) reflects the boundaries of the Leederville Town Centre Place Plan and includes provision for significant development opportunities of up to 23 storeys, while still maintaining lower heritage building heights in the centre of Leederville. The LPSP is consistent with the State Planning Framework by achieving greater density within this recognised activity centre. The LPSP has been approved by Council, and is currently being assessed by the DPLH.

Future structure plans, local development plans, or area-specific policies will be developed for the Pickle District, for the area around the Claisebrook train station, and for the North Perth town centre. The issues and opportunities for each of these areas is currently being investigated before a decision will be made on which planning mechanism is most appropriate.

3.2.4 Local Planning Policies

The City has 42 planning policies covering topics of design guidance, land use controls and general procedural policies. A summary of these policies is provided in Appendix 2, including their date of last and upcoming review.

Acknowledging the upcoming review of *State Planning Policy 7.3 Residential Design Codes (Volume 1 – Low and Medium Density) Draft Medium Density Codes* in 2022, the City will be reviewing each of its affected local planning policies against these guidelines.

3.2.5 Other Local Strategic Documents

Supplementary strategic documents that are used to inform and direct the City's ongoing strategic operations include:

- Accessible City Strategy (2021)
- Affordable Housing Strategy (2008)
- Asset Management and Sustainability Strategy (2021)
- Car Parking Strategy (2010)
- Community and Stakeholder Engagement Strategy (2021)
- COVID-19 Relief & Recovery Strategy (2020)
- Greening Plan (2018-2023)
- Public Health Plan (2020-2025)
- Public Open Space Strategy (2018)

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Strategic Community Plan (2018-2028)

Sustainable Environment Strategy (2019-2024)

Town Centre Place Plans (Various)

Vincent Rebound Plan (2021)

Waste Strategy (2018-2023)

Water Conservation Plan (2008)

An overview of each of the strategic documents is provided within the City's [Community Profile Report 2021](#).

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4. STATE PLANNING FRAMEWORK

4.1 Legislative Changes

Upon gazettal in 2018, the City's Scheme was aligned to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). There have been some amendments to the Regulations since then, specifically to the deemed provisions, which may conflict with existing Scheme provisions. The State Government's response to the COVID-19 pandemic has also resulted in a number of agile and temporary changes to the State Planning Framework such as planning exemptions.

While the City understands the DPLH are progressing Phase 2 of planning reform, the City generally supports outcomes of planning reform which will still allow equitable community involvement with decision making. The City will continue to review the Scheme in relation to this overarching goal.

4.2 State Government Strategies and Plans

In March 2018, the WAPC released the finalised *Perth and Peel @ 3.5 Million* and sub-regional frameworks, of which the Central Sub-Regional Planning Framework is applicable to the City. The final documents strive for a compact and connected City, reducing urban sprawl and the associated impacts this has on building for healthy communities.

Perth and Peel @ 3.5 Million replaced and reassessed the *Direction 2031* dwelling targets and estimates 800,000 new homes are required to accommodate the projected population growth of 3.5 million by 2050. Approximately 213,130 of new infill dwellings are expected to be delivered in Perth's Central Sub-Region, with the City of Vincent allocated 11,490.

Based on the last three years of dwelling growth, the market would deliver 6,032 new dwellings by 2050. However, the City's planning framework accommodates and supports greater than the targets set out under *Perth and Peel @ 3.5 Million*. More significant growth is likely to occur on large scale forecasted development areas in East Perth, Claisebrook and Leederville. A number of developments in these areas are in the early stages of the planning process. While the City is on track to largely meet its infill density target, by directing new development within its major transport corridors and close to sustainable transport links, the opportunity to undertake a detailed review of the Scheme and Strategy will ensure that this density is being

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appropriately managed with community expectation. Of particular focus will be a review into the development corridors, to understand whether there could be an opportunity to expand these areas to accommodate any future growth, as well as reviewing density provisions as they relate to specific character areas within the City.

4.3 State Planning Policies**4.3.1 Design of the Built Environment, Apartment Design & Review of Volume 1 & 2 (R-Codes)**

The R-Codes have been the main source of design control for residential development throughout Western Australia since 1985. While the City maintains specific development control within its Built Form Policy, there have been several significant changes to the structure and provisions within the R-Codes since 2018.

The most notable change to the R-Codes has been a split into two separate documents; Volume 1 (dealing with all single house and grouped dwelling development, and apartments in areas zoned R35 and below) and Volume 2 (dealing with R40 and above multiple dwelling development).

The R-Codes have evolved since 2018 by providing criteria to meet better design outcomes, and moving away from meeting minimum 'deemed to comply' requirements. While the City's Built Form Policy contains specific 'deemed to comply' provisions, the intent is to achieve better design outcomes to complement State Government initiatives.

4.3.2 Activity Centres for Perth and Peel (SPP 4.2)

SPP 4.2 aims to identify key centres for economic development and future growth as well as set out the framework of assessment of these community hubs providing guidance for the activity centre hierarchy, land uses, employment, urban form, movement and access. SPP 4.2 provides the framework for activity centre function and land use guidance, such as retail needs and sustainability assessment, relevant for individual development proposals or larger scale structure planning of areas and precincts, to ensure appropriate land uses are located near established activity centres.

The City has several recognised activity centres within its boundaries including:

- Leederville (Secondary Centre);
- Highgate/Mount Lawley, Mount Hawthorn, Fitzgerald Street and Glendalough (District); and
- Local and Neighbourhood Centres recognised in the current Strategy.

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Owing to the City's established approach to place making and in recognition of these activity centres, the City's current Strategy and Scheme generally aligns with the intent of SPP 4.2.

4.3.3 Road and Rail Noise (SPP5.4)

SPP 5.4 provides for the assessment and guidance on development alongside state strategic freight and major traffic routes as well as other significant freight and traffic routes. Specific development guidelines exist under SPP 5.4 to ensure indoor and outdoor noise levels remain within appropriate levels according to sensitivity of use.

The City is affected by a number of significant and major transport routes including the Mitchell Freeway, Butler train line, Vincent Street, Fitzgerald Street, Beaufort Street, Lord Street, Charles Street, Loftus Street and Scarborough Beach Road. The City currently applies SPP 5.4 to all applicable development.

4.3.4 Planning for Water (Draft SPP 2.9)

Draft SPP 2.9 deals with assessment and guidance of development along sensitive water resources such as the Swan and Canning River catchment area. While the area of the City that abuts the Swan River is comparatively small, development proposals will be considered against this SPP 2.9 once it is considered seriously entertained.

4.3.5 Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 directs how developments should manage bushfire risk. The City is affected by a comparatively small area of remnant bushfire prone vegetation abutting the Swan River. Any development proposal located within this area is assessed in accordance with SPP 3.7.

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5. DEVELOPMENT ACTIVITY

5.1 Development within the City

Rateable Properties by Suburb by Year				
Suburb	2018	2019	2020	2021
Perth	4,184	4,186	4,182	4,254
Highgate	1,292	1,304	1,317	1,331
East Perth	135	135	132	134
West Perth	1,423	1,435	1,453	1,451
North Perth	4,427	4,474	4,521	4,569
Leederville	1,894	1,930	1,927	2,058
Mount Hawthorn	3,419	3,437	3,466	3,505
Mount Lawley	1,912	1,942	1,995	2,009
Total	18,686	18,843	18,993	19,311
Difference	-	+157	+150	+318

**Rateable properties include all single houses, grouped and multiple dwellings, commercial and industrial lots (vacant and occupied)*

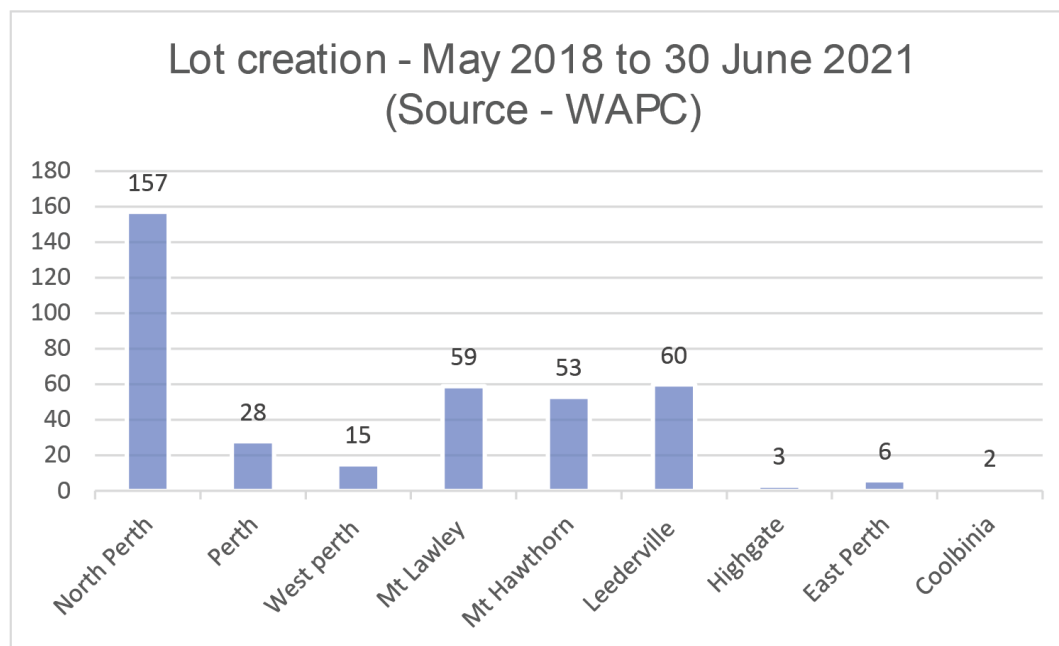
The above shows a consistent increase in rateable properties within the City, through the COVID-19 global pandemic.

5.2 Lot Creation

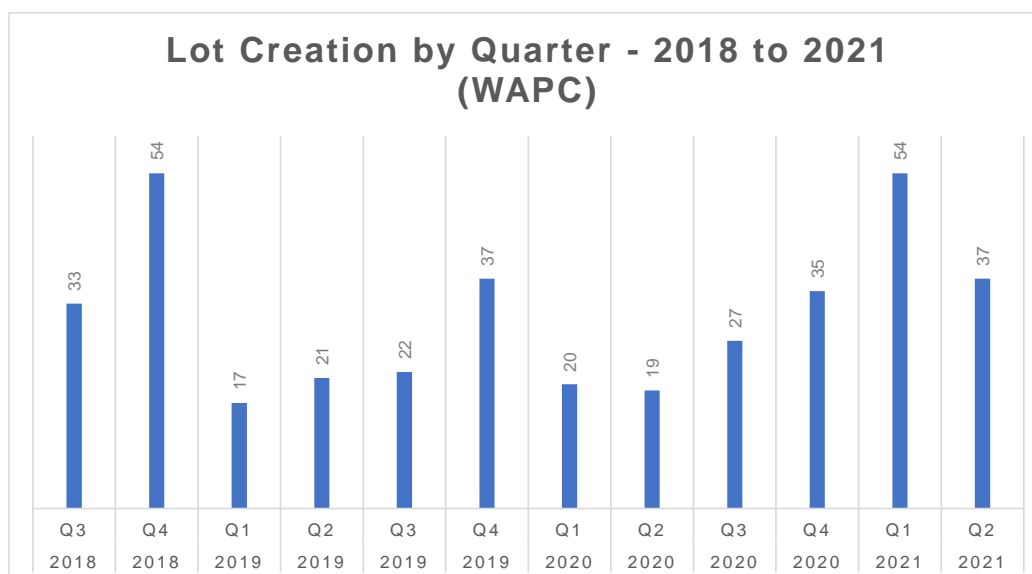
Since May 2018, 383 new lots have been created within the City, with significant portion of new lots being in the suburb of North Perth (40.99% of total lot creation since May 2018).

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A breakdown of the quarterly changes to lot creation within the City is provided below.



While the COVID-19 global pandemic and State of Emergency was formally declared in Q1 of 2020, there has been little impact on new lot creation within the City. The number of new lots over the last three years has stayed relatively consistent, with an

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increase in new lot creation occurring in the second half of 2020 exceeding the same period of the year before. This could be due to Government new building grants as well as the State being relatively resistant to the economic impacts of COVID-19.

Overall, the City has maintained consistent levels of new lot creation since Scheme gazettal with approximately 100 new lots being created each year.

5.3 Building approvals and value of development

Since Scheme gazettal, the City has seen a total of over \$205 million in new residential development (single houses, grouped and multiple dwellings) and a total of over \$267 million in commercial development approved for construction.

Year (Calendar)	Estimated value of residential development (\$)
(May-Dec) 2018	\$34,556,500
2019	\$43,775,845
2020	\$63,405,469
2021	\$63,635,638

Year (Calendar)	Estimated value of commercial development (\$)
(May-Dec) 2018	\$7,209,545
2019	\$128,409,416
2020	\$95,331,458
2021	\$37,043,402

While there has been a year-on-year growth, in terms of estimated value of residential development from 2018 to 2020, there is a slight increase having occurred in 2021. It is expected that recent the recent approval of the Leederville Precinct Structure Plan as well as the progression of other large residential developments will increase this number into 2022 and beyond.

Similarly, large commercial development is likely to occur from some significant developments within the City in the coming years including works at the East Perth Power Station site. The City is pursuing precinct planning for significant strategic sites within West Perth and Claisebrook.

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5.4 Apartments and Mixed Use

Development description	Number of developments	Total dwellings
Multiple Dwellings	8	211
Mixed Use	12	295
Total	20	506

From 2017 to 2021, 20 mixed use and multiple dwelling developments were approved and constructed in the City. Leederville (169 new dwellings) and Perth (166 new dwellings) contained the highest development activity.

The City anticipates a greater increase in apartment and mixed use construction within Leederville over the next two to five years, noting the LPSP as well as a recently endorsed Local Development Plan (LDP) for No. 40 Frame Court. The LDP seeks to provide approximately 250 dwellings on this site, in line with the LPSP.

5.5 Commercial Floor Space

Development description	Number of developments	Total floor space
Mixed Use	12	4,180sqm
Commercial	2	12,800sqm
Total	12	16,980sqm

From 2017 to 2021, 12 large scale commercial developments were approved and constructed in the City. Two large commercial buildings in Highgate and Leederville comprise most of the new floor space.

In addition to those commercial sites already completed, there is approximately 20,404sqm of additional floor space currently under construction or anticipated to be under construction within the next two to three years at the East Perth Power Station.

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6. CONSULTATION

The City's Strategic Community Plan 2018 – 2028 (SCP), informing strategies and action plans, Local Planning Strategy and Scheme, Local Structure Plan and Local Planning Policies have all involved strong community engagement.

Prioritised by the Strategic Community Plan (SCP) is the need for the community to be diverse, welcoming, and engaged.

To achieve this, the City's recently adopted Community and Stakeholder Engagement Strategy and associated Policy builds on the principles created by the International Association for Public Participation (IAP2) and reinforces the City's established approach to engagement with residents and stakeholders.

The current review of the SCP provides an opportunity for the City to align consultation of the Strategy and Scheme to the SCP. Community comments on the SCP will help guide and focus the broader strategic objectives of both the Strategy and Scheme. This will ensure that any draft documents presented for consultation are in step with community vision and expectation.

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7. COMMENTS

The minor amendments made to the Scheme since gazettal indicate that the City has been maintaining and updating the Scheme on an ongoing basis. While the majority of the State Planning Framework changes have occurred as part of the review into the R-Codes, the core principles of *Perth and Peel @ 3.5 Million* and associated sub-regional framework are largely reflected within the existing local planning framework in its efforts to contain urban sprawl and encourage sensitive building design.

To ensure the key strategic documents are relevant and contemporary, the City chose to conduct this review of both the Local Planning Strategy and Scheme in advance of the five year deadline mandated by the Regulations.

In considering the currency and relevance of the Strategy, the City will consider the following items when preparing amendments:

Items of relevance	Outcome of this review
The Local Planning Strategy was gazetted on 8 November 2016, two years before the current Local Planning Scheme.	The Strategy will be reviewed in association with the Local Planning Scheme review, to ensure consistency.
The Local Planning Strategy was based on the City's previous Strategic Community Plan, <i>Vincent Vision 2024</i> . This included comprehensive engagement with the community that helped underpin the six pillars of the current SCP.	The key themes and issues identified within <i>Vincent Vision 2024</i> set a foundation for the review of the existing strategy. The current review of the SCP and consultation of any draft local planning strategy will ensure a renewed and refreshed vision for the Strategy.
The Strategy was broadly consistent with the aim and intention of the State Planning Framework in 2016. However, there are some minor inconsistencies within the local planning framework which should be addressed.	A review against the state planning framework is not likely the priority of the strategy, with little having changed between 2016 and present which would affect the strategy.

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Items of relevance	Outcome of this review
Significant guiding strategies have been endorsed since adoption of the Strategy, which play a key role in shaping future development within the City.	The Strategy will be aligned to the City's more recently endorsed strategic guidance.
New and emerging issues relating to public health, residential character design, third party signage and creative land uses were not considered as part of the 2016 Strategy and should be reviewed against the current State framework and extensive community engagement.	The amended Strategy should clarify and establish a position on emerging trends facing the community.
The Strategy contains a significant number of actions, some of which are inconsistent with updated strategies or have already been completed.	Actions will be updated and consolidated where necessary.

In considering the currency and relevance of Local Planning Scheme No. 2, the following items will be included in the review:

Items of relevance	Outcome of this review
The Local Planning Scheme was gazetted on 16 May 2018.	The Scheme is largely consistent with the Regulations and the current Strategy.
There are some inconsistencies in the Scheme as it relates to density, zoning and land use definitions.	The Scheme would be more closely aligned to the local planning framework.
Definitions are not included for 'Restricted Premises' and those that could deal with third party advertising signage.	Further guidance for land use proposals that are either unlisted or undefined in the Scheme.
There is a need to review existing built form outcomes along transit corridors and significant development sites to ensure that they are adequately meeting the needs of the community as well as the state planning framework.	The Scheme should provide more specific guidance to developments along transit corridors and on significant development sites.

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In addition to the above, the City will progress several minor changes to the Scheme as an omnibus amendment. These changes include:

Provision	Change	Outcomes
Heritage Listings	Include new supplemental provision stating that any Heritage List adopted under TPS No. 1 has the force and effect as if it were adopted under the Scheme.	Reinforce the existing approach to heritage listing under the Scheme.
Schedule 1 – Supplemental provisions. Clause 67 (zc)	Remove the term 'Advisory Committee' and replace this with 'Review Panel'.	Consistency with local planning framework.
Land use table	Amend caretaker dwellings to make them an X use within a residential zone as they should be linked to an industrial development only.	Consistency and clarity within the local planning framework.
Reserve 15 Haynes Street for Public Open Space	Existing deed of trust requires the land to be used for recreation.	Alignment with expectation of the local planning framework.
Make non-compliance with a Heritage Conservation Notice an offence under the Scheme.	Provisions that support the following of a Heritage Conservation Notice.	Greater protection to Heritage Areas, in line with existing council and community expectation.
Clause 61 – Modification	Modification for the wording of the clause to ensure that trees approved to be retained as part of a development approval are consistent.	Consistency within the local planning framework.
Part 2, Clause 14	Additional objective/s to reflect development on reserves, such as signage, is not to detract from the amenity of users of the reserve.	Consistency within the local planning framework.

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Provision	Change	Outcomes
Part 3, Clause 16	Additional objective/s to guide the types of residential uses within a commercial zone.	Consistency within the local planning framework.
Part 4, Clause 26 (3) and (4)	Modification to wording from 'R60-100' to 'R60/100'.	Clarity of provisions.

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8. RECOMMENDATION

Recognising the observations and proposed amendments under Part 7 of this Report of Review, Council recommends that, pursuant to Regulation 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. The City of Vincent Local Planning Scheme No. 2 is **satisfactory** in its existing form; and
2. The City of Vincent Local Planning Strategy is **satisfactory** in its existing form.

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APPENDIX 1 - SUMMARY OF SCHEME AMENDMENTS

Amendment Number	Summary of Amendment	Date of Gazettal	Theme
1	Changes to scheme to update various provisions for consistency with the Regulations. Minor various updates throughout scheme. Quality of life updates made after gazettal.	3 August 2018	Minor text amendments
2	Replacing clauses as they apply to a specific development area within the scheme (Cl. 26.6)	21 December 2018	Development controls
4	Reclassifying a portion of land from Public Purpose - Primary school to open space and Public open space to Public Purpose - Primary school. In effect a land swap between the City and private institution.	28 February 2020	Land swap to facilitate better open space access
5	Modification to clause 26 (6) within the scheme to remove criteria for maximum subdivision of lots within North Perth.	Not Gazetted	Development requirements
Metropolitan Redevelopment Authority (MRA) normalisation	Normalisation into the Scheme of areas previously under the care and control of the MRA.	16 October 2020	MRA normalisation

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6	Bed and Breakfast, Holiday Accommodation and Holiday House defined in the Scheme and zoning table	20 August 2021	Development controls
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City of Vincent

APPENDIX 2 - SUMMARY OF LOCAL PLANNING POLICIES

Policy number	Detail of Policy	Last reviewed	Upcoming review
7.1.1 - Built Form	The primary development assessment and control document for buildings within the City.	Nov 2020	Pending Medium Density Design Guidelines
7.5.1 - Minor Nature Development	Exemption criteria for certain development within the City.	June 2013	In progress
7.5.2 - Signs and Advertising	Criteria for the assessment and approval of signage and general advertising.	October 2020	In progress
7.5.3 - Education and Care Services	Assessment criteria for Child Care Service uses.	March 2018	In progress
7.5.4 - Substantial Commencement of Development	Provisions to prescribe 'Substantial Commencement' as it relates to development approval.	August 2013	2022/23
7.5.5 - Domestic Satellite Dishes, Microwave antennae and tower masts	Assessment criteria for external fixtures.	March 2010	2022/23

Scheme and Strategy Report of Review

City of Vincent

Policy number	Detail of Policy	Last reviewed	Upcoming review
7.5.6 - Telecommunication Facilities	Assessment criteria and information on telecommunication facilities.	Feb 2012	2023/24
7.5.7 - Licenced Premises	Assessment criteria and general information on Licenced Premises.	March 2014	2023/24
7.5.8 - Temporary Viewing Platform	Assessment criteria for viewing platforms required for multiple storey development sales.	April 2014	2022/23
7.5.10 - Sustainable Design	Assessment criteria for sustainable development.	March 2011	2022/23
7.5.13 - Percent for Public Art	Criteria for the assessment of public art proposals, associated with development applications.	Sep 2015	In progress
7.5.15 - Character Areas and Heritage Areas	Assessment criteria and guidelines for areas of the City considered to hold specific 'Character' or Heritage value.	March 2021	In progress
7.5.19 - Amalgamation Condition on Planning approvals	Guidance on the operational requirement for lot amalgamation, required through development approval.	Dec 2011	2023/24
7.5.21 - Sound Attenuation	Assessment criteria for noise identification and mitigation measures to specific land uses.	July 2012	2024/25
7.5.22 - Consulting Rooms	Assessment criteria for consulting room land uses.	March 2013	In progress
7.5.23 - Construction Management Plans	Guidelines on the provision of construction management plans.	June 2014	2023/24

Scheme and Strategy Report of Review

City of Vincent

Policy number	Detail of Policy	Last reviewed	Upcoming review
7.4.2 Aged or Dependent Persons Dwellings	Additional provisions to guide assessment of development.	Feb 2013	2022/23
7.4.5 - Temporary Accommodation	Assessment criteria and guidelines for 'Bed and Breakfast' type uses.	Feb 2013	2020/21
7.4.9 - Encroachments Over Crown Lands	Position statement and assessment criteria on encroachments.	April 2009	2022/23
7.6.1 - 7.6.9 (Inclusive) - Heritage Management Policies	Various policy provisions and criteria relating to Heritage Listed properties.	Various	Current
7.7.1 - Non-Residential Development Parking Requirements	Assessment criteria and guidance on calculating minimum car parking requirements for development.	Unknown	In progress
7.7.2 - Car Sharing	Position statement and guidance on new development car sharing services.	June 2015	2024/25
Appendix 3 - Design Guidelines for Richmond on the Park	Development guidelines for 'Richmond on the Park' (North Perth)	Unknown	2023/24
Appendix 6 - Brookman and Moir Street Design Guidelines	Development guidelines for the heritage area of Brookman and Moir Streets (Perth).	August 2012	2021/22
Appendix 8 - Highgate Design Guidelines	Development guidelines for the area bounded by Smith, Broome and Wright Street (Highgate).	Unknown	2023/24

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Policy number	Detail of Policy	Last reviewed	Upcoming review
Appendix 11 - Non-Conforming Use Register	Register of all current non-conforming uses.	June 2013	2023/24
Appendix 12 - Elven on the Park Design Guidelines	Development guidelines for 'Elven on the Park' (North Perth).	Sep 2005	2023/24
Appendix 14 - Design Guidelines No.95 Lot 7 and Part Lot 76 Chelmsford Road	Development guidelines for No. 95 (Lot 75 and Part lot 76) Chelmsford Road (Mount Lawley).	June 2005	2023/24

Scheme and Strategy Report of Review

City of Vincent

APPENDIX 3 - STATE PLANNING POLICY SUMMARY

State Planning Policy	Purpose of Policy	Consistent with Scheme?
Swan-Canning River System (SPP 2.10)	To provide guiding principles for future land use and development along the Swan-Canning River system.	Yes
Historic Heritage Conservation (SPP 3.5)	To set out the principles of sound and responsible planning for the conservation and protection of Heritage.	Yes
Activity Centres for Perth and Peel (SPP 4.2)	To set the overarching framework for activity centres within the Perth Metropolitan region.	Yes
Road and Rail Noise (SPP 5.4)	To provide land use planning guidance where sensitive land uses abut major transport and traffic links.	Yes
Design of the Built Environment (SPP 7.0) Precinct Design (SPP 7.2) and Residential Design Codes of WA (SPP 7.3)	A suite of policies which provide guidance and statutory provisions relating to development.	Yes

Modification	Provision	Change proposed	Justification
1	Part 2, Clause 14 (4)	New provision: <i>(4) Development on local reserves, as shown on the Scheme Map, shall not detract from the amenity of neighbouring residents and should be consistent and not interfere with the predominant use of the reserve for passive and active recreation.</i>	To ensure that any development on reserves occurs in a manner which is consistent with the intent of local reserves, and the use of the reserve as passive and active recreation is protected.
2	Part 3, Clause 16 – Commercial zones	New objective: <i>To provide limited residential opportunities within the Commercial zone including high density housing, affordable housing, social and community housing, tourist accommodation and short term accommodation.</i>	To ensure the objectives reflect the need for high density residential development within the City's Commercial zones, to support the economic activity and growth for the area.
3	Table 1 – Land Use Table	Amend 'Caretakers' dwellings' land use permissibility within residential zones to align with the 'Industry – Light' use class.	A caretaker dwelling is defined as: <i>'...a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building operation or plant.'</i> This use is incompatible with a residential zoned lot, and should be amended since no industrial development would occur on residential zoned land.
4	Local Planning Scheme Zoning Map	Reserve 15 Haynes Street (lots 9 and 100) for Public Open Space.	To reflect the existing conditions of a deed of trust over Lot 9 that requires the land be used for recreation, modifying the zoning of the land would align the expectation of the deed to the planning framework.

Modification	Provision	Change proposed	Justification
5,6	Part 4, Clause 26 (3) and (4)	Modification to wording from 'R60-R100' to 'R60/R100'	To provide consistency with other provisions within the Local Planning Scheme which includes a split density code. The intent of this provision is that a property is classified R60 or R100 dependent on satisfying the necessary conditions, not that the property may be classified in between R60 and R100.
7	Schedule 1 – Supplemental provisions. Clause 61 (1) (k)	Modified provision: Column 1 Works: <i>"1A Works to remove, destroy or interfere with any tree(s)."</i> Column 2 Conditions: <i>"(a) The tree is not listed on the City of Vincent Trees of Significance Inventory; and (b) The tree is not included for retention as part of an approved landscaping plan."</i>	To match format of updated Regulations and ensure that there is clarity within the local planning framework as it applies to the retention and protection of trees.
8	Schedule 1 – Supplemental provisions. Clause 67 (zc)	'(zc) any advice of the Design Advisory Committee Review Panel.'	Updated terminology to reflect the City's Design Review Panel.

Modification	Provision	Change proposed	Justification
9	Schedule 1 – Supplemental provisions New Clause 85D – Transitional arrangements for Heritage-List	New provision: <i>(1) A Heritage List prepared in accordance with Town Planning Scheme No. 1 shall continue to have effect, and may be amended or revoked, as if it were a Heritage List properly adopted under Local Planning Scheme No. 2.</i>	Established legal advice (<i>Dain Pty Ltd v Shire of Peppermint Grove [2019]</i>) suggests that there is an existing deficiency within the City's LPS 2. An oversight to the local framework, the City suggests adding clarification to the Scheme.
10	Schedule 1 – Supplemental provisions New Clause 85E – Heritage Conservation Notices	New provision: 85E. Heritage Conservation Notices <i>(1) A person who is given a Heritage Conservation Notice under clause 13 of the deemed provisions must comply with that Notice within the time specified in the Notice.</i> <i>(2) It is a contravention of this Scheme if a person fails to comply with a Heritage Conservation Notice in accordance with subclause (1) above.</i>	The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> do not expressly state that a person must comply with a Heritage Conservation Notice given under clause 13 of Schedule 2 of the Regulations. As a result, there is ambiguity about whether a person commits and offence if they fail to comply with a Heritage Conservation Notice. The proposed clause 85E ensures that a person who is given a Heritage Conservation Notice is required to comply with that notice and commits an offence under section 218(a) of the <i>Planning and Development Act 2005</i> if they fail to do so.

Modification	Provision	Change proposed	Justification
11	Schedule 1 – Supplemental provisions Clause 85C Planning Instruments Adopted Under the Central Perth Redevelopment Scheme	Delete the words: The amendment will not come into effect until the day after normalisation of the Lindsay Street Precinct, specifically the land is subtracted from the Metropolitan Redevelopment Authority Regulations 2011.	These words were included as an administrative error, meant only for inclusion in the Gazettal notice rather than the Scheme itself.



CITY OF VINCENT

LOCAL PLANNING SCHEME NO. 2

Amendment No. 10

Standard amendment to modify various provisions within the Local Planning Scheme to ensure consistency and clarity with the State and local framework.

**FORM 2A**

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 10

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005* (as amended), amend the above Local Planning Scheme to:

1. Insert the following provision under Part 2, Clause 14 and renumber the remaining clauses::
 - (4) Development on local reserves, as shown on the Scheme Map, shall not detract from the amenity of neighbouring residents and should be consistent and not interfere with the predominant use of the reserve for passive and active recreation.
2. Insert new point into Part 3, Clause 16 (Commercial Zones):
 - To provide limited residential opportunities within the Commercial zone including high density housing, affordable housing, social and community housing, tourist accommodation and short term accommodation.
3. Modify Table 1 – Zoning Table for ‘Caretakers’ dwellings’ land use permissibility within Residential, Mixed Use and Local Centre zones from a ‘P’ use to an ‘X’ use and within District Centre/Regional Centre and Commercial zones from a ‘P’ use to an ‘A’ use.
4. Reclassify Lot 9 and 100 (No. 15) Haynes Street, North Perth from ‘Residential’ to ‘Public Open Space’ and remove the ‘R20’ density code;
5. In clause 26 (3), replace “R60-R100” with “R60/R100”;
6. In clause 26 (4), replace “R60-R100” with “R60/R100”;
7. Delete Schedule 1 Clause 61 and replace with:

61. Development for which development approval not required

 - (1) Development approval is not required for works if –
 - (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
1A	Works to remove, destroy or interfere with any tree(s).	(a) The tree is not listed on the City of Vincent Trees of Significance Inventory; and (b) The tree is not included for retention as part of an approved landscaping plan.

8. In Clause 67 (zc), remove the words “Advisory Committee” and replace with “Review Panel”;
9. Insert the following provision under Schedule 1 – Supplemental provisions:

85D. Transitional arrangements for Heritage List

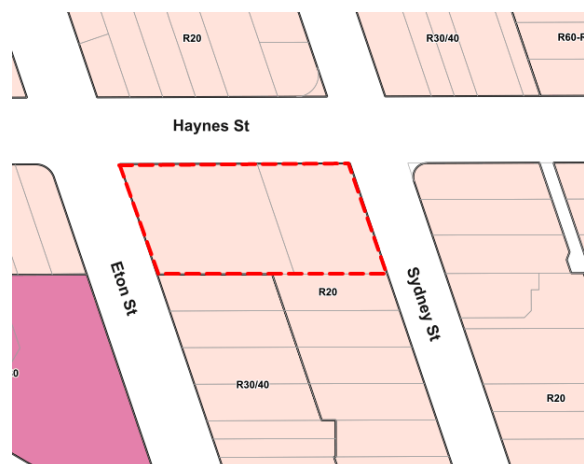


CITY OF VINCENT

- (1) A Heritage List prepared in accordance with Town Planning Scheme No. 1 shall continue to have effect, and may be amended or revoked, as if it were a Heritage List properly adopted under Local Planning Scheme No. 2.
10. Insert the following provision under Schedule 1 – Supplemental provisions:
- 85E. Heritage Conservation Notices**
- (1) A person who is given a Heritage Conservation Notice under clause 13 of the deemed provisions must comply with that Notice within the time specified in the Notice.
- (2) It is a contravention of this planning scheme if a person fails to comply with a Heritage Conservation Notice in accordance with subclause (1) above.
11. Delete the following words from Schedule 1 – Supplemental provisions:
- ‘The amendment will not come into effect until the day after normalisation of the Lindsay Street Precinct, specifically the land is subtracted from the *Metropolitan Redevelopment Authority Regulations 2011*’
- The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
- The amendment has minimal impact on land in the scheme area that is not the subject of the amendment, due to the relatively minor text changes proposed;
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - The amendment is not a complex or basic amendment.



CITY OF VINCENT

Modification 4 – Scheme Map**Existing:****Proposed:**

= Amendment area

Dated this day of 2022

CHIEF EXECUTIVE OFFICER

CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2 SCHEME MAP 5 - MT HAWTHORN	
LEGEND	
METROPOLITAN REGION SCHEME RESERVES	
<small>Note: The Western Australian Planning Commission and the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.</small>	
	PARKS AND RECREATION
R	Restricted Public Access
	PRIMARY REGIONAL ROADS RESERVATION
	OTHER REGIONAL ROADS RESERVATION
	RAILWAYS
	PUBLIC PURPOSES
<small>Particular use denoted as follows:</small>	
H	Hospital
HS	High School
TS	Technical School
CP	Car Park
U	University
CG	Commonwealth Government
SU	Special Use
WSC	Water Authority of Western Australia
P	Prison
CITY OF VINCENT LOCAL SCHEME RESERVES	
	PUBLIC OPEN SPACE
R	Restricted
	PUBLIC PURPOSES
<small>Particular use denoted as follows:</small>	
PS	Primary School
CP	Car Park
CU	Civic Uses
HS	High School
I	Institute for the Deaf
W	Water Supply Sewerage and Drainage
TS	Technical School
CITY OF VINCENT SCHEME ZONES	
	RESIDENTIAL
	MIXED USE
	COMMERCIAL
	LOCAL CENTRE
	DISTRICT CENTRE
	REGIONAL CENTRE
	SPECIAL USE
<small>Particular use denoted as follows:</small>	
CP	Car Park
CU	Community Use
FC	Function Centre
HC	Hall and Non Residential Club
H	Hotel
PW	Place of Worship
S	Service Station
	ADDITIONAL USE
	RESTRICTED USE
ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES	
	CODE AREA BOUNDARY
	SCHEME AREA BOUNDARY
	DENSITY CODE



CITY OF VINCENT

LOCAL PLANNING SCHEME NO. 2

Amendment No. 10

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the City of Vincent at the Ordinary Meeting of the Council held on the _____ and the Common Seal of the City of Vincent was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

9.3 ACCESSIBLE CITY STRATEGY - IMPLEMENTATION UPDATE

Attachments: 1. Accessible City Strategy - Implementation Framework  

RECOMMENDATION:

That Council **NOTES** the Accessible City Strategy implementation update as at Attachment 1.

PURPOSE OF REPORT:

To note the [Accessible City Strategy](#) implementation update and expected project timeframe.

BACKGROUND:

At its 18 May 2021 Ordinary Meeting (Item 9.3), Council adopted the City of Vincent Accessible City Strategy 2020-2030 (ACS). The ACS provides a strategic framework that guides the management, provision, use of and investment in the transport network providing an opportunity to integrate planning and transport to support economic, environmental, and social activities, in a safe, easy, connected, environmentally friendly and enjoyable City.

The vision of the ACS is:

“The City of Vincent puts people first. Getting round is safe, easy environmentally friendly and enjoyable.”.

This vision is supported by the following four objectives:

- Create a safe transport environment.
- Ensure easy accessibility and connectivity into and around Vincent.
- Promote environmentally friendly transport modes and initiatives.
- Make it enjoyable to get around the local area.

The ACS has 37 actions associated with the objectives. Together these seek to achieve the vision of the ACS. Since the adoption of the ACS, the City has progressed multiple key actions.

DETAILS:

Attachment 1 lists the status of the 37 actions within the ACS and documents their forecasted delivery year. As this is a ten year plan spanning 2020-2030 with a major review scheduled for 2025, the timing for the first five years have been detailed, and the remaining five years shown as one time period.

A number of key actions have been progressed in the 2021/22 financial year following the adoption of the ACS. These actions include the substantial commencement of the Bike Network Plan Review, the development of the Wayfinding Plan, the introduction of parking restrictions to better manage the supply of parking and the review of Local Planning Policy No. 7.7.1 – Non-Residential Development Parking Requirements.

The City has advocated for a number of transport initiatives that will help to achieve mode shift and the vision and objectives of the ACS. This includes the use of the Perth Parking Management Area funds for transport studies in the Pickle District and strengthening the area's connection to central Perth.

The City is also currently working closely with State Government agencies including the Road Safety Commission to finalise the 40km/h Speed Zone Trial that commenced in the southern portion of the City in April 2019. The evidence and findings from this study will be evaluated and learnings taken into account for the expansion of the 40km/h zone to all residential areas of Vincent.

CONSULTATION/ADVERTISING:

Consultation will be undertaken throughout the delivery of each ACS action.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to note the ACS implementation update.

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.

Accessible City

*Our pedestrian and cyclist networks are well designed, connected, accessible and encourage increased use.
We have better integrated all modes of transport and increased services through the City.
We have embraced emerging transport technologies.*

Connected Community

*We have enhanced opportunities for our community to build relationships and connections with each other and the City.
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.
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.
Our community is satisfied with the service we provide.
We are open and accountable to an engaged community.*

SUSTAINABILITY IMPLICATIONS:

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

Sustainable Transport

Sustainable Energy Use/Greenhouse Gas Emission Reduction

PUBLIC HEALTH IMPLICATIONS:

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

Increased physical activity

FINANCIAL/BUDGET IMPLICATIONS:

The approximate total cost of the ACS 10 year Implementation Framework is \$3,065,000. This includes staff resourcing to deliver on these actions.

The ACS implementation for the 2022/23 financial year is being funded through the City's Capital Works Program, Cash in Lieu Reserve, and secured funding from external agencies such as the Road Safety Commission.

The ongoing cost of implementing the ACS will continue to be funded through these channels, as well as other external funding opportunities.

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

Table 1. Create a safe transport environment.

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
1.1 Create active, sustainable transport networks that are safe and legible.	1.1.1: Review Vincent's Bike Network Plan taking into consideration relevant State Planning Policy to ensure the provision of a dense network of cycling routes to support cycling as a safe alternative transport mode to private vehicles. The review of the Bike Network Plan will consider: <ul style="list-style-type: none"> • Appropriate network links to destinations within the City; • Implementing a wayfinding strategy to support the Bike network; • Providing infrastructure consistent with current standard; • Focus on improving network crossings. Including the provision of toucan crossings at intersections and safe mid-block crossings; • Provide access to and through all areas of open space within the City; • Where possible, consider the introduction of segregated cycle lanes along activity corridors; • Consider the introduction of parallel route connections to activity and transit corridors where there are corridor constraints and segregated cycle lanes are not feasible; • Advocate for slow vehicle speeds where on-street cycle lanes are unable to be segregated; • Extend existing infrastructure to fill network gaps; and • Ensure sufficient connection exists to and within with transit nodes. 	\$60,000	Operational Budget \$10,000 2021/22 \$50,000 2022/23	Engineering	•	•					Flyt Transport Consultancy was appointed to develop The City of Vincent <i>Cycling Plan 2022-2027</i> . Research has been undertaken to determine the level of 'cycling stress' on the proposed draft network. This network is based on the Long-Term Cycle Network that was approved by Council in 2020, and also includes some additional local routes and sample local access streets. The next step in the development of the <i>Cycling Plan 2022-2027</i> will be to prepare the consultation plan and have this approved by the Department of Transport.
	1.1.2: Implementation of the Bike Network Plan.	\$1,000,000 p.a.	Construct Norfolk Neighbourhood Safe Active Street N/S Route Stage 1 - Capital Budget \$300,000 2022/23 (\$150,000 Grant Funding + \$150,000 Cash in Lieu (CIL) Reserve) Feasibility Study for Summers Street & Claisebrook Road Bicycle Route - Capital Budget \$25,000 2022/23 (\$12,500 Grant Funding)	Engineering		•	•	•	•	•	This total funding allocation to implement the Bike Network Plan has been estimated based on the previous works undertaken to the cycle network. The cost will be changed and updated based on the finalised and adopted Bike Network Plan.
	1.1.3: Develop and implement a consistent wayfinding and signage strategy across the City. This should consider parking, cycling and pedestrian transport modes, and provide appropriate localised details for each town centre and activity and transit corridors.	\$50,000	Operational Budget \$80,000 2021/22 (\$80,000 CIL Reserve)	Policy & Place	•	•					Plan Development Aspect Studios was appointed in mid-2021 to develop the City's Wayfinding Plan and Signage System (Wayfinding Plan). Aspect are developing a Wayfinding Plan that has the aim of providing a clear and legible experience for City of Vincent Users. This work will provide pedestrians and cyclists with on street information and the wayfinding signage will help to connect residents and visitors with the town centres, public transport and local facilities. The system is to include the provision of distance and time to destination, area and route mapping, a clear and legible visual language to assist with journey planning and encourage the use of active transport modes. The project consists of four phases:

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

											<ol style="list-style-type: none"> 1. Opportunities, Constraints & Gaps Analysis Report. 2. Draft Wayfinding Signage Plan. 3. Final Wayfinding Signage Plan and Guidelines. 4. Implementation Plan. <p>Phase 1 has been finalised and Phase 2 is currently being progressed with preliminary work to be presented to Council workshop for comment in May 2022. The consultant project manager for the project is situated in Adelaide, for this reason and with consideration to COVID-19 travel restrictions, the preliminary work for the project was delayed.</p>
		\$500,000	Capital Budget \$198,000 2022/23 (\$198,000 CIL Reserve)	Engineering		•	•	•	•	•	<p>Plan Implementation</p> <p>Once an appropriate style, messaging and installation priority has been established through the development of the Wayfinding Plan (2021/22 - 2022/23) the procurement and implementation would likely be subject to a Request for Tender (based upon a budget of \$500,000) to be delivered over 4 years. The timing and costing of the implementation may be subject to change based on the finalisation of the Wayfinding Plan.</p>
1.2 Ensure pedestrian and cycling routes (including schools) are of a high quality and safe for all users.	<p>1.2.1: Develop a high quality, safe pedestrian path network which supports all mobility levels and is accessible to all. This includes:</p> <ul style="list-style-type: none"> • Undertaking an audit of network crossings including intersections, mid-block crossings and high traffic crossovers. Priority should be given to areas surrounding schools, key routes to town centres and mixed-use areas, activity corridors, and transit nodes; • Identifying midblock crossing opportunities. Provision should be made for crossings for clocks over 150m long; • At intersections, ensure pedestrian priority traffic lights are in place and allow sufficient time for crossings; and • Use planning requirements to manage streetscape development and temporary obstructions. 	\$250,000 p.a.	Operational Budget/ CIL Reserve Unfunded	Engineering			•	•	•	•	<p>This project is due to commence in 2023/24, but the timing is dependent upon resourcing. The project will require an additional staffing resource(s) and/or engagement of an external contractor to collect and collate the relevant information and develop a prioritised improvement program. This resourcing will be considered during the 2022/23 financial year budget process and the action progressed accordingly.</p>
	1.2.1: Upgrade and improve paths based on the condition assessment undertaken every 3 years. Ensure a high-quality pedestrian environment which is accessible to all is maintained throughout Vincent.	\$200,000 p.a.	Capital Budget \$300,000 2022/23	Engineering		•	•				<ul style="list-style-type: none"> • The next condition survey is due in 2023. In addition, the City's proposed footpath renewal budget has been increased significantly in the 'draft' 2022/23 Capital Works budget and will continue to increase annually over the life of the next 10 year Long Term Financial Plan.
	<p>1.2.3: Promote compact roundabout geometry through the conversion of existing roundabouts and new roundabouts (where deemed appropriate) in the City to reduce vehicle speeds;</p> <ul style="list-style-type: none"> • Support only compact alignment on new and upgraded roundabouts; and • Retrofit existing roundabout alignments to compact alignment with priority given to those located close to schools. 	\$20,000 – 50,000 per location / \$100,000 p.a.	Budget to be requested if trial is considered a success.	Engineering	•	•					<p>The 'mini' roundabouts installed in the North Perth/ Mt Lawley area (east of Fitzgerald Street) under Main Roads Urban Road Safety Program in 2021 will be subject to follow-up data collection inclusive of traffic accidents), traffic speeds and volumes to ascertain their effectiveness as an appropriate treatment. It is not intended to modify any existing (full size) roundabouts until the study is completed.</p>
	1.2.4: Develop and implement a comprehensive program to support students and staff using education facilities to travel using sustainable and active transport modes which are safe and have a high level of amenity.	\$100,000 p.a.	Operational Budget/ Grant Funding Unfunded	Engineering			•	•	•		<p>Project to commence 2023/24.</p>

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

	<ul style="list-style-type: none">• Ensure safe crossing opportunities close to schools, specifically along key routes and near school entrances;• Ensure access to schools is provided at-grade where possible;• Support safe desireline paths;• Use traffic management techniques (including the development of Safe Active Streets) to reduce traffic speeds and volumes on streets surrounding schools;• Work with schools to support active travel through resources and programs, including route maps and education programs;• Encourage bicycle and scooter parking to be located in accessible, safe areas close to school entrances;• Locate school drop-off points away from entrances; and• Conduct access and safety audits for key pedestrian and cycling routes to schools, including assessing kerb alignments and cuts; surface conditions; eye-level hazards; shade; orientation, etc.										
	1.2.5: Work with schools (students, parents and staff) and the Department of Transport to support active travel through resources and programs, including route maps and education programs. Encourage schools to join the Your Move program so that journey to school data can be collected and appropriate mode shift targets created.	\$50,000 p.a.	Operational Budget Existing Staff Resource - \$50,000 p.a.	Engineering	•	•	•	•	•	•	The Your Move program has been presented to schools within the City by the Department of Transport. The travel change program has identified current traffic issues and is helping to provide practical ways to teach and develop use of active modes of transport. This program will be delivered on an ongoing basis and further built upon by the City as it progresses.
	1.2.6: In collaboration with the DoT and PTA develop a high quality and safe pedestrian environment between Claisebrook Station and Perth Oval.	\$500,000	Operational Budget Existing Staff Resource	Policy & Place	•	•	•	•	•		Officers from the City of Vincent have been involved in the Public Transport Authority’s Station Access Strategies Project as key technical stakeholders through a number of workshops, meetings, and written correspondence. The project focused on the predicted increase of ridership at the station that will occur once Metronet is completed. A series of actions were developed that will improve access to the station. Advocacy for a high quality active transport network is ongoing.
			Capital Budget/ Grant Funding Unfunded	Engineering		•	•				Pending outcomes of the Station Access Strategies Project. More information is to be provided as the project progresses. However, there may be some opportunity for improvements to be implemented within the next 12 months in preparation for the 2023 FIFA Women’s World Cup qualifying games to be held at Perth Oval.

Table 2. Ensure Consistent Accessibility into, around and beyond Vincent.

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
2.1 Advocate for connected and reliable public transport.	2.1.1: Advocate for additional public transport infrastructure along corridors including: <ul style="list-style-type: none"> Modifying road layouts to introduce bus-priority infrastructure along corridors where it is not existing; Extending existing bus-priority along Charles St; and Investigate the introduction of other public transport modes including trams, light rail and trackless trams. 	\$20,000 p.a.	Operational Budget Existing Staff Resource	Policy & Place	•	•	•	•	•	•	The CEO has met with executives of State Government transport departments to advocate for various additional transport infrastructure along corridors. This advocacy is ongoing and is further supported by the Inner City Group of Councils.
	2.1.2: Using the Link and Place framework, incorporate an appropriate level of pedestrian amenity along bus priority routes.	\$1,000,000 +	Operational Budget	Engineering			•	•	•	•	Project to commence 2023/24.

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
	2.1.3: Advocate for and support improved east-west public transit connectivity. <ul style="list-style-type: none"> Prepare a business case to put to the PTA for a Vincent circular service to connect the City's town centres; and Advocate to PTA for additional bus routes which provide east-west links. 	\$50,000	Operational Budget Existing Staff Resource	Engineering	•	•	•	•	•	•	The City is continually advocating for improved east-west active transport connections across Vincent. A concept for a direct east-west bus route which includes Vincent Street was presented to the Public Transport Authority but was unable to be supported due to lack of budget allocated to Transperth. Advocacy for the improvement of this connection is ongoing with future action including the development of a business case for a circular route to be introduced to Vincent. The funding allocation is for the development of a business case.
2.2 Reallocate road and verge space, including on street parking, throughout Vincent to prioritise vulnerable users according to user hierarchy and road hierarchy.	2.2.1: Develop a set of link and place guidelines to guide future streetscape improvements.	\$100,000	Operational Budget \$100,000 2023/24 (\$100,000 CIL Reserve)	Policy & Place		•	•				Project to commence 2023/24. The project was delayed in 2022/23 due to resourcing.
	2.2.2: Advocate for the use of the Perth Parking Management Area (PPMA) funds for Vincent public transport services, transport studies, and transport infrastructure improvements or a reduction in the levy paid.	\$10,000	Operational Budget Existing Staff Resource	Policy & Place	•	•	•	•	•	•	PPMA funds have been allocated by the City of Perth to fund the initiatives contained in the Perth Greater CBD Transport Plan (Plan). The Plan is being developed to guide transport in inner-Perth for the next decade. It aims to enhance liveability, support new business opportunities, and attract visitors and new residents. It will outline a series of initiatives and investments that will help residents, workers and visitors move around the city centre. Officers from the City of Vincent have been involved in the project as key technical stakeholders through a number of workshops, meetings, and written correspondence. In response to COVID-19, Phase two of the plan was brought forward. Phase two contains a list of actions which are to be funded by the PPMA that support transport studies in the Pickle District and additional connections through to the City. Advocacy for the spending of funds within Vincent is ongoing.
2.3 Be a leader in adaptability and technology.	2.3.1: Be aware of emerging transport technologies and the benefits they can provide, as well as the negative impacts and how these might be mitigated.	\$50,000	Operational Budget Existing Staff Resource	Policy & Place	•	•	•	•	•	•	The City is continuously monitoring emerging technologies and the effect that these may have on the transport network. The City's Sustainability team is meeting with EV charging providers to assess suitability within City of Vincent. The City is also a part of the Mid Tier Transport Consortium which is made up of a number of local governments and has the aim of advocating to the State and Federal Government for a transport network which is supplementary to Metronet and provides further connection across the metropolitan area.
	2.3.2: Require car parking configurations be adaptable to alternative uses for future development.	\$5,000	Operational Budget Existing Staff Resource	Policy & Place	•	•					The review of Local Planning Policy No. 7.7.1 - Non-Residential Development Parking Requirements (LPP 7.7.1) has commenced and will be presented at the Council Workshop in mid 2022.
	2.3.3: Ensure all new and existing high-density residential development has access to EV charging bays: <ul style="list-style-type: none"> Amend LPP 7.7.1 to require EV parking bays for new developments; Support the retrofit of existing private car parking to provide EV bays; and Provide EV charging bays in public lots. 	\$5,000 (resource) \$50,000 p.a. (infrastructure)	Policy Review - Operational Budget Existing Staff Resource Infrastructure - Capital Budget Unfunded	Policy & Place	•	•	•	•	•	•	The review of LPP 7.7.1 has commenced and will be presented at the Council Workshop in mid 2022. The review will consider: <ul style="list-style-type: none"> New requirements for EV parking bays for new developments. New requirements to support the retrofit of existing private car parking to provide EV bays. New requirement to provide EV charging bays in public lots.
	2.3.4: Explore supporting the provision of increased bicycle and scooter usage by investigating concepts such as locating bike share docks, e-cargo, e-bikes and e-scooters within town centres and mixed-use areas. One option is to locate	\$20,000	Operational Budget Existing Staff Resource	Engineering	•	•					The City is currently in the process of developing a joint EOI for a commercial e-scooter share system with the Inner City Group of Councils, Botanic Gardens and Parks Authority (Kings Park)

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
	bike share docks or e-bike chargers within existing car parking bays.										and the University of Western Australia. This system will provide a new level of mobility to Vincent and allow for further active transport connections to be established. This may be extended to include services such as e-bikes as the project further establishes.
	2.3.5: Ensure there is adequate policy to support the introduction of car sharing within Vincent.	\$5,000	Operational Budget Existing Staff Resource	Policy & Place	•	•					The introduction of car sharing is to be considered as part of the review of LPP 7.7.1. The review has commenced and will be presented at the Council Workshop in mid 2022.

Table 3. Promote environmentally friendly and healthy transport modes and initiatives.

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
3.1 Reduce carbon emissions caused by the transport network.	3.1.1: Advocate for the introduction of State and Federal economic incentives to improve mode shift.	\$50,000	Operational Budget Existing Staff Resource	Policy & Place/ Sustainability & Innovation		•	•				The City continually provides comments on State and Federal initiatives in support of this action. Administration is not yet proposing proactive advocacy of economic incentives, further detail of the timing of this will be included as the action is progressed.
3.2 Prioritise and encourage the use of active and sustainable transport modes.	3.2.1: Engage with the Department of Transport to develop and implement the next phase of the Travelsmart program.	\$20,000	Operational Budget \$10,500 2023/24 \$10,500 2024/25	Engineering			•	•			Project to commence 2023/24.
	3.2.2: Ensure appropriate end of trip facilities are provided within town centres, mixed use centres and major parks in accordance with LPP7.7.1.	\$20,000 p.a.	Operational Budget Existing Staff Resource	Policy & Place	•	•					The review of LPP 7.7.1 has commenced and will be presented at the Council Workshop in mid 2022.
3.3 Manage car parking (including supply and pricing) to improve efficiency and support mode shift.	3.3.1: Establish a business plan for the management of parking within Vincent with a view of the following: <ul style="list-style-type: none"> Prepare precinct management plans, with priority given to precincts already at capacity; and Expand paid parking using the demand responsive pricing methodology. 	\$50,000	Operational Budget \$50,000 2021/22 (\$50,000 CIL Reserve)	Engineering	•	•					The City has progressed this action by developing an RFQ for a consultant to complete the review and make recommendations accordingly. The RFQ is currently out for advertising and a consultant is due to be appointed in May 2022.
	3.3.2: Ensure precinct plans provide the right amount of parking, in the right locations to support reduced car dependence.	\$50,000	Operational Budget Existing Staff Resource	Policy & Place		•					The Leederville Precinct Structure Plan was completed and adopted by Council at its September 2021 Ordinary Council Meeting, this included parking rates tailored to the precinct. Further precinct plans or policies are to commence in the 2022/23 financial year and will consider parking ratios which encourage the use of active modes of transport.
	3.3.3: Develop, document, and implement a transparent process for the assessment of resident and ratepayer concerns relating to traffic volume, speed and parking matters.	\$50,000	Operational Budget Existing Staff Resource	Engineering	•	•					A 'draft' warrant system has previously been developed to assess both qualitative and quantitative data as a basis for impartially assessing resident's requests for traffic calming. The system has in the past been discussed by the (then) Urban Mobility Advisory Group (UMAG) and it is recommended it be referred to the Sustainability & Transport Advisory Group (STAG) for further consideration. The system will be further developed based on the feedback received.
	3.3.4: Better manage the supply of on street parking through the implementation of various restrictions by: <ul style="list-style-type: none"> Limiting roadside residential parking, confining parking to the property; Restricting parking to 3P or less within 2 blocks of train stations or transit nodes, with residential permit exemptions; 	\$150,000	Capital Budget \$150,000 2021/22 (\$150,000 CIL Reserve)	Engineering	•						The proposed restrictions which fall within the transit nodes have been mapped as per the detail of the action. The details for all properties have been captured to ensure the e-permit system is updated in accordance with these new restrictions. Signage detailing the new restrictions is currently being created. An update of the proposed gaps in the new restrictions and their roll out is to be presented to Council in mid 2022.

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
	<ul style="list-style-type: none"> Restricting parking to 3P or less within 1 block of high frequency transit corridors, with residential permit exemptions; and Restricting parking to 2P or less within 2 blocks of town centres or mixed use areas with residential permit exemptions. 										
	3.3.5: Liaise with owners of large-scale private car parks adjacent to activity and transit corridors to transfer management to Local Government.	\$10,000	Operational Budget Existing Staff Resource	Governance			•				Project to commence 2023/24.
	3.3.6: Undertake a strategic review of all City land holdings to investigate the viability of sites to consolidate publicly accessible parking.	\$100,000	\$200,000 Operational Budget	Governance	•	•	•				Council approved the commencement of the Leederville Land EOI project at its Meeting in December 2021 which relates to the development of The Avenue and Frame Court carparks. Subsequently, Administration has engaged a consultant with commercial expertise to assist in developing the EOI materials. These will be presented to Council workshop in mid 2022. Further investigation of the City's land holdings and their potential uses is to continue over the coming financial years.
3.4 Use residential and mixed-use density to support transit.	3.4.1: Use planning policy to encourage people to use public and active modes of transport by developing diverse housing types within the City which don't require the number of car parking bays currently mandated by the R-codes particularly along transit corridors and within transit nodes to support public transport uptake.	\$20,000	Operational Budget Existing Staff Resource	Policy & Place	•	•	•				The review of the Local Planning Strategy is currently being undertaken and will seek to address this action by modifying the requirements of the R-Codes.
	3.4.2: In the next planning scheme review consider the location and design of transit stops to support high-capacity services. Consider proximity to transit stops when determining residential density. When identifying future transit nodes, the following should be considered: <ul style="list-style-type: none"> Density of existing development; Transit interchange opportunities; Pedestrian amenity; Cycling connectivity; and Distance between other nodes. 	\$50,000	Operational Budget Existing Staff Resource	Policy & Place		•	•				The review of the Local Planning Strategy and Scheme is currently being undertaken and will seek to address this action and determine appropriate density around transit stops.
3.5 Obtain relevant data to inform decisions and monitor progress.	3.5.1: Repeat parking surveys at 3-5year intervals on a rolling basis across the City. A schedule of priority areas based on the data collected has been produced, with surveys recommended to start in Leederville Town Centres and surrounding area.	\$50,000 p.a.	Operational Budget/ CIL Reserve	Engineering		•			•		Project to commence 2022/23. Carparking surveys will take into consideration work undertaken by Rangers and ensure that an overlap in information does not occur.

Table 4. Make it and enjoyable place for people (pedestrians, cyclists and active transport users) to get around the local area.

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
4.1 Increase pedestrian amenity on residential streets.	4.1.1: Work with the State Government and Inner-City Group of Councils to implement a 40km/h zone in all residential areas of the City of Vincent by 2023.	\$50,000 p.a. (resource) \$200,0000 (infrastructure)	40kmph report \$20,000 Grant Funding (RSC) Zone implementation with MRWA \$150,000 Capital Budget	Engineering	•	•					The City has engaged with, and enlisted the support of, the Road Safety Commission, who has agreed to fund the finalisation of the 40 km/h Speed Zone Trial that commenced in the southern portion of the City in April 2019. The Inner City Group of Council's Infrastructure and Transport Working Group supports the City's position and is looking to 'roll-out' the 40 kph speed limit across the respective member Councils.

ACCESSIBLE CITY STRATEGY – IMPLEMENTATION FRAMEWORK

Plan	Action	Funding Allocation (as estimated at time of ACS adoption)	Previous and Proposed Funding Source	Responsible Team(s)	Timing						Status – May 2022
					21/22	22/23	23/24	24/25	25/26	26+	
	4.1.2: Through consultation with key stakeholders develop the City's residential streets in line with the principles of Safe Active Streets with slow design speeds to promote safety and amenity. The aspirational long term vision is that residential streets will have Safe Active geometry, relevant to their location, context and function. Priority should be given to the following: <ul style="list-style-type: none"> Streets identified as part of the WABN (DoT); Cycling local routes; Streets surrounding schools; Any residential streets that have been earmarked for resurfacing projects; and Any residential streets where reallocation of road space is proposed. 	\$1,000,000 p.a.	Operational and Capital Budget/ Grant Funding Unfunded	Engineering	•	•	•	•	•	•	The City is currently progressing a Safe Active Street for the North Perth/Mount Lawley area. The State Government is to fund up to 50% of external costs. The current total costing is potentially up to \$1,000,000 in infrastructure costs subject to community consultation, the final approved design and State grant funding. The City will continue to work with the State Government to identify areas where safe active streets can be implemented.
	4.1.3: Continue to support Play Streets within the City.	\$10,000 p.a.	Operational Budget Existing Staff Resource Capital Budget Unfunded	Community Development		•	•	•	•	•	The Play Streets initiative has not progressed during COVID-19. This success of this action is dependent on community involvement. Targeted promotion identifying streets which are well suited to the initiative is to commence in 2023/24
	4.1.4: Improve streetscapes to enhance pedestrian experience and safety as per the link and place guidelines, including the provision of additional street trees, native verges, lighting, street furniture, pedestrian crossings etc.	\$400,000 p.a.	Capital Budget/ CIL Reserve Unfunded	Engineering				•	•	•	Project to commence 2024/25 and informed by the outcomes of the Link and Place Guidelines.
4.2 Increase pedestrian amenity in town centres.	4.2.1: Place plans should identify methods to improve pedestrian and cycling safety in the public realm making town centres safe and accessible to all.	\$10,000	Operational Budget Existing Staff Resource	Policy & Place	•	•	•	•	•	•	The City is currently developing the William Street Town Centre Place Plan and undertaking a major review of the North Perth Town Centre Place Plan. Based on street audits, best practice review and consultation, actions are to be developed which support active transport modes in the town centres. This is to be an ongoing consideration for future reviews of all Town Centre Place Plans. A trial pedestrian street initiative was identified in the Beaufort Street Town Centre Place Plan and is currently being explored at Grosvenor Road, Mount Lawley. The trial will be undertaken in 2022/23 and involves temporarily converting a section of Grosvenor Road into an open pedestrianised street to provide a safe place for activity, play and socialising. The funding for this trial is through an RAC grant and the City's operating and capital budgets.
	4.2.2: Support the vitality of town centres and mixed-use areas for pedestrians by investigating the viability of parking bays for loading and unloading activities at the periphery of the town centres and mixed-use areas as well as other alternate methods.	\$20,000 per centre	Operational Budget Unfunded	Policy & Place				•	•	•	Project to commence 2024/25.

9.4 SALE OF NO. 25 (LOT 93) SYDNEY STREET, NORTH PERTH

- Attachments:**
1. 2021 Valuation Report - 25 (Lot 93) Sydney Street, North Perth - 16.04.21 - Confidential
 2. 2022 Valuation figures - 25 (Lot 93) Sydney Street, North Perth - Confidential

RECOMMENDATION:

That Council:

1. **APPROVES the:**
 - 1.1 disposition of No 25 (Lot 93) Sydney Street, North Perth (Land) in accordance with the *Local Government Act 1995*; and
 - 1.2 sale process relating to the disposition of Land to commence after the expiry or termination of the car park licences granted on the Land;
2. **DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the authority to:**
 - 2.1 determine the best method of sale i.e. public auction, public tender or private treaty;
 - 2.2 appoint a licensed real estate agent to advertise the sale of the Land;
 - 2.3 accept offers which are equal to or higher than the market valuation included at Attachment 2;
 - 2.4 in respect of:
 - 2.4.1 Public auction:
 - (a) determine the reserve price; and
 - (b) accept the highest bidder;
 - 2.4.2 Public Tender:
 - (a) accept the tender in accordance with the City's Purchasing Policy; or
 - 2.4.3 Private treaty:
 - (a) set the date for sale of the Land;
 - (b) provide local public notice;
 - (c) consider submissions;
 - (d) enter into private treaty negotiations; and
 - (e) conclude contract of sale with private treaty entity, and in this respect, determine and vary the settlement date and/or date of satisfaction of any conditions pursuant to the Contract of Sale between the City of Vincent and the prospective buyer;
3. **AUTHORISES that the proceeds from the sale of the Land be applied towards:**
 - 3.1 the development of the park on Haynes Street Reserve; and

3.2 any excess, after application of funds in recommendation 3.1, the Public Open Space Reserve; and

4. **AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the Transfer of Land document.**

PURPOSE OF REPORT:

To consider the sale of Lot 93 on Plan 2334 comprised in the whole of the land in Certificate of Title Volume 720 Folio 56 and known as No. 25 Sydney Street, North Perth (Land).

BACKGROUND:

The potential sale of the Land was presented at the Ordinary Council Meeting on 27 April 2021 where Council deferred its decision on the sale until there was further "*Certainty regarding the status of the lease extension request and revised Transition Plan.*"

The Land has an area of approximately 561 square meters and is zoned Residential R20. It is currently used as a car park by (i) Kidz Galore Pty Ltd (Kidz Galore) (7 bays) and (ii) the Minister for Health (Dental Clinic) (9 bays) under their respective leases, each having a licence to use the car park bays for staff parking.

It was determined during the preparation of the Haynes Street Development Plan (adopted at the Ordinary Council Meeting on 20 October 2020) that the Land would be in excess to the City's requirements following the creation of the public open space. The Land was therefore not required in the construction and development of the City owned land at No. 15 (Lot 9) Haynes Street, North Perth and No. 31 (Lot 100) Sydney Street, North Perth into a public open space. Council was previously informed in the Ordinary Council Meetings on 20 October 2020 and 27 April 2021 that selling the Land would have greater community value as the proceeds from the sale of the Land could fund the construction and development of the public open space.

DETAILS:

Lease Extension Request and revised Transition Plan

Following adoption by Council of the revised transition plan and lease extension for the Dental Clinic at No. 31 Sydney Street, North Perth at the 27 April 2021 Ordinary Council Meeting, the City referred these to the Office of the Attorney General for approval. The office of the Attorney General advised that the changes to the transition plan and the extension of the Dental Clinic lease were supported as proposed.

The City's lease to the Dental Clinic was extended on 15 February 2022 and expires on 30 June 2022. The Dental Clinic is scheduled to vacate the premise before this date. Demolition of the Dental Clinic premises being portion of No. 31 Sydney Street, North Perth is anticipated to take place soon after its 30 June 2022 vacancy, with stage 1 of the Haynes Street Reserve Development Plan initiated.

The City's lease to Kidz Galore for the Child Care Centre on No. 15 Haynes Street, North Perth expires on 31 December 2025. Kidz Galore have development approval to construct a new Child Care Centre on the corner of London and Haynes streets in North Perth. Kidz Galore plan on commencing this development during 2022 and, once complete, relocating their operations from the Kidz Galore leased land to this new premises and relinquishing their lease of the Child Care Centre.

Car Park licence in respect of Kidz Galore and North Metropolitan Health Service

Pursuant to the lease with Kidz Galore executed in 2020, Kidz Galore was granted a licence to use 7 car bays which expires on 31 December 2023, or earlier upon termination of the lease. Kidz Galore have advised that they wish to relinquish their licence over the car park before this licence expires on 31 December 2023. Kidz Galore are not reliant on their licenced parking bays and there is no requirement for them to maintain access to these bays. Administration will formalise Kidz Galore's intention to surrender the car park licence.

The lease with the Dental Clinic dated 15 February 2022 also extended the car park licence of the 9 car park bays until 30 June 2022.

Both the car park licences over the Land would therefore expire or terminate on or before 30 June 2022.

Market conditions

The market valuation report in respect of the Land obtained in 2021 is listed in **Confidential Attachment 1**. The market valuation figures for 2022 based on the Land zoned at R20 and R30/40 are listed in **Confidential Attachment 2** subject to the report being provided in due course.

Given the current upward trend of the property market, and the City's potential to receive a much higher sale price on the Land, Administration will commence the sale process as soon as 1 July 2022. The sale process would initially entail engaging a licensed real estate agent and commencing advertising of the sale.

The Transfer of Land which formalises the transfer of the Land to the successful purchaser would only be executed once negotiations in respect of the sale of the Land have concluded and all relevant documents have been reviewed and completed by the City.

Method of disposal

In accordance with the three methods available under the *Local Government Act 1995*, set out below, Administration proposes that the Chief Executive Officer (CEO) be delegated the authority to exercise decision making functions as follows:

1. determine the best method of disposal of the Land i.e. public auction, public tender or private treaty;
2. appoint a licensed real estate agent to advertise the sale of the Land; and
3. in respect of:
 - (a) Public auction – determine the reserve price and accept the highest bidder;
 - (b) Public Tender – accept the tender in accordance with the City's Purchasing Policy; or
 - (c) Private treaty – set the date for sale of the Land, provide local public notice and consider submissions. Enter into private treaty negotiations and conclude contract of sale with private treaty entity and in this respect, determine and vary the settlement date and/or date of satisfaction of any conditions pursuant to the Contract of Sale between the City of Vincent and the prospective buyer.

CONSULTATION/ADVERTISING:

Public notice of the sale of the Land will be required in accordance with section 3.58 of the *Local Government Act 1995*.

LEGAL/POLICY:

Local Government Act 1995

In accordance with Section 3.58 of the Act a local government can dispose of land in the following ways:

- to the highest bidder at public auction;
- most acceptable tender (whether or not it is the highest tender) at public tender; or
- directly to a third party conditional on a public notice period and consideration of any submissions received. Public notice must include the purchase price, name of the purchaser and valuation details.

Section 5.42 of the *Local Government Act 1995* provides that a local government may delegate powers and duties to the Chief Executive Officer.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to sell No. 25 Sydney Street, North Perth as proposed.

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

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

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

Thriving Places

Our physical assets are efficiently and effectively managed and maintained.

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The sale proceeds for the Land would be held in the POS Reserve.

10 INFRASTRUCTURE & ENVIRONMENT

10.1 WASTE STRATEGY PROJECT 8 - COMMERCIAL WASTE COLLECTIONS (UPDATE)

- Attachments:
1. Survey Results [!\[\]\(aca6fcc8bd95e8255b9ea1b1d08ef300_img.jpg\)](#) 
 2. Commercial Survey - Verbatim [!\[\]\(2e94242fda9f31152eb2b29146bfce46_img.jpg\)](#) 

RECOMMENDATION:

That Council **NOTES** the results of the survey carried out in relation to the discontinuation of commercial waste collection.

PURPOSE OF REPORT:

To provide Council with the survey results of the community engagement activity undertaken in March 2022.

BACKGROUND:

Project 8 of the City's Waste Strategy 2018 – 2023 "Commercial Waste Collections Options Appraisal" was established to investigate the value of providing the existing commercial service in its historical capacity and review alternative options. This Options Appraisal and aligning Business Case, clearly demonstrated that the commercial waste service was no longer a viable option in the future.

At the September 15, 2020, Ordinary Council Meeting the decision was made to end the City's commercial waste and recycling service on the 30 June 2021. This decision has now been implemented; the service has ended, the bin infrastructure retrieved, and commercial ratepayers have transitioned over to their new supplier. Commercial ratepayers have also received their \$520 rates rebate (as detailed in the update report taken to the 17 August 2021 Ordinary Council Meeting).

As part of the September 15, 2020, Council decision, Council requested that Administration prepare a post implementation report, as detailed below:

4. **REQUESTS an implementation review report to Council on the discontinuation of the commercial waste service six months after implementation. The review report should include any financial and service impacts on commercial ratepayers and an assessment of any further transitional support that may be required for commercial ratepayers, to be considered as part of the 2022-2023 Annual Budget.**

Administration considered the best approach to ascertain the "**financial and service impacts on commercial ratepayers**", was for a survey to be undertaken by an external consultation/engagement specialist.

DETAILS:

Strategic Intent of the Survey

The strategic intent to the survey was to determine if and how local businesses have been impacted by ceasing the City's commercial waste services, exploring:

- Current or replacement waste services
- Type of bins on site
- Adoption of sustainable waste behaviours
- Cost of waste services

Approach

A five-minute phone survey with a random sample of local businesses (n=100) was conducted. Catalyse profiled respondents by business type, size, and location to check for representativeness against loose, non-interlocking quotas. There was an option to use face to face interviewing for top-up sample as needed, which was not required.

Headline Results

Most businesses have adjusted well to the changes and are happy with their current arrangements.

Businesses score their current commercial waste service arrangements 72 out of 100 – an average performance rating of good. This is only 1 index point behind the MARKYT@Industry High and 8 index points ahead of the industry average.

The overall impact on waste behaviour appears to have been positive. While waste behaviour has remained steady for many businesses, 19% of businesses reported that the volume of waste being generated has decreased and 28% of businesses said the volume of waste being recycled has increased.

Please refer to Attachment 1 for the full report and Attachment 2 for the verbatim.

Further transitional support

When the City of Vincent ceased its commercial waste services this did have an impact on local businesses.

In June 2021, 74% of business respondents used the City of Vincent's waste services for some or all of their commercial waste. However, only 39% of respondents used the City's commercial waste services exclusively and 35% used City services for some of their waste, with top up services from external providers. 21% of business respondents did not use the City of Vincent for their waste service needs and 5% were unsure.

Businesses reported that they had experienced some challenges with the transition to a new service, including higher costs, inconvenience, more complicated systems and insufficient bins.

While it was anticipated that a service change may impact businesses, in terms of the inconvenience of having to seek new contracts for their waste services, the reported higher costs are more reflective of the fact that the business had previously had multiple bins or collection frequencies under the old collection system; a system which was subsidised by all ratepayers.

Having reviewed the report and verbatim feedback comments, it is apparent that not all businesses have taken advantage of the tailored waste options available to them – particularly those where waste is managed by the landlord or strata management.

The City does have waste minimisation tips available on the City's website and does also update businesses on any sustainability matters as part of the Business E-Newsletter.

It is not recommended that any further transitional financial support for commercial ratepayers is required. The City will continue to provide educational support as part of normal business to ensure businesses are maximising waste recovery and minimising associated waste processing/disposal costs.

STRATEGIC IMPLICATIONS:

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

Enhanced Environment

We have improved resource efficiency and waste management.

By discontinuing the commercial waste service, commercial customers can now be provided with a tailored, contemporary waste service that incentivises and delivers diversion from landfill, which the City was unable to deliver without significant investment and high risk.

The City's Waste Strategy 2018-2023 has a vision of zero waste to landfill through maximising recovery and avoidance and cost effective, sustainable, and contemporary waste services.

The City's Sustainable Environment Strategy 2019-2024 has identical aims and sets the target of zero waste to landfill by 2028.

SUSTAINABILITY IMPLICATIONS:

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

Waste Reduction

By ceasing the internal services, our commercial customers have access to tailored waste packages, inclusive of variable recoverable/recyclable waste streams, which in turn can provide a cost-effective collection service which incentivise correct waste behaviours; thus, facilitating increased diversion from landfill and assisting in the delivery of our Sustainable Environment Strategy 2019-2024 target of zero waste to landfill by 2028.

FINANCIAL/BUDGET IMPLICATIONS:

The City has frozen Commercial rates for the last 2 years which has resulted in the rate in the dollar for Commercial rates now sitting at 19% lower than Residential rates.

In addition, a commercial waste rebate of \$520 was provided in FY22 to assist with the changes in waste services.

Removal of the Commercial waste rebate in FY23 saves the City approximately \$920,000 in costs.



Commercial Waste Services Survey

Prepared for: City of Vincent

Date: 1 April 2022

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Strategic Insights

Strategic Insights

When the City of Vincent ceased its commercial waste services it had an impact on many local businesses. Among business respondents, usage of the City's waste services went from 74% of businesses to 7% of businesses.

Prior to ceasing the service, 39% of respondents were using City services for all of their commercial waste, 35% were using City services for some of their waste and 21% were not using the City's waste services. Another 5% were unsure.

Businesses experienced some challenges with the transition to a new service, including higher costs, inconvenience, more complicated systems with multiple suppliers, and insufficient bins.

While many would have liked the City's waste services to continue, most have adjusted well to the changes and are happy with their current arrangements. Businesses score their current commercial waste service arrangements 72 out of 100 – an average performance rating of good. This is only 1 index point behind the MARKYT® Industry High and 8 index points ahead of the industry average.

Businesses now use a broad range of commercial waste service providers - the most popular being JJ Richards (28% of businesses), followed by SUEZ (13%), Instant Waste (8%) and Cleanaway (6%).

The most popular commercial waste services are general waste collections (94% of businesses), followed by co-mingled recycling (55%), confidential document destruction (49%) and paper and cardboard recycling (41%). A smaller number of businesses are using container deposit scheme bins, grease traps, organic waste collections, sharps disposals, sanitary bins, and e-waste services.

Positive impacts on sustainable waste behaviour

The overall impact on waste behaviour appears to have been positive. While waste behaviour has remained steady for many business, 19% of businesses reported that the **volume of waste being generated has decreased** and 28% of businesses said the **volume of waste being recycled has increased**.

Strategic insights

Performance Score: Commercial Waste Services

72 /100

Performance Index Score

8 index points above the
MARKYT® Industry Average

% of businesses using City of Vincent waste services

June 2021

74%

March 2022

7%*

Main commercial waste service providers being used

JJ Richards	28%
SUEZ	13%
Instant Waste	8%
Cleanaway	6%

% of businesses using new commercial waste services

General waste collections	38%
Co-mingled recycling	24%
Paper and cardboard recycling	10%

Responsibility for organising waste services

Business	Other
56%	43%
Exclusive vs shared bins	
Exclusive	Shared
59%	40%

Change in waste behaviour since June 2021

Decreased volume of waste generated	19%
Increased volume of waste recycled	28%

Percentage of respondents

The Study

The Study

In February 2022, the City of Vincent commissioned a Commercial Waste Services Survey to determine if and how local businesses were impacted when the City's commercial waste services ended in June 2021.

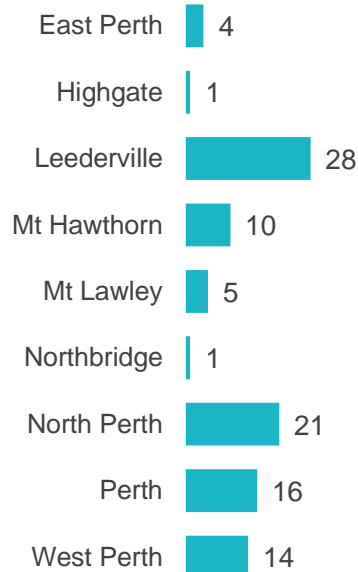
Businesses were randomly selected, and the business owner or manager was invited to participate. Data was collected using Computer Assisted Telephone Interviews (CATI).

100 businesses took part in the study reducing the sampling error to $\pm 9.7\%$ at the 95% confidence interval.

Survey data has been analysed using SPSS. Where sub-totals add to $\pm 1\%$ of the parts, this is due to rounding errors to zero decimal places. 39 respondents provided further feedback. These comments have been provided to the City in a separate report.

Location

% of respondents



Industry sector

% of respondents



Role

% of respondents



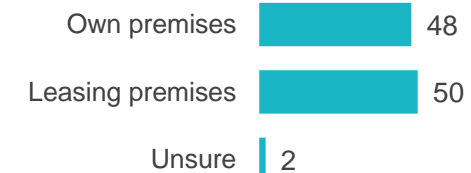
Organisation size

% of respondents



Tenure

% of respondents

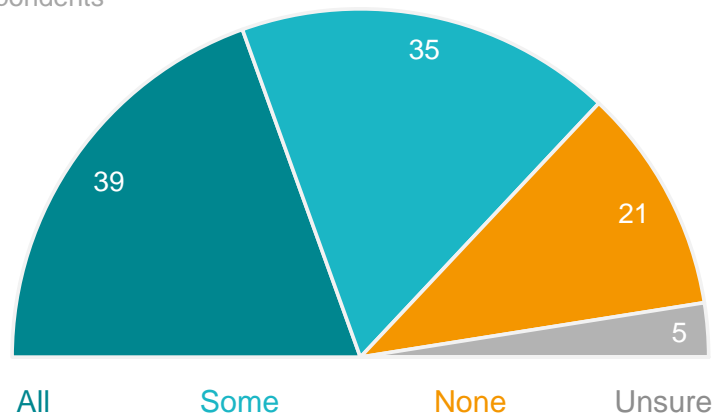


Waste Service Usage

Waste behaviour in June 2021

In June of last year, was your organisation using City of Vincent's waste services for all, some or none of your commercial waste?

% of respondents



In June 2021, 74% of business respondents used the City of Vincent's waste services for some or all of their commercial waste.

39% of respondents used City services for all of their commercial waste and 35% used City services for some of their waste.

21% of business respondents did not use the City of Vincent for their waste service needs. Another 5% were unsure.

Business variances

% of respondents

	Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
All	39	39	39	44	23	46	32	44	37	35
Some	35	21	42	31	50	33	38	39	32	35
None	21	33	15	19	27	17	24	17	21	27
Unsure	5	6	5	6	0	4	6	0	11	4

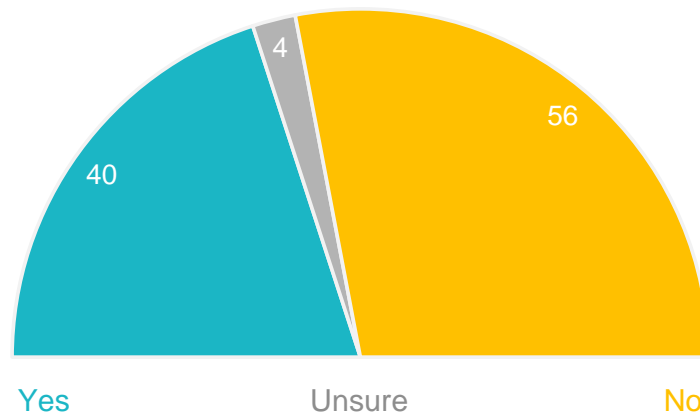
Q. In June of last year, was your organisation using City of Vincent's waste services for all, some or none of your commercial waste?

Base: All respondents (n = 100).

Uptake of new commercial waste services

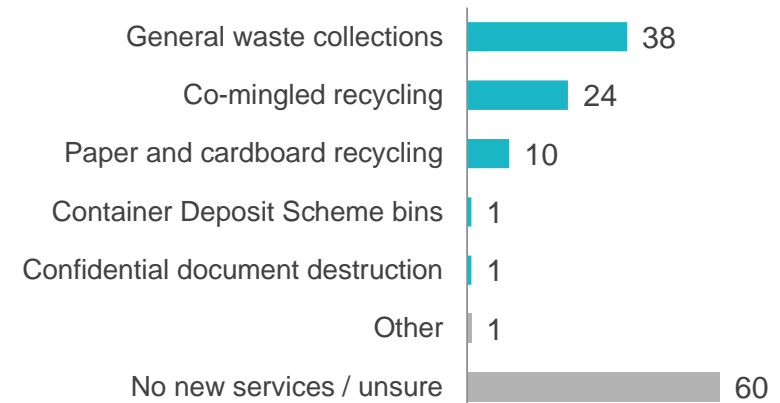
Since June 30 2021, have you contracted any new commercial waste services?

% of respondents



Which of the following services have you started using?

% of respondents



Business variances

% of respondents

	Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
General waste collection	38	33	40	36	45	40	38	47	24	46
Co-mingled	24	18	27	22	32	25	24	33	13	27
Paper & Cardboard	10	9	10	9	14	10	10	11	11	8

Q. Since June 30 2021, have you contracted any new commercial waste services?

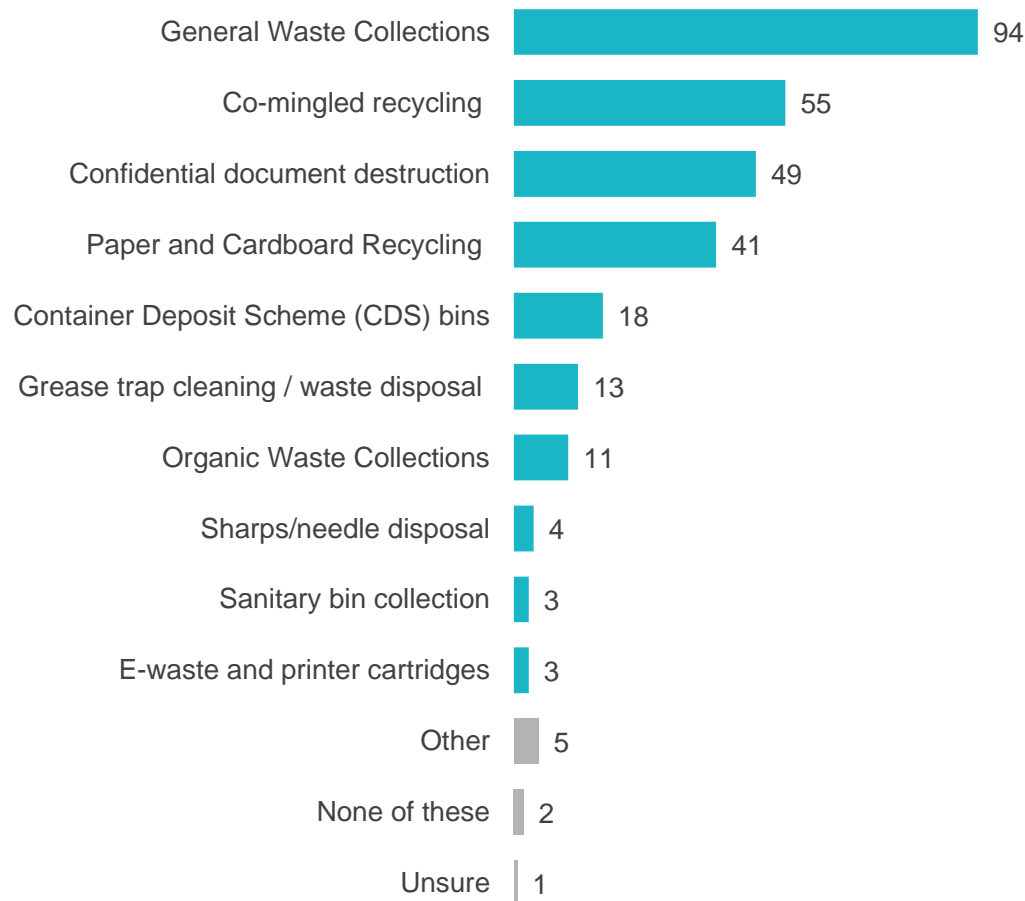
Q. Which of the following services have you started using?

Base: All respondents (n = 100)

Current commercial waste services

Current commercial waste services

% of respondents



The most popular commercial waste services are:

- General waste collections
- Co-mingled recycling
- Confidential document destruction
- Paper and cardboard recycling

A small number of businesses are using container deposit scheme bins, grease traps, organic waste collections, sharps disposals, sanitary bins, and e-waste services.

Q2. Which of the following commercial waste services is your organisation currently using?

Base: All respondents (n=100)

Current commercial waste services

Business variances

% of respondents

	Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
General waste collection	94	91	96	92	100	96	92	92	92	100
Co-mingled	55	61	52	51	68	50	62	58	58	46
Confidential document destruction	49	42	52	42	73	50	46	53	47	46
Paper and Cardboard	41	33	45	41	41	46	34	39	39	46
CDS bins	18	15	19	13	36	15	20	19	16	19
Grease trap	13	9	15	5	41	17	10	22	5	12
Organic collections	11	12	10	8	23	15	8	11	8	15
Sharps / needle disposal	4	3	4	5	0	8	0	0	5	8
Sanitary bin collection	3	3	3	1	9	4	2	3	3	4
E waste and printer cartridges	3	3	3	3	5	0	6	0	8	0
Other	5	6	4	6	0	2	8	6	3	8
None of these	2	3	1	3	0	2	2	3	3	0
Unsure	1	0	1	1	0	0	2	0	3	0

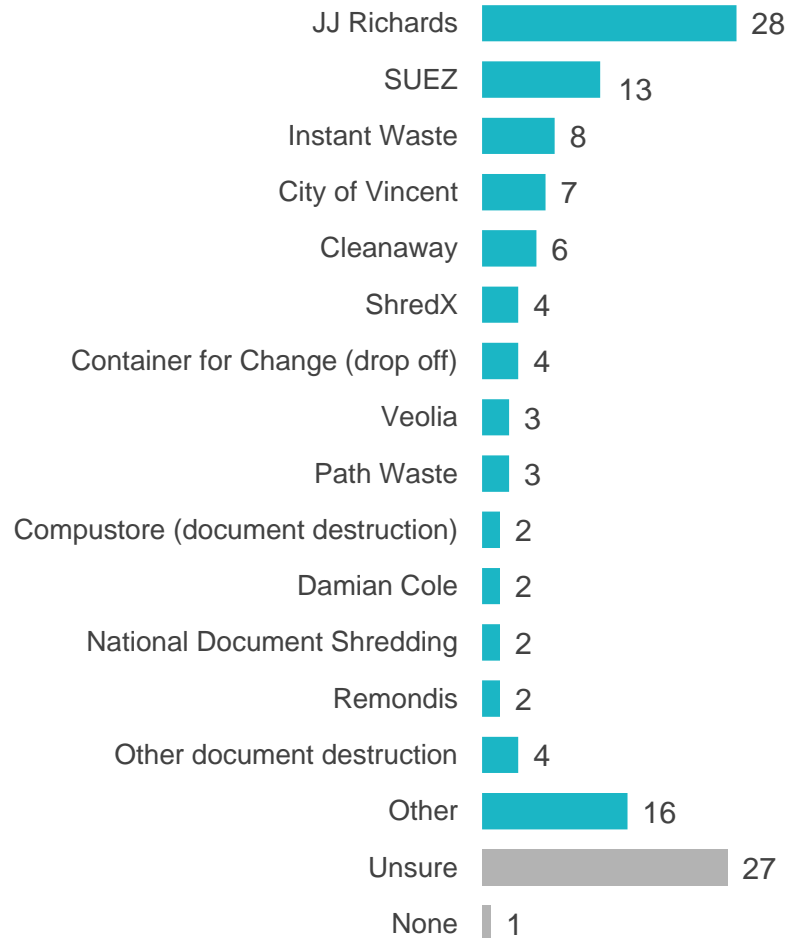
Q2. Which of the following commercial waste services is your organisation currently using?

Base: All respondents (n=100)

Current commercial waste service providers

Current commercial waste service providers

% of respondents



Businesses are using a wide range of commercial waste service providers.

The most popular mentions were:

- JJ Richards
- SUEZ
- Instant Waste
- City of Vincent
- Cleanaway

Q. Which providers do you currently use for your organisations commercial waste services?

Base: all respondents (n=100) * 'Other' includes all providers only mentioned by one respondent

Current commercial waste service providers

Business variances

% of respondents

	Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
JJ Richards	28	21	31	24	41	29	28	36	16	35
SUEZ	13	15	12	10	23	15	12	17	16	4
Instant Waste	8	0	12	9	5	10	6	6	11	8
City of Vincent	7	6	7	8	5	8	4	8	5	8
Cleanaway	6	6	6	6	5	4	8	0	13	4
ShredX	4	0	6	1	14	2	6	8	3	0
Containers for Change	4	3	4	1	14	4	4	6	3	4
Veolia	3	3	3	4	0	2	4	6	0	4
Path Waste	3	3	3	4	0	6	0	0	3	8
Compustore (document destruction)	2	3	1	1	5	2	2	0	3	4
Damian Cole	2	3	1	1	5	2	2	0	3	4
National Document Shredding	2	3	1	3	0	2	2	0	0	8
Remondis	2	3	1	1	5	2	2	3	3	0
Other document destruction	4	3	4	3	9	6	2	8	0	4
Other	16	18	15	14	23	19	14	8	16	27
Unsure	27	36	22	32	9	19	34	17	42	19
None	1	0	1	1	0	2	0	3	0	0

Q4. Which providers do you currently use for your organisations commercial waste services?

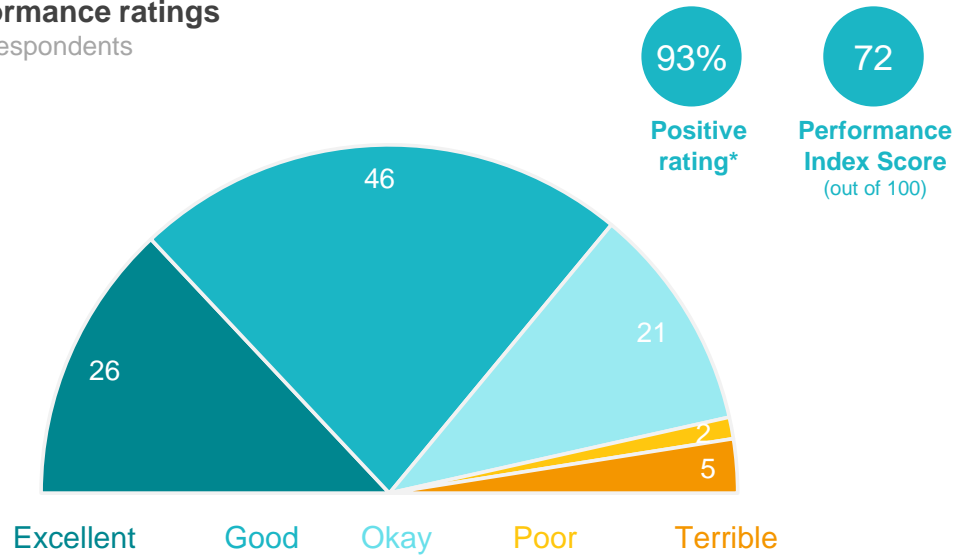
Base: all respondents (n=100)

Waste Service Performance

Perceptions of current waste services

Performance ratings

% of respondents



MARKYT Industry Standards

Performance Index Score



City of Vincent	72
Industry High^	73
Industry Average^	64

^Source: MARKYT® Business Scorecard Industry Standards

Business variances

Performance Index Score

Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
72	64	75	71	75	72	72	72	70	72

Q1. Overall how would you rate the waste services your organisation is currently using?

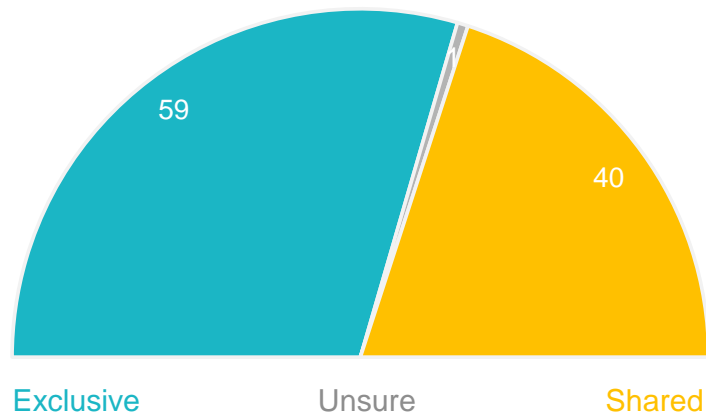
Base: All respondents (n = 100). * Positive rating = excellent, good or okay

Waste Behaviours

Exclusive versus shared use of commercial waste bins

Exclusive versus shared use

% of respondents



59% of respondents have exclusive use of their commercial waste bins.

40% of respondents have shared use of their commercial waste bins.

Larger organisations (20+ employees) and those who own the premises are more likely to have exclusive use of their bins.

Smaller organisations and those that lease premises are more likely to have shared use of bins.

Variances across the community

% of respondents

	Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
Exclusive	59	45	66	55	73	65	52	72	42	65
Shared	40	55	33	44	27	33	48	25	58	35
Unsure	1	0	1	1	0	2	0	3	0	0

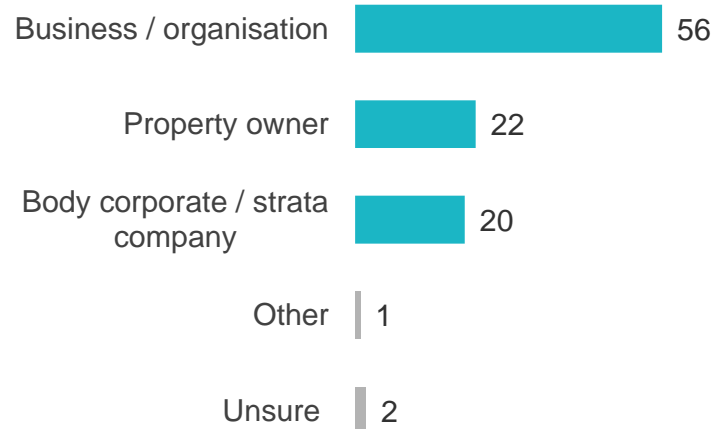
Q. Do you have exclusive or shared use of your commercial waste bins?

Base: All respondents (n = 100)

Responsibility for organising commercial waste services

Responsibility for organising commercial waste services

% of respondents



56% of respondents are responsible for organising their own commercial waste collection services, while 43% have their services organised by another party.

Those with exclusive use of their bins are more likely to organise their own service.

Larger organisations with 20 or more employees are more likely to organise their own service, as well as those that own the premises they operate from.

Business variances

% of respondents

	Total	Exclusive use	Shared use	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
Self organised	56	88	10	42	63	51	73	67	46	67	37	69
Others organise	43	10	90	58	36	47	27	33	54	31	61	35

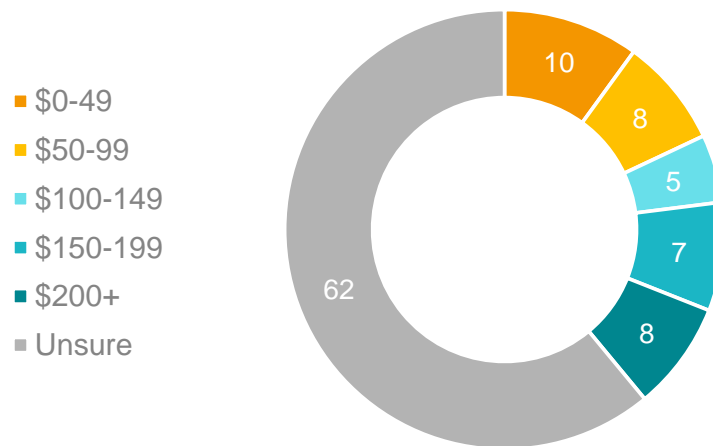
Q. Who is responsible for organising your commercial waste collection service? Is it your organisation, the property owner, your body corporate or strata company, or another party

Base: All respondents, (n = 100)

Monthly cost for waste services

Monthly expenditure for waste collection

% of respondents



15% of business respondents spend \$150 or more per month on commercial waste collection services.

23% of respondents spend up to \$150 per month.

Most business respondents (62%) were unsure how much they spend on their waste services.

Business variances

% of respondents

	Total	Self-organised	Others organise	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
\$0-49	10	13	7	9	10	12	5	13	8	11	13	4
\$50-99	8	14	0	12	6	9	5	6	10	11	8	4
\$100-149	5	9	0	6	4	6	0	4	6	6	5	4
\$150-199	7	7	7	12	4	6	9	8	6	6	0	19
\$200+	8	13	2	3	10	4	23	10	6	8	8	8
Unsure	62	45	84	58	64	63	59	58	64	58	66	62

Q. Approximately, how much do your commercial waste collection services cost per month?

Base: All respondents, excludes 'no response' (n = 100)

Waste generation and recycling performance

Amount of waste generated vs proportion of waste recycled since June 30, 2021

% of respondents

		Amount of waste generated by organisation		
		Decreased	Stayed the same	Increased
Proportion of waste recycled by organisation	Increased	7%	16%	4%
	Stayed the same	6%	54%	0%
	Decreased	6%	5%	1%

7% of business respondents report more sustainable behaviour - the amount of waste they generate has decreased and the proportion they recycle has increased.

Overall, 19% of respondents decreased the amount of waste they generated since June 30, 2021 and 28%* increased the proportion of their waste being recycled.

54% of business respondents report that the amount of waste generated by their organisation and the proportion of their waste being recycled has remained the same since June 30, 2021.

Only 1% of business respondents increased the amount of waste generated and decreased their recycling.

Q. Since June 30 last year, has the total amount of waste generated by your organisation increased, stayed the same, or decreased?

Q. Since June 30 last year, has the proportion of waste that is recycled in your organisation increased, stayed the same, or decreased?

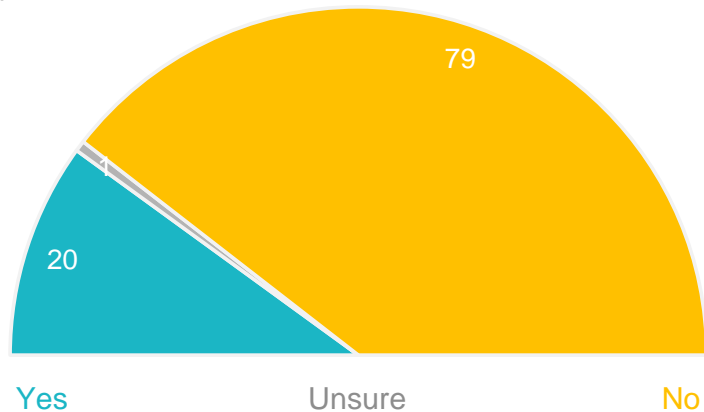
Base: All respondents, excludes unsure (n=98) * +/- 1% error is due to rounding to zero decimal places

Awareness of the rates freeze

Awareness of rates freeze

Were you aware that the rates charged by City of Vincent for commercial properties have been frozen for the past two years?

% of respondents



Only 1 in 5 businesses were aware that the rates charged by the City of Vincent have been frozen for the past 2 years.

Business owners were more likely to be aware of the rates freeze.

Business variances

% yes

Total	Business owner	MD / CEO / GM	< 20 employees	20+ employees	Own premises	Leasing premises	Perth / West Perth etc	Leederville / Mt Hawthorn	Mt Lawley / North Perth
20	27	16	19	23	23	18	22	16	23



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Attachment 2: Commercial Survey - Verbatim**Before we go, do you have any other feedback for the City of Vincent about commercial waste management?**

Container deposit scheme, we take to collection point ourselves.

E waste is taken to either the Mens Shed or the Balcatta recycling centre.

Everybody is now using our bins, they are locked so they dump stuff on top so we have to pick it up and put it in the bin we're paying for, all in all we're not too happy.

Fees for waste included in the rent charged by the centre, not a separate outgoing.

I don't get any benefit from the rates freeze, it hasn't helped me out as a business, the landlord has done a little clap, just added an additional cost to my operational expenses and another thing I have to organise

I don't think they know what they are doing. Nothing is being recycled. I don't agree with privatisation of waste collection should be a municipal responsibility. Lack of service from City of Vincent and rates have increased in the last year. Not happy with services provided by City of Vincent and what we get for the rates paid - street sweeping & landscaping have gone.

I think their policy of not doing the bin service probably worked from a bean counters view but it has created other problems for us, people see the big metal bin and others dump their rubbish such as mattresses around the bin which is unsightly and a hazard for people using the park & the kids using the play area next to us (risk of sharp objects etc, kids get attracted by things in the rubbish pile).

I was a bit disappointed that they stopped collecting from businesses.

little waste in fact less than a normal household so don't understand why it had to change. Rates are very high compared to other suburbs especially for a small business.

I wish they hadn't done what they did and now I can't see what our value for money is now for the rates that we pay, I don't see what I'm getting now, I'm not using all the other amenities in the area.

I'd prefer what we had before, it was easier, it was better that we could do the recycling, it may be cheaper now as only have one bin but not ideal.

I'm disappointed they have stopped our non recyclable waste.

I'm waiting for the FOGO bin.

Is the city of Vincent providing extra FOGO bags to the residents?

It makes no sense why they are doing a survey about waste after the fact. Is something useful being done with the money being saved?

It works quite well now, there was a bit of a mix up at the beginning when things changed over but all operating smoothly now.

It would be nice if I could put the bins out the front.

owners.

rid of.

Note : everything is handled by the company we sub let from, the bins just get emptied at night and we don't do anything .

Note: whole organisation is over 20, that site is under 20.

Our rates have not been frozen as far as I'm aware and the owners are not happy since the commercial waste collection has stopped, they say the rates are far too high now that we don't receive that service and we have to look after our own street scape, there are two trees at the front of our premises, one is dead and nothing is being done about it. We hope the tree doesn't fall down on any of our vehicles.

Please bring it back, it was a pain going to [company name removed].

Prior to changes we were able to recycle more, since changes owner only provides a shared general waste bin. Confidential document destruction is handled by us on an annual basis and varies depending on which company can do it at the time. Charges are included in rent figure so no separate \$.
Realistic cost of the change should have been prorated over a longer period of time, the amount should have increased to a more realistic amount of the cost of providing the service. The dramatic rise in costs has been the issue especially over these last two years especially during COVID. It was just the instant dramatic increase, a massive shift of a very large sum of money when we needed it most.
Seems to be poor communication and a lack of process not followed by City of Vincent, we need clear communication as to whose responsibility the waste removal is and who to contact to rectify this, waste bin collection is erratic and can never get the same person twice to get things sorted.
The containers for change made us think a lot about our recycling and we changed our practices in the office.
The more we can get it broken up and recycled the better, it would be great for face masks to be recycled by everyone, especially in these times but also toothpaste and other products, need to push the manufacturers who make & sell the products to provide the end of use recycling options.
The strata manager looks after our waste.
There are limited options with the private companies, very limited options with recycling across the board, they are very restrictive in what they would take, costs were similar, having the large dumpsters has stopped the homeless and vagrants going through the wheelie bins looking for cans.
collection day.
They have given us a rebate of \$500 pa but the charges are now \$1700pa so it is costing us 3 times as much as before, so the rate freeze is basically irrelevant.
They have the ratio wrong for the bins at [address removed], there is only space for two commercial bins and fifteen residential but the ratio of occupants to commercial is the other way around. Organic waste is only minimal but that is what gets collected and the recycling part is not enough.
They need to do a lot more recycling on the street - recycling bins, and it's pathetic that we have to pay for our waste services, it's a basic requirement of a council, that's how they are set up.
Very disappointed, I wish they would do their job as a council and service us who pay rates, that's what they are there for.
Waste collection charges included in strata fees not separate
We don't have enough recycling bins any more. We share with the residents and most of the bins have been taken away.
Why have they stopped collecting the waste, what is the reason, we pay rates so what services do they provide? Isn't it a crucial area for the council and their responsibility if they want to keep the area nice and tidy the bins is part of it. Other councils have street cleaners, you want to keep it tidy, I can't understand why they would put the onus on rate payers, it should be part of the service. With Covid and disease they have a responsibility to keep it going.
With the new system it was difficult to implement the changes, stringent requirements as to removal & bin contents such that it required additional staff training.

10.2 TENDER IE164/2021 MENZIES PARK PAVILION AND ABLUTIONS REFURBISHMENT

Attachments: 1. Tender Evaluation Summary - Confidential

RECOMMENDATION:

That Council:

1. **NOTES the outcome of the evaluation process for Tender IE164/2021 Menzies Park Pavilion and Ablutions Refurbishment; and**
2. **ACCEPTS the tender submission of Devco Holdings for Tender IE164/2021 Menzies Park Pavilion and Ablutions Refurbishment.**

PURPOSE OF REPORT:

For Council to accept the tender submission of Devco Holdings for Tender IE164/2021 Menzies Park Pavilion and Ablutions Refurbishment.

BACKGROUND:

In alignment with the Innovative and Accountable priority of the City's Strategic Community Plan 2018-2028, refurbishment of the Menzies Park Pavilion & Ablutions in Mt Hawthorn was budgeted for in the 2021/2022 capital works program for Land and Building Asset Renewal Projects. As such a tender was prepared and issued, seeking an appropriately qualified contractor to deliver the refurbishment of the existing kitchen servery, ablutions and change rooms.

Tender Submissions

Submissions were received from the following five (5) Respondents:

- Devco Holdings Pty Ltd
- Geared Construction Pty Ltd
- LKS Constructions (WA) Pty Ltd
- Prova Construction Pty Ltd
- Solution 4 Building Pty Ltd

Evaluation Panel

The Evaluation Panel comprised of four members, being:

- one with tender preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract
- one with probity advice provided by a Procurement and Contracts Officer

Compliance Assessment

All offers received were assessed as fully compliant and progressed to the qualitative assessment.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement.

The qualitative criteria and weighting used in evaluating the submissions received for both portions were as follows:

Qualitative Criteria		Weighting
1	Understanding of the Project	45%
2	Capacity, Skills and Experience	45%
3	Environmental and Social	10%

Qualitative Assessment

Recommended Respondent	Weighted Percentage Score	Qualitative Ranking	Comment
Devco Holdings	74%	1	The response complies, is convincing and credible. The response demonstrates excellent capability, capacity and experience relevant to, or understanding of, the requirements. Low risk.

Refer to **Confidential Attachment 1** for further detail.

Price Assessment

The panel carried out a comparison of the submitted pricing offered and made a value judgement as to the cost affordability, qualitative ranking and risk of each submission, in order to determine which Respondent presented the best value for money to the City.

Devco Holdings provided the lowest total cost out of all five (5) submissions.

Refer to **Confidential Attachment 1** for further detail.

Evaluation Summary

The panel concluded that the tender from Devco Holdings provides best value for money to the City and is therefore recommended for the provision of the Menzies Park Pavilion and Ablutions Refurbishment for the following reasons:

- Compliance with the submission requirements;
- Ranked first in the Qualitative Assessment;
- Provided the lowest cost; and
- References supported the Evaluation Panel's recommendation.

It is therefore recommended that Council ACCEPTS the tender submitted by Devco Holdings for the Menzies Park Pavilion and Ablutions Refurbishment.

CONSULTATION/ADVERTISING:

The Request for Tender IE164/2021 was advertised in the West Australian on 29 January 2022 and on both the City's website and Tenderlink portal between 29 January 2022 and 24 February 2022.

LEGAL/POLICY:

The Request for Tender was prepared and advertised in accordance with:

- Section 3.57 of the Local Government Act 1995;
- Part 4 of the Local Government (Functions and General) Regulations 1996; and
- City of Vincent Purchasing Policy

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to accept the recommended Respondent.

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.

Enhanced Environment

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

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 does not contribute to any specific sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, although the sustainability and environmental management practices of Respondents was a weighted qualitative criteria of this request, and the preferred Respondent provided convincing evidence of excellent sustainability practices.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any specific priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The total cost provided by Devco Holdings is within the allocated budget for the project. Further details are provided in **Confidential Attachment 1**.

The funds for this Capital Project have been provisioned for in the 2021/2022 annual budget.

COMMENTS:

The tender submission from Devco Holdings complies with all the tender requirements. The submission was satisfactorily presented and included all relevant and specific information required and requested within the tender specification.

The Evaluation Panel deemed the response to be convincing and credible, demonstrating the capability, capacity and experience to all Evaluation Criteria.

The submission was the highest ranked in the qualitative assessment and provided the lowest cost.

The Evaluation Panel recommends that Devco Holdings be accepted for Tender IE164/2021 for the Menzies Park Pavilion and Ablutions Refurbishment, as it offers the best overall value for money to the City.

11 COMMUNITY & BUSINESS SERVICES

11.1 INVESTMENT REPORT AS AT 31 MARCH 2022

Attachments: 1. Investment Statistics as at 31 March 2022  

RECOMMENDATION:

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

PURPOSE OF REPORT:

To advise Council of the nature and value of the City's Investments as at 31 March 2022 and the interest amounts earned YTD.

BACKGROUND:

The City's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance with 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

- Term deposits were invested with Macquarie & Members Equity Bank in March at maturity periods up to 1 year to secure more attractive interest rates. These investments were made while ensuring cash flows are maintained at an optimum level and factoring other term deposits maturing shortly after the reporting period.
- The City holds 11,000 equity shares in the North Perth Community Bank, purchased at \$1 per share on 23 November 2001. We have expressed interest in accepting an offer to sell (divest) these shares at \$1.25 per share.

The City's non-fossil fuel exposure has been maintained at 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. This is impacting the City's ability to provide investment preference to these organisations.

Investment Status

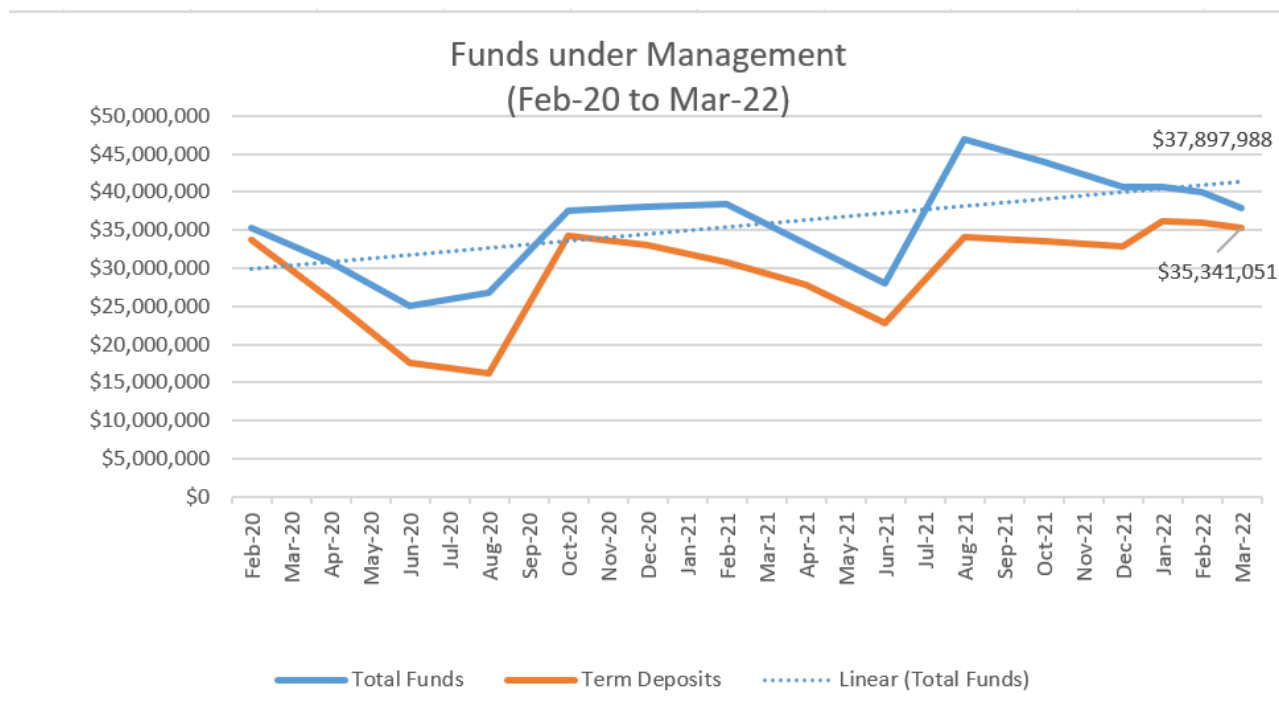
The City's investment portfolio is diversified across several accredited financial institutions.

As of 31 March 2022, the total funds held in the City's operating account (including on call) is \$37,897,988 compared to \$35,043,974 for the period ending 31 March 2021.

Interest bearing term deposits and the online saver represented \$36,641,673 while non-interest bearing amounts were \$1,245,315. The remaining \$11,000 equity shares has been divested on 18 March 2022.

The total term deposit investments for the period ended 31 March 2022 were \$35,351,051 compared to \$31,443,637 for the period ended 31 March 2021.

The following chart shows funds under management from February 2020 to March 2022.



Interest Status

Total accrued interest earned on investments at 31 March 2022 is:

Total Accrued Interest Earned on Investment	Budget Adopted	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$100,000	\$64,824	\$67,361	67.36%
Reserve	\$100,000	\$89,625	\$44,801	44.80%
Subtotal	\$200,000	\$154,449	\$112,163	56.08%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$45,956	0.00%
Total	\$200,000	\$154,449	\$158,118	79.06%

*Interest estimates for Leederville Gardens Inc. Surplus Trust were not included in the 2022/22 Budget as actual interest earned is restricted.

The City has a weighted average interest rate of 0.70% for current investments whereas the Reserve Bank 90 days accepted bill rate for March 2022 is 0.17%. The online Saver interest rate has been maintained at 0.20% and is subject for review by CommBank in July 2022.

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.

The investment guidelines which is the supplementary document to the Council Investment Policy has been updated to increase the maximum exposure limits to divested institutions, this has now 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%	21.10%	90%	46.10%
A-1	25%	0.0%	90%	0.0%
A-2	20%	23.61%	90%	53.90%

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.

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 specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*, however focussing on non-fossil fuel investments contributes to a Sustainable Environment.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public 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.

**CITY OF VINCENT
INVESTMENT PORTFOLIO
AS AT 31 MARCH 2022**

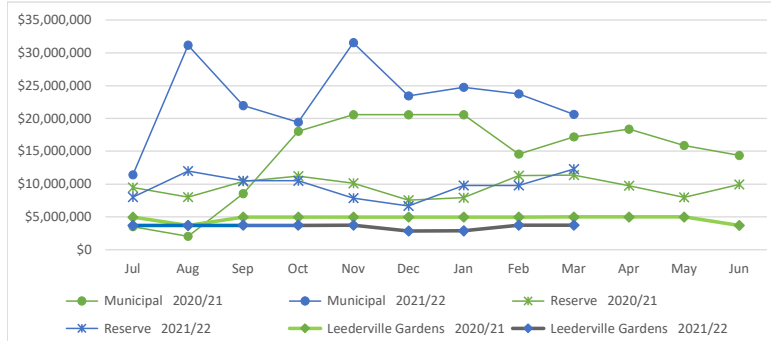
	Municipal	Reserve	Leederville Gardens Inc Surplus Trust	Total	Total
	\$	\$	\$	\$	%
BY INVESTMENT HOLDINGS					
Municipal Account	1,245,315	0	0	1,245,315	3.3%
Online Saver	1,300,622	0	0	1,300,622	3.4%
Term Deposits	19,322,488	12,286,747	3,731,816	35,341,051	93.3%
Equity Shares	11,000	0	0	11,000	0.0%
	21,879,425	12,286,747	3,731,816	37,897,988	100.0%
BY INSTITUTION					
Bank of Queensland	4,876,244	0	0	4,876,244	12.86%
Commonwealth Bank of Australia	2,545,937	0	0	2,545,937	6.72%
Members Equity Bank	3,000,000	2,742,887	854,727	6,597,614	17.41%
National Australia Bank	1,871,590	2,191,330	2,858,029	6,920,949	18.26%
North Perth Community Bank	11,000	0	0	11,000	0.03%
AMP Bank	5,074,654	3,852,530	19,060	8,946,244	23.61%
Macquarie Bank	4,500,000	3,500,000	0	8,000,000	21.11%
	21,879,425	12,286,747	3,731,816	37,897,988	100.00%
BY CREDIT RATINGS (SHORT-TERM ISSUE)					
A-1+	8,917,527	5,691,330	2,858,029	17,466,886	46%
A-2	12,961,898	6,595,417	873,787	20,431,102	54%
	21,879,425	12,286,747	3,731,816	37,897,988	100.0%
BY TERMS					
0-30 days	2,545,937	0	0	2,545,937	6.7%
31-90 days	0	0	0	0	0.0%
91-180 days	5,000,000	7,786,747	19,060	12,805,807	33.8%
181-270 days	1,000,000	2,000,000	0	3,000,000	8.0%
271-365 days	13,322,488	2,500,000	3,712,756	19,535,244	51.5%
> 1 year	11,000	0	0	11,000	0.0%
	21,879,425	12,286,747	3,731,816	37,897,988	100.0%
BY MATURITY					
0-30 days	5,045,937	4,742,887	0	9,788,824	25.8%
31-90 days	7,376,244	3,043,860	1,974,729	12,394,833	32.7%
91-180 days	1,946,244	2,000,000	0	3,946,244	10.4%
181-270 days	1,000,000	0	854,727	1,854,727	5.0%
271-365 days	6,500,000	2,500,000	902,360	9,902,360	26.1%
> 1 Year	11,000	0	0	11,000	0.0%
	21,879,425	12,286,747	3,731,816	37,897,988	100.0%
BY FOSSIL FUEL EXPOSURE (as determined by www.marketforces.org.au)					
Fossil Fuel Investments	18,868,425	9,543,860	2,877,089	31,289,374	82.6%
Non Fossil Fuel Investments	3,011,000	2,742,887	854,727	6,608,614	17.4%
	21,879,425	12,286,747	3,731,816	37,897,988	100.0%

**CITY OF VINCENT
CURRENT INVESTMENT HOLDING
AS AT 31 MARCH 2022**

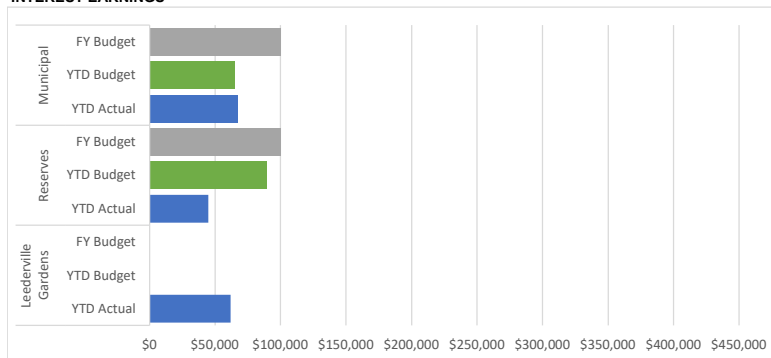
Funds	Institution	Investment Date	Maturity Date	Interest Rate	Principal \$
<u>OPERATING ACCOUNTS</u>					
Municipal	Commonwealth Bank of Australia			0.00%	1,245,315
Municipal	Commonwealth Bank of Australia		Ongoing	0.20%	1,300,622
Total Operating Funds					2,545,937
<u>EQUITY SHARES</u>					
	North Perth Community Bank	23/11/2001			11,000
Total Equity Shares					11,000
<u>TERM DEPOSITS</u>					
Leederville Gardens Inc Surplus Trust	National Australia Bank	17/09/2021	18/06/2022	0.32%	1,955,669
Leederville Gardens Inc Surplus Trust	AMP Bank	11/11/2021	09/05/2022	0.85%	19,060
Leederville Gardens Inc Surplus Trust	National Australia Bank	12/01/2022	13/01/2023	0.70%	902,360
Leederville Gardens Inc Surplus Trust	Members Equity Bank	01/02/2022	01/11/2022	0.65%	854,727
Municipal	AMP Bank	20/08/2021	20/08/2022	0.75%	1,946,244
Municipal	Bank of Queensland	30/08/2021	02/06/2022	0.35%	4,876,244
Municipal	AMP Bank	11/11/2021	11/04/2022	0.85%	2,500,000
Municipal	AMP Bank	11/11/2021	09/05/2022	0.85%	628,410
Municipal	National Australia Bank	11/11/2021	09/05/2022	0.32%	1,871,590
Municipal	Macquarie Bank	22/03/2022	22/03/2023	1.25%	4,500,000
Municipal	Members Equity Bank	22/03/2022	20/10/2022	0.90%	1,000,000
Municipal	Members Equity Bank	29/03/2022	04/01/2023	1.20%	2,000,000
Reserve	Members Equity Bank	12/01/2022	13/04/2022	0.25%	2,742,887
Reserve	National Australia Bank	12/01/2022	13/04/2022	0.43%	1,000,000
Reserve	Macquarie Bank	13/01/2022	14/04/2022	0.35%	1,000,000
Reserve	National Australia Bank	12/01/2022	13/05/2022	0.45%	1,191,330
Reserve	AMP Bank	11/11/2021	09/05/2022	0.85%	1,852,530
Reserve	AMP Bank	20/08/2021	18/08/2022	0.75%	2,000,000
Reserve	Macquarie Bank	29/03/2022	29/03/2023	1.60%	2,500,000
Total Term Deposits					35,341,051
Total Investment Including At Call					37,897,988

**CITY OF VINCENT
INVESTMENT PERFORMANCE
AS AT 31 MARCH 2022**

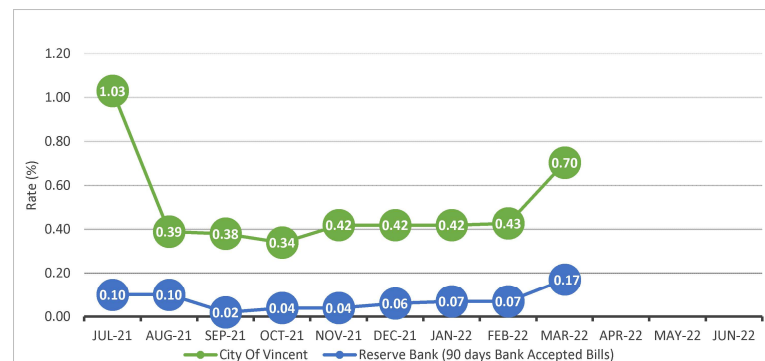
FUNDS INVESTED (ONLINE SAVER AND TERM DEPOSITS)



INTEREST EARNINGS

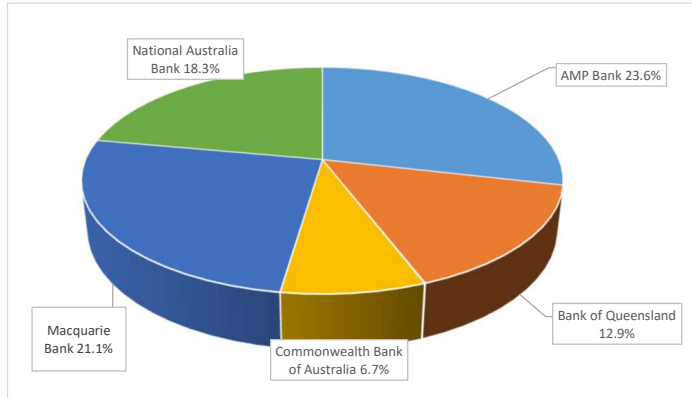


INTEREST RATE COMPARISON



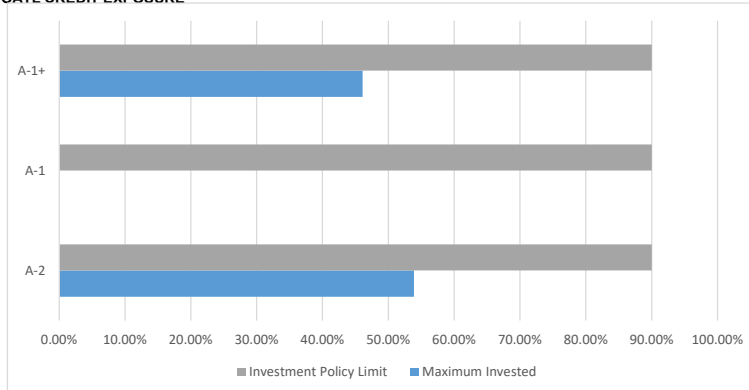
**CITY OF VINCENT
INVESTMENT POLICY COMPLIANCE
AS AT 31 MARCH 2022**

TOTAL PORTFOLIO EXPOSURE

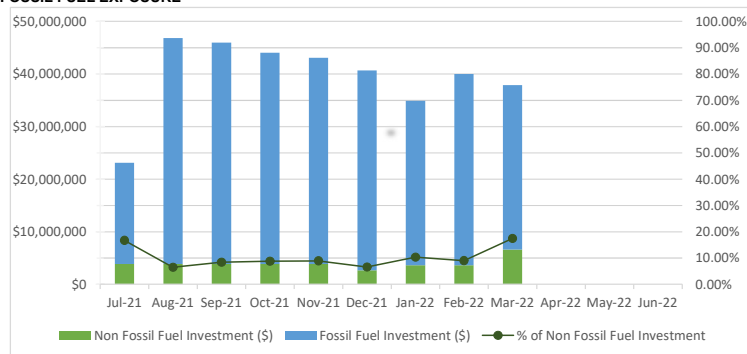


TOTAL CREDIT EXPOSURE

TOATL CREDIT EXPOSURE



FOSSIL FUEL EXPOSURE



* Selection of non fossil fuel investments is based on information provided by www.marketforces.org.au.

**CITY OF VINCENT
INVESTMENT INTEREST EARNINGS
AS AT 31 MARCH 2022**

	YTD 31/03/2022	PY YTD 31/03/2021	FY 2021/22	PY FY 2020/21
	\$	\$	\$	\$
MUNICIPAL FUNDS				
Budget	64,824	54,840	100,000	70,000
Interest Earnings	67,361	55,575	67,361	69,957
% Income to Budget	103.9%	101.3%	67.4%	99.9%
RESERVE FUNDS				
Budget	89,625	115,865	100,000	90,000
Interest Earnings	44,801	69,339	44,801	79,826
% Income to Budget	50.0%	59.8%	44.8%	88.7%
LEEDERVILLE GARDENS INC SURPLUS TRUST				
Budget	0	0	0	0
Interest Earnings	61,861	81,184	45,956	58,921
% Income to Budget	0.0%	0.0%	0.0%	0.0%
TOTAL				
Budget	154,449	170,705	200,000	160,000
Interest Earnings	174,024	206,098	158,118	208,704
% Income to Budget	112.7%	120.7%	79.1%	130.4%
Variance	19,575	35,393	(41,882)	48,704
% Variance to Budget	12.7%	20.7%	(20.9%)	30.4%
TOTAL (EXCL. LEEDERVILLE GARDENS INC SURPLUS TRUST)				
Budget	154,449	170,705	200,000	160,000
Interest Earnings	112,163	124,914	112,163	149,783
% Income to Budget	72.6%	73.2%	56.1%	93.6%
Variance	(42,286)	(45,791)	(87,837)	(10,217)
% Variance to Budget	(27.4%)	(26.8%)	(43.9%)	(6.4%)

11.2 FINANCIAL STATEMENTS AS AT 31 MARCH 2022

Attachments: 1. **Financial Statements as at 31 March 2022**  

RECOMMENDATION:

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

PURPOSE OF REPORT:

To present the statement of financial activity for the period ended 31 March 2022.

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 **31 March 2022**:

Note	Description	Page
1.	Statement of Financial Activity by Program Report and Graph	1-4
2.	Statement of Comprehensive Income by Nature or Type Report	5
3.	Net Current Funding Position	6
4.	Summary of Income and Expenditure by Service Areas	7-11
5.	Capital Expenditure including Funding graph and Capital Works Schedule	12-19
6.	Cash Backed Reserves	20
7.	Rating Information and Graph	21-22
8.	Debtors Report	23
9.	Beatty Park Leisure Centre Financial Position	24-25

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 2021/2022 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 of 31 March 2022 have been detailed in the variance comments report in **Attachment 1**.

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 (on page 1) is tracking higher than YTD budgeted revenue by \$454,351 (2.7%). The following items materially contributed to this position:

- A favourable variance of \$456,310 in **Recreation and Culture** mainly due to:
 - \$447,957 favourable in fees and charges for Betty Park recreation admission and membership fees, partially offset by;
 - \$50,394 unfavourable for reimbursements from variable outgoings recoups.

- A favourable variance of \$137,592 in **Community Amenities** activities due to:
 - \$112,175 favourable fees, charges and contributions for Development and Design, and;
 - \$25,500 for public art contributions received.
- An unfavourable variance of \$88,665 in **Law, Order and Public Safety** mainly due to:
 - \$39,626 reduction of Work Zone License Permits, and;
 - \$37,503 of grant income due to timing variances.
- An unfavourable variance of \$75,585 mainly contributed by timing variance of insurance claim recoups and recoverable works reimbursements (**Other Property and Services**).
- An unfavourable variance of \$19,030 in **Governance** mainly due to timing variances in Centrelink parental leave recoups.

Revenue by Nature or Type (on page 5) is tracking slightly higher than the YTD budgeted revenue by \$711,702 (1.3%). None of these are above our threshold, however the largest contributor to the favourable balance is Beatty Park Membership fees income (\$447,957) and Development application fees income (\$137,592).

Expenditure by Program (on page 1) is favourable, attributed by an under-spend of \$2,349,514 (4.2%) compared to the YTD budget. The following items materially contributed to this position:

- A favourable variance of \$1,138,514 for **Community Amenities** due to:
 - \$468,448 favourable due to a timing difference in Policy and Place Services programmes and events below:

Programmes and Events	Budget available
Mount Hawthorn Place Mgt Prgm	136,679
Town Centre Wide Place Mgt Prgm	64,540
Robertson Park Development Plan	56,190
Economic Development Strategy Implementation Action	50,000
Leederville Structure Plan	50,000
Heritage Assistance Fund	46,177
North Perth Town Centre Place Plan	40,000
Woodville Reserve Master Plan	31,804

- \$445,732 favourable for Waste Services due to underspend in contractors for waste collection and Waste Recycling collection costs,
 - \$122,008 favourable due to timing difference in Policy and Place Services Arts Development Initiatives, and;
 - \$103,008 favourable due to timing variance of electricity costs from Engineering Design Services.
- A favourable variance of \$854,617 mostly due to the budget phasing of \$752,647 related to HBF Park being derecognised as an asset which has been adjusted in the MY budget review (**Depreciation of non-current assets**). The budget phasing for the remainder of the year will be adjusted next month.
- A favourable variance of \$149,023 for **Health** mostly due to:
 - \$61,005 underspent on contractors for health clinics due to general maintenance budget phasing for North Perth Dental Clinic Maintenance expenses,
 - \$30,627 underspent for Health admin and food control on public health plan programmes, and;
 - Other individual immaterial variances.
- A favourable variance of \$74,069 in **General Purpose Funding – Rates materials and contractors** due to:
 - \$50k timing variance on financial hardship waiver expenses,
 - \$12k timing variance of bank fees & charges, and;
 - \$10k timing variance of debt recovery costs.

- An unfavourable variance for **Recreation and Culture** of \$233,104 mostly due to:
 - \$102,851 budget phasing variance in relation to Fine Lodgement Fees,
 - \$63,536 unfavourable due to timing variance in depreciation for Public Works, and;
 - \$28,400 unfavourable in Road Reserves labour costs.
- An unfavourable variance for **Economic Services** of \$47,832 mostly due to allocation of salaries to Building Control and Licenses rather than City Buildings. This will be adjusted in the following month.

Expenditure by Nature or Type (on page 5) is favourable, attributed by an under-spend of \$2,455,875 (4.4%). The following items materially contributed to this position:

- There is an under-spend of \$1,554,764 mainly attributed to below **(Materials and Contracts)** for:
 - **Policy and Places services** – favourable amount of \$590,504 due to underspend in Operating initiatives and programmes and events. Breakdown below:

Programmes and Events & Operating Initiatives	\$ Variances	
Mount Hawthorn Place Mgt Prgm	67,222	Favourable
Town Centre Wide Place Mgt Prgm	52,497	Favourable
Robertson Park Development Plan	48,593	Favourable
Woodville Reserve Master Plan	46,008	Favourable
Economic Development Strategy Implementation Action	37,503	Favourable
North Perth Town Centre Place Plan	29,997	Favourable
Vincent Leisure & Recreation Facilities	29,997	Favourable
Heritage Assistance Fund	27,427	Favourable
Leederville Activity Centre Plan: Operating Projects	22,761	Favourable
Leederville Oval Master Plan: Operating Projects	21,830	Favourable
Leederville Structure Plan: Operating Projects	20,000	Favourable
Performance Measurement/Data Acquisition: Programmes	(23,233)	Unfavourable

- **Waste Services** – favourable amount of \$457,579 mainly due to underspend in contractors for waste collection \$459,742 and Waste Recycling collection cost \$249,512, partially offset by professional services paid for the Mindarie Regional Council governance and administration charge \$263,521 due to budget phasing.
- **Information Technology** – timing variance in software license fees by \$224,908 due to prepayment of multi-year software licenses in the current year and contractors for Microsoft Teams calling implementation.
- **Beatty Park and Rec Centre** – favourable amount of \$201,665 due to underspend in:
 - Contractors - favourable \$83,924 due to timing variance for cleaning \$59,534, painting \$33,728, plumbing \$19,085, partially offset by payments to group fitness instructors (\$23,845),
 - Materials, Furniture and Equipment Purchases - \$65,260 favourable due to timing variance in expenses for general operations for retail and BP admin,
 - Advertising - \$28,579 – consists of individual immaterial variances for various advertising activities,
 - Consultants - \$25,168 for Beatty Park 2062 Stage 2 Options Study by Element Advisory Pty Ltd. There is a commitment of \$21,970 in place with the supplier. This is a timing variance.
- **Stadium and Ovals** – a favourable amount of \$112,958 mostly due to contractors' expenses for Litis Soccer Stadium maintenance and Leederville Oval common area turf maintenance.
- **Parks and Services** – unfavourable in contractors' expenses by \$142,348 mostly due to street tree pruning services. This is contributed by timing variances.

- There is favourable variance of \$752,647 primarily attributed to budget phasing related to HBF Park being derecognised as an asset which has been adjusted in the MY budget review (**Depreciation of non-current assets**). The budget phasing for the remainder of the year will be adjusted next month

Surplus Position – Year End 2021/22

The surplus position brought forward to 2021/22 is \$6,125,327 as per the City's 2020/21 audited financials. The March closing position is \$17,684,922 reflecting a favourable position of \$5,113,537 compared to the March budget amount of \$12,571,384.

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 1-4)

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 5)

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

3. Net Current Funding Position (Note 3 Page 6)

'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 7-11)

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 12 - 19)

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.

CITY OF VINCENT

Financial Report for the month ended 31 March 2022

5. Capital Expenditure and Funding Summary

	Revised Budget	YTD Budget	YTD Actual	Remaining Budget
	\$	\$	\$	%
Land and Buildings	4,766,563	3,225,226	1,762,503	63.0%
Infrastructure Assets	7,333,795	4,319,351	3,360,275	54.2%
Plant and Equipment	2,258,056	483,500	538,585	76.1%
Furniture and Equipment	2,085,825	568,442	346,409	83.4%
Total	16,444,239	8,596,519	6,007,772	63.5%

FUNDING	Revised Budget	YTD Budget	YTD Actual	Remaining Budget
	\$	\$	\$	%
Own Source Funding - Municipal	3,959,815	7,094,905	3,627,027	8.4%
Cash Backed Reserves	3,808,207	815,934	818,241	78.5%
Capital Grant and Contribution	7,373,384	182,847	878,444	88.1%
Other (Disposals/Trade In)	1,302,833	502,833	684,060	47.5%
Total	16,444,239	8,596,519	6,007,772	63.5%

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

6. Cash Backed Reserves (Note 6 Page 20)

The cash backed reserves schedule provides a detailed summary of the movements in the reserve portfolio, including transfers to and from the reserve. The provisional balance at 31 March 2022 is \$12,233,563.

7. Rating Information (Note 7 Page 21 -32)

The notices for rates and charges levied for 2021/22 were issued on 22 July 2021. *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	27 August 2021
Second Instalment	29 October 2021
Third Instalment	7 January 2022
Fourth Instalment	11 March 2022

Rates for 2021/22 were raised on 7 July 2021 after the adoption of the budget.

The outstanding rates debtors balance at 31 March 2022 was \$2,516,174, excluding deferred rates of \$104,146.

The outstanding rates percentage at 31 March 2022 was 6% compared to 6.87% for the similar period last year, noting rates in 2020/21 were raised in August 2020 as compared to July 2021 for the current financial year.

8. Receivables (Note 8 Page 23)

Total trade and other receivables at 31 March 2022 were \$2,677,169.

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

- \$1,026,478 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.
- \$218,704 relates to cash-in-lieu of car parking debtors. 3 out of 15 outstanding debtors are on a payment plan.
- 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.

Currently this makes up of 93% (\$204,398) of cash-in-lieu debtors.

- 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 24-25)

As of 31 March 2022, the Centre's operating surplus position was \$762,978 (excluding depreciation) compared to the YTD budgeted surplus amount of \$190,576. Predominantly the surplus is contributed by Gymnasium, Health and Fitness memberships.

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:

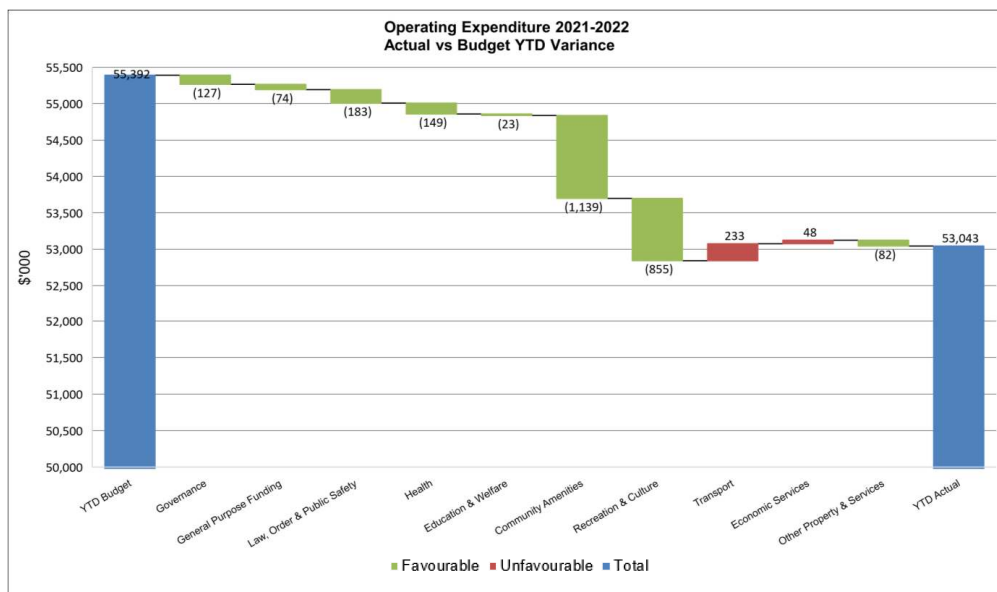
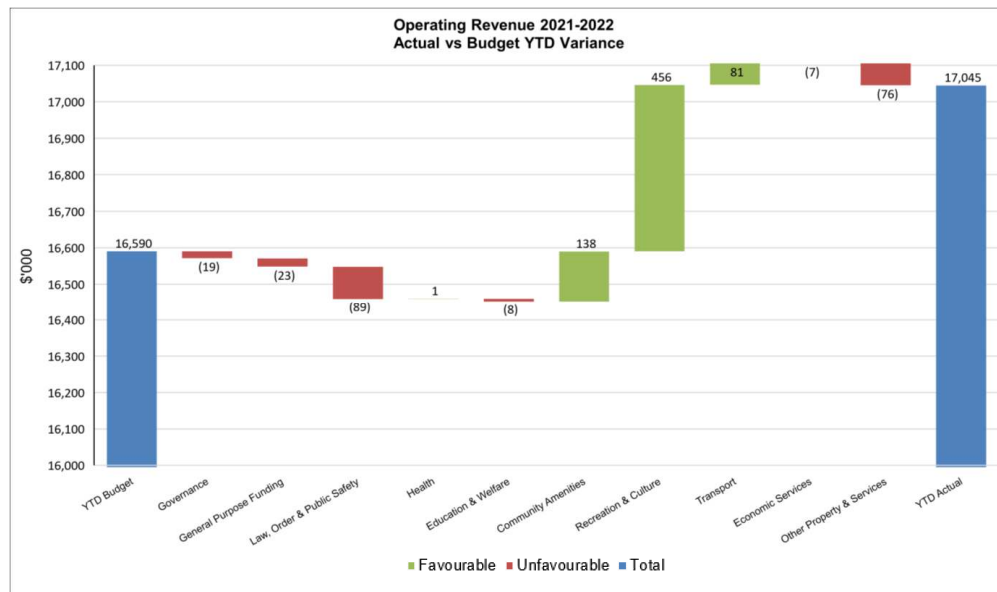
As contained in this report.

CITY OF VINCENT
NOTE 1 - STATEMENT OF FINANCIAL ACTIVITY
BY PROGRAM
FOR THE PERIOD ENDED 31 MARCH 2022

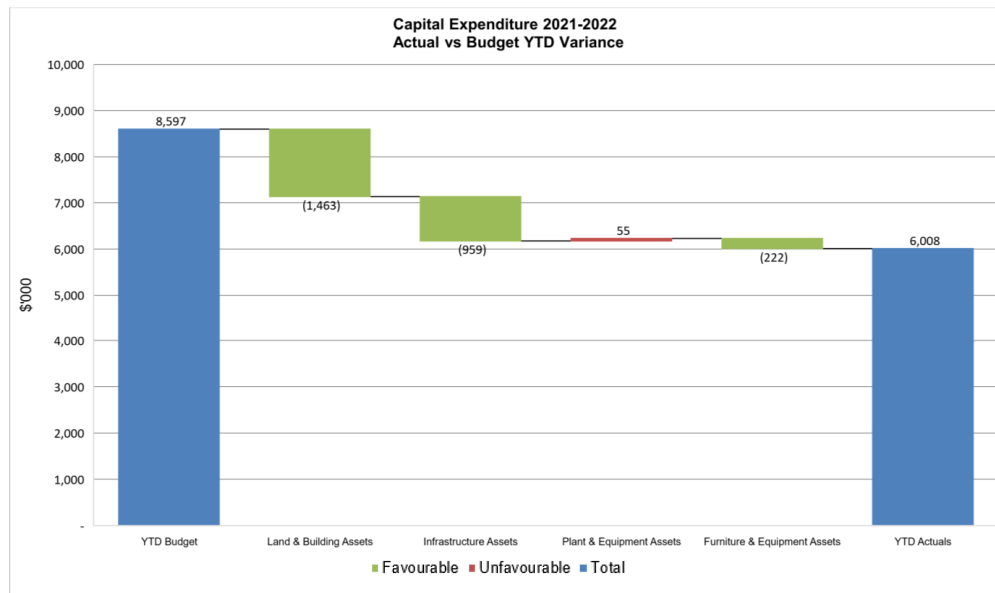


	Revised Budget	YTD Budget	YTD Actual	YTD Variance	YTD Variance
	2021/22	31/03/2022	31/03/2022		
	\$	\$	\$	\$	%
Opening Funding Surplus/(Deficit)	6,125,327	6,125,327	6,125,327	(0)	0.0%
Revenue from operating activities					
Governance	73,250	68,973	49,943	(19,030)	(27.6%)
General Purpose Funding	1,473,759	1,196,475	1,173,050	(23,425)	(2.0%)
Law, Order and Public Safety	335,412	272,592	183,927	(88,665)	(32.5%)
Health	374,042	359,192	360,484	1,292	0.4%
Education and Welfare	139,918	114,708	106,430	(8,278)	(7.2%)
Community Amenities	822,390	558,253	695,845	137,592	24.6%
Recreation and Culture	9,404,756	7,087,455	7,543,765	456,310	6.4%
Transport	9,394,227	6,270,918	6,352,278	81,360	1.3%
Economic Services	267,425	201,490	194,270	(7,220)	(3.6%)
Other Property and Services	1,367,125	460,281	384,696	(75,585)	(16.4%)
	23,652,304	16,590,337	17,044,688	454,351	2.7%
Expenditure from operating activities					
Governance	(3,134,915)	(2,253,855)	(2,126,708)	127,147	(5.6%)
General Purpose Funding	(723,706)	(544,069)	(470,000)	74,069	(13.6%)
Law, Order and Public Safety	(4,752,404)	(3,447,104)	(3,264,481)	182,623	(5.3%)
Health	(1,779,253)	(1,334,874)	(1,185,851)	149,023	(11.2%)
Education and Welfare	(433,618)	(321,505)	(298,909)	22,596	(7.0%)
Community Amenities	(24,694,063)	(20,015,050)	(18,876,536)	1,138,514	(5.7%)
Recreation and Culture	(24,517,330)	(18,845,370)	(17,990,753)	854,617	(4.5%)
Transport	(8,791,734)	(6,608,121)	(6,841,225)	(233,104)	3.5%
Economic Services	(617,132)	(457,844)	(505,676)	(47,832)	10.4%
Other Property and Services	(1,981,445)	(1,564,494)	(1,482,633)	81,861	(5.2%)
	(71,425,600)	(55,392,286)	(53,042,772)	2,349,514	(4.2%)
Add Deferred Rates Adjustment	0	0	19,456	19,456	0.0%
Add Back Depreciation	11,774,828	9,634,091	8,881,444	(752,647)	(7.8%)
Adjust (Profit)/Loss on Asset Disposal	(1,890,054)	(256,722)	15,186	271,908	(105.9%)
Restricted Unspent Grant	0				
	9,884,774	9,377,369	8,916,086	(461,283)	(4.9%)
Amount attributable to operating activities	(37,888,522)	(29,424,580)	(27,081,998)	2,342,582	(8.0%)
Investing Activities					
Non-operating Grants, Subsidies and Contributions	3,208,355	251,153	1,334,717	1,083,564	431.4%
Purchase Property, Plant and Equipment	(9,308,732)	(4,293,957)	(2,654,927)	1,639,030	(38.2%)
Purchase Infrastructure Assets	(7,135,506)	(4,302,562)	(3,352,846)	949,716	(22.1%)
Proceeds from Joint Venture Operations	833,333	0	416,667	416,667	0.0%
Proceeds from Disposal of Assets	1,157,303	357,303	368,777	11,474	3.2%
Amount attributable to investing activities	(11,245,247)	(7,988,063)	(3,887,612)	4,100,451	(51.3%)
Financing Activities					
Principal elements of finance lease payments	(92,839)	(69,630)	(69,629)	1	(0.0%)
Repayment of Debentures	(1,354,877)	(1,004,342)	(1,004,342)	0	0.0%
Proceeds from New Debentures	7,951,699	7,951,699	7,083,333	(868,366)	(10.9%)
Transfer to Reserves	(4,632,133)	(2,624,748)	(1,706,073)	918,675	(35.0%)
Transfer from Reserves	4,296,201	2,876,698	1,405,090	(1,471,608)	(51.2%)
Amount attributable to financing activities	6,168,051	7,129,677	5,708,379	(1,421,298)	(19.9%)
Surplus/(Deficit) before general rates	(36,840,392)	(24,157,639)	(19,135,904)	5,021,735	(20.8%)
Total amount raised from general rates	36,760,248	36,729,023	36,820,826	91,803	0.2%
Closing Funding Surplus/(Deficit)	(80,144)	12,571,384	17,684,921	5,113,537	40.7%

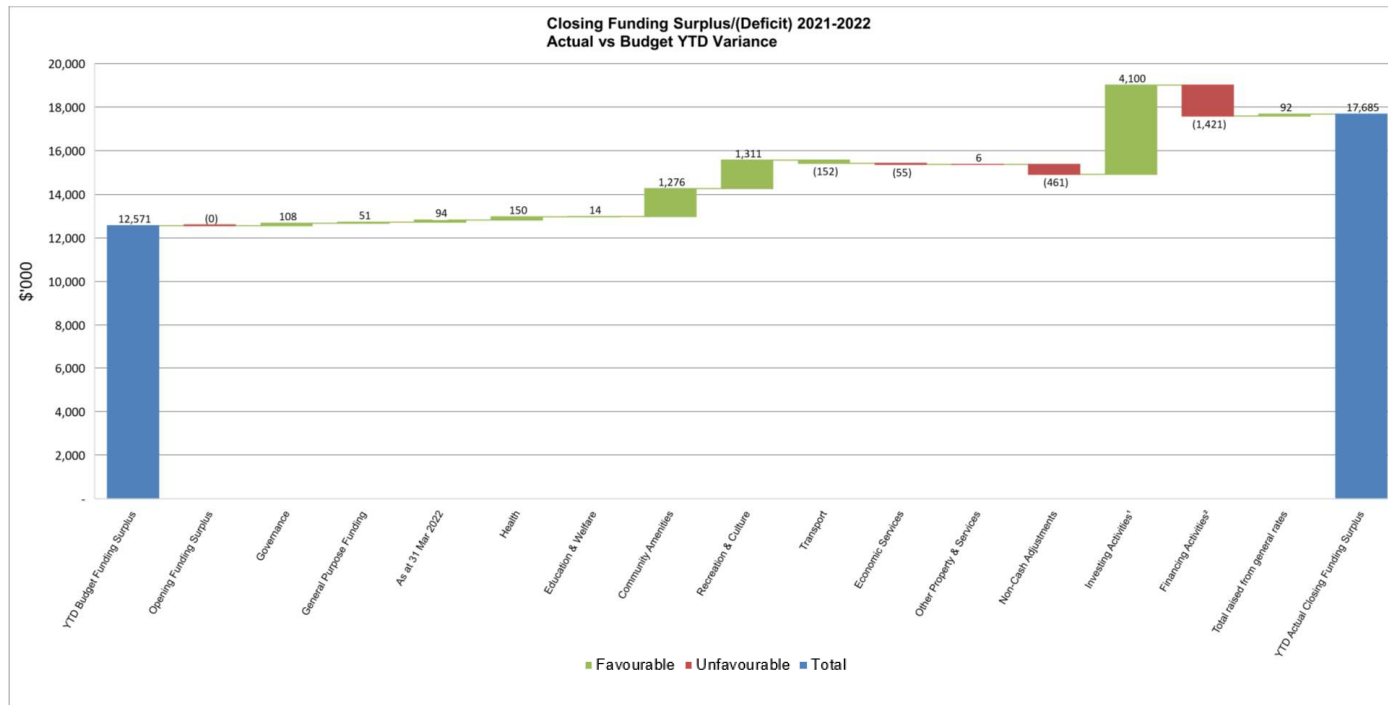
CITY OF VINCENT
NOTE 1 - STATEMENT OF FINANCIAL ACTIVITY
BY PROGRAM - WATERFALL GRAPH
AS AT 31 MAR 2022



CITY OF VINCENT
NOTE 1 - CAPITAL EXPENDITURE PROGRAM
WATERFALL GRAPH
AS AT 31 MAR 2022



CITY OF VINCENT
NOTE 1 - CLOSING FUNDING SURPLUS/(DEFICIT)
BY PROGRAM - WATERFALL GRAPH
AS AT 31 MAR 2022



¹ **Investing Activities includes the following:**

- Non-operating Grants, Subsidies and Contributions
- Purchase Property, Plant and Equipment
- Purchase Infrastructure Assets
- Proceeds from Joint Venture Operations
- Proceeds from Disposal of Assets

² **Financing Activities include the following:**

- Proceeds from Self Supporting Loan
- Principal elements of finance lease payments
- Repayment of Debentures
- Proceeds from New Debentures
- Transfer to Reserves
- Transfer from Reserves



CITY OF VINCENT
NOTE 2 - STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE
FOR THE PERIOD ENDED 31 MARCH 2022

	Revised Budget 2021/22 \$	YTD Budget 31/03/2022 \$	YTD Actual 31/03/2022 \$	YTD Variance \$	YTD Variance %
Revenue					
Rates	36,760,248	36,729,023	36,820,826	91,803	0.2%
Operating Grants, Subsidies and Contributions	938,940	705,572	688,238	(17,334)	(2.5%)
Fees and Charges	19,110,151	14,288,628	14,947,898	659,270	4.6%
Interest Earnings	518,000	445,469	402,306	(43,163)	(9.7%)
Other Revenue	1,189,937	888,724	909,850	21,126	2.4%
	58,517,276	53,057,416	53,769,118	711,702	1.3%
Expenses					
Employee Costs	(26,990,488)	(20,047,713)	(20,036,253)	11,460	(0.1%)
Materials and Contracts	(27,641,604)	(22,033,252)	(20,478,488)	1,554,764	(7.1%)
Utility Charges	(1,764,610)	(1,296,258)	(1,202,876)	93,382	(7.2%)
Depreciation on Non-Current Assets	(11,774,828)	(9,634,091)	(8,881,444)	752,647	(7.8%)
Interest Expenses	(529,502)	(379,941)	(379,942)	(1)	0.0%
Insurance Expenses	(578,536)	(428,487)	(439,452)	(10,965)	2.6%
Other Expenditure	(2,140,810)	(1,567,322)	(1,512,734)	54,588	(3.5%)
	(71,420,378)	(55,387,064)	(52,931,189)	2,455,875	(4.4%)
	(12,903,102)	(2,329,648)	837,929	3,167,577	(136.0%)
Non-operating Grants, Subsidies and Contributions	3,208,355	251,153	1,334,717	1,083,564	431.4%
Profit on Disposal of Assets	1,061,943	261,944	96,397	(165,547)	(63.2%)
Loss on Disposal of Assets	(5,222)	(5,222)	(111,583)	(106,361)	2,036.8%
Profit on Assets Held for Sale (TPRC Joint Venture)	833,333	0	0	0	0.0%
	5,098,409	507,875	1,319,448	811,573	159.8%
Net result	(7,804,693)	(1,821,773)	2,157,377	3,979,150	(218.4%)
Other comprehensive income					
Total comprehensive income	(7,804,693)	(1,821,773)	2,157,377	3,979,150	(218.4%)

CITY OF VINCENT
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 NOTE 3 - NET CURRENT FUNDING POSITION
 FOR THE PERIOD ENDED 31 MARCH 2022



	Note	YTD Actual 31/03/2022 \$	FY Actual 30/06/2021 \$
Current Assets			
Cash Unrestricted		21,946,711	13,925,562
Cash Restricted		12,233,562	11,931,460
Investments		11,000	11,000
Receivables - Rates	7	2,516,174	1,512,805
Receivables - Other	8	2,677,169	3,095,861
Inventories		202,314	195,581
		<u>39,586,931</u>	<u>30,672,270</u>
Less: Current Liabilities			
Payables		(7,551,660)	(10,204,902)
Provisions - employee		(4,855,419)	(4,859,725)
		<u>(12,407,079)</u>	<u>(15,064,627)</u>
Unadjusted Net Current Assets		27,179,852	15,607,642
Adjustments and exclusions permitted by FM Reg 32			
Less: Reserves - restricted cash	6	(12,233,561)	(11,931,460)
Less: Shares transferred from non current asset		(11,000)	(11,000)
Add: Current portion of long term borrowings		1,236,896	930,732
Add: Infringement Debtors transferred to non current asset		1,436,572	1,436,572
Add: Current portion of long term finance lease liabilities		76,161	92,839
		<u>(9,494,930)</u>	<u>(9,482,316)</u>
Adjusted Net Current Assets		17,684,922	6,125,326

CITY OF VINCENT
NOTE 4 - SUMMARY OF INCOME AND EXPENDITURE
BY SERVICE AREAS
AS AT 31 MARCH 2022



	Revised Budget 2021/22	YTD Budget 31/03/2022	YTD Actual 31/03/2022	YTD Variance	% Variance	Variance Commentary
Chief Executive Office						
01000 - Chief Executive Officer						
Expenditure						
Materials and Contracts	150,200	53,056	71,668	(18,612)	(35.1%)	Budget phasing variance in relation to operating initiatives.
Expenditure Total	6	3	(1)	3	100.0%	
01000 - Chief Executive Officer Total	6	3	(1)	3	100.0%	
01005 - Members Of Council						
Expenditure						
Expenditure Total	607,476	471,777	447,591	24,186	5.1%	
01005 - Members Of Council Total	607,476	471,777	447,591	24,186	5.1%	
01015 - Human Resource						
Income						
Reimbursements	(50,000)	(50,001)	(13,906)	(36,095)	72.2%	Timing variance on centralink parental leave payments.
Income Total	(50,000)	(50,001)	(13,906)	(36,095)	72.2%	
Expenditure						
Employee Costs	1,137,897	857,697	596,438	261,259	30.5%	- \$168k favourable variance in salaries mainly due to budget phasing. - \$58k timing variance on paid parental leave.
Other Employee Costs	139,600	110,766	72,357	38,409	34.7%	- \$29k timing variance on centralink leave payments. - \$10k timing variance on staff training costs. - \$13k timing variance on Wellness & OH&S Initiatives. - \$5k favourable variance from external recruitment. - Other variances are individually immaterial.
Expenditure Total	50,000	50,001	13,906	36,095	72.2%	
01015 - Human Resource Total	0	0	0	0	0.0%	
01020 - Information Technology						
Expenditure						
Materials and Contracts	1,597,125	1,207,840	1,432,748	(224,908)	(18.6%)	- 103k variance is from multi year software licences prepayment paid in current year, to be adjusted end of the year. - 35k variance is from special consulting services.
Expenditure Total	0	0	0	0	0.0%	
01020 - Information Technology Total	0	0	0	0	0.0%	
01025 - Records Management						
Income Total	(16,300)	(12,222)	(17,915)	5,693	(46.6%)	
Expenditure Total	16,300	12,222	17,915	(5,693)	(46.6%)	
01025 - Records Management Total	0	0	1	0	0.0%	
01030 - Sustainability and Environment						
Materials and Contracts	97,719	60,869	37,980	22,889	37.6%	- 10k timing variance from programmes and events.
Expenditure Total	443,537	316,592	279,871	36,721	11.6%	- 9k timing variance from operating initiative Solar PV-RFO
01030 - Sustainability and Environment Total	443,537	316,592	279,871	36,721	11.6%	
Chief Executive Office Total	1,051,019	788,372	727,462	60,910	7.7%	
01035 - Director Community and Business Services						
Employee Costs	307,657	227,290	258,400	(31,110)	(13.7%)	- Favourable variance from community partnership due to the timing of filling vacant roles.
Expenditure Total	0	0	0	0	0.0%	
01035 - Director Community and Business Services Total	0	0	0	0	0.0%	
01040 - Customer Services Centre						
Employee Costs	685,430	506,459	411,603	94,856	18.7%	- \$92k favourable variance as less casual staff were required. The excess budget will be used for the marketing team.
Expenditure Total	0	0	1	0	100.0%	
01040 - Customer Services Centre Total	0	0	1	0	100.0%	
01045 - Mindarie and Tamala Park						
Income Total	(161,000)	(111,371)	(128,103)	16,932	(15.1%)	
Expenditure Total	32,000	32,000	46,023	(14,023)	(43.8%)	
01045 - Mindarie and Tamala Park Total	(129,000)	(79,371)	(82,080)	2,809	(3.5%)	
01050 - Rates						
Income Total	(37,353,248)	(37,265,979)	(37,392,549)	126,569	(0.3%)	
Materials and Contracts	281,450	213,370	131,890	81,480	36.2%	- \$50k timing variance on financial hardship waiver expenses. - \$12k timing variance of bank fees & charges. - \$10k timing variance of debt recovery costs. - Other variances are individually immaterial.
Expenditure Total	723,706	544,069	470,000	74,069	13.6%	
01050 - Rates Total	(36,629,542)	(36,721,910)	(36,922,549)	200,639	(0.5%)	
01055 - Insurance and General Purpose						
Interest Earnings	(200,000)	(154,449)	(96,864)	(57,585)	37.3%	Interest earnings from reserves lower than budgeted due to lower interest rates.
Reimbursements	(75,000)	(81,453)	(129,731)	48,276	(59.3%)	Higher Workers Compensation claims than budgeted.
Income Total	(955,759)	(740,972)	(731,058)	(9,914)	1.3%	
Expenditure Total	(2,401)	(7,437)	6,556	(13,992)	188.1%	
01055 - Insurance and General Purpose Total	(958,160)	(748,409)	(724,502)	(23,906)	3.2%	
01060 - Financial Services						
Income Total	(1,000)	(990)	2	(992)	100.2%	
Materials and Contracts	175,950	67,224	140,372	(73,148)	(108.8%)	- \$72k budget phasing variance relating to audit fees.
Expenditure Total	1,000	990	(1)	992	100.2%	
01060 - Financial Services Total	0	0	1	0	100.0%	
01065 - Rec Centre / Beatty Park						
Income Total	(7,123,247)	(5,378,468)	(5,825,094)	446,626	(8.3%)	

CITY OF VINCENT
NOTE 4 - SUMMARY OF INCOME AND EXPENDITURE
BY SERVICE AREAS
AS AT 31 MARCH 2022



	Revised Budget 2021/22 1,465,370	YTD Budget 31/03/2022 1,172,582	YTD Actual 31/03/2022 970,917	YTD Variance 201,665	% Variance 17.2%	Variance Commentary
						- \$66k timing variance on maintenance for the Beatty Park. - \$25k building consultant fees not yet required. - \$49k timing variance on stock purchases for retail operations. - \$15k timing variance on furniture & equipment purchased for Health & Fitness. - \$13k timing variance on reactive maintenance for the Beatty Park Building. - \$12k timing variance on furniture & equipment purchased for general operations. - (\$23k) budget phasing variance on professional services for Group Fitness. - \$18k timing variance of office expenses relate to advertising & displays/ promotions - Other variances are individually immaterial. - For a detailed breakdown of the different service lines, please refer to the Beatty Park report.
Materials and Contracts						
Other Expenditure	251,159	191,356	169,048	22,308	11.7%	
Expenditure Total	8,037,341	6,098,159	5,923,915	174,245	2.9%	
01065 - Rec Centre / Beatty Park Total	914,094	719,691	98,821	620,870	86.3%	
01070 - Marketing and Communication						
Employee Costs	686,663	507,375	568,715	(61,340)	(12.1%)	Excess budget from Customer Service will be used to fund the overspend in Marketing.
	274,500	187,895	116,654	71,241	37.9%	- \$19k timing variance on Town Centre Activation. - \$21k timing variance relating to advertising. - \$25k timing variance relating to Civic Functions. - Other variances are individually immaterial.
Materials and Contracts						
Other Expenditure	90,200	79,653	50,721	28,932	36.3%	- \$21k timing variance from Public Relations. - \$7k timing variance relates to Website Maintenance
Expenditure Total	1,397,147	1,024,798	977,424	47,373	4.6%	
01070 - Marketing and Communication Total	1,397,147	1,024,798	977,424	47,373	4.6%	
01075 - Art & Culture						
Expenditure Total	30,000	22,500	24,369	(1,869)	(8.3%)	
01075 - Art & Culture Total	30,000	22,500	24,369	(1,869)	(8.3%)	
01080 - Community Partnership						
Income Total	(11,225)	(8,046)	(4,517)	(3,529)	43.9%	
Employee Costs	482,257	356,374	286,828	69,546	19.5%	Favourable variance due to vacant positions that were in the process of being filled. Excess budget will be used to hire additional staff.
Materials and Contracts	298,100	235,173	155,643	79,530	33.8%	Timing variance of operating initiatives and programs and events.
Other Expenditure	115,000	86,247	32,864	53,383	61.9%	Timing variance relating to donations/sponsorships.
Expenditure Total	1,138,513	855,117	648,929	206,188	24.1%	
01080 - Community Partnership Total	1,127,288	847,071	644,412	202,660	23.9%	
01085 - Library Services						
Income Total	(42,140)	(39,313)	(48,976)	9,664	(24.6%)	
	119,540	80,292	51,544	28,748	35.8%	- \$12k timing variance relating to Creative Communities COVID-19 Recovery Operating Initiative - Other variances are individually immaterial.
Materials and Contracts						
Expenditure Total	1,438,892	1,050,743	1,041,206	9,538	0.9%	
01085 - Library Services Total	1,386,752	1,011,430	992,230	19,201	1.9%	
01090 - Senior and Disability services						
Income Total	(6,000)	(4,500)	(1,990)	(2,510)	55.8%	
Expenditure Total	50,450	30,384	28,434	1,950	6.4%	
01095 - Loftus Community Centre						
Income Total	(60,000)	(44,991)	(48,882)	3,891	(8.6%)	
Expenditure Total	38,100	28,395	17,026	11,369	40.0%	
01095 - Loftus Community Centre Total	(21,900)	(16,596)	(31,856)	15,260	(91.9%)	
01205 - Community Partnership Administration						
Expenditure Total	0	0	2,062	(2,062)	100.0%	
01205 - Community Partnership Administration Total	0	0	2,062	(2,062)	100.0%	
Community and Business Services Total	(32,828,871)	(33,914,812)	(34,995,223)	1,080,414	(3.2%)	
01135 - Director Infrastructure and Environment						
Expenditure Total	0	0	(1)	0	0.0%	
01135 - Director Infrastructure and Environment Total	0	0	(1)	0	0.0%	
01140 - Ranger Services/Administration						
Income Total	(5,300)	(3,362)	372	(3,734)	111.1%	
Employee Costs	2,796,988	2,066,653	1,866,706	199,947	9.7%	Vacant positions and delay in the hiring process has resulted in lower than anticipated employee expenses.
Materials and Contracts	347,500	230,466	150,520	79,946	34.7%	Budget phasing for software license fees and furniture and equipment purchases, partially offset by higher expenditure relate to Constable Care
Other Expenditure	85,500	64,201	29,720	34,481	53.7%	- \$28k timing variance from the CCTV maintenance. - Other variances are individually immaterial.
Expenditure Total	5,300	3,362	(371)	3,734	111.1%	
01140 - Ranger Services/Administration Total	0	0	1	(6)	100.0%	
01145 - Animal Control / Dog Pound						
Income Total	(98,250)	(80,672)	(73,774)	(6,899)	8.6%	
Expenditure Total	308,421	223,677	217,516	6,162	2.8%	
01145 - Animal Control / Dog Pound Total	210,171	143,005	143,742	(737)	(0.5%)	
01150 - Local Laws and Abandoned Vehicles						
Fees and Charges	(171,550)	(140,743)	(110,550)	(30,193)	21.5%	- \$39k reduction of revenue from Work Zones Licences and Permits, which is partially offset by \$12k increase in Infringements Fines & Penalties
Income Total	(171,550)	(140,743)	(110,550)	(30,193)	21.5%	
Expenditure Total	834,289	606,831	578,438	28,392	4.7%	
01150 - Local Laws and Abandoned Vehicles Total	662,709	466,088	467,888	(1,800)	(0.4%)	
01155 - Community and Safety						
Grants and Subsidies	(50,000)	(37,503)	0	(37,503)	100.0%	Timing variance in relation to grant income.
Income Total	(50,000)	(37,503)	0	(37,503)	100.0%	
Materials and Contracts	82,550	46,763	4,217	42,546	91.0%	Timing variance in relation to invoicing for material and contracts purchases.
Expenditure Total	162,618	105,647	74,944	30,704	28.1%	
01155 - Community and Safety Total	112,618	68,144	74,944	(6,799)	(10.0%)	
01160 - Infringement and Inspectorial Control						
Fees and Charges	(2,784,137)	(2,198,569)	(1,918,357)	(280,212)	12.7%	Reduction in revenue due to staff shortage and less than anticipated events held at the HBF Stadium.
Income Total	(2,784,537)	(2,198,769)	(1,918,993)	(279,776)	12.7%	

CITY OF VINCENT
NOTE 4 - SUMMARY OF INCOME AND EXPENDITURE
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	Revised Budget 2021/22	YTD Budget 31/03/2022	YTD Actual 31/03/2022	YTD Variance	% Variance	Variance Commentary
Other Expenditure	181,500	130,071	181,171	(51,100)	(39.3%)	Budget phasing variance in relation to Fine Lodgement Fees.
Expenditure Total	4,520,995	3,416,683	3,400,193	16,490	0.5%	
01160 - Infringement and Inspectorial Control Total	1,736,458	1,217,914	1,481,200	(263,286)	(21.6%)	
Income Total	(5,809,691)	(4,072,149)	(4,433,285)	361,136	(8.9%)	
Employee Costs	100,100	75,123	49,335	25,788	34.3%	- \$11k timing variance on labour cost of reactive maintenance for Frame Court Car Park. - Other variances are individually immaterial.
Materials and Contracts	463,772	347,814	305,619	42,195	12.1%	- \$15k timing variance on reactive maintenance for Frame Court Car Park. - \$16k timing variance on rental property expenses for Barlee Street Car Park. - All other variances are individually immaterial.
Expenditure Total	1,396,352	1,049,663	954,356	95,306	9.1%	
01165 - Car Parks and Kerbside Parking Total	(4,413,339)	(3,022,486)	(3,478,929)	456,442	(15.1%)	
01170 - Engineering Design Services						
Fees and Charges	(82,000)	(60,000)	(39,159)	(20,841)	34.7%	Timing variance relates to advertising fees income from bus shelter.
Income Total	(114,500)	(61,182)	(40,234)	(20,948)	34.2%	
Materials and Contracts	384,500	263,360	229,307	34,053	12.9%	- \$22k timing variance on street lighting maintenance. - \$18k timing variance on Travel Smart Programs. - \$15k timing variance on Building Condition Surveys. - (\$31k) budget phasing variance on Tree Lighting Leederville general operations. - All other variances are individually immaterial.
Other Employee Costs	39,865	29,898	118,046	(88,148)	(294.8%)	Agency labour costs incurred in relation to filling a vacant position.
Utilities	761,500	570,725	467,717	103,008	18.0%	Timing variance on electricity costs.
Expenditure Total	2,505,769	1,840,470	1,785,130	55,340	3.0%	
01170 - Engineering Design Services Total	2,391,269	1,779,288	1,744,896	34,392	1.9%	
01175 - City Buildings						
Income Total	(2,000)	(1,538)	(1,162)	(378)	24.4%	
Employee Costs	391,687	287,915	211,894	76,021	26.4%	Favourable variance due to the agency labour costs budget currently used to pay for the vacant position.
Expenditure Total	594,096	436,821	367,646	69,175	15.8%	
01175 - City Buildings Total	592,096	435,283	366,484	68,799	15.8%	
01180 - Roads and Public Works Admin						
Income Total	(58,000)	(36,235)	(35,827)	(408)	1.1%	
Expenditure Total	1,138,921	835,388	855,206	(19,818)	(2.4%)	
01180 - Roads and Public Works Admin Total	1,080,921	799,153	819,379	(20,226)	(2.5%)	
01185 - Parks and Environmental Services						
Income Total	(90,157)	(62,926)	(61,855)	(1,071)	1.7%	
Expenditure Total	6,713,321	5,055,711	5,163,955	(108,244)	(2.1%)	
01185 - Parks and Environmental Services Total	6,623,164	4,992,785	5,102,100	(109,315)	(2.2%)	
01190 - Waste Services						
Other Revenues	(31,181)	(747)	(36,870)	36,123	(4,835.7%)	Higher than expected revenue received from Micro Business Waste Recycling Services which has been adjusted in the MYBR, variance is due to the budget phasing.
Income Total	(166,881)	(131,516)	(154,915)	23,399	(17.8%)	
Expenditure Total	15,632,077	13,392,552	12,983,483	409,070	3.1%	
01190 - Waste Services Total	15,465,196	13,261,036	12,828,568	432,469	3.3%	
01195 - Works Depot						
Income Total	(1,000)	(705)	(920)	215	(30.5%)	
Expenditure Total	1,000	705	920	(215)	(30.5%)	
01195 - Works Depot Total	0	0	0	0	100.0%	
01200 - Plant Operating						
Depreciation	886,361	748,538	661,824	86,714	11.6%	Favourable depreciation on plants due to timing.
Expenditure Total	548,546	507,771	282,879	224,891	44.3%	
01200 - Plant Operating Total	548,546	507,771	282,879	224,891	44.3%	
01215 - Public Works						
Employee Costs	1,364,500	1,079,601	906,825	172,776	16.0%	Employee costs are favourable for street sweeping/ cleaning, footpath maintenance and graffiti management - vandalism due to budget phasing.
Expenditure Total	6,173,844	4,542,888	4,758,171	(215,284)	(4.7%)	
01215 - Public Works Total	6,173,844	4,542,888	4,758,171	(215,284)	(4.7%)	
01220 - Child Care and Play Groups						
Income Total	(79,342)	(65,532)	(66,875)	1,344	(2.1%)	
Materials and Contracts	40,025	39,576	6,957	32,619	82.4%	Materials and contracts expenses for North Perth Playground are favourable due to budget phasing.
Expenditure Total	142,719	116,205	87,458	28,748	24.7%	
01220 - Child Care and Play Groups Total	63,377	50,673	20,583	30,091	59.4%	
01225 - Stadium and Ovals						
Income Total	(193,786)	(153,328)	(152,377)	(950)	0.6%	
Depreciation	429,041	1,008,374	321,782	686,592	68.1%	- YTD Budget to be adjusted in Apr-22 due to HBF stadium being derecognised as an asset, revised budget has been adjusted in the MYBR.
Materials and Contracts	258,500	228,180	115,222	112,958	49.5%	- \$95k timing variance on planned maintenance work for Little Soccer Stadium. - \$27k timing variance on Leederville common area turf maintenance
Expenditure Total	781,079	1,308,071	523,059	785,012	60.0%	
01225 - Stadium and Ovals Total	587,293	1,154,743	370,682	784,061	67.9%	
01230 - Public Halls						
Income Total	(176,851)	(118,432)	(143,596)	25,164	(21.2%)	
Materials and Contracts	125,050	101,811	178,009	(76,198)	(74.8%)	Maintenance expenses are unfavourable due to higher cleaning charges.
Expenditure Total	401,897	310,256	386,892	(76,637)	(24.7%)	
01230 - Public Halls Total	225,046	191,824	243,296	(51,473)	(26.8%)	
01235 - Community and Welfare Centre						
Income Total	(48,138)	(38,238)	(37,564)	(673)	1.8%	
Expenditure Total	240,449	174,916	183,018	(8,102)	(4.6%)	
01235 - Community and Welfare Centre Total	192,311	136,678	145,454	(8,775)	(6.4%)	
01240 - Sporting Clubs Buildings						
Income Total	(148,562)	(114,748)	(121,406)	6,659	(5.8%)	
Expenditure Total	950,863	682,682	734,923	(52,240)	(7.7%)	
01240 - Sporting Clubs Buildings Total	802,301	567,934	613,517	(45,581)	(8.0%)	
01245 - Reserves Pavilions and Facilities						

CITY OF VINCENT
NOTE 4 - SUMMARY OF INCOME AND EXPENDITURE
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	Revised Budget	YTD Budget	YTD Actual	YTD Variance	% Variance	Variance Commentary
	2021/22	31/03/2022	31/03/2022			
Income Total	(19,708)	(14,686)	(22,466)	7,780	(53.0%)	
Depreciation	173,353	150,271	130,010	20,261	13.5%	Variance due to budget phasing.
Expenditure Total	650,266	545,533	542,406	3,127	0.6%	
01245 - Reserves Pavilions and Facilities Total	630,558	530,847	519,940	10,907	2.1%	
01250 - Health Clinics						
Income Total	(29,722)	(25,334)	(26,337)	1,003	(4.0%)	
Materials and Contracts	80,500	75,920	15,616	60,304	79.4%	Favourable due to general maintenance budget phasing for North Perth Dental Clinic
Expenditure Total	155,439	135,006	76,389	58,618	43.4%	Maintenance expenses
01250 - Health Clinics Total	125,717	109,672	50,052	59,620	54.4%	
01255 - Road Reserves						
Materials and Contracts	37,950	29,353	52,554	(23,201)	(79.0%)	Labour costs to be reallocated next month.
Expenditure Total	144,150	107,824	123,809	(15,985)	(14.8%)	
01255 - Road Reserves Total	144,150	107,824	123,809	(15,985)	(14.8%)	
01265 - Operational Buildings						
Reimbursements	(535,824)	(401,910)	(351,348)	(50,562)	12.6%	Unfavourable variances are due to reimbursement of recap expenses, \$14k DLGSC - Operations, \$23k Belgravia Leisure Centre - Operations & \$13k WA Gymnastics - Operations
Income Total	(1,524,022)	(1,139,389)	(1,111,351)	(28,039)	2.5%	
Employee Costs	7,000	5,253	56,409	(51,156)	(973.8%)	No budget allocated for labour costs. To be adjusted next month.
Expenditure Total	2,206,469	1,354,406	1,227,082	127,324	9.4%	
01265 - Operational Buildings Total	682,447	215,017	115,731	98,285	46.2%	
01270 - Depot Buildings						
Materials and Contracts	48,500	38,427	88,074	(49,647)	(129.2%)	Maintenance - General expense is unfavourable due to increase in building maintenance.
Expenditure Total	0	0	0	0	0.0%	
01270 - Depot Buildings Total	0	0	0	0	0.0%	
01275 - Parks Services Administration						
Income Total	(2,800)	(2,102)	(2,082)	(20)	1.0%	
Employee Costs	1,329,035	985,059	1,157,568	(172,509)	(17.5%)	Employee costs are unfavourable due to higher expenses for parks admin staff.
Materials and Contracts	70,500	42,372	13,455	28,917	68.2%	Timing variance relates to consultants fees.
Expenditure Total	1,712,894	1,226,264	1,519,551	(293,287)	(23.9%)	
01275 - Parks Services Administration Total	1,710,094	1,224,162	1,517,469	(293,307)	(24.0%)	
01280 - Recoverable Works						
Income Total	(32,660)	(24,495)	(41,467)	16,972	(69.3%)	
Expenditure Total	32,655	24,495	27,179	(2,683)	(11.0%)	
01280 - Recoverable Works Total	(5)	0	(14,288)	14,288	100.0%	
Infrastructure and Environment Total	36,346,942	29,480,243	30,197,929	(717,683)	(2.4%)	
01010 - Corporate Strategy and Governance						
Income Total	(200)	0	(400)	400	100.0%	
Expenditure Total	961,916	619,539	601,163	18,376	3.0%	
01010 - Corporate Strategy and Governance Total	961,716	619,539	600,763	18,776	3.0%	
01105 - Director Strategy and Development						
Expenditure Total	0	0	0	0	0.0%	
01105 - Director Strategy and Development Total	0	0	0	0	0.0%	
01110 - Development and Design						
Contributions	(61,308)	(60,980)	(65,895)	24,915	(40.9%)	25k additional revenue received as part of the percentage for public art contributions.
Fees and Charges	(427,847)	(260,847)	(390,307)	129,460	(49.6%)	\$112k budget phasing variance on development application fees and \$13k favourable variance on development application panel fees.
Income Total	(489,155)	(321,827)	(476,202)	154,375	(48.0%)	- Other variances individually immaterial.
Materials and Contracts	149,350	112,005	55,554	56,451	50.4%	- \$57k timing variance from Consultant fees and legal fees.
Expenditure Total	1,944,893	1,436,282	1,399,187	37,095	2.6%	- Others variances are individually immaterial.
01110 - Development and Design Total	1,455,738	1,114,455	922,985	191,470	17.2%	
01115 - Health Admin and Food Control						
Income Total	(344,320)	(333,858)	(334,147)	289	(0.1%)	
Materials and Contracts	104,337	76,195	26,789	49,406	64.8%	\$31k timing variance on public health plan programs.
Expenditure Total	1,623,814	1,199,868	1,109,463	90,406	7.5%	- Other variances are individually immaterial.
01115 - Health Admin and Food Control Total	1,279,494	866,010	775,316	90,695	10.5%	
01120 - Compliance Services						
Fees and Charges	(26,000)	(18,748)	7,705	(26,453)	141.1%	\$25k credit note applied to reverse out previous year infringements as per Perth Magistrate Court.
Income Total	(28,000)	(20,277)	5,653	(25,930)	127.9%	
Materials and Contracts	55,100	41,328	17,110	24,218	58.6%	\$22k favourable variance in relation to legal fees due to budget phasing.
Expenditure Total	786,401	581,985	554,102	27,883	4.8%	
01120 - Compliance Services Total	758,401	561,708	559,755	1,953	0.3%	
01125 - Building Control and License						
Income Total	(263,100)	(196,395)	(181,272)	(15,124)	7.7%	
Employee Costs	380,511	281,182	346,525	(65,343)	(23.2%)	Variance relates to salaries that will be reallocated to City Buildings next month.
Expenditure Total	617,132	457,844	505,676	(47,832)	(10.4%)	
01125 - Building Control and License Total	354,032	261,449	324,404	(62,955)	(24.1%)	
01130 - Policy and Place Services						
Materials and Contracts	1,175,372	815,011	224,507	590,504	72.5%	Timing variance of works relating operating initiatives and programs.
Expenditure Total	3,529,756	2,557,406	1,962,143	595,262	23.3%	
01130 - Policy and Place Services Total	3,524,631	2,552,684	1,949,021	603,661	23.6%	
Strategy and Development Total	8,334,012	5,975,845	5,132,244	843,600	14.1%	
Total	12,903,162	2,329,648	(837,950)	(633,121)		

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
LAND & BUILDING ASSETS								
ADMIN CENTRE								
Air Conditioning & HVAC Renewal - Admin Building HVAC	102,199	102,199	102,849	650	1%	200		\$80k transfer to Britannia Reserve Floodlights. \$325k to be spent in FY2023-24.
BEATTY PARK LEISURE CENTRE								
Beatty Park Leisure Centre - Facilities Infrastructure Renewal	1,034,391	1,034,391	913,851	(120,540)	(12%)	207,463		Works in progress.
Beatty Park Leisure Centre – Concourse Tiling	99,738	99,738	90,325	(9,413)	(9%)	0		Works Complete.
Beatty Park Leisure Centre – Repair and maintain Heritage Grandstand	350,000	350,000	0	(350,000)	(100%)	12,700		Revised scope. \$100k grant funding to be transferred to Britannia Reserve Floodlights.
Beatty Park Leisure Centre – Heritage Grandstand Electrical Works	250,000	250,000	3,870	(246,130)	(98%)	24,360		Multi Year Project - 50% to be carried forward to FY2022-23.
Beatty Park Leisure Centre – Construction & Fit Out Indoor Pool Changerooms	100,000	100,000	0	(100,000)	(100%)	0		Multi year project - finalise design this year and construction planned for 22/23. Carry forward \$750k.
LIBRARY								
Upgrade Library counter to enhance customer service delivery	48,500	0	0	0	0%	3,000		Project at design and quote stage.
VINCENT COMMUNITY CENTRE								
Vincent Community Centre – Air Conditioning & HVAC Renewal	40,000	40,000	42,733	2,733	7%	0		Project Completed.
DEPARTMENT OF SPORTS AND RECREATION								
DLGSC LED lighting upgrade/renewal	225,000	0	4,950	4,950	100%	0		Works at planning stage, meetings with Dept of Sports. Might get carried forward.
DLGSC Air Conditioning & HVAC Renewal	132,450	5,000	7,450	2,450	49%	750		Multi year project. Balance (\$117k) to be carried forward to FY2022-23.
DLGSC renewal/upgrade-Lease obligation	80,000	80,000	18,040	(61,960)	(77%)	61,221		To be completed by June 22.

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
MISCELLANEOUS								
Infrastructure Works - Litis Stadium	120,273	1,000	6,545	5,545	555%	13,728		Multi Year Project. Decision on grant pending. \$2.8m to be carried forward in anticipation of construction in FY2022-23. In procurement phase.
413 Bulwer Street, West Perth - Replacement of shed (Volleyball WA)	50,000	50,000	18,004	(31,996)	(64%)	14,526		Works to be finalised by June 22.
Works Depot - Non fixed assets renewals	89,000	89,000	1,200	(87,800)	(99%)	22,407		Work in progress, to be spent by June 22.
Lease Property Non Scheduled Renewal	50,000	30,000	0	(30,000)	(100%)	37,639		Works in progress and based on request from leasee.
99 Loftus Street, Leederville - Loftus Child Health leasing requirements	20,000	20,000	17,983	(2,018)	(10%)	0		Project completed. Excess funds to remain in surplus.
Loftus Recreation Centre, 99 Loftus Street, Leederville - ventilation installation	20,000	20,000	15,360	(4,640)	(23%)	0		Project completed. Excess funds to remain in surplus.
North Perth Main Town Hall - Kitchen and toilet renewal	180,000	110,000	4,000	(106,000)	(96%)	9,000		Procurement phase, to be completed by June 22.
North Perth Lesser Town Hall - Kitchen and toilet renewal	120,000	20,000	0	(20,000)	(100%)	0		Procurement phase, to be completed by June 22.
Library Renewals	61,000	61,000	0	(61,000)	(100%)	19,877		Project at design and quote stage.
Menzies Park Pavilion & Ablutions	330,000	50,000	8,147	(41,853)	(84%)	4,950		Procurement phase, to be completed by June 22.
Miscellaneous Assets Renewal (City Buildings)	116,114	60,000	138,067	78,067	130%	46,092		Incorrect account used, to be journalled in Apr 22.
Aircon & HVAC Miscellaneous Renewals all properties	50,000	30,000	46,179	16,179	54%	0		Based on request, ongoing till June 22.
Water and Energy Efficiency Initiatives	75,000	20,000	52,820	32,820	164%	0		Ongoing project, to be completed by June 22.
Hyde Park West Toilets & Kiosk	275,000	0	8,509	8,509	100%	4,200		Council to take decision on futher progress of the project.
Leederville Tennis Club - fencing upgrade	75,000	75,000	0	(75,000)	(100%)	0		Savings as club to spend.
Leederville Oval Stadium - Light posts renewal	35,000	0	0	0	0%	37,300		Purchase order raised for design, to be paid by June 22.
Forrest Park Croquet Club	49,314	49,314	0	(49,314)	(100%)	0		Savings as club to spend.
Solar Photovoltaic Panel System Installation - Mt Hawthorn Community Centre	8,732	8,732	11,131	2,399	27%	0		Works completed.
Solar Photovoltaic Panel System Installation - Vincent Community Centre	20,150	20,150	15,610	(4,540)	(23%)	0		Works completed with savings.
Solar Photovoltaic Panel System Installation - Britannia Reserve Pavilion	8,900	8,900	0	(8,900)	(100%)	0		Funds no longer required as project funded by Federal government.
Roofing Renewal-Loton Park Tennis Club Room	178,400	178,400	191,880	13,480	8%	0		Works completed.
Leederville Oval Stadium - Electrical renewal - 3 boards	198,088	198,088	0	(198,088)	(100%)	119,953		Purchase order raised, to be completed by June 22.
Air Conditioning & HVAC Renewal - Belgravia Leisure Centre	44,223	44,223	40,000	(4,223)	(10%)	0		Works completed.
North Perth Bowling Club	80,000	0	0	0	0%	0		Project on hold, further funding required.
East Perth Football Club Function Room Carpet	30,000	0	0	0	0%	27,273		Purchase order raised, to be completed by June 22.
Margaret Kindergarten - Toilet Upgrade	-	0	3,000	3,000	100%	0		Grant funded (election commitment) Design has been provided to Dept. of Education for comment. Construction delayed as school is reviewing purpose of grant. \$70k to be carried forward in anticipation of a decision from dept to proceed by FY2022-23.
Install dividing wall (Loftus Recreation Centre)	20,091	20,091	0	(20,091)	(100%)	0		
FOR LAND & BUILDING ASSETS	4,766,563	3,225,226	1,762,503	(1,462,723)	(45%)	666,639		

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
INFRASTRUCTURE ASSETS								
LOCAL ROADS PROGRAM								
Lake Street - Bulwer Street to Brisbane Street	85,307	85,307	71,395	(13,912)	(16%)	154		Project completed. Awaiting MRWA invoice for line marking.
Lake Street - Stuart Street to Newcastle Street	81,615	81,615	67,080	(14,535)	(18%)	4,020		Project completed. Awaiting MRWA invoice for line marking.
Glyde Street - Coogee Street to Matlock Street	40,562	40,562	36,010	(4,552)	(11%)	117		Project completed.
Richmond Street - Scott Street to Oxford Street	62,141	62,141	75,401	13,260	21%	0		Project completed. Awaiting MRWA invoice for line marking.
Eton Street - Gill Street to Ellesmere Street	122,596	122,596	130,903	8,307	7%	2,010		Project completed. Awaiting MRWA invoice for line marking.
Grosvenor Road - Ethel Street to Fitzgerald Street	73,279	73,279	48,373	(24,906)	(34%)	245		Project completed. Awaiting MRWA invoice for line marking.
Lawley Street - Fitzgerald Street to R.O.W	21,734	21,734	21,008	(726)	(3%)	0		Project completed. Awaiting MRWA invoice for line marking.
Richmond Street - Leicester Street to Cul-de-sac	42,429	42,429	43,716	1,287	3%	2,010		Project completed.
Britannia Road - Federation Street to Kalgoorlie Street	96,305	96,305	83,217	(13,088)	(14%)	3,700		Project completed.
Bouverie Place - Oxford St to Cul de Sac	86,953	86,953	36,204	(50,749)	(58%)	0		Project completed. Awaiting MRWA invoice for line marking.
Ashby Street - East Street to Egina Street	100,341	60,000	65,107	5,107	9%	0		Project completed. Awaiting MRWA invoice for line marking.
Ashby Street - Kalgoorlie Street to Egina Street	105,907	65,000	63,436	(1,564)	(2%)	0		Project completed. Awaiting MRWA invoice for line marking.
Ashby Street - Kalgoorlie Street to The Boulevarde	53,984	53,984	39,979	(14,005)	(26%)	0		Project completed. Awaiting MRWA invoice for line marking.
Ashby Street - Flinders Street to Coogee Street	53,984	53,984	39,410	(14,574)	(27%)	0		Project completed. Awaiting MRWA invoice for line marking.
Thompson Street - Barnet Street to Loftus Street	2,500	2,500	500	(2,000)	(80%)	500		Works to be Scheduled. To be completed by Jun 22.
The Boulevarde, Larne Street to Hawthorn Street.	145,000	85,000	85,799	799	1%	7,812		Project completed. Awaiting MRWA invoice for line marking.
Raglan Road, Norfolk Street to Hyde Street.	90,000	75,000	23,940	(51,060)	(68%)	0		Works to be Scheduled, to be completed by Jun 22.
Grosvenor Road, Ethel Street to Norfolk Street.	90,000	75,000	79,978	4,978	7%	2,228		Project completed. Awaiting MRWA invoice for line marking.
Cleaver Street, Vincent Street to Carr Street (under Roads)	15,000	0	0	0	0%	0		Previous year project, savings.
Egina Street - Berryman Street to Anzac Road	5,000	0	0	0	0%	0		Works to be Scheduled. To be completed by Jun 22.
Egina Street - Tasman Street to Berryman Street	5,000	0	500	500	100%	500		Works to be Scheduled. To be completed by Jun 22.
Minor Traffic Management Improvements Program	85,310	85,310	35,449	(49,861)	(58%)	10,929		On going project based on council request.
Chelmsford Road to Raglan Road	1,370	1,370	1,368	(2)	(0%)	0		Works completed.
ROAD TO RECOVERY								
Tennyson Street - Loftus Street to Shakespeare Street	200,377	85,000	91,949	6,949	8%	7,020		Works in progress.
Brisbane Tce - Lake St to Brisbane Place	33,363	33,363	26,633	(6,730)	(20%)	0		Works in progress.
Ellesmere Street - Shakespeare St to London St	95,527	50,357	44,661	(5,696)	(11%)	2,815		Project completed. Awaiting MRWA invoice for line marking.
TRAFFIC MANAGEMENT								
Alma/Claverton Local Area Traffic Management	48,955	48,955	0	(48,955)	(100%)	0		Further report going to OMC Apr 22.
Harold and Lord St Intersection	22,850	22,850	0	(22,850)	(100%)	0		Design Phase, to be completed by June 22.
Mini Roundabouts	12,605	12,605	10,759	(1,846)	(15%)	3,798		Works completed.

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
BLACK SPOT PROGRAM								
Grosvenor Road - Install half seagull islands on Grosvenor Rd to ban through and right turn movements from Grosvenor Rd	100,000	0	1,050	1,050	100%	0		Works at planning stage, to be completed by Jun 22.
Leederville Parade - Vincent Street to Loftus Street	14,939	0	14,939	14,939	100%	0		Project completed.
Intersection of Bulwer and Stirling St, Perth	68,960	68,960	25,689	(43,272)	(63%)	11,241		Project completed awaiting MRWA linemarking invoice.
Intersection of Green, Tyler & Merredin St, Mt Hawthorn/Joondanna	26,380	26,380	2,310	(24,070)	(91%)	700		Project likely to be withdrawn subject to council decion in May 22.
Intersection of Loftus and Vincent Streets, West Perth/Leederville	245,270	245,270	244,779	(491)	(0%)	13,444		Project completed. Awaiting MRWA invoice for line marking.
STREETSCAPE IMPROVEMENTS								
Streetscape Improvements Program	20,000	10,000	5,951	(4,049)	(40%)	4,199		Works in progress, to be complete by Jun 22.
Streetscape Improvements-Angove St and Fitzgerald St	10,000	10,000	8,420	(1,580)	(16%)	0		Works in progress.
North Perth Public Open Space	3,500	3,500	0	(3,500)	(100%)	0		Works at planning stage.
ROADWORKS - REHABILITATION (MRRG PROGRAM)								
Oxford Street - Leederville Parade to Vincent Street	163,376	163,376	167,506	4,130	3%	1,010		Works Completed.
Loftus Street - North bound lanes Vincent Street to Bourke Street	157,528	157,528	166,626	9,098	6%	0		Works Completed.
Loftus Street - South bound lanes Vincent Street to Bourke Street	149,145	149,145	147,415	(1,730)	(1%)	0		Works Completed.
Bourke Street - Charles Street to Loftus Street	173,745	35,000	43,250	8,250	24%	890		Works in planning stage, to be completed by Jun 22.
Carr Street - Fitzgerald Street to Charles Street	110,518	110,518	121,766	11,248	10%	0		Works completed.
Fitzgerald Street - Central lanes Burt Street to Walcott Street	251,842	251,842	260,627	8,785	3%	0		Works completed.
Walcott Street - North-west bound lanes William Street to Beaufort Street	169,281	169,281	169,277	(4)	(0%)	1,700		Works completed, awaiting final invoice.
Newcastle Street - Eastbound lane Money Street to Beaufort Street	97,271	97,271	93,775	(3,496)	(4%)	0		Works completed.
RIGHTS OF WAY								
Annual review based upon the most recent condition assessment survey	110,678	110,678	110,781	103	0%	0		Works completed.
Laneway Lighting Program	10,000	0	0	0	0%	0		Multi Year Programme. \$10k to be spent as part of the Marocchi Lane Graffiti project. Balance (\$10k) to be carried forward for FY2022-23.

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
SLAB FOOTPATH PROGRAMME								
Footpath Upgrade and Renewal Program	30,789	30,789	40,263	9,474	31%	0		Works commenced, to be completed by Apr 22. Variance is due to incorrect posting, to be journalled in Apr 22.
Greenway Street - From Car Park Entrance to Stirling Street	18,192	18,192	5,709	(12,483)	(69%)	0		Works to be Scheduled. To be completed by Jun 22.
Bondi Street - Matlock Street to Egina Street	54,172	54,172	0	(54,172)	(100%)	0		Works to be Scheduled. To be completed by Jun 22.
Elma St - Charles Street to Walcott Street	29,173	29,173	0	(29,173)	(100%)	0		Works to be Scheduled. To be completed by Jun 22.
Eton St - Haynes Street to Hobart Street	25,803	25,803	0	(25,803)	(100%)	0		Works to be Scheduled. To be completed by Jun 22.
Eton St - Ellesmere Strete to Gill Street	26,826	26,826	0	(26,826)	(100%)	0		Works to be Scheduled. To be completed by Jun 22.
Scott St - Bourke Street to Richmond Street	16,662	16,662	6,663	(9,999)	(60%)	0		Works to be Scheduled. To be completed by Jun 22.
Chelmsford Road - Norfolk Street to Ethel Street	19,469	19,469	14,051	(5,418)	(28%)	12,104		Works to be Scheduled. To be completed by Jun 22.
Brisbane Place - Brisbane Street to Robinson Ave	14,950	14,950	15,558	608	4%	0		Works to be Scheduled. To be completed by Jun 22.
Tiverton St - Beaufort Street to Lindsday Street	14,568	14,568	10,324	(4,244)	(29%)	0		Works to be Scheduled. To be completed by Jun 22.
Richmond St - Leicester Street to Cul-de-sac	41,297	41,297	0	(41,297)	(100%)	0		Works to be Scheduled. To be completed by Jun 22.
Piers St - Brewer Street to Edward Street	60,382	60,382	0	(60,382)	(100%)	15,713		Works to be Scheduled. To be completed by Jun 22.
Bulwer St - Intersection of Beaufort Street	17,052	17,052	1,124	(15,928)	(93%)	2,100		Works to be Scheduled. To be completed by Jun 22.
Flinders Street - Scarborough Bch Rd to 65 Flinder Street	43,996	43,996	666	(43,330)	(98%)	0		Works to be Scheduled. To be completed by Jun 22.
BICYCLE NETWORK								
Florence/Strathcona/Golding Safe Active Street	34,540	34,540	8,995	(25,546)	(74%)	50,524		Works completed, awaiting invoice from MRWA for line marking. Main roads increased cost.
Travel Smart Actions	10,500	0	0	0	0%	0		Works to be Scheduled and to be completed by Jun 22.
Design Bike Network Plan	50,000	0	0	0	0%	0		Works awarded, works to commence in Apr 22.
Design for Norfolk St N/S Route	8,635	8,635	0	(8,635)	(100%)	0		Works awarded, works to commence in Apr 22.
DRAINAGE								
Britannia Reserve Main Drain Renewal stage 1&2	43,000	43,000	1,225	(41,775)	(97%)	835		Works in progress, to be completed by Jun 22.
Minor drainage improvement program	60,920	60,920	42,650	(18,270)	(30%)	11,843		Over budget. Reallocate \$35k to Gully Soak-well Program.
Gully Soak-well program	111,675	111,675	99,821	(11,854)	(11%)	565		Works in progress, to be completed by Jun 22.
CAR PARK DEVELOPMENT								
Car Parking Upgrade/Renewal Program	105,300	20,000	19,939	(61)	(0%)	10,278		Works in progress, to be completed by Jun 22.
Accessible City Strategy Implementation	205,000	0	0	0	0%	0		Works at planning stage.
Car Parking Upgrade-Strathcona St angled parking	20,000	20,000	0	(20,000)	(100%)	0		Design Phase, to be completed by June 22.
Depot - Car park lighting Renewal	16,789	16,789	16,124	(665)	(4%)	0		Project completed.

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
PARKS AND RESERVES								
Banks Reserve Master Plan Implementation - Stage 1	13,782	13,782	13,772	(10)	(0%)	0		Works completed.
Greening Plan-West End Arts Precinct	2,238	2,238	2,162	(76)	(3%)	0		Project completed.
Leederville Parade (Greening Plan)	-	0	0	0	0%	0		To be installed as part of Blackspot project - currently awaiting MRWA confirmation. Budget to be carried forward in anticipation of approval for construction in FY2022-23.
Drummond Place (Greening Plan)	28,000	7,000	570	(6,430)	(92%)	0		Works at planning stage.
Beaufort Street Median	6,076	6,076	11,635	5,559	91%	5,077		Works in progress.
Stirling Street (Greening Plan)	30,000	0	0	0	0%	12,345		Works in progress.
Edward Street (Greening Plan)	20,000	0	665	665	100%	0		Works at planning stage.
Dunedin Street Car Park (Greening Plan)	15,000	0	570	570	100%	0		Design Phase, reduced scope to be completed by Jun 22.
Flinders Street Car Park (Greening Plan)	15,000	0	0	0	0%	570		Design Phase.
Brittania Reserve – Floodlight Repair	1,121,423	25,000	21,967	(3,033)	(12%)	4,155		Works in progress, to be completed by Jun 22.
Beaufort Street Median	6,086	6,086	0	(6,086)	(100%)	0		Works in progress.
RETICULATION								
Menzies Park - Replace Irrigation System	180,000	0	2,100	2,100	100%	0		RFQ been advertised, to be completed by Jun 22.
Weld Square - Renew electrical cubicle and Upgrade in ground reticulation system/electrical cubicle	20,000	20,000	18,752	(1,248)	(6%)	0		Works Completed.
Auckland/Hobart Street Reserve - replace irrigation	25,673	25,673	2,040	(23,633)	(92%)	0		Works in progress.
PARKS FURNITURE								
Norwood Park - replace electric BBQ (double)	15,000	15,000	11,924	(3,076)	(21%)	0		Works completed.
Banks Reserve Masterplan - Infrastructure Improvements (benches/seating)	40,000	40,000	29,370	(10,630)	(27%)	0		Works completed, awaiting final invoice.
Auckland/Hobart Street Reserve – replacement perimeter fencing	20,000	0	0	0	0%	9,858		Purchase order raised, to be completed by June 22.
Hyde Park - upgrade of path lighting	89,658	89,658	0	(89,658)	(100%)	0		Assesing RFQ, to be completed by Jun 22.
Britannia Reserve - shade sail replacement (south)	18,000	18,000	11,500	(6,500)	(36%)	0		Works Completed.
Charles Veryard Reserve - Flood Lighting	100,000	10,000	7,465	(2,535)	(25%)	2,410		Works in design phase.
PARKS DEVELOPMENT								
Haynes Street Reserve Development Plan Implementation Stages 1 & 2	-	0	0	0	0%	0		Multi Year project - Full budget \$340k to be carried forward to FY2022-23 - no works planned this year due to dentist lease extension.
Monmouth Street	10,000	0	74	74	100%	1,754		Works in progress, to be completed by Jun 22.
Edinboro Street Reserve	20,000	0	0	0	0%	0		Works at planning stage.
Hyde Park re-asphalt Pathways	100,000	0	0	0	0%	0		Investigation in progress, to be completed by Jun 22.
Les Lilleyman – Playground and softfall replacement	115,000	0	0	0	0%	0		Quotation phase.
Tolcon Place Reserve - replace playground soft fall	20,000	0	0	0	0%	14,600		Purchase order raised, works completed, awaiting final invoice
Cricket Wicket Renewal Program	25,000	25,000	21,296	(3,704)	(15%)	0		Works in progress, to be completed by Jun 22.

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
PLAYGROUND EQUIPMENT								
Menzies Park – replace exercise equipment	60,000	0	0	0	0%	0		Quotation phase.
Forrest Park - replace exercise equipment (deferred from 2019/20)	60,000	0	0	0	0%	0		Quotation phase.
Charles Veryard Reserve - Replace playground softfall and exercise equipment	45,000	45,000	33,900	(11,100)	(25%)	0		Works in progress, to be completed by Jun 22.
Gladstone Street Reserve - upgrade & replace playground equipment	105,000	0	0	0	0%	0		Quotation phase.
STREET FURNITURE								
Bus Shelter Replacement and Renewal Program	40,742	30,000	9,091	(20,909)	(70%)	0		Works in progress.
Street Lighting Upgrade Program	55,000	55,000	34,571	(20,429)	(37%)	10,293		Purchase order raised, to be completed by June 22.
MISCELLANEOUS								
Public Open Space Strategy Implementation Plan	50,000	10,000	25,508	15,508	155%	0		Works in progress, to be completed by Jun 22.
Mary Street Piazza - Festoon Light Improvements	20,000	15,000	11,296	(3,704)	(25%)	2,880		Works completed, awaiting final invoice.
FOR INFRASTRUCTURE ASSETS								
	7,333,795	4,319,351	3,360,275	(959,076)	(1,974%)	248,943		[p]p
<u>PLANT & EQUIPMENT ASSETS</u>								
LIGHT FLEET VEHICLE REPLACEMENT PROGRAMME								
Light Fleet - Annual Changeover	527,500	257,500	282,827	25,327	54%	348,464		Delivery of vehicles deferred due to Covid.
MAJOR PLANT REPLACEMENT PROGRAMME								
5 Tonne Rubbish Compactor Small Rear Loader - 1EKS994 - P3521-AS3772	-	0	0	0	0%	0		Truck will be ordered this year but delivered next FY due to supply timescales therefore carry forward to FY 2022-23.
Road Sweeper - 1EBC003 - P3762-AS3554	-	0	0	0	0%	0		Sweeper will be ordered this year but delivered next FY due to supply timescales therefore carry forward to FY 2022-23.
Single Axle Tipper Truck - 1BUF690 - P3261-AS2697	170,000	0	0	0	0%	163,850		Purchase order raised, awaiting delivery in May 2022.
Scarifier and vacuum system	20,000	6,000	5,591	(409)	(7%)	0		Project completed. Excess funds to remain in surplus.
Elevated Work Platform - Squirrel - 1TKV686 - P4027-AS3283	-	0	0	0	0%	0		
Mower / Ride On Rotary Toro Quad Steer - 1EBL578 - P5039-AS3556	40,000	40,000	36,330	(3,670)	(9%)	0		Project completed. Excess funds to remain in surplus.
Mower / Ride On Rotary - 1EQT004 - P5042-AS3930	35,000	35,000	30,460	(4,540)	(13%)	0		Project completed. Excess funds to remain in surplus.
MISCELLANEOUS								
FOGO 3 Bin	1,445,556	145,000	183,377	38,377	26%	1,071,050		Implementation rollout costs expected to be \$67k higher than budget, due to higher than anticipated infrastructure rates.
Parking Machines Asset Replacement Prog	20,000	0	0	0	0%	0		Quotation Phase.
TOTAL EXPENDITURE								
FOR PLANT & EQUIPMENT ASSETS	2,258,056	483,500	538,585	55,085	11%	1,583,364		

CITY OF VINCENT
NOTE 5 - CAPITAL WORKS SCHEDULE 2021/22
AS AT 31 MARCH 2022

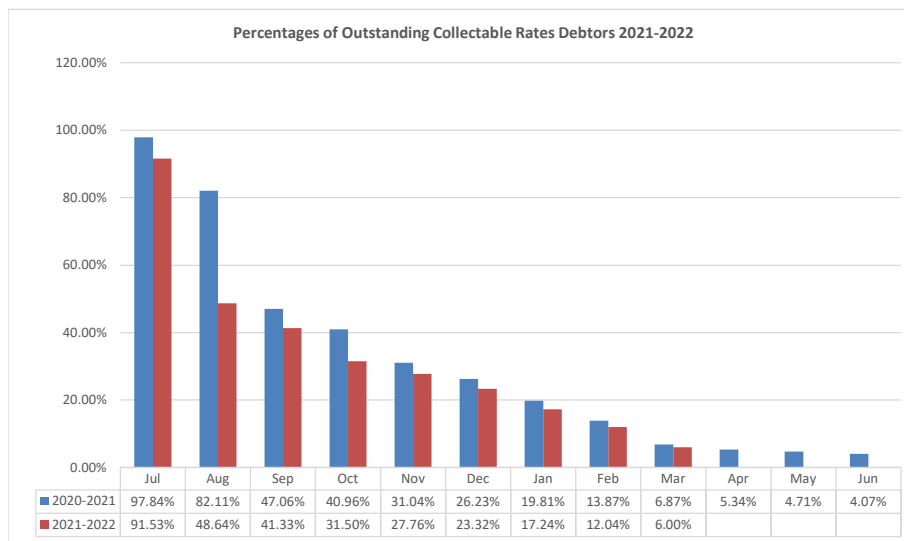
Description	Revised Budget	YTD Budget	YTD Actual	YTD Variance	Variance	Commitment (PO)	Variance	Commentary
	2021/22	2021/22	2021/22			Balance		
<u>FURNITURE & EQUIPMENT ASSETS</u>								
F&E ASSETS - BP LEISURE CENTRE								
Lifeguard Tower renewal, Shade Sails, Fire alarm System, Umbrellas, Floor Scrubber and for other minor non fixed assets	132,000	55,000	55,524	524	1%	0		Works in progress.
Gym equipment - Strength and Group Fitness Equipment	868,366	0	0	0	0%	827,879		Contract awarded, to be completed by June 22.
Gym equipment - Cardio and Fans								
F&E ASSETS - LOFTUS RECREATION CENTRE								
Replace damaged net on court	5,000	5,000	0	(5,000)	(100%)	0		
INFORMATION TECHNOLOGY								
Enterprise Applications upgrade	462,517	130,000	88,121	(41,879)	(32%)	64,533		Ongoing project, to be completed by June 22.
ICT infrastructure renewal (switches, UPS, audio visual, network links)	275,000	145,000	142,684	(2,316)	(2%)	104,808		Works in progress.
Beatty Park Leisure Centre								
Beatty Park Leisure Centre - Non Fixed Assets Renewal	50,942	50,942	34,480	(16,462)	(32%)	0		Works in progress, ongoing project.
POLICY & PLACE								
COVID-19 Artwork relief project	292,000	182,500	25,600	(156,900)	(86%)	215,000		Works in planning stage.
TOTAL EXPENDITURE								
FOR FURNITURE & EQUIPMENT ASSETS	2,085,825	568,442	346,409	(222,033)	(39%)	384,341		
TOTAL CAPITAL EXPENDITURE								
	16,444,239	8,596,519	6,007,772	(2,588,747)	(30%)	2,883,287		

CITY OF VINCENT
NOTE 6 - CASH BACKED RESERVES
AS AT 31 MARCH 2022



Reserve Particulars	Budget Opening Balance 01/07/2021 \$	Actual Opening Balance 01/07/2021 \$	Budget Transfers to Reserve 30/06/2022 \$	YTD Actual Transfers to Reserve 31/03/2022 \$	Budget Interest Earned 30/06/2022 \$	YTD Actual Interest Earned 31/03/2022 \$	Budget Transfers from Reserve 30/06/2022 \$	YTD Actual Transfers from Reserve 31/03/2022 \$	Budget Closing Balance 30/06/2022 \$	Actual Closing Balance 31/03/2022 \$
Beatty Park Leisure Centre Reserve	102,048	102,096	0	581	889	570	0	0	102,937	103,247
Cash In Lieu Parking Reserve	1,540,735	1,611,564	0	8,781	13,418	8,607	(391,000)	(97,115)	1,163,153	1,531,837
DSR Office Building Reserve	288,445	311,925	0	1,642	2,512	876	(290,675)	0	282	314,443
Leederville Oval Reserve	94,840	94,885	0	541	826	1,052	0	0	95,666	96,478
Loftus Community Centre Reserve	37,204	37,219	0	215	324	356	0	0	37,528	37,790
Loftus Recreation Centre Reserve	224,595	220,496	59,458	45,125	1,956	681	(72,091)	0	213,918	266,302
Parking Facility and Equipment Reserve	106,473	106,521	0	605	927	418	0	0	107,400	107,544
Plant and Equipment Reserve	22,667	22,680	0	128	197	67	(22,667)	(5,591)	197	17,285
State Gymnastics Centre Reserve	120,783	119,423	11,144	(9,769)	1,052	366	0	0	132,979	111,140
Waste Management Plant and Equipment Reserve	221,752	221,856	0	1,263	1,931	1,238	0	0	223,683	224,357
Tamala Park Land Sales Reserve	1,093,870	1,093,870	833,333	416,667	5,171	1,805	0	0	1,932,374	1,512,342
Asset Sustainability Reserve	5,890,677	5,749,402	2,142,834	478,157	51,303	32,969	(2,245,456)	(1,119,007)	5,839,358	5,141,521
Percent for Art Reserve	401,299	401,577	0	2,286	3,495	1,217	(292,000)	0	112,794	405,080
Land and Building Acquisition Reserve	299,910	300,049	0	1,707	2,612	910	0	0	302,522	302,666
Strategic Waste Management Reserve	1,005,650	1,006,113	0	0	8,758	3,058	(982,312)	(183,377)	32,096	825,794
Hyde Park Lake Reserve	160,575	160,649	0	0	1,398	1,510	0	0	161,973	162,159
POS reserve - General -202 Vincent St / 150 Charlie	0	0	1,450,120	658,827	0	4,468	0	0	1,450,120	663,295
POS reserve - General -Sale of Haynes Street CarP	35,245	0	35,245	0	1,386	0	0	0	195,825	0
Strategic Waste Management Reserve	0	0	0	5,428	8,758	307	0	0	0	5,735
Underground Power Reserve	211,773	211,870	0	1,205	1,844	3,203	0	0	213,617	216,278
POS Reserve - Haynes Street Reserve	159,194	159,265	0	27,563	0	888	0	0	0	187,716
	11,982,490	11,931,460	4,532,133	1,641,100	100,001	64,974	(4,296,201)	(1,405,090)	12,318,423	12,233,563

**CITY OF VINCENT
NOTE 7 - RATING INFORMATION
AS AT 31 MARCH 2022**



**CITY OF VINCENT
NOTE 7 - RATING INFORMATION
FOR THE MONTH ENDED 31 MARCH 2022**



	Rateable Value	Rate in Dollar	Budget	Actual	Rates Levied to Budget %
	\$	Cents	\$	\$	
Rate Revenue					
General Rate					
10902 Residential	245,429,636	0.0797	19,568,111	19,621,826	100.3%
182 Vacant Residential	4,265,470	0.0761	324,712	322,920	99.4%
1622 Other	124,588,530	0.0672	8,369,858	8,350,806	99.8%
46 Vacant Commercial	2,437,750	0.1282	312,447	350,064	112.0%
Minimum Rate					
6144 Residential @ \$1,241.00	78,076,012		7,633,391	7,624,704	99.9%
185 Vacant Residential @ \$1,170.00	1,822,160		183,690	216,450	117.8%
157 Other @ \$1,197.70	1,886,030		188,039	188,039	100.0%
0 Vacant Commercial @ \$1,516.40			0	0	
Interim Rates	0		300,000	262,044	87.3%
Rates Waiver	0		(135,000)	(116,028)	85.9%
Total Amount Made up from Rates	458,505,588		36,745,248	36,820,826	
Non Payment Penalties					
Instalment Interest @ 5.5%			185,000	183,232	99.0%
Penalty Interest @ 8%			133,000	122,214	91.9%
Administration Charge - \$8 per instalment			150,000	132,780	88.5%
Interest Write Off			0	(2,077)	100.0%
			37,223,248	37,259,683	
Other Revenue					
Exempt Bins - Non Rated Properties			100,000	80,973	81.0%
Commercial / Residential Additional Bins			16,000	21,976	137.3%
Swimming Pools Inspection Fees			18,800	14,844	79.0%
			37,358,048	37,377,476	
Opening Balance				1,053,606	
Total Collectable			37,358,048	38,431,081	102.87%
Less					
Cash Received				37,297,113	
Rebates Allowed				(1,120,258)	
Rates write off				11,457	
ESL write off				624	
Rates Balance To Be Collected			37,358,048	2,242,146	6.00%
Add					
ESL Debtors				217,942	
Pensioner Rebates Not Yet Claimed				145,716	
ESL Rebates Not Yet Claimed				14,516	
Less					
Deferred Rates Debtors				(104,146)	
Current Rates Debtors Balance				2,516,174	



CITY OF VINCENT
NOTE 8 - DEBTOR REPORT
FOR THE MONTH ENDED 31 MARCH 2022

DESCRIPTION	CURRENT	31-59 DAYS	60-89 DAYS	OVER 90 DAYS	BALANCE
	\$	\$	\$	\$	\$
DEBTOR CONTROL - HEALTH LICENCES	(3,200)	(3,432)	(15,936)	225,273	202,705
DEBTOR CONTROL - CASH IN LIEU CAR PARKING	0	0	0	218,704	218,704
DEBTOR CONTROL - PROPERTY INCOME	35,094	4,028	0	5,218	44,339
DEBTOR CONTROL - RECOVERABLE WORKS	2,401	0	1,164	930	4,494
DEBTOR CONTROL - OTHER	86,121	59,078	0	99,415	244,614
DEBTOR CONTROL - % ART CONTRIBUTIONS	0	0	0	0	0
DEBTOR CONTROL - PLANNING SERVICES FEES	380	(1,410)	1,410	705	1,085
DEBTOR CONTROL - GST	(132,502)	(42,193)	86,258	88,455	18
DEBTOR CONTROL - INFRINGEMENT	135,390	58,305	50,949	1,026,478	1,271,122
PROVISION FOR DOUBTFUL DEBT (CURRENT)	0	0	0	(198,651)	(198,651)
IMPAIRMENT OF RECEIVABLES	0	0	0	(181,916)	(181,916)
TOTAL DEBTORS OUTSTANDING AS AT 31/03/2022	123,683	74,375	123,845	1,284,611	1,606,515
	7.7%	4.6%	7.7%	80.0%	

ACCRUED INCOME	156,794
ACCRUED INTEREST	47,371
PREPAYMENTS	866,490
TOTAL TRADE AND OTHER RECEIVABLES	2,677,169

PROPERTY INCOME, RECOVERABLE WORKS AND OTHER DEBTORS: 294,550

DATE	SUNDRY DEBTORS OVER 90 DAYS	AMOUNT	DEBT DETAILS	Comments
11/03/2019	Tennis Seniors Western Australia	5,728	Building Insurance 2018/19 & 2019/20	In the process to debt collection
23/02/2021	Kre8 Constructions	930	Damaged to ROW 47 Redfern St	Liquidation - proof of debt sent
04/11/2016	C Caferelli	28,600	Breaches of Planning Development Act	Have been handed over to FER
22/08/2018	C D Hunter	12,514	Outstanding court costs awarded to COV	\$100 Monthly Repayment in progress from 27/10/20
21/01/2019	Matthew Slinger	20,085	Outstanding court costs awarded to COV	Have been handed over to FER
09/07/2019	R Cox	1,170	Breach of condition of hall hire	Sent to debt collection agency
28/11/2019	A Kindu	2,339	Damage/vandalism to hired venue	with debt collector
28/10/2021	K Beykpour	18,800	Court fines and costs 155 Walcott St	Have been handed over to FER
21/07/2021	M Stocco	906	Recoup salary overpayment	Final letter issued
13/10/2020	D Bianchi	15,000	Court fines and costs re: 193-195 Scarborough	\$200 Monthly Repayment in progress from 30 Dec 20
BALANCE OF 90 DAY DEBTORS OVER \$500		106,072		
% AGING DEBT OVER 90 DAYS		36%		

HEALTH LICENSES DEBTORS: 202,705

BALANCE OF 90 DAY DEBTORS OVER \$500	
% AGING DEBT OVER 90 DAYS	

INFRINGEMENT DEBTORS: 1,271,122

Referred to FER	1,026,478
BALANCE OF 90 DAY DEBTORS OVER \$500	1,026,478
% AGING DEBT OVER 90 DAYS	81%

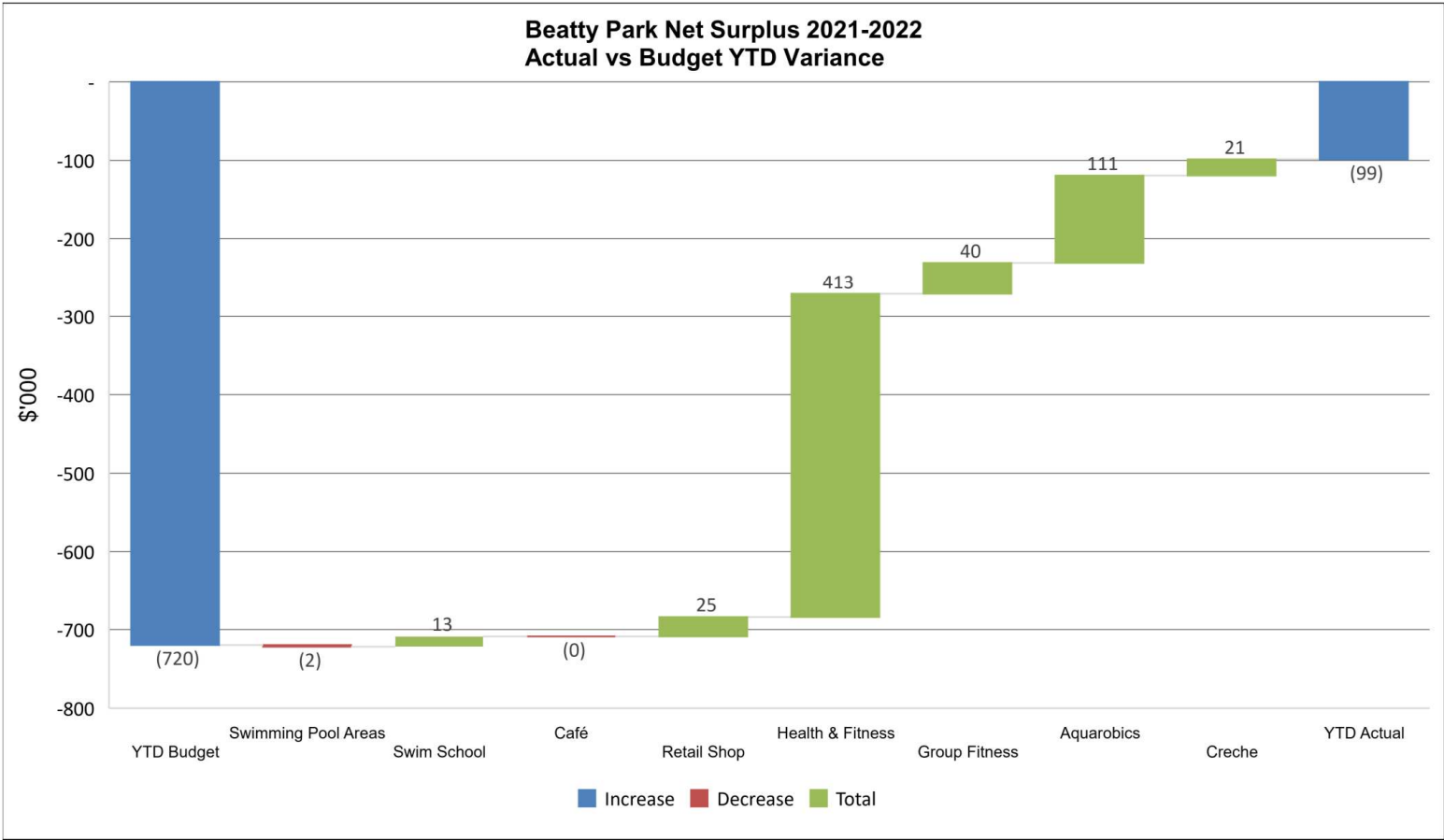
CASH IN LIEU PARKING DEBTORS: 218,704

Payment plan: 3 out of 15 Debtors	14,306
BALANCE OF 90 DAY DEBTORS OVER \$500	204,398
% AGING DEBT OVER 90 DAYS	93%

CITY OF VINCENT
NOTE 9 - BEATTY PARK LEISURE CENTRE FINANCIAL POSITION
AS AT 31 MARCH 2022



	Original Budget 2021/22	YTD Budget Mar-22	YTD Actuals Mar-22	YTD Actuals Mar-21	Month Actuals Mar-22	Month Actuals Mar-21
	\$	\$	\$	\$	\$	\$
ADMINISTRATION						
Revenue	0	0	1	0	(66,499)	0
Expenditure	0	0	0	310,134	66,499	34,552
Surplus/(Deficit)	0	0	1	310,134	0	34,552
SWIMMING POOLS AREA						
Revenue	2,209,329	1,678,942	1,816,232	1,313,288	197,511	116,511
Expenditure	(3,902,208)	(2,960,034)	(3,099,623)	(1,592,196)	(359,615)	(174,200)
Surplus/(Deficit)	(1,692,879)	(1,281,092)	(1,283,391)	(278,908)	(162,104)	(57,689)
SWIM SCHOOL						
Revenue	1,530,316	1,093,237	1,072,317	999,650	185,306	102,765
Expenditure	(1,062,548)	(790,176)	(756,070)	(710,383)	(101,985)	(81,004)
Surplus/(Deficit)	467,768	303,061	316,247	289,267	83,321	21,761
CAFÉ						
Revenue	0	0	0	0	0	0
Expenditure	0	0	(73)	(35,012)	(35)	(4)
Surplus/(Deficit)	0	0	(73)	(35,012)	(35)	(4)
RETAIL SHOP						
Revenue	611,116	523,334	511,292	471,451	44,527	44,079
Expenditure	(510,646)	(420,823)	(383,990)	(301,671)	(46,112)	(37,236)
Surplus/(Deficit)	100,470	102,511	127,302	169,780	(1,585)	6,843
HEALTH & FITNESS						
Revenue	1,662,874	1,248,024	1,637,883	1,098,141	189,493	130,219
Expenditure	(1,337,059)	(1,002,110)	(979,168)	(733,150)	(116,786)	(82,146)
Surplus/(Deficit)	325,815	245,914	658,715	364,991	72,707	48,073
GROUP FITNESS						
Revenue	610,362	459,020	581,501	399,083	66,146	49,192
Expenditure	(499,922)	(377,817)	(459,907)	(321,721)	(58,864)	(38,282)
Surplus/(Deficit)	110,440	81,203	121,594	77,362	7,282	10,910
AQUAROBCICS						
Revenue	234,053	176,514	235,278	154,644	29,801	18,363
Expenditure	(234,347)	(179,161)	(126,427)	(86,903)	(17,205)	(9,562)
Surplus/(Deficit)	(294)	(2,647)	108,851	67,741	12,596	8,801
CRECHE						
Revenue	63,333	47,999	59,039	41,045	6,525	4,743
Expenditure	(288,747)	(216,640)	(207,106)	(158,221)	(25,153)	(16,042)
Surplus/(Deficit)	(225,414)	(168,641)	(148,067)	(117,176)	(18,628)	(11,299)
Net Surplus/(Deficit)	(914,094)	(719,691)	(98,821)	848,179	(6,446)	61,948
Less: Depreciation	(1,286,772)	(910,267)	(861,799)	(890,737)	(95,558)	(106,934)
Surplus/(Deficit)	372,678	190,576	762,978	1,738,916	89,112	168,882



11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 MARCH 2022 TO 31 MARCH 2022

- Attachments:**
1. Payments by EFT and Payroll March 22 [↓](#) 
 2. Payments by Cheque March 22 [↓](#) 
 3. Payments by Direct Debit March 22 [↓](#) 

RECOMMENDATION:

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

EFT payments, including payroll	\$7,254,959.65
Cheques	\$884.01
Direct debits, including credit cards	\$138,624.37
Total payments for March 2022	\$7,394,468.03

PURPOSE OF REPORT:

To present to Council the list of expenditure and accounts paid for the period 1 March 2022 to 31 March 2022.

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 March 2022 to 31 March 2022, covers the following:

FUND	CHEQUE NUMBERS/ BATCH NUMBER	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		
EFT Payments	2791 - 2802	\$5,221,310.20
Payroll by Direct Credit	March 2022	\$2,033,649.45
Sub Total		\$7,254,959.65
Cheques		
Cheques	82701 - 82703	\$884.01
Cancelled cheques		\$0.00
Sub Total		\$884.01
Direct Debits (including Credit Cards)		
Lease Fees		\$395.84

Loan Repayments	\$100,782.60
Bank Charges – CBA	\$24,848.40
Credit Cards	\$12,597.53
Sub Total	\$138,624.37
 Total Payments	 \$7,394,468.03

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Regulation 12(1) and (2) of the *Local Government (Financial Management) Regulations 1996*:

“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*:

“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.

Creditors Report - Payments by EFT and Payroll 01/03/22 to 31/03/22			
Date	Payee	Description	Amount
03/03/2022	101 Residential	Refund of infrastructure bond	\$ 2,000.00
18/03/2022	360 Environmental Pty Ltd	Quarterly water monitoring - Hyde Park lakes	\$ 5,225.00
03/03/2022	A A Jafar	Part refund of Beatty Park Leisure Centre fees	\$ 413.93
18/03/2022	A Austin	Fitness instructor fees	\$ 56.84
18/03/2022	A Duckworth	Design advisory meeting fee	\$ 400.00
18/03/2022	A Fink	Fitness instructor fees	\$ 596.87
10/03/2022	A M Curtin	Expense reimbursement - catering for team building lunch	\$ 150.00
03/03/2022	A Magno	Part refund of dog registration	\$ 150.00
03/03/2022	A Muller	Part refund of Beatty Park Leisure Centre fees	\$ 153.70
03/03/2022	A P Mundie	Part refund of dog registration	\$ 77.50
03/03/2022	A R Molyneaux	Crossover subsidy	\$ 630.00
03/03/2022	A Team Printing	Printing services - BPLC	\$ 260.70
18/03/2022	A Team Printing	Printing services - BPLC	\$ 257.40
18/03/2022	A V Milewski	Part refund of Beatty Park Leisure Centre fees	\$ 32.28
03/03/2022	Abel Property Rentals	Rates refund - due to overpayment	\$ 1,509.90
03/03/2022	Access Icon Pty Ltd	Supply of trafficable covers	\$ 486.26
15/03/2022	Acknowledge This!	Staff training - Close the Gap	\$ 5,500.00
18/03/2022	Acurix Networks Pty Ltd	Public Wi Fi service - various locations	\$ 1,419.00
18/03/2022	Advancetag Pty Ltd	Label supplies - BPLC	\$ 385.00
18/03/2022	Aha Consulting	Staff training - Engagement essentials	\$ 4,334.00
18/03/2022	Aline Brick Paving	Brick paving services - Grosvenor Road	\$ 4,609.00
18/03/2022	Alinta Energy	Gas charges - Banks Reserve	\$ 36.70
18/03/2022	All Class Tiling Services	Pool retiling project - BPLC	\$ 15,103.00
03/03/2022	Allstate Kerbing and Concrete	Kerbing services - various locations	\$ 31,009.00
18/03/2022	Allstate Kerbing and Concrete	Kerbing services - various locations	\$ 7,062.00
18/03/2022	ALS Library Services Pty Ltd	Purchase of library books	\$ 3,946.58
18/03/2022	Alsco Pty Ltd	Mat supplies - BPLC	\$ 642.20
18/03/2022	Ampol Australia Petroleum Pty Ltd	Fuel and oils	\$ 25,103.56
03/03/2022	AMS Technology Group Pty Ltd	Replacement air conditioners - North Perth Bowling Club	\$ 24,495.97
03/03/2022	AMS Technology Group Pty Ltd	Air conditioner repairs - BPLC	\$ 671.00
18/03/2022	AMS Technology Group Pty Ltd	Replace hot water circulation pump - BPLC	\$ 4,131.88
18/03/2022	AMS Technology Group Pty Ltd	Boiler, pump and air conditioner repairs - various locations	\$ 1,884.52
03/03/2022	Anna Cappelletta	Fitness instructor fees	\$ 2,550.00
03/03/2022	APARC	Removal of sensors - Stuart Street	\$ 2,695.00
03/03/2022	APARC	Credit card transactions - parking terminals	\$ 10,311.02

Date	Payee	Description	Amount
18/03/2022	APARC	Central management system, Ticketor enforcement, meter maintenance and credit card transactions for parking terminals	\$ 51,727.70
03/03/2022	Apollo Plumbing and Gas Pty Ltd	Plumbing services - various locations	\$ 2,640.80
18/03/2022	Apollo Plumbing and Gas Pty Ltd	Plumbing services - various locations	\$ 10,521.30
18/03/2022	Aquawellbeing.com	Fitness instructor fees	\$ 130.00
03/03/2022	Arbor Consulting	Arboricultural services - Hyde Park	\$ 385.00
18/03/2022	Asphaltech Pty Ltd	Asphalt supplies - various locations	\$ 15,456.42
03/03/2022	Asset Infrastructure Management	Inspection of City bridges and development of inspection reports and maintenance programme	\$ 4,158.00
18/03/2022	ATI-Mirage	Staff training - Negotiation and influencing skills	\$ 544.50
03/03/2022	Atom Supply	Hardware supplies - brooms	\$ 724.94
18/03/2022	Atom Supply	Hardware supplies - bolt cutters	\$ 167.42
15/03/2022	Australia Post	Postage charges	\$ 5,599.00
15/03/2022	Australia Post (Agency Commission)	Commission charges	\$ 354.41
18/03/2022	Australia Wide Taxation Training	Staff training - Taxation and payroll	\$ 445.00
03/03/2022	Australian HVAC Services Pty Ltd	Air conditioning maintenance and repairs - various locations	\$ 2,699.09
18/03/2022	Australian HVAC Services Pty Ltd	Air conditioning maintenance and repairs - various locations	\$ 1,777.60
03/03/2022	Australian Institute of Management	Staff training - various courses	\$ 2,842.00
09/03/2022	Australian Services Union	Payroll deduction	\$ 284.90
23/03/2022	Australian Services Union	Payroll deduction	\$ 284.90
09/03/2022	Australian Taxation Office	Payroll deduction	\$ 198,238.96
23/03/2022	Australian Taxation Office	Payroll deduction	\$ 208,216.96
03/03/2022	Award Contracting	Locating services - Weld Square	\$ 1,144.00
18/03/2022	Award Contracting	Locating services - various locations	\$ 6,099.50
03/03/2022	B Nock	Part refund of Beatty Park Leisure Centre fees	\$ 47.94
18/03/2022	Balcatta Mowers & Chainsaws Pty Ltd	Supply of gardening equipment	\$ 80.00
03/03/2022	Battery World Osborne Park	Supply of batteries	\$ 50.00
18/03/2022	Battery World Osborne Park	Supply of batteries	\$ 149.00
18/03/2022	BCITF Building & Construction Industry Training Fund	Levy collection	\$ 8,234.64
18/03/2022	BDD Australia Pty Ltd	Milk supplies - BPLC	\$ 18.03
03/03/2022	Benara Nurseries	Supply of plants	\$ 1,036.86
18/03/2022	Benara Nurseries	Supply of plants	\$ 2,372.59
18/03/2022	Billi Australia Pty Ltd	Water heater repairs - BPLC	\$ 609.63
03/03/2022	Birds Eye Media	Videography and photography services - various locations	\$ 627.00
15/03/2022	Blackwoods	Hardware supplies - Depot	\$ 118.05
18/03/2022	Blackwoods	Hardware supplies - Depot	\$ 198.40
18/03/2022	Blackwoods	Supply of PPE - gloves	\$ 2,370.94
18/03/2022	Blackwoods	Supply of drinks cooler jugs	\$ 1,349.04
18/03/2022	BOC Limited	Medical oxygen supplies and CO2 for beverage	\$ 922.08
03/03/2022	Booktalk	Provision of books for COV book clubs - December 21 (additional)	\$ 5.00

Date	Payee	Description	Amount
03/03/2022	Boral Construction Materials Group Limited	Concrete supplies	\$ 994.62
18/03/2022	Boral Construction Materials Group Limited	Concrete supplies	\$ 5,602.35
03/03/2022	Boyan Electrical Services	Supply and install LED lights - Parry Street (balance of claim)	\$ 14,543.10
03/03/2022	Boyan Electrical Services	Electrical services - various locations	\$ 3,669.50
03/03/2022	Bredideca Pty Ltd	Floor scrubber repairs - BPLC	\$ 308.00
03/03/2022	Bridgestone Australia Ltd	Tyre services	\$ 27.50
18/03/2022	Bridgestone Australia Ltd	Tyre services	\$ 1,511.52
03/03/2022	Briskleen Supplies Pty Ltd	Toiletry and cleaning products - BPLC	\$ 3,482.36
18/03/2022	Briskleen Supplies Pty Ltd	Toiletry and cleaning products and sanipod service - BPLC	\$ 5,284.53
18/03/2022	Browne Master Builders	Sauna rental - BPLC	\$ 2,860.00
18/03/2022	Bucher Municipal Pty Ltd	Plant repairs and maintenance	\$ 5,678.95
03/03/2022	Built In Electrical Services	Supply and install banner pole - Fitzgerald Street/Raglan Road	\$ 6,521.76
18/03/2022	Built In Electrical Services	Replace festoon lighting - Mary Street Piazza	\$ 3,168.00
18/03/2022	Bunnings Trade	Hardware supplies - various departments	\$ 427.95
18/03/2022	C A Merrey	Part refund of Beatty Park Leisure Centre fees	\$ 298.65
18/03/2022	C Graff	Refund of parking permit	\$ 180.00
03/03/2022	C Lawrence	Refund for bin collection	\$ 71.00
03/03/2022	C R Hill	Part refund of dog registration	\$ 100.00
18/03/2022	C.R. Kennedy & Company Pty Ltd	Repairs to body worn cameras	\$ 1,049.62
03/03/2022	Charmaine Amanda Magness	Fitness instructor fees	\$ 625.24
03/03/2022	Chindarsi Architects	Design advisory consultancy fees	\$ 660.00
18/03/2022	City Of Bayswater	Long service liability	\$ 13,303.33
18/03/2022	City of Nedlands	Provision of books for COV book clubs	\$ 150.00
18/03/2022	City Of Perth	BA archive retrievals	\$ 299.57
03/03/2022	City of South Perth	Dog and cat impound fees	\$ 671.00
03/03/2022	City of Stirling	Mixed waste tipping fees - January 22	\$ 633.00
18/03/2022	City of Stirling	Mixed waste tipping fees - February 22	\$ 871.50
18/03/2022	City of Stirling	Meals on Wheels - January 22	\$ 764.06
09/03/2022	City of Vincent	Payroll deduction - staff contributions to vehicles	\$ 745.64
23/03/2022	City of Vincent	Payroll deduction - staff contributions to vehicles	\$ 692.38
09/03/2022	City of Vincent Staff Social Club	Payroll deduction	\$ 196.00
23/03/2022	City of Vincent Staff Social Club	Payroll deduction	\$ 194.00
03/03/2022	Cleanaway	Recycling contract - January 22 and part February 22	\$ 115,607.34
03/03/2022	Cleansweep WA	Hire of road sweepers - Leederville	\$ 1,551.00
18/03/2022	Cobblestone Concrete Pty Ltd	Concrete path repairs - various locations	\$ 51,717.33
18/03/2022	Collaborative World Consultants	Electrical drawing for switch board upgrade - BPLC	\$ 4,257.00
03/03/2022	Colleagues Nagels	Integrated transferable parking permits	\$ 3,491.10
03/03/2022	Commercial Aquatics Australia	Pool equipment repairs - BPLC	\$ 1,391.50
18/03/2022	Compu-Stor	Records digitisation and off-site storage	\$ 449.17

Date	Payee	Description	Amount
03/03/2022	Connect Call Centre Services	After hours calls service	\$ 1,476.59
03/03/2022	Contraflow Pty Ltd	Traffic management services - various locations	\$ 43,747.54
18/03/2022	Contraflow Pty Ltd	Traffic management services - various locations	\$ 128,048.16
18/03/2022	Corsign WA Pty Ltd	Sign supplies - various locations	\$ 6,055.72
17/03/2022	Cr A Castle	Council meeting fee	\$ 1,935.83
17/03/2022	Cr Ashley Wallace	Council meeting fee	\$ 1,935.83
17/03/2022	Cr D Loden	Council meeting fee	\$ 1,935.83
17/03/2022	Cr J Hallett	Council meeting fee	\$ 1,935.83
17/03/2022	Cr Ron Alexander	Council meeting fee	\$ 1,935.83
17/03/2022	Cr Ross Ioppolo	Council meeting fee	\$ 1,935.83
17/03/2022	Cr S Gontaszewski	Council meeting fee	\$ 3,255.70
17/03/2022	Cr Suzanne Worner	Council meeting fee	\$ 1,935.83
18/03/2022	CS Legal	Debt recovery services	\$ 121.00
03/03/2022	CSE Crosscom Pty Ltd	Supply of two way radio battery - Rangers	\$ 170.50
18/03/2022	CSP Group Pty Ltd	Supply of chainsaw chaps - Parks	\$ 285.00
03/03/2022	Custom Built Saunas	Supply and install steam generator in sauna - BPLC	\$ 6,979.50
18/03/2022	D A Christie Pty Ltd	Replacement barbecue parts - Bank Reserve	\$ 284.59
03/03/2022	D Campbell	Part refund of Beatty Park Leisure Centre fees	\$ 791.24
03/03/2022	D Dama	Fitness instructor fees	\$ 113.68
18/03/2022	D Dama	Fitness instructor fees	\$ 113.68
18/03/2022	Dalin Electrical Controls	Maintenance to geothermal system - BPLC	\$ 495.00
03/03/2022	Danica Zuks Photography	Photographic services - Australia Day citizenship ceremony	\$ 286.00
03/03/2022	Daniel Bullen	Fitness instructor fees	\$ 1,430.00
18/03/2022	Daniela Toffali	Fitness instructor fees	\$ 260.00
03/03/2022	Decobu (Design) Pty Ltd	Hydraulic site inspection and report - Admin	\$ 2,420.00
18/03/2022	Department of Fire and Emergency Services (DFES)	Emergency services levy - 3rd quarter 2021/22	\$ 2,160,689.74
18/03/2022	Department of Mines, Industry Regulation and Safety	Building services levy collection	\$ 17,389.61
18/03/2022	Department of Planning Lands and Heritage	Amended DAP fee	\$ 5,701.00
09/03/2022	Department of Social Services	Payroll deduction	\$ 780.67
23/03/2022	Department of Social Services	Payroll deduction	\$ 780.67
18/03/2022	Department of Transport	Vehicle ownership searches	\$ 4,836.30
03/03/2022	Design Right Pty Ltd	Design services - various locations	\$ 6,754.00
03/03/2022	Devco Builders	Maintenance and repairs - View Street	\$ 121.00
18/03/2022	Devco Builders	Maintenance and repairs - various locations	\$ 8,885.89
18/03/2022	Devco Builders	Exterior painting - Multicultural Centre	\$ 16,370.75
18/03/2022	Devco Builders	Remove and reinstate section of wall and make good surrounding area - BPLC	\$ 18,613.38
18/03/2022	Devco Builders	Painting and repairs to kitchen - East Perth Football Club	\$ 10,043.00
18/03/2022	Devco Builders	Repairs to grandstand, due to water ingress (balance) - BPLC	\$ 8,800.00
03/03/2022	Dickies Tree Service	Tree lopping services - Coogee Street	\$ 1,848.00

Date	Payee	Description	Amount
03/03/2022	DNX Energy Pty Ltd	Investigate solar system tripped breaker - BPLC	\$ 242.00
18/03/2022	DNX Energy Pty Ltd	Supply and install solar photovoltaic system - Bethanie Group	\$ 16,171.00
03/03/2022	Dome Properties Pty Ltd	Rates refund - due to overpayment	\$ 1,401.56
18/03/2022	Dominic Snellgrove	Design advisory meeting fee	\$ 400.00
03/03/2022	Donegan Enterprises Pty Ltd	Playground repairs and maintenance - various locations	\$ 3,730.10
18/03/2022	Downer EDI Engineering Power Pty Ltd	CCTV maintenance - various locations	\$ 396.00
18/03/2022	E Avent	Refund of parking permit	\$ 180.00
18/03/2022	E Kapac	Part refund of Beatty Park Leisure Centre fees	\$ 470.75
03/03/2022	Element Advisory Pty Ltd	Economic study for Beatty Park 2062 project	\$ 9,044.75
18/03/2022	Element Advisory Pty Ltd	Economic study for Beatty Park 2062 project	\$ 17,347.00
03/03/2022	Enviro Sweep	Road sweeping services	\$ 1,119.25
03/03/2022	Enviroblast Cannington	Pressure cleaning services	\$ 1,719.30
18/03/2022	Enviroblast Cannington	Pressure cleaning services	\$ 1,689.60
18/03/2022	Environmental Site Services (Aus) Pty Ltd	Hazmat sampling and reports - North Perth Kindergarten	\$ 2,299.00
03/03/2022	EnvisionWare Pty Ltd	Annual subscription - mobile printing service	\$ 1,232.00
03/03/2022	Farmarama Pty Ltd	Fertiliser application - various locations	\$ 10,497.30
18/03/2022	Farmarama Pty Ltd	Fertiliser application - various locations	\$ 6,249.76
03/03/2022	Farrar Constructions Pty Ltd	Refund of infrastructure bond	\$ 5,000.00
03/03/2022	Flexi Staff Pty Ltd	Temporary staff - various departments	\$ 46,840.82
18/03/2022	Flexi Staff Pty Ltd	Temporary staff - various departments	\$ 38,113.22
18/03/2022	Flick Anticimex Pty Ltd	Pest control services - various locations	\$ 6,457.28
18/03/2022	Floreat Athena Soccer Club Inc	Bond refund - New Year's Eve on the Pitch 2021 (event to be rescheduled, due to COVID restrictions)	\$ 2,200.00
03/03/2022	Focus Networks	Manage corporate WiFi, firewall and onsite managed network support	\$ 7,441.37
15/03/2022	Focus Networks	Manage corporate WiFi, firewall and onsite managed network support	\$ 1,248.50
18/03/2022	Focus Networks	Manage corporate WiFi, firewall and onsite managed network support	\$ 9,169.05
03/03/2022	G Edwards	Fitness instructor fees	\$ 113.68
25/03/2022	G Gillies	Refund of infrastructure bond	\$ 2,000.00
18/03/2022	G G Banducci	Rates refund - due to overpayment	\$ 362.14
18/03/2022	Galvins Plumbing Supplies	Plumbing supplies - Depot	\$ 240.41
03/03/2022	Garrards Pty Ltd	Supply of rat bait	\$ 215.64
03/03/2022	Gather Foods	Catering for City event - workshop	\$ 859.10
18/03/2022	GC Sales (WA)	Supply of bin lids	\$ 68.20
18/03/2022	Geografia Pty Ltd	Purchase of Spendmapp historical data	\$ 3,190.00
18/03/2022	GFG Temp Assist	Temporary staff - Engineering	\$ 4,847.70
03/03/2022	Giant Autos (1997) Pty Ltd	Purchase of vehicle, as per fleet management programme	\$ 50,320.80
15/03/2022	Giant Autos (1997) Pty Ltd	Vehicle service and repairs	\$ 387.20
18/03/2022	Giant Autos (1997) Pty Ltd	Vehicle service and repairs	\$ 1,144.00
18/03/2022	GMF Contractors PTY LTD	Refund of infrastructure bond	\$ 3,000.00

Date	Payee	Description	Amount
03/03/2022	Gymcare	Gym equipment repairs and maintenance - BPLC	\$ 2,362.18
18/03/2022	H M Grehan	Rates refund - due to overpayment	\$ 450.79
18/03/2022	H Tran	Part refund of Beatty Park Leisure Centre fees	\$ 289.53
18/03/2022	Hart Sport	Supply of whistles and lanyards - BPLC	\$ 237.00
09/03/2022	Health Insurance Fund of WA	Payroll deduction	\$ 178.10
23/03/2022	Health Insurance Fund of WA	Payroll deduction	\$ 178.10
18/03/2022	HiLogic Pty Ltd	Staff training - project management foundation course	\$ 5,478.00
03/03/2022	Imagesource Digital Solutions	Printing services - pool lane signs and social distancing stickers (BPLC)	\$ 3,856.60
18/03/2022	Imagesource Digital Solutions	Printing services - BPLC	\$ 346.50
03/03/2022	Ingram Developments Pty Ltd	Refund of infrastructure bond	\$ 1,500.00
03/03/2022	Innovations Catering	Catering for City events - Council and training	\$ 1,530.00
18/03/2022	Innovations Catering	Catering for City events - workshop and training	\$ 378.00
18/03/2022	Instant Windscreens	Supply and fit windscreen	\$ 335.00
03/03/2022	J & K Hopkins	Office furniture supplies - Depot	\$ 3,646.00
18/03/2022	J Chung	Fitness instructor fees	\$ 227.36
03/03/2022	J F Chen	Part refund of dog registration	\$ 30.00
03/03/2022	J G Boyd	Part refund of dog registration	\$ 42.50
03/03/2022	J L Gray	Part refund of dog registration	\$ 100.00
18/03/2022	J Loscher	Part refund of Beatty Park Leisure Centre fees	\$ 300.33
03/03/2022	J Lowden	Fitness instructor fees	\$ 56.84
03/03/2022	J M Austin	Part refund of Beatty Park Leisure Centre fees	\$ 552.88
18/03/2022	J Mortley	Refund of infrastructure bond	\$ 5,000.00
03/03/2022	J Walters	Rates refund - due to overpayment	\$ 74.54
18/03/2022	Jackson McDonald	Legal services - review of construction contract and parking facilities local law	\$ 3,086.60
03/03/2022	Janet Verburg	Fitness instructor fees	\$ 712.88
18/03/2022	Jason Signmakers	Supply of road signs	\$ 941.68
15/03/2022	JB Hi-Fi Solutions	Purchase of hard drive - Library	\$ 173.00
18/03/2022	JBA Surveys	Drainage survey - Britannia Reserve	\$ 550.00
18/03/2022	Jim's Mowing (Dalkeith)	Gardening services - Loftus Community Centre	\$ 160.00
18/03/2022	Jones Ballard Property Group	Rates refund - due to overpayment	\$ 381.96
03/03/2022	K Lam	Refund of parking permit	\$ 180.00
03/03/2022	K McCummiskey	Fitness instructor fees	\$ 227.36
18/03/2022	K McCummiskey	Fitness instructor fees	\$ 113.68
03/03/2022	K Smith	Fitness instructor fees	\$ 909.44
18/03/2022	Kambarang Services Pty Ltd	Consultancy services - COV reconciliation action plan	\$ 3,190.00
18/03/2022	Kelyn Training Services	Traffic management training - Parks	\$ 5,900.00
18/03/2022	Kleen West Distributors	Cleaning supplies	\$ 1,888.26
15/03/2022	Kone Elevators Pty Ltd	Lift service fee - Mount Hawthorn Community Centre	\$ 2,024.74
18/03/2022	Kone Elevators Pty Ltd	Lift service fee and repairs - Mount Hawthorn Community Centre	\$ 2,371.57

Date	Payee	Description	Amount
18/03/2022	Konica Minolta Business Solutions Australia Pty Ltd	Copy costs - various departments	\$ 482.46
18/03/2022	L Gabriel	Refund of parking permit	\$ 180.00
09/03/2022	L.G.R.C.E.U.	Payroll deduction	\$ 20.50
23/03/2022	L.G.R.C.E.U.	Payroll deduction	\$ 22.00
03/03/2022	Landgate	Gross rental valuations for interims and land enquiries	\$ 354.15
18/03/2022	Landgate	Gross rental valuations for interims	\$ 851.18
03/03/2022	Leo Heaney Pty Ltd	Street tree watering and pruning services - various locations	\$ 61,545.00
18/03/2022	Leo Heaney Pty Ltd	Street tree watering and pruning services - various locations	\$ 57,933.81
18/03/2022	Les Mills Asia Pacific	Licence fees for fitness classes	\$ 1,663.28
03/03/2022	Line Marking Specialists	Line marking services - various locations	\$ 10,601.80
18/03/2022	Line Marking Specialists	Line marking services - various locations	\$ 4,572.70
03/03/2022	Local Government Professionals Australia WA	Staff training - grant writing and business care workshop	\$ 725.00
18/03/2022	M A Green and F K Gordon	Part refund of Beatty Park Leisure Centre fees	\$ 202.92
18/03/2022	M Elikewela	Refund of parking permit	\$ 180.00
18/03/2022	M F Sharp	Part refund of dog registration	\$ 150.00
18/03/2022	M Falcone	Refund of parking permit	\$ 180.00
03/03/2022	M G Jajko	Fitness instructor fees	\$ 113.68
18/03/2022	M L Humich	Fitness instructor fees	\$ 795.76
18/03/2022	M R Gilchrist	Part refund of Beatty Park Leisure Centre fees	\$ 40.58
18/03/2022	M Roosendaal	Refund of parking permit	\$ 180.00
03/03/2022	M Slater	Fitness instructor fees	\$ 60.29
18/03/2022	M Slater	Fitness instructor fees	\$ 120.58
03/03/2022	M T Steber	Refund of infrastructure bond	\$ 750.00
18/03/2022	Mackay Urban Design	Design advisory meeting fee	\$ 440.00
18/03/2022	Macroplan Holdings Pty Ltd	Peer review of retail sustainability assessment	\$ 6,600.00
03/03/2022	Major Motors Pty Ltd	Truck repairs and maintenance	\$ 2,007.71
03/03/2022	Manheim Pty Ltd	Towing services	\$ 715.00
18/03/2022	Manheim Pty Ltd	Towing services	\$ 709.50
18/03/2022	Market Creations Agency	Website development - WALGA	\$ 4,620.00
18/03/2022	Marketforce Pty Ltd	Advertising services - various departments	\$ 4,880.01
03/03/2022	Massey's Herd	Milk supplies - Depot	\$ 522.75
03/03/2022	Max Wax Auto Detailing	Vehicle detailing services	\$ 140.00
15/03/2022	Maxima Group Training	School based trainees - Apprenticeship Cert II in business	\$ 214.01
17/03/2022	Mayor E Cole	Council meeting fee	\$ 7,875.25
18/03/2022	McLeods Barristers & Solicitors	Legal services - deed of settlement and release	\$ 2,000.00
02/03/2022	Mercer Spectrum	Superannuation	\$ 4,856.82
03/03/2022	Mermaid Melody	Entertainer for all abilities pool party	\$ 300.00
18/03/2022	MessageMedia	SMS integrating for Phoenix	\$ 169.13
18/03/2022	Metal Artwork Creations	Supply of name badges - Councillors	\$ 36.85

Date	Payee	Description	Amount
03/03/2022	Mindarie Regional Council	Processable and non processable waste	\$ 21,882.60
18/03/2022	Mindarie Regional Council	Processable and non processable waste	\$ 90,264.38
03/03/2022	Minter Ellison	Legal services - general employment matters	\$ 239.36
15/03/2022	MM IT Consulting (WA) Pty Ltd	IT consultancy fees	\$ 770.00
15/03/2022	Moore Australia (WA) Pty Ltd	Staff training - nuts and bolts workshop	\$ 990.00
03/03/2022	My Ride Perth Central	Bicycle helmets for Rangers	\$ 480.00
18/03/2022	My Ride Perth Central	Bicycle helmet for Ranger	\$ 75.00
03/03/2022	N and M Waldeck	Part refund of Beatty Park Leisure Centre fees	\$ 760.29
03/03/2022	N Elliss	Refund of parking permit	\$ 180.00
18/03/2022	N Jones	Refund of parking permit	\$ 180.00
03/03/2022	N Khatkar	Part refund of dog registration	\$ 100.00
18/03/2022	N May	Refund of parking permit	\$ 180.00
03/03/2022	Nao Williams	Fitness instructor fees	\$ 475.00
03/03/2022	Natale Group Australia Pty Ltd	Security services - BPLC	\$ 9,699.81
18/03/2022	Natale Group Australia Pty Ltd	Security services - BPLC	\$ 1,146.48
03/03/2022	Natural Area Holdings Pty Ltd	Weed control - Bourke Street	\$ 2,586.54
03/03/2022	Nightlife Music Pty Ltd	Crowd DJ - BPLC	\$ 417.94
18/03/2022	Node1 Internet	Fixed wireless internet charges	\$ 189.00
18/03/2022	Noma Pty Ltd	Design advisory meeting and consultancy fees	\$ 2,200.00
18/03/2022	Noongar Media Enterprises	Festival and event sponsorship - First Nations welcome all nations	\$ 14,300.00
03/03/2022	North Perth Tennis Club	Donation - Vincent Cup	\$ 409.32
03/03/2022	Northsands Resources	Construction waste disposal services	\$ 9,374.20
18/03/2022	Northsands Resources	Construction waste disposal services and sand supplies	\$ 4,581.28
03/03/2022	Nulook Homes Pty Ltd	Refund of infrastructure bond	\$ 2,000.00
03/03/2022	O L Monte	Custom made signs for sauna - BPLC	\$ 300.00
03/03/2022	Officeworks Ltd	Office supplies and consumables	\$ 630.70
15/03/2022	Officeworks Ltd	Office supplies and consumables	\$ 114.57
18/03/2022	Officeworks Ltd	Office supplies and consumables	\$ 128.95
18/03/2022	Open Systems Technology Pty Ltd (T/A CouncilFirst)	Consultancy services - January 22	\$ 4,730.00
18/03/2022	Optus Billing Services Pty Ltd	Telephone and internet charges - various locations	\$ 11,658.96
03/03/2022	Osborne Park Volkswagen	Vehicle repairs and maintenance	\$ 179.30
18/03/2022	Osborne Park Volkswagen	Vehicle repairs and maintenance	\$ 4,675.85
18/03/2022	Otis Elevator Company Pty Ltd	Lift repairs - Admin	\$ 2,449.83
03/03/2022	P Chivers	Refund of booking at Brentham Reserve	\$ 38.07
03/03/2022	P Tran	Fitness instructor fees	\$ 284.20
18/03/2022	P Tran	Fitness instructor fees	\$ 397.88
03/03/2022	Paceway Mitsubishi	Vehicle service and repairs	\$ 957.00
18/03/2022	Paragon Construction Solutions Pty Ltd	Supply and install concrete support for slide - BPLC	\$ 18,916.04
03/03/2022	Pennant House	Supply of various flags	\$ 5,616.00

Date	Payee	Description	Amount
03/03/2022	PeopleSense by Altius	Counselling services	\$ 656.70
03/03/2022	Perth Soccer Club Inc.	Donation - community movie night	\$ 500.00
18/03/2022	Perth Stitchings	Merchandise - BPLC	\$ 2,612.50
18/03/2022	Planning Institute Australia	Staff training - planning and design priority	\$ 105.00
03/03/2022	PowerVac Pty Ltd	Cleaning equipment repairs - BPLC	\$ 444.81
03/03/2022	Print and Sign Co	Printing services - various departments	\$ 738.43
18/03/2022	Print and Sign Co	Printing services - various departments	\$ 1,105.50
03/03/2022	Professional Tree Surgeons	Tree pruning and removal services - various locations	\$ 19,752.16
18/03/2022	Professional Tree Surgeons	Tree pruning and removal services - various locations	\$ 33,151.25
03/03/2022	Programmed Integrated Workforce Ltd	Temporary staff - Parks	\$ 3,708.82
15/03/2022	Programmed Integrated Workforce Ltd	Temporary staff - Parks	\$ 2,083.02
03/03/2022	Programmed Skilled Workforce Limited	Temporary staff - Engineering	\$ 3,984.42
03/03/2022	Protector Fire Services Pty Ltd	Fire equipment maintenance and servicing - various locations	\$ 3,396.80
18/03/2022	Protector Fire Services Pty Ltd	Fire equipment maintenance and servicing - various locations	\$ 5,945.61
03/03/2022	QuickMail	Mail print and distribution	\$ 2,036.06
18/03/2022	R G Bell	Rates refund - due to overpayment	\$ 65.48
03/03/2022	Rada & Neso Services	Cleaning services - BPLC	\$ 9,600.00
03/03/2022	Raeco	Library supplies - due date labels	\$ 187.00
18/03/2022	Raymond Lesley Espinos	Fitness instructor fees	\$ 909.44
03/03/2022	Red Lily Renovations	Refund of infrastructure bond	\$ 2,000.00
03/03/2022	Regents Commercial	Rent - Barlee Street car park (part February 22)	\$ 3,978.11
18/03/2022	Regents Commercial	Rent - Barlee Street car park (March 22)	\$ 8,048.34
18/03/2022	Renew Property Maintenance	Clearing rights of way and tipping fees - various locations	\$ 6,545.00
18/03/2022	Retech Rubber	Repairs to soft fall play areas - various locations	\$ 1,485.00
18/03/2022	Roaming Technologies	Supply of tablet cradles and mounts - Rangers	\$ 1,197.90
03/03/2022	Rockwater Pty Ltd	Geothermal monitoring review - BPLC	\$ 3,597.55
18/03/2022	Roof Safety Solutions Pty Ltd	Recertification and inspection of height and safety equipment - various locations	\$ 2,596.00
03/03/2022	RPG Auto Electrics	Plant repairs and maintenance	\$ 2,195.50
18/03/2022	RPG Auto Electrics	Plant repairs and maintenance	\$ 697.18
18/03/2022	Rubek Automatic Doors	Automatic door repairs - BPLC	\$ 409.20
18/03/2022	S Bendikas	Refund of parking permit	\$ 180.00
18/03/2022	S Evans	Refund of parking permits	\$ 360.00
18/03/2022	S Patchett	Fitness instructor fees	\$ 720.00
03/03/2022	S Pearson	Fitness instructor fees	\$ 180.00
18/03/2022	S Pearson	Fitness instructor fees	\$ 180.00
03/03/2022	S Smart	Fitness instructor fees	\$ 113.70
18/03/2022	S Smart	Fitness instructor fees	\$ 170.55
03/03/2022	S Y Siow	Refund of parking permit	\$ 180.00
03/03/2022	Sam's Repairs & Maintenance	Sign installation and maintenance - various locations	\$ 3,212.00

Date	Payee	Description	Amount
18/03/2022	Sam's Repairs & Maintenance	Sign installation and maintenance - various locations	\$ 1,672.00
03/03/2022	Sanax Medical & First Aid Supplies	First aid supplies - BPLC	\$ 347.79
03/03/2022	Sanderson's Outdoor Power Equipment	Plant repairs and maintenance	\$ 57.00
18/03/2022	Sanderson's Outdoor Power Equipment	Plant repairs and maintenance	\$ 395.00
03/03/2022	SAS Locksmiths	Key cutting and lock maintenance service - various locations	\$ 256.80
18/03/2022	SAS Locksmiths	Key cutting and lock maintenance service - various locations	\$ 1,357.97
18/03/2022	Scarboro Toyota	Vehicle services and repairs	\$ 1,826.47
18/03/2022	Scott Print	Printing services - FOGO postcards	\$ 320.10
18/03/2022	Sean Cappeau	Installation of stickers on signage - HBF Park	\$ 3,624.00
03/03/2022	Seaview Orthotics	Supply of litter grabbers	\$ 3,777.15
03/03/2022	Securus	Security services - BPLC	\$ 785.40
18/03/2022	Securus	Security services - Admin	\$ 385.00
18/03/2022	SEEK Limited	Job advertisements	\$ 2,843.50
03/03/2022	ServiceFM Pty Ltd	Cleaning services and cleaning materials - various locations (January 22)	\$ 52,347.29
18/03/2022	ServiceFM Pty Ltd	Cleaning services and cleaning materials - various locations (February 22)	\$ 41,160.46
18/03/2022	Sharon Gregory	Noongar language sessions	\$ 400.00
18/03/2022	Shop for Shops	Retail pricing stickers - BPLC	\$ 142.05
18/03/2022	Sigma Chemicals	Pool chemicals and pool equipment repairs - BPLC	\$ 5,215.45
03/03/2022	Slimline Warehouse	Hand sanitiser pedestal stands - BPLC	\$ 483.26
18/03/2022	Smart Office Systems	Risk register application (30% claim)	\$ 3,564.00
18/03/2022	Smart Office Systems	Environment, search and security set up (30% claim)	\$ 3,564.00
18/03/2022	Smart Office Systems	Microsoft intranet and application portal (60% claim)	\$ 7,128.00
18/03/2022	Solo Resource Recovery	Underwater drone investigation - Britannia Reserve	\$ 797.50
18/03/2022	South East Regional Centre for Urban Landcare	Staff training - fertilise wise course	\$ 418.00
18/03/2022	Southern Metropolitan Regional Council	Annual membership - Recycle Right	\$ 2,776.40
18/03/2022	SpacetoCo Pty Ltd	Facilities weekly reporting and financial handling	\$ 660.00
03/03/2022	Speedo Australia Pty Ltd	Merchandise - BPLC	\$ 5,005.00
18/03/2022	Speedo Australia Pty Ltd	Merchandise - BPLC	\$ 7,618.60
03/03/2022	Sportsworld Of WA	Merchandise - BPLC	\$ 1,079.10
18/03/2022	Sportsworld Of WA	Merchandise - BPLC	\$ 220.00
03/03/2022	SPP Group WA Pty Ltd	Mechanical consultancy - Admin	\$ 825.00
03/03/2022	St John Ambulance Western Australia Ltd	First aid kit servicing - Rangers	\$ 401.58
03/03/2022	Stephen Carrick Architects Pty Ltd	Heritage advice - various locations	\$ 1,760.00
18/03/2022	Stott Hoare	Supply of computer monitors	\$ 8,316.00
18/03/2022	Subiaco Football Club Inc.	Refund of parking permit	\$ 180.00
03/03/2022	Suez Recycling & Recovery Pty Ltd	Waste collection - BPLC (January 22)	\$ 1,799.29
18/03/2022	Suez Recycling & Recovery Pty Ltd	Waste collection - BPLC (February 22)	\$ 1,409.53
03/03/2022	Sun Bum Australia Pty Ltd	Merchandise - BPLC	\$ 902.96
02/03/2022	SuperChoice Services Pty Ltd	Superannuation	\$ 252,121.00

Date	Payee	Description	Amount
18/03/2022	Sunshine Touring Pty Ltd	Event sponsorship - Soundscapes at Beatty Park	\$ 5,500.00
03/03/2022	Synchro WA Incorporated	Refund of duplicate payment	\$ 1,065.00
03/03/2022	Synergy	Electricity and gas charges - various locations	\$ 19,214.47
15/03/2022	Synergy	Electricity and gas charges - various locations	\$ 2,132.60
18/03/2022	Synergy	Electricity and gas charges - various locations	\$ 115,898.16
18/03/2022	T A Denham	Open Streets grant funding - Dunedin Street Christmas party	\$ 120.54
18/03/2022	T Bhogal	Refund of parking permit	\$ 180.00
03/03/2022	T Lam	Refund of planning application fee	\$ 441.00
03/03/2022	T Zheng	Refund of parking permits	\$ 360.00
18/03/2022	Tabata Australia Pty Ltd	Merchandise - BPLC	\$ 432.80
18/03/2022	Technology One Ltd	GIS consulting services	\$ 8,624.00
03/03/2022	Teena Smith	Fitness instructor fees	\$ 350.00
18/03/2022	Teena Smith	Fitness instructor fees	\$ 350.00
03/03/2022	Telford Industries	Pool vacuum cleaner filter bag - BPLC	\$ 232.10
03/03/2022	Telstra Corporation Ltd	Telephone and internet charges - various locations	\$ 508.35
18/03/2022	Telstra Corporation Ltd	Telephone and internet charges - various locations	\$ 399.96
18/03/2022	The BBQ Man	BBQ cleaning and maintenance services - various locations	\$ 5,677.64
03/03/2022	The Royal Life Saving Society Western Australia Inc	Staff training - advanced resuscitation and lifeguard requalification	\$ 3,952.00
18/03/2022	The Royal Life Saving Society Western Australia Inc	Pool lifeguard challenge team entry fee	\$ 500.00
18/03/2022	The Royal Life Saving Society Western Australia Inc	Maintenance of Hyde Park water playground - February 22	\$ 5,161.42
18/03/2022	The Royal Life Saving Society Western Australia Inc	Servicing of AIDS memorial fountain - February 22	\$ 792.00
03/03/2022	TJ Depiazzi & Sons	Supply of mulch	\$ 3,491.40
03/03/2022	Tom Lawton - Bobcat Hire	Bobcat hire and tipping fees for verges	\$ 11,760.10
18/03/2022	Tom Lawton - Bobcat Hire	Bobcat hire	\$ 4,934.60
18/03/2022	Toolmart Australia Pty Ltd	Hardware supplies - Depot	\$ 195.75
03/03/2022	Total Eden Pty Ltd	Reticulation supplies	\$ 1,165.65
03/03/2022	Totally Workwear Mt Hawthorn	Uniform supplies - Operations	\$ 624.50
18/03/2022	Totally Workwear Mt Hawthorn	Uniform supplies - various departments	\$ 1,607.00
18/03/2022	Traffic Systems West (Ennis Traffic Safety Solutions Pty Ltd)	Remove and replace flexible bollards- Fitzgerald Street	\$ 3,120.70
03/03/2022	Transform My Space	Refund of infrastructure bond	\$ 2,000.00
18/03/2022	Transoft Solutions	Software licence renewal - AutoTurn map	\$ 671.00
03/03/2022	Tree Amigos	Street trees and parks pruning/removal - various locations	\$ 170,410.90
18/03/2022	Tree Amigos	Street trees and parks pruning/removal - various locations	\$ 7,036.70
18/03/2022	Trustees for The Folan Family Trust t/a Inspired Development Solutions	Staff training - Executive coaching	\$ 770.00
03/03/2022	Tucker Bush	Bush tucker garden consultation - Loftus Community Centre	\$ 440.00
03/03/2022	Tyres4U Pty Ltd	Tyre replacements and maintenance	\$ 2,105.40
03/03/2022	Universal Diggers	Plant hire - Depot	\$ 25,943.50
18/03/2022	Universal Diggers	Plant hire - Depot	\$ 21,862.50

Date	Payee	Description	Amount
18/03/2022	Urbaqua	Project consultancy - water sensitive urban design	\$ 2,200.00
03/03/2022	W Barnard	Expense reimbursement - supplies for Chambers	\$ 74.00
10/03/2022	W Barnard	Expense reimbursement - catering for City event - Council	\$ 128.00
18/03/2022	W Yuan	Refund of parking permit	\$ 180.00
03/03/2022	W.A. Hino Sales & Service	Plant repairs and maintenance	\$ 5,167.45
03/03/2022	WA Library Supplies	Library supplies - book tape	\$ 367.90
03/03/2022	Water Corporation	Water charges - various locations	\$ 26,473.80
18/03/2022	Water Corporation	Water charges - various locations	\$ 26,703.81
18/03/2022	Way Funky Company Pty Ltd	Merchandise - BPLC	\$ 16,610.00
18/03/2022	WC Convenience Management Pty Ltd	Maintenance of exelooos - various locations	\$ 3,992.44
18/03/2022	West Australian Young Readers' Book Award	Library promotional items	\$ 42.00
03/03/2022	West Coast Profilers Pty Ltd	Profiling services - various locations	\$ 17,842.00
03/03/2022	Western Electric Sporting Association	Donation - wheelchair transport	\$ 500.00
03/03/2022	Western Irrigation Pty Ltd	Reticulation repairs and maintenance	\$ 6,400.16
18/03/2022	Western Irrigation Pty Ltd	Reticulation repairs and maintenance	\$ 2,612.50
03/03/2022	Western Resource Recovery Pty Ltd	Grease trap maintenance - Loftus Recreation Centre	\$ 192.50
18/03/2022	West-Sure Group Pty Ltd	Cash collection services - various locations	\$ 2,036.59
18/03/2022	Wheeler's Books Pty Ltd	Supply of library books	\$ 200.51
03/03/2022	Wilson Security	Security services - Depot	\$ 214.50
18/03/2022	Wilson Security	Security services - Loftus Recreation Centre	\$ 143.00
03/03/2022	Winc Australia Pty Ltd	Office supplies and consumables	\$ 1,265.06
18/03/2022	Winc Australia Pty Ltd	Office supplies and consumables	\$ 1,777.37
03/03/2022	Woodlands Distributors Pty Ltd	Supply of compostable dog waste bags	\$ 7,319.40
18/03/2022	Work Health Professionals Pty Ltd	Serology screening - various employees	\$ 1,267.20
03/03/2022	Work Metrics Pty Ltd	Online inductions - BPLC	\$ 110.00
18/03/2022	Workwear Group Pty Ltd	Uniform supplies - Library	\$ 116.00
03/03/2022	Worldwide East Perth	Printing services - various departments	\$ 1,067.00
18/03/2022	Worldwide East Perth	Printing services - various departments	\$ 1,177.00
18/03/2022	Yoga Hub (WA) Pty Ltd	Yoga class for Marketing team building day	\$ 140.00
03/03/2022	YogaNut	Fitness instructor fees	\$ 360.00
18/03/2022	YogaNut	Fitness instructor fees	\$ 120.00
18/03/2022	Yolande Gomez	Fitness instructor fees	\$ 634.72
03/03/2022	Youth Disability Advocacy Network	Paralympian video interview by YDAN employee	\$ 165.00
18/03/2022	Zumba Fitness Patricia Rojo	Fitness instructor fees	\$ 496.00
			\$ 5,221,310.20
Payroll			
01/03/22	Pay 18		\$ 665,483.98

Date	Payee	Description	Amount
04/03/22	Ad hoc		\$ 9,690.48
15/03/22	Pay 19		\$ 678,830.67
29/03/22	Pay 20		\$ 679,644.32
Total Payroll			\$ 2,033,649.45
Total Payments			\$ 7,254,959.65

Creditors Report - Payments by Cheque				
01/03/22 to 31/03/22				
<i>Creditor</i>	<i>Date</i>	<i>Payee</i>	<i>Description</i>	<i>Amount</i>
00082701	02/03/2022	Petty Cash - Beatty Park Leisure Centre	Petty cash recoup	\$ 235.50
00082702	22/03/2022	Commissioner of State Revenue	Refund for rates and ESL rebate	\$ 184.61
00082703	30/03/2022	Petty Cash - Finance	Petty cash recoup	\$ 463.90
Total Nett Cheque Payments				\$ 884.01

Creditors Report - Payments by Direct Debit				
01/03/22 to 31/03/22				
Credit Card Transactions for the Period 5 February 22 - 7 March 22				
Card Holder	Date	Payee	Description	Amount
CEO	16/02/2022	WA News	WA newspaper subscription - digital and paper	\$ 83.60
Director Strategy & Development	01/03/2022	ASIC	Company search	\$ 9.00
Director Infrastructure & Environment	17/02/2022	Perth Magistrates Court	Court lodgements - parking matters	\$ 326.60
Manager Marketing & Partnerships	08/02/2022	City of Perth	Parking - external meeting	\$ 4.24
	10/02/2022	Mailchimp	Email campaign	\$ 1,305.49
	11/02/2022	Absolute IT	Domain name and web hosting	\$ 50.75
	19/02/2022	Shutterstock	Image download subscription	\$ 99.00
	23/02/2022	Asana.com	Subscription - work flow graphic design tool	\$ 850.51
	23/02/2022	International transaction fee	Subscription - work flow graphic design tool	\$ 21.26
	24/02/2022	Survey Monkey	Survey tool annual subscription	\$ 384.00
	28/02/2022	Facebook	Facebook ads	\$ 39.28
				\$ 2,754.53
Branch Librarian	14/02/2022	Booktopia	Supply of library books	\$ 133.10
	14/02/2022	Book Depository	Supply of library books	\$ 97.85
	23/02/2022	Hesperian Press	Supply of library books	\$ 31.40
	24/02/2022	Diabolik Books	Gift voucher for library competition	\$ 30.00
				\$ 292.35
Manager ICT	05/02/2022	Sendgrid	Application programming interface software	\$ 126.55
	05/02/2022	International transaction fee	Application programming interface software	\$ 3.16
	05/02/2022	Landis Technologies	Software licence - call centre for Customer Service	\$ 1,248.17
	05/02/2022	International transaction fee	Software licence - call centre for Customer Service	\$ 31.20
	05/02/2022	Intruder Systems Ltd	Subscription - cyber security testing	\$ 320.77
	05/02/2022	International transaction fee	Subscription - cyber security testing	\$ 8.02
	10/02/2022	Zoom	Video conferencing	\$ 8.94
	15/02/2022	CPP Council House	Parking - external meeting	\$ 20.19
	19/02/2022	Zoom	Video conferencing	\$ 338.68
	21/02/2022	M2M One Pty Ltd	Mobile SIMs for parks reticulation devices	\$ 354.97
	01/03/2022	Officeworks	SMS emergency service credit	\$ 141.31

<i>Card Holder</i>	<i>Date</i>	<i>Payee</i>	<i>Description</i>	<i>Amount</i>
	01/03/2022	Safetyculture	Mobile inspection application	\$ 191.68
	02/03/2022	Assetsonar.com	IT asset management software	\$ 324.63
	02/03/2022	International transaction fee	IT asset management software	\$ 8.12
	03/03/2022	Node1 Internet	Fixed wireless internet charges	\$ 189.00
	03/03/2022	Deputy	Online timesheet software	\$ 865.15
	03/03/2022	Intruder Systems Ltd	Subscription - cyber security testing	\$ 313.53
	03/03/2022	International transaction fee	Subscription - cyber security testing	\$ 7.84
	03/03/2022	M2M One Pty Ltd	Mobile SIMs for parks reticulation devices	\$ 372.97
	03/03/2022	Sendgrid	Application programming interface software	\$ 123.69
	03/03/2022	International transaction fee	Application programming interface software	\$ 3.09
	05/03/2022	Landis Technologies	Software licence - call centre for Customer Service	\$ 1,205.65
	05/03/2022	International transaction fee	Software licence - call centre for Customer Service	\$ 30.14
				\$ 6,237.45
Procurement and Contracts Officer	17/02/2022	Local Government Management	Staff training - 2022 Finance professionals conference	\$ 1,200.00
	23/02/2022	Tenderlink.com	Tender advertising	\$ 184.80
	23/02/2022	Tenderlink.com	Tender advertising	\$ 184.80
	23/02/2022	Tenderlink.com	Tender advertising	\$ 184.80
	23/02/2022	Tenderlink.com	Tender advertising	\$ 184.80
	23/02/2022	Tenderlink.com	Tender advertising	\$ 184.80
	01/03/2022	Moore Stephens	Staff training - 2022 FBT workshop	\$ 770.00
				\$ 2,894.00
Total Corporate Credit Cards				\$ 12,597.53
Direct Debits				
Lease Fees	22/03/2022	Pitney Bowes Leasing	Postal scales	\$ 395.84
Loan Repayments		Treasury Corporation	Department Sport and Recreation Building, Loftus Centre, Loftus Underground Car Park and Beatty Park Leisure Centre	\$ 100,782.60
Bank Fees and Charges		Commonwealth Bank	Bank fees	\$ 24,848.40
Total Direct Debits including Credit Cards				\$ 138,624.37

11.4 TERMS OF REFERENCE - CHILDREN AND YOUNG PEOPLE ADVISORY GROUP

Attachments: 1. **Proposed Terms of Reference - Children and Young People Advisory Group**  

RECOMMENDATION:

That Council ADOPTS the Terms of Reference of the City's Children and Young People Advisory Group (CYPAG) (at Attachment 1).

PURPOSE OF REPORT:

For Council to adopt the Terms of Reference for the City's Children and Young People Advisory Group (CYPAG).

BACKGROUND:

At the 9 February 2010 Council Meeting (Item 9.4.7), a policy to govern advisory groups was adopted ([Policy 4.2.12 – Advisory Groups](#)). This Policy formalised the City's position in respect to the advisory groups.

The key provisions of the Policy are:

- advisory groups are to facilitate community input and involvement and provide advice and support on strategic, special interest and operational activities;
- advisory groups will act in an advisory capacity only and can only consider matters referred to it by the Council;
- the meetings will be conducted in an informal matter and will occur as required;
- the Council is to appoint a Chairperson for each advisory group, who will preside at the meetings;
- the minutes of the advisory groups' meetings are to be reported to Council, any recommendations should be consistent with the City's operational and strategic planning and within the City's staff resourcing;
- any items dealt with by the advisory group will not be implemented until Council has made a decision on the item;
- the City's Code of Conduct applies to all advisory group members;
- members need to be aware of financial, proximity and impartiality conflicts of interest and declare these and remove themselves from the discussion as appropriate;
- the term of membership is usually for two years, aligning with the local government ordinary election cycle;
- if a member of an advisory group fails to attend three consecutive meetings, without an approved leave of absence, their appointment is automatically terminated; and
- the operations of each advisory group are to be reviewed every two years, or sooner as required.

At the November 2021 Council meeting, Elected Members and community representatives were appointed to CYPAG, and meetings commenced in January 2022.

DETAILS:**Children & Young People Advisory Group**

CYPAG met and agreed on the group's draft Terms of Reference on 16 March 2022.

The amendments made better align the Terms of Reference to the principles of the [Youth Action Plan 2020-2025](#).

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The membership requirements for Advisory Groups are set out in clause 10 of the City's [Policy 4.2.12 – 'Advisory Groups'](#).

Policy 4.2.12 will be reviewed over the coming year, with the following issues considered:

- selection criteria and minimum requirements for community members;
- quantitative methodology for the evaluation and selection (weighted criteria); and
- membership numbers.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the Terms of Reference.

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.

Innovative and Accountable

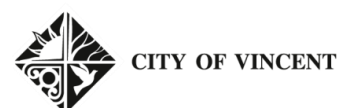
We are open and accountable to an engaged community.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.



TERMS OF REFERENCE

1. AIMS

The Advisory Group is tasked with ~~identifying, advocating and exploring ways of addressing the issues and needs of children and young people (up to 25 years of age) in the City of Vincent.~~ Supporting, connecting and empowering the capacity of children and young people to enhance the City of Vincent community.

2. OBJECTIVES

The Objectives of the Advisory Group is to ~~provide recommendations and advice on relating to:~~

- 2.1 Provide recommendations and advice on youth initiatives which foster collaboration and partnerships ~~closer relationships and on-going liaison~~ between ~~local schools~~ community stakeholders and the City;
- ~~2.2 Matters which may impact on schools and/or students in the City;~~
- 2.2 Promote and support opportunities for ~~enhancement of the City's services, facilities and programmes, that relate to~~ children and young people to actively participate in the community and feel a sense of connection and belonging;
- 2.3 Foster the City's connection with ~~Strategies to address the needs of~~ children and young people ~~in the City; and~~, empowering them to have a voice on matters that affect them;
- 2.4 Recommend strategies or ideas that improve services or opportunities for ~~Actions to be undertaken to inform, educate and raise awareness in the community with regard to issues faced by~~ children and young people within Vincent; and
- 2.5 Advocate for children and young people, recognising the energy, excitement, enthusiasm and innovation they bring to our community.

3. MEMBERSHIP

The membership of the City of Vincent Children and Young People Advisory Group shall comprise the following persons with only those persons appointed under clauses 3.1 and 3.2 being eligible to vote:

3.1 Up to three (3) Council Members

3.2 Up to ~~Seven Six (76)~~ Community Representatives

Up to ~~seven six (76)~~ Community Representatives from any one or more of the following backgrounds/categories, as determined by Council:

- representatives from the P&C, Board or Council of a local school;
- community member(s) with active involvement in the areas of children and/or young people;
- Youth organisation(s) located within or providing services to children and young people in the City of Vincent; and

- an active member(s) of one of the City's Town Teams with involvement in children and/or youth issues.

3.3 Invited guests

Guest may be invited to attend a meeting including local young people to help add a young person's perspective to a discussion.

Other individuals, groups and organisations may be invited to attend Advisory Group Meetings for a specific purpose from time-to-time.

3.4 City Officers

The appropriate Director and Manager as determined by the Chief Executive Officer.

ADVISORY GROUPS

This Advisory Group shall operate at all times in accordance with the City's Policy No. 4.2.12 – Advisory Groups.

Commencement Date:	17 December 2013
Amended:	17 November 2015, 5 April 2016, 29 June 2018
Review Date:	October 2019, March 2022
File Ref:	D17/121846

11.5	SPORTSGROUND ALLOCATION - HIRE AND USE POLICY - WITHDRAWN BY ADMINISTRATION
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Administration are withdrawing this item to allow sufficient time to review Councillor questions and consider community engagement processes.

11.6 DRAFT ACCESS AND INCLUSION PLAN 2022-2027 - APPROVAL FOR PUBLIC CONSULTATION

Attachments: 1. Draft City of Vincent Access and Inclusion Plan 2022-2027 [↓](#) 

RECOMMENDATION:

That Council:

1. **RECEIVES** the Draft Access and Inclusion Plan 2022-2027, at Attachment 1: and
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the Draft Access and Inclusion Plan 2022-2027 for public comment for a period of 21 days, inviting written submissions in accordance with the City's Community and Stakeholder Engagement Policy

PURPOSE OF REPORT:

To receive the Draft Access and Inclusion Plan 2022-2027 (Attachment 1) and authorises advertising for public comment, prior to Council's consideration and adoption.

BACKGROUND:

The Disability Services Act 1993 (the Act) requires all local government authorities to develop a Disability Access and Inclusion Plan (the Plan) in order to plan and implement accessibility improvements, and to promote access and inclusion both for people with disability and for the wider community. Administration provides a yearly report to the Department of Communities on the progress of actions within the Plan across the seven mandated outcome areas which are:

- Services and Events
- Buildings and Facilities
- Information and Communication
- Quality Service
- Complaint Mechanisms
- Consultation Processes and
- Employment

The City's current Plan also includes an additional, voluntary outcome area, 'Policy and Procedures'.

The most recent report on the progress of our current Plan was submitted to the Department of Communities in July 2021. Some highlights from the most recent progress report include:

- The City hosted a 'Lunch n Learn' with a staff member who shared his experience of living with disability
- The City completed the renewal project of Loftus Recreation Centre Change Rooms with a fully accessible change room
- The upgrade to the eastern side toilets at Hyde Park was completed and there are now three unisex accessible toilets
- The Beatty Park team developed an information resource for children with Autism, 'social stories'
- The Vincent Community Centre Accessible toilet was refurbished to meet current Australian Standards.

The current Plan expires this year and a revised Plan is required to be developed and endorsed by Council before it is submitted to the Department of Communities.

DETAILS:Community Engagement Campaign

In November 2021, Administration commenced the process for developing a new Plan with a community engagement campaign. In order to ensure that the process was collaborative, Administration engaged local organisation Youth Disability Advocacy Network to design a community engagement survey to track sentiment and responses relating to our DAIP. Administration also met with other disability organisations and local residents in order to develop a network for the engagement campaign and to understand how best to engage with stakeholders. In addition to this, Administration completed the following engagement activities:

- Community workshop with people with disability, carers and industry representatives
- Online (Engagement HQ) and in person surveys
- Stall at Kyilla Farmers Markets
- Engagement with groups at Vincent Community Centre
- Engagement with Mt Hawthorn Education Support Centre
- Meetings with Managers and Coordinators across City business units

The engagement campaign was also promoted across the City's social media platform, with flyers and posters in key locations, and via email to relevant stakeholders, community groups and individuals (for example, the Beatty Park Angelfish program families.)

Stakeholder Participation and Feedback

The outcomes of the community engagement campaign resulted in:

- Participation of 14 people in the community workshop
- 11 online survey responses
- 2 social media responses
- 6 face to face meetings with community members with verbal comments provided
- 1 email submission

Feedback was sought on the current Plan as well as ideas and actions for the new Plan.

Community workshop participants provided feedback that the current Plan was too long and wordy, making it difficult for some people to read and comprehend. It was recommended that the new Plan be simplified and include less background information, with the focus being on the actions to be taken across the outcome areas.

Many respondents expressed frustration with ongoing issues of physical access across the community (not just within the City) including inability to access public transport, unsuitable footpaths, lack of ramps into buildings, lack of accessible toilets, accessible and ACROD parking, and lack of accessibility options and information for events and services. It was noted that people reporting accessibility issues felt that these were often not acted on, or that actions were taken without appropriate consultation that then resulted in further issues.

However, respondents also expressed a desire to see more work done to address non-physical barriers such as providing suitable environments for people with developmental disability (e.g. 'quiet spaces') and education, awareness and training, particularly for City staff, in providing services for people with non-visible disability. There was also a focus on improving inclusion more broadly for people from a variety of backgrounds and cohorts, recognising the broader access and inclusion needs of seniors, youth, people from culturally diverse backgrounds, and other minority groups. Access and inclusion also needs to consider the needs of those who support people with disability, such as parents and carers.

City of Vincent Employee Feedback

Meetings with staff across business units of Administration identified opportunities for improving accessibility. Administration has identified a need for dedicated budget to be allocated to areas such as Building and Asset Management and Engineering, in order to address physical accessibility issues across our buildings and in public spaces, in order of priority.

Creation and Review of the Draft Plan

Following the engagement period, Administration has developed a new draft Disability, Access and Inclusion Plan 2022-2027 (**Attachment 1**).

The ideas and feedback received during the engagement process were used to develop this draft Plan and a robust internal engagement process has ensured that all business units within Administration will be able to implement the actions relevant to their areas.

The draft Plan has been reviewed by internal and external stakeholders, including a review by the Youth Disability Advocacy Network.

The draft Plan has also been reviewed by the Department of Communities who have advised that it is compliant with the City's requirements under the Act.

Next Steps

The draft Plan will be advertised for community comment in the month of June 2022.

A further report will be presented to the Ordinary Council Meeting in July 2022 detailing any submissions received during the public comment period.

The Access and Inclusion Plan 2022-2027 will be modified to include the Mayor's forward and finalise wording of the Acknowledgement of Country. The CEO will also update the final document to improve formatting, styling and graphic design, prior to adoption and publication.

CONSULTATION/ADVERTISING:

All stakeholders who provided a submission during the Community Engagement phase for developing this draft Plan have been contacted and invited to provide feedback on the draft plan, which was used to refine the draft.

LEGAL/POLICY:

It is a requirement under the Western Australian Disability Services Act 1993 that all Local Government Authorities develop a Disability Access and Inclusion Plan and review and/or amend or replace the Plan every 5 years.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to advertise the draft Plan for public comment. The Plan has been developed with relevant community stakeholders and Administration staff.

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.

Accessible City

Our pedestrian and cyclist networks are well designed, connected, accessible and encourage increased use.

Connected Community

Our many cultures are celebrated.

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.

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

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.

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:

This plan will influence the implementation of the *Sustainable Environment Strategy 2019-2024*, particularly by ensuring modes of transport are accessible and inclusive.

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

Reduced injuries and a safer community

This plan supports the creation of a social and built environment that is accessible and inclusive for everyone, and particularly for people with disabilities. It recognises that this will create increased social connectedness for our community and will encourage physical access to, and utilisation of, community spaces.

FINANCIAL/BUDGET IMPLICATIONS:

Funding for implementation of the plan will be considered during the 2022-2023 budget process.

COMMENTS:

The proposed Plan has been developed in collaboration with the community and will provide clear strategic direction for the City's Access and Inclusion initiatives over the next 5 years. The Plan will be supported by the City's Diversity Access and Equity Policy, which will be reviewed following the adoption of the Plan, and an Implementation Plan to ensure all actions are addressed and achieved by Administration during the life of the Plan.



CITY OF VINCENT

ACCESS & INCLUSION PLAN

2022 – 2027

CITY OF VINCENT ACCESS AND INCLUSION PLAN (DRAFT)

Acknowledgement of Country (wording to be confirmed)

The City of Vincent acknowledges the traditional lands of the Whadjuk Noongar people. We pay our respect to their Elders, past and present and we recognise their strength and resilience.

Mayors Forward (to be drafted)

Introduction

We want to provide services and spaces that meet the needs of all our residents and visitors.

We know barriers exist that prevent equity from being achieved, particularly for people with disability

The aim of this Plan is to make our buildings, services, events and culture more accessible and to make sure everyone in our community feels included.

We will give everyone in our community:

- the opportunity to be heard,
- the ability to enjoy our public spaces,
- fair treatment and respect.

So everyone can participate and enjoy Vincent life.

Legislation and Guiding Documents

Our Strategic Community Plan 2018-2028 guides our service delivery, planning and development. A key outcome of this plan is that *"We are an inclusive, accessible and equitable City for all."*

This Plan has also been informed by the [State Disability Strategy 2020-2030](#) and the [State Disability Action Plan 2020-2030](#).

Having an Access and Inclusion Plan (also known as a Disability Access and Inclusion Plan) is a requirement for all Local Governments under the Western Australian Disability Services Act 1993.

What is Access and Inclusion?

Nearly everyone faces hardships and difficulties at one time or another. But for people with disabilities, barriers to access and inclusion can be more frequent and have greater impact.

A disability is a condition that restricts everyday activities. The Disability Services Act (1993) defines 'disability' as a condition which:

- is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments
- is permanent or likely to be permanent
- may or may not be of a chronic or episodic nature

- results in substantially reduced capacity of the person for communication, social interaction, learning or mobility and a need for continuing support services. (disability.wa.gov.au)

The World Health Organisation (WHO) describes barriers as being more than just physical obstacles, but considers “factors in a person’s environment that, through their absence or presence, limit functioning and create disability.

These include:

- A physical environment that is not accessible
- Lack of relevant assistive technology (assistive, adaptive and rehabilitative)
- Negative attitudes of people towards disability
- Services, systems and policies that are either non-existent or that hinder the involvement of all people with a disability in all areas of life”

Intersectionality

We know that access and inclusion will also impact people without disability.

Other personal characteristics that may contribute to whether a person has equitable access and inclusion are:

- Gender
- Sex
- Sexual Orientation
- Race and Ethnicity
- Colour
- Nationality
- Refugee or migrant background
- Language and Literacy
- Religion
- Age
- Socio-economic status

For some people, access and inclusion will be impacted by more than one of these characteristics. For example, a person with disability may also experience a lack of inclusion due to race, gender or sexual orientation.

These people may experience more barriers because of the combination of these characteristics. This is called intersectionality.

Diversity Profile

In City of Vincent:

33,693 people in the City of Vincent (2016 census)

One in three residents born overseas

One in five speak a language other than English at home (ABS)

3,642 people aged 65+ (2016 census)

1,304 people need assistance due to disability (2016 census)

One in four households with dependent children

2,451 unpaid aged and disability carers (2016 census)

409 NDIS participants residing in Vincent (NDIS)

Across Australia

One in five Australians have a disability (ABS)

One in five speak a language other than English at home (ABS)

One in two people were born overseas or have a parent who was born overseas (ABS)

Up to 11% of Australians may have a diverse sexual orientation, sex or gender identity (Human Rights Australia)

Aboriginal and Torres Strait Islander peoples make up 3.3% of the population

One in ten people with disability experienced discrimination in the past year (ABS)

One in three people with disability have had difficulty accessing facilities (Australian Institute of Health and Welfare)

One in two people with disability are in the workforce (Australian Human Rights Commission)

One in two people were born overseas or have a parent who was born overseas (ABS)

1.7% of Australians are estimated to be intersex (Human Rights Australia)

44% of Australian Adults with low levels of English Literacy (known as functional illiteracy) (ABS)

Who helped us make this Plan

To help us write this plan, we spoke to people in our community and asked what they wanted us to do to make the City more accessible. Some of the ways we spoke to people are listed below.

Youth Disability Advocacy Network helped us draft a community survey

We held a workshop that 14 people with disability, carers and disability sector workers attended

11 people completed our online survey

We had six face to face conversations in the community

We did a pop up stall to talk to people at the Kyilla Markets

We talked to people attending programs at our Community Centre

We put out an open invitation to our networks to talk to us

We held meetings with City of Vincent management staff

Outcome Areas

These are the eight areas in which we will take actions to be more accessible and inclusive. For each area, we have listed what we will keep doing, what new actions we will take and some examples of what these actions will look like.

Outcome One - People with disability have the same opportunities as other people to access the services of, and any event by, a public authority.

What we will keep doing:
Provide services and events in venues that are physically accessible.
City staff, agents and contractors are made aware of, and required to follow, access and inclusion requirements for their roles.
Action areas:
We will make our Administration and Civic Centre, Community Centre, Library and Beatty Park more accessible. We will aim to meet best practice standard where possible.
Improve communication about accessibility for events and services.
We will make it easier to locate information about accessible public facilities in Vincent.
Improve service and event accessibility for people with neurological, cognitive, intellectual, psychiatric and sensory disability.
We will share information with event organisers and community groups to increase awareness of non-physical accessibility needs.
Examples of actions:
Ensure all major City events with performers or speakers have an Auslan interpreter and that the option for an Auslan or other language interpreter is available on request for workshops and other events
We will provide low sensory areas or sessions at Beatty Park and at all relevant events.
All our event promotional material will include accessibility information.
We will obtain a sensory kit to assist City staff to support people with neurological, sensory and other conditions at City run events.

Outcome Two - People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.

What we will keep doing:
Provide free, dedicated ACROD parking bays across the City
When we are making upgrades to buildings or commencing new construction, our staff, contractors and agents are aware of, and comply with, Australian accessibility and mobility standards
Action areas:
We will make our Administration and Civic Centre, Community Centre, Library and Beatty Park more accessible. We will aim to meet best practice standards where possible.
Develop a clear plan for upgrading City facilities, to meet or exceed Australian Standards where possible over the next 10 years
Make hiring our facilities more accessible
Improve ACROD permit holder parking across the City
Review accessibility of playgrounds and other park equipment through the Playspace Strategy and make improvements, in order of priority.
Review the accessibility of our public spaces, including footpaths, and prioritise improvement for areas of concern.
Make sure accessibility is a high priority when we upgrade our parks and open spaces
Encourage businesses and community groups in City of Vincent to become more accessible and inclusive
Ask all tenderers to demonstrate how they consider accessibility and review this as part of our procurement process
Examples:
Accessible toilets will be upgraded to have automatic door entry at the Administration and Civic Centre and Community Centre buildings.
Add more accessible playground equipment and soft fall to playgrounds.
Upgrade the Administration and Civic Centre lift to meet accessibility standards.
Allocate funds in our annual budget to improve building accessibility across the City.
All City managed road resurfacing leave the road level with the footpath ramp at the time of completion.

Outcome Three - People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

What we will keep doing:
Our website will meet W3C Web Accessibility Guidelines.
We will promote on our website that documents are available in alternative formats on request.
All staff involved in developing website, social media and other public content have received access and inclusion training and cultural awareness training.

Action areas:
Provide more support for those who have difficulty communicating when accessing our services.
Promote availability of Auslan and other language interpreters for City events and services and for communicating with the City.

Examples:
Provide D/deaf awareness, dementia awareness and other suitable training for customer service staff.
Trial Alternative and Augmentative Communication (AAC) boards at locations within the City.
Add image descriptions to all images used on social media and in public documents and ensure all video content has closed captions and accompanying transcript.

Outcome Four - People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of the public authority.

What we will keep doing:
Ensure that all staff and contractors are provided with information about this plan and their responsibilities, in induction or on-boarding process.
Provide disability awareness training to all staff within the first 6 months of employment.

Action areas:
Improve staff and contractor awareness of this plan and general Access and Inclusion principles, including non-visible disability, in day-to-day tasks and projects across the organisation.
Track all customer requests regarding access and inclusion, to ensure action and accountability
Improve information technology to provide better access for staff when dealing with customers outside of City of Vincent office buildings.

Examples:
Update staff and contractor induction and on-boarding to increase awareness of this plan and how it relates to individual work areas.

Outcome Five - People with disability have the same opportunities as other people to make complaints to a public authority.

What we will keep doing:
Receive and action complaints made through all contact methods including letter, email, in person, phone, social media message and via our webpage.

Action areas:
Improve information about making complaints, for people who require an interpreter or have additional accessibility needs.

Examples:
Make our complaints and customer service charter available in multiple formats on the website, including Easy Read.

Outcome Six - People with disability have the same opportunities as other people to participate in any public consultation by a public authority.

What we will keep doing:
Conduct consultation in venues that are physically accessible, using appropriately trained staff.
Allow for feedback to be taken in a range of ways including; in person, by letter, email, SMS, NRS (National Relay Service), with an Auslan or other language interpreter and via the City's website, social media and in person.
Ensure people with disability continue to be represented on the City's Community Engagement Panel.

Action areas:
Increase promotion of support available for people with disability to participate in public consultations.

Examples:
Include plain English word document formats for major consultations listed on Engagement HQ.
Clearly advertise the accessibility of the venue for any in-person consultation sessions.
Measure participation rates of people with disability

Outcome Seven - People with disability have the same opportunities as other people regarding employment practices (recruitment and retention) by a public authority.

What we will keep doing:
Promote employment opportunities widely, in a range of formats and through Disability Employment Services and disability networks.
Ensure all City position descriptions and employment contracts state that Access and Inclusion is a shared responsibility of all staff.
Ensure all venues used for recruitment and employment are physically accessible.
Continue offering employment opportunities specifically for people with disability via the Disability Employment Services Network.
Action areas:
Improve induction and on boarding process to make it more accessible and inclusive
Upskill managers and supervisors in fostering accessible and inclusive workplaces.
Build stronger relationships with local disability organisations and promote employment opportunities through their networks.
Examples:
Work directly with disability organisations to undertake 'role carving' to provide more employment opportunities for people with disability.
Provide unconscious bias and workplace diversity training for staff involved in recruitment and management.

Outcome Eight - People with disability have the same opportunities as other people to have their needs and entitlements considered when the City of Vincent is developing and implementing policies and procedures.

What we will keep doing:
Continue to implement the City's Access and Equity policy, and this plan, across the organisation.
Action areas:
Improve accessibility of Council meetings, where policies are discussed and adopted.
Review and update our purchasing policy to make it easier to purchase from businesses owned by, or supporting, people with disability.
Ensure all staff undertaking policy reviews consider accessibility when making recommendations to Council.

Examples:

Amend policies and procedures to ensure people with disability can submit statements and questions at Council Meetings in alternative formats.

Update policy review paper template to include a prompt to consider accessibility.

How will this Plan be promoted and implemented?

The City of Vincent will make this Plan available on our website and in hard copy in our Library, Administration and Civic Centre, Community Centre and Beatty Park.

We will promote this Plan via our electronic newsletters, on social media and in local newspapers.

You can also request a copy of our Plan to be provided to you via mail, email, or in another format such as audio recording or braille.

The City will track our progress against each action within this Plan and will complete an annual progress report for the Department of Communities.

Contact us:

To talk to someone about this Plan, you can contact the City of Vincent in the following ways:

- In person at the City of Vincent Community Centre, 99 Loftus Street Leederville.
- Call us on 9273 6000 or via the National Relay Service (NRS) on 133 677 (TTY and voice calls)
- Message us on our website chat at www.vincent.wa.gov.au
- Email mail@vincent.wa.gov.au
- Write to us at PO Box 82 Leederville 6902
- Message us on any of our social media pages.
- Interpreters are available on request for languages other than English, including AUSLAN.

ⁱ World Health Organization, International classification of functioning, disability and health. Geneva:2001, WHO. p. 214

12 CHIEF EXECUTIVE OFFICER**12.1 ANNUAL REVIEW OF COUNCIL DELEGATIONS**

Attachments: 1. **Register of Council Delegations - Marked up for 2022 Review** [!\[\]\(9dfdaff1d86ba3c1f8353b4d1b61b8c5_img.jpg\)](#) [!\[\]\(bcef2083a617d3f771f1bcdf2f97158d_img.jpg\)](#)

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 2021 and endorsed the proposed outcome of that review at its 22 June 2021 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 Chief Executive Officer (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 March 2022, Administration undertook a review of the City's delegations. A 'tracked changes' version of the Council Delegations Register is at **Attachment 1**.

As a result of this review the following changes to the Council delegations are proposed.

Delegation	Action	Comments
1.1 – The difference between a delegation, 'acting through' another person and an 'authorised person'	Update reference to legislation	Following amendments to the Local Government Act the CEO now has direct power to appoint authorised officers.

Delegation	Action	Comments
1.2 – The Interpretation Act 1984 – principles of delegation	Add reference to section 49 of the <i>Interpretation Act 1984</i>	Delegations made by the City are to the holder of an office. Section 49 of the <i>Interpretation Act 1984</i> provides clarification in regard to the powers and duties that may be exercised by an officer acting in another role.
1.4 – Exercising delegated authority	Strengthen guidance notes to include the importance of ethical and accountable decision making	Delegates are accountable for all decisions that they make and must ensure that those decisions are made with the highest of ethical and professional standards.
2.1.1 – Delegation to COVID-19 Relief and Recovery Committee	Delete delegation to the COVID-19 Relief and Recovery Committee	This delegation is no longer required.
2.1.2 – Delegation to Behaviour Complaints Committee	Renumbered to 2.1.1	2.1.1 – Delegation to COVID-19 Relief and Recovery Committee is proposed to be deleted. Delegation to the behaviour Complaints Committee requires renumbering accordingly.
2.2.1 – Appointment of an acting CEO	Amend Council's condition on this delegation to enable the CEO to appoint an acting CEO for planned and unplanned leave for a period of up to 6 weeks.	<p>At its 8 February Council meeting, Council approved the new Temporary Employment or Appointment of CEO Policy for the purpose of community consultation.</p> <p>The Policy will permit the CEO to appoint an acting CEO for planned and unplanned leave for a period of up to 6 weeks.</p> <p>Extending the permissible appointment period will enable contingency arrangements to be made in the event of unforeseen absence and will align with industry standard.</p> <p>Outcome of advertising and proposed adoption of this policy is included as an item on this agenda.</p>
2.2.17 – Disposing of property	Add the words 'other than land' to condition d	Included for clarification.
2.2.28 – Power to invest and manage investments	Amend condition d to extend the review and reporting requirements from 1 to 3 years	<p>In February 2022 Council reviewed and adopted its updated Investment Policy (Policy). A detailed set of procedures supports the operation of the Policy.</p> <p>In accordance with condition a, delegated decision making must comply with the Policy and related procedures.</p> <p>The City's investment portfolio is relatively stable with no make major changes from year to year therefore it would be appropriate to amend condition d from 1 to 3 years to be undertaken as part of the <i>Local Government (Audit) Regulations 1996</i>, r.17 review.</p>
2.2.32 – Appointment of Authorised Persons	Delete delegation from Council to CEO	Following amendments to the <i>Local Government Act</i> the CEO now has direct power to appoint authorised officers. Local Government Legislation Amendment Act 2019. Sub-delegation of section 9.10(2) will be added under clause 2.4 of the Register.

Delegation	Action	Comments
2.2.32 – Appointment of Community Directors – Leederville Gardens	New delegation proposed	<p>The Leederville Gardens Inc. Rules of Association incorporates a strategic role for the City in respect to the Board of Management (the Board). The City is required to run a search and selection process for each community Director position and to appoint/re-appoint members to the Board.</p> <p>It is proposed that Council delegate this function to the CEO to enable the selection process to be undertaken and appointments to be made in a timely manner.</p>
4.7 – Private pool barrier – alternative and performance solutions	Update the delegation title to read <i>4.7 – Private pool barrier – performance solutions</i>	Existing wording does not contain all the criteria of regulation 51 of the <i>Building Regulations 2012</i> in relation to approval of performance solutions for private pool barriers by a permit authority (i.e., the City).
4.8 – Smoke alarms – alternative solutions	Update the delegation title to read <i>4.8 – Smoke alarms – performance solutions</i>	<p>Should be noted that the term “alternative solution” is no longer used in the Building Code of Australia.</p> <p>The <i>Building Regulations 2012</i> is to be reviewed and updated.</p>
16.1.1 – Determination of various applications for development approval under the City's Local Planning Scheme	<u>Condition 1</u> Addition to Condition 1n.	<p><u>Condition 1</u></p> <p>The City is receiving an increased number of applications for changes of use for Small Bars to Tavern, to allow these businesses to sell alcohol for patrons to take off-site. To support these businesses, it is recommended that Council extend delegation to enable Administration to determine applications for Taverns which have 120 patrons or less. This is consistent with the approval process for a Small Bar, which permits a maximum of 120 patrons. Any application would still be subject to community consultation. Council determination would still be required if more than five objections were received.</p>
	<u>Condition 6</u> Remove conditions regarding works to heritage-listed properties. Works provisions are proposed to be included as a separate, new Condition 7. Broaden demolition provisions to note that the condition does not extend to applications if the structure/building does not contribute towards the heritage significance of the heritage place.	<p><u>Condition 6</u></p> <p>Separating conditions regarding the demolition and works on heritage-listed properties provides clarification.</p> <p>The heritage listing for the place, including the Statement of Significance and Physical Description would be used to determine whether the structure contributes towards the heritage significance.</p>
	<u>New Condition 7</u> Broaden works provisions to heritage-listed properties to clarify the types of works that would not be subject to the condition.	<p><u>New Condition 7</u></p> <p>These types of works are considered minor and would not detrimentally impact the streetscape or the heritage fabric of the property.</p>

Delegation	Action	Comments
	<u>Condition 8</u> Delete	<u>Condition 8</u> On 14 September 2021 Council adopted its Community and Stakeholder Engagement Policy (Policy). Section 2.1 of the Policy prescribes the advertising requirement for heritage development.
	<u>Condition 9c</u> Addition to Condition 9c.	<u>Condition 9c</u> Included for clarification.

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 does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.



CITY OF VINCENT

REGISTER OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS

Delegations from Council to the CEO

Delegations from the CEO to other employees

Authorisations by the CEO of other employees

Appointments by the CEO of other employees

Proposed changes are in Red

Reviewed by Administration ~~22 April 2021~~ 24 March 2022

Reviewed by Council ~~22 June 2021~~ 17 May 2022

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1 Introduction

This document is a register of the delegations, authorisations and appointments of the City of Vincent.

Some legislation confers powers on local governments to allow Council to delegate power to a committee of the local government, the local government's CEO or in limited circumstances other persons or employees.

The purpose of delegating a power is to allow matters that are routine, may have a time constraint or can change rapidly to be dealt with efficiently.

The extent of delegation, conditions that may be applied, records that must be kept and the review and amendment processes depend on the various heads of power in the Acts themselves.

Western Australian legislation may be accessed online at the State Law Publisher's website at <https://www.legislation.wa.gov.au/>.

This register includes:

- Delegations from Council to the CEO;

1.1 The difference between a delegation, 'acting through' another person and an 'authorised person'

A Delegation

Simply put, a delegation is the process prescribed in legislation for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the delegate).

Some legislation confers a power directly on a person. A person appointed to a statutory office does not need any further delegation or authorisation in order to fulfil those assigned powers and duties. For example:

- The *Local Government Act 1995* lists statutory offices including Mayor, CEO and Returning Officer;
- The *Public Health Act 2016* assigns duties to Environmental Health Officers;
- The *Building Act 2011* assigns duties to Building Surveyors; and
- The *Local Government Act 1995*, *Cat Act 2011* and *Graffiti Vandalism Act 2016* also allow a local government CEO to delegate any powers or duties assigned to their office.

Acting through another person

Employees do not always need delegations or sub delegations to carry out their tasks and functions on behalf of the local government. Basically a function may be undertaken through the "acting through" concept where a person has no discretion in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

Section 5.16(4) of the *Local Government Act 1995* provides that:

- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

Similarly, s5.45(2) Act provides that:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing –

- a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
- a Chief Executive Officer from performing any of his or her functions by acting through another person.*

The key difference between a delegation and acting through is that a delegate exercises a decision making function in his or her own right. For example, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to “act through” another employee.

Authorised persons

Authorised persons (and who under some Acts do not necessarily have to be employees of the local government but often are) are given powers to do certain things under an Act, Regulation or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

In accordance with section 9.10(2) of the Act the CEO may appoint authorised persons for the purposes of 1 or more of the following laws:

1. Local Government Act 1995;
2. Caravan Parks and Camping Grounds Act 1995;
3. Cat Act 2011;
4. Cemeteries Act 1986;
5. Control of Vehicles (Off-road Areas) Act 1978;
6. Dog Act 1976; and
7. subsidiary legislation made under an Act referred above; and written law prescribed for the purposes of section 9.10 of the Local Government Act 1995.

The power to appoint an Authorised Officer may reside with the Council or the CEO depending on the legislation. Note that a council can delegate authority to its CEO to appoint authorised persons under the Local Government Act 1995 and other legislation; in some Acts an employee or other person holding an office are directly authorised under that Act itself. Provisions vary by Act.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation. An authorised person cannot delegate their powers and duties to another person.

Who may appoint authorised persons depends on the enabling legislation. Section 9.10 of the Local Government Act 1995 provides that:

- ~~(1) — The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.~~
- ~~(2) — The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.~~

Authorised persons may or may not have delegated authority to undertake certain actions – the delegation of authority is a separate matter, although they are included in this register for ease of reference and review.

1.2 The Interpretation Act 1984 – principles of delegation

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law.

In summary:

1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation;
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator and it must be capable of being delegated. This means that:
 - a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and

- b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
3. The power to delegate cannot be delegated;
4. Delegations must be in writing (the instrument of delegation); and
5. Delegations must be advised to the delegate in writing.

Note that nothing prevents the delegating body or person from taking back a delegation or sub-delegation, or actually making the relevant decision on a particular issue. Similarly, a delegator does not have to exercise the delegation and may refer the decision back to the delegator.

Similarly, section 59(2) provides that:

The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

Delegation by office or by name

Section 53 of the *Interpretation Act 1984* provides that a delegation can be to the holder of an office (whether acting or permanent) or by naming an individual:

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) *perform any function; or*
 - (b) *be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
 - (c) *be or do any other thing,*
- that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.*

Delegations made by the City are to the holder of an office.

Section 49 of the *Interpretation Act 1984* provides that the officer's powers and duties may be exercised by acting officer

Where a written law confers a power or imposes a duty on the holder of a public office as such, the power may be exercised and the duty shall be performed by the person for the time being lawfully holding, acting in, or performing the functions of the office.

1.3 How this document is structured

Matters that apply generally to delegations and authorisations are set out in this introduction. As there can be differences in legislation, delegations that may be made under various Acts are set out by Act, rather than by employee or organisational structure.

While generally prohibited, some legislation does allow sub-delegation (mainly the Local Government Act) from Council to the CEO, and from the CEO to other employees. Delegations from the CEO to other employees and appointments of authorised persons are listed in other documents.

Each section of this document is structured as follows:

- Guidance notes, including any particular requirements of the enabling legislation of unusual features;
- Delegations from Council to a committee (if allowed by the enabling legislation and if the City has any committees established to deal with the power to be exercised);
- Delegations from the CEO to an employee (or other person if allowed by the enabling legislation); and
- A list of persons authorised to perform certain functions under the enabling legislation.

The individual delegations are set out as follows.

Heading

A snapshot of what it is that is delegated

Delegation from Council to CEO

Most legislation refers to a 'local government'. This heading makes it clear that in this case, this is a delegation from Council to the CEO. Under most Acts, Council can only delegate to the CEO.

Delegator: <i>Power / Duty assigned in legislation to:</i>	<i>'Local Government' will be the entity in most cases.</i>
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>This sets out the head of power in the Act or regulation that allows a power to be delegated; eg</i> <i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i>
Express Power or Duty Delegated:	<i>The section or part of the Act that is being delegated; eg:</i> <i>Local Government Act 1995:</i> <i>s.5.50 Making payments to employees in addition to contract or award.</i>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<i>A summary of what is delegated; eg:</i> The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.
Council Conditions on this Delegation:	<i>This sets out any conditions or limitations; e.g.:</i> Payments must be in accordance with Council policy 1234
Express Power to Sub-Delegate:	<i>Some legislation allows sub-delegation from the CEO to another employee and some does not.</i> <i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Delegation by CEO to other employees

Where subdelegation is allowed, this section sets out who it is to, and what additional conditions might apply.

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Notes

This sets out any matters that might relate to the power delegated not covered above, links to policies, local laws or administrative procedures that might apply.

1.4 Exercising delegated authority

Overall requirements

Before using a delegated authority a delegate must familiarise themselves with the legislative framework, conditions and limitations relevant to the statutory power or duty that informs the decisions they will make.

The delegate must also consider and apply local laws, Council decisions, policy, procedures or standards that are relevant to the decisions they are empowered to make.

Conflicts of interest

The City requires persons to whom authority has been delegated to deal appropriately with conflicts of interest.

Section 5.71 of the *Local Government Act 1995* provides that employees must disclose interests relating to delegated functions:

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

Penalty: \$10 000 or imprisonment for 2 years.

A conflict of interest arises where a personal interest is in conflict with the public interest. Delegates must disclose any conflict of interest which may require them to be removed from the decision-making process.

[A delegate must ensure that there is no actual \(or perceived\) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.](#)

A delegate may also refer the decision making back to the delegator, where they consider there is a risk or sensitivity, which makes it more appropriate for the delegator to make that decision.

The City's Code of Conduct also applies.

Requirement for annual return and disclosures by delegate

An employee to whom a duty or power is delegated under the *Local Government Act 1995* is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

Keeping a record of decisions made under delegated authority

In accordance with Section 5.46(3) of the *Local Government Act 1995*, a person to whom a power or duty is delegated is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Regulation 19 of the Local Government (Administration) Regulations 1996 requires a delegate to keep a written record of:

- a. how the person exercised the power or discharged the duty;
- b. when the person exercised the power or discharged the duty; and
- c. the person or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The City has decided that this applies regardless of the enabling legislation.

A central record of decisions made under a delegation is unnecessary but a record must be kept by the person exercising the power.

A record made that complies with the City's record keeping policy (e.g. a letter or email sent in accordance with that policy) is sufficient.

Ethical and accountable decision making

Delegates are accountable for all decisions that they make and must ensure that those decisions are made with the highest of ethical and professional standards.

2 Delegations made under the *Local Government Act 1995*

The *Local Government Act 1995* (the Act) is the legislation most widely used for delegations by local governments.

The Act confers some powers directly on a CEO, and s 5.44 sets out the duties of a CEO.

This part of the register deals with delegations from Council under the Act. Under this Act, Council may delegate authority to a committee or to the CEO.

Council may place restrictions or conditions on the exercise of that power or duty such as a financial amount, to take into account a policy or direction from Council, or something particular only to the matter delegated.

Delegation from Council to a committee

Section 5.16 of the *Local Government Act 1995* allows Council to delegate by an absolute majority vote some powers and duties to certain committees. This is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Subject to sections 58 and 59 of the *Interpretation Act 1984* —

- (a) A delegation made to a committee under s5.16 has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) Any decision to amend or revoke a delegation under this section is to be by an absolute majority.

There are limits on delegation of powers and duties to certain committees set out in s5.17:

- (1) *A local government can delegate —*
 - (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;*
 - and*
 - (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e)*, any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f)**.*

* A committee comprising:

- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons.

** A committee comprising of other persons only.

Delegation from Council to the CEO

Section 5.42 allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

It cannot delegate to any other person or employee unless expressly provided for in legislation.

All delegations made by Council to the CEO must be by an absolute majority decision, and must be reviewed at least annually.

Restrictions on delegations from the Council to the CEO

Section 5.43 of the Act restricts what can be delegated by Council to the CEO:

- A power under sections 214(2), (3) or (5) of the *Planning and Development Act 2005* (which relate to a local government's powers to deal with illegal development);
- Any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- Any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100 (which relate to fees for elected members, an allowance for the Deputy Mayor, meeting fees and reimbursement of expenses, and payments for certain committee members) ;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5 (which relates to an objection or appeal in response to a decision to grant a person an authorisation under Part 3 or under any local law or regulation that is to operate as if it were a local law; or to renew, vary, or cancel an authorisation that a person has under any of those provisions);
- The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- Any power or duty that requires the approval of the Minister or the Governor;
- Such other powers or duties as may be prescribed under the Local Government (Administration) Regulations 1996, and which are under :
 - section 7.12A(2), (3)(a) or (4) of the Act (which relate to duties of local government with respect to audits, determine if any matters raised by the audit report, require action to be taken by the local government, prepare a report addressing any matters identified as significant by the auditor in the audit report and advise the Minister); and
 - Regulations 18C and 18D which relate to the selection and appointment process for CEOs and the local government's duties in relation to a performance review of CEO.
- Regulation 6 of the Local Government (Financial Management) Regulations 1996 prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

Delegation from the CEO to another employee

Under s5.44 the CEO may sub-delegate any of these powers and duties functions to another employee, other than the power of delegation itself.

Those delegations are also subject to any restrictions or conditions that the Council may have placed on the delegation to the CEO. The CEO may add further conditions or restrictions, and which also must be reviewed annually.

Parameters are summarised below, as are the delegations themselves. More detail about the particular sections of the Act that apply is also made under each heading.

2.1 Delegations from Council to committees

2.1.1 ~~Delegation to COVID-19 Relief and Recovery Committee~~

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.16 and 5.17 Delegation of some powers and duties to certain committees Regulations 81-84 of the Planning and Development (Local Planning Schemes) Regulations 2015
Express Power or Duty Delegated:	Local Government Act 1995: s3.57 Tenders for providing goods or services s3.58 Disposing of property s6.12 Power to defer, grant discounts, waive or write off debts Determination of an application for development approval under clause 68 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations; subclause 29(2) of the Metropolitan Region Scheme; and subsection 31(2) of the State Administrative Tribunal Act 2004.
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Power to accept tenders over \$250,000 in accordance with section 3.57 of the Local Government Act 1995 and regulation 18 of the Local Government (Functions and General) Regulations 1996; 2. Power to dispose of property in accordance with section 3.58 of the Local Government Act 1995; 3. Power to waive fees or grant concessions or write off debts over \$5,000 in accordance with section 6.12 of the Local Government Act 1995; 4. Power to determine an application for development approval under clause 68 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations; subclause 29(2) of the Metropolitan Region Scheme; and subsection 31(2) of the State Administrative Tribunal Act 2004, where that power is not delegated to the Chief Executive Officer; and 5. Power to determine applications to amend a development approval previously determined under delegated authority, where that power is not delegated to the Chief Executive Officer.
Council Conditions on this Delegation:	Decisions are to be made in accordance with the <u>Covid-19 Relief and Recovery Committee Terms of Reference</u>. Minutes of all Committee Meetings will be presented to Council as part of the InfoBulletin.
Express Power to Sub-Delegate:	Nil.

2.1.12 Delegation to Behaviour Complaints Committee

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 and 5.17 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
Delegate:	Behaviour Complaints Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur (<i>MCC.cl.12(1) and (3)</i>). In making any finding the Committee must also determine reasons for the finding (<i>MCC.cl.12(7)</i>). 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action (<i>MCC.cl.12(4(a))</i>); or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates (<i>MCC.cl.12(4)(b), (5) and (6)</i>). 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal (<i>MCC.cl.13(1) and (2)</i>).
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in the Code of Conduct Behaviour Complaints Management Policy. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent.
Express Power to Sub-Delegate:	Nil.
Compliance Links:	Code of Conduct for Council Members, Committee Members and Candidates; Code of Conduct Behaviour Complaints Management Policy; and Behaviour Complaints Committee Terms of Reference
Record Keeping:	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of <i>Local Government (Administration) Regulation 19</i> .

Notes:

The purpose of Condition (c) and (d) is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.

2.2 Delegations from Council to the CEO

2.2.1 Appointment of an acting CEO

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	Section 5.42 <i>Local Government Act 1995</i>
Express Power or Duty Delegated:	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
Council Conditions on this Delegation:	<ul style="list-style-type: none"> • The Employee being designated a "Senior Employee", as prescribed by the Local Government Act; • Appointments being no longer than 30 days 6 weeks; • Council Members to be advised of acting Chief Executive Officer; • The acting role to be rotated between the Executive Directors of the City where practicable.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.2 Serving of notices requiring certain things to be done by owner or occupier of land

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> Sections 3.25(1) and 3.26
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to: <ol style="list-style-type: none"> 1) Issue a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2; and 2) do anything that he considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.3 Performing particular things on land which is not local government property

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> Section 3.27 A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to do it.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.4 Powers of entry

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.5 Declare vehicle is abandoned vehicle wreck

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	The declaration is to be recorded in the appropriate record to meet legislative requirements.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.6 Confiscated or uncollected goods

Guidance note

Section.3.47 of the Act specifies that s.3.58 applies to disposal of goods under s.3.47.

Note however, that the s.3.57 tender requirements do not apply to either the disposal of confiscated or uncollected goods OR the Disposal of Property under s.3.58. (s3.57 applies only to "contracts... under which another person is to supply goods or service").

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.7 Disposal of sick or injured animals

Note that this delegation relates only to animals not covered by the *Dog Act 1976* or *Cat Act 2011*.

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.8 Closing thoroughfares to vehicles

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] c. Permanent closures to be referred to Council for determination.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.9 Control reserves and certain unvested facilities

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City that the City could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Council Conditions on this Delegation:	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.10 Obstruction of footpaths and thoroughfares

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> prevent damage to the footpath; or prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. Provided evidence of sufficient Public Liability Insurance. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Express Power to Sub-Delegate:*Local Government Act 1995:*

s.5.44 CEO may delegate some powers and duties to other employees

2.2.11 Public thoroughfares – dangerous excavations

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.12 Crossovers - construction, repair and removal

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.13 Private works on, over or under public places

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.14 Expressions of interest for goods and services

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.15 Tenders for goods and services

Guidance notes:

Contract Variations

The Local Government ([Functions and General \) Regulations](#) (reg 21A) enables contract variations applying only to contracts formed with a successful tenderer. A delegation of reg 21A is required for the CEO (or any sub-delegate) to vary a tender contract.

Making, varying or discharging contracts formed through mechanisms other than a tender, are not subject to reg 21A. Section 9.49B9 of the Act applies to non-tender contracts and requires that any person making decisions to make, vary or discharge a contract must do so under the authority of the Local Government. Meaning there must either be an express Council resolution enabling the CEO to administer the contract OR the contract is operational in nature and may be administered by the CEO (or officers by Acting Through).

Contract Management

In addition, the CEO may assign operational responsibilities for contract administration via position descriptions or documented procedures.

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to invite tenders although not required to do so [F&G r.13]. 4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)] and either:

	<ul style="list-style-type: none"> i. Accept, or reject tenders under a value of \$250,000 in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]; or ii. Recommend to council acceptance or rejection of all other tenders. <p>8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].</p> <p>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>10. Authority to decline any tender [F&G r.18(5)].</p> <p>11. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>12. Authority to:</p> <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>13. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
Council Conditions on this Delegation:	<p>The invitation to tender is to be entered into the Tender Register in the prescribed manner.</p> <p>Selection criteria must be recorded in the appropriate record and comply with the requirements of the Regulations.</p> <p>Details of the minor variations must be recorded in the appropriate record.</p> <p>Details of the calling of expressions of interest must be recorded in the appropriate record and in the Tender Register.</p> <p>The delegation is subject to:</p> <ul style="list-style-type: none"> 1. tenders called to comply with Council's Policy No. 1.2.2 – “<i>Code of Tendering</i>” and Policy No. 1.2.3 – “<i>Purchasing Policy</i>”; and 2. tenders can only be invited for those goods and services identified in the Annual Budget, Plan for the Future or where the expenditure has been approved in advance by Council;
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

2.2.16 Panels of pre-qualified suppliers for goods and services

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3.. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	a. Panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.17 Disposing of property

Note that s.3.57 tender requirements do not apply to the Disposal of Property under s.3.58 (s.3.57 applies only to “contracts ... under which another person is to supply goods or service”).

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$250,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ◦ Reserve price has been set by independent valuation. ◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ◦ Negotiate the sale of the property up to a -10% variance on the valuation; and ◦ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. d. Where the market value of the property (<i>other than land</i>) is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> • Without reference to Council for resolution; and

	<ul style="list-style-type: none">• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.18 Leases and licences to Small Community Groups, Sporting Clubs and Community Groups and Organisations in accordance with the Property Management Framework

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58 Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To approve and execute any new lease, licence or management agreement or variation, extension or assignment of an approved lease, licence or management agreement, in respect to a: <ul style="list-style-type: none"> Category One (1) – Small Community Group, pursuant to the adopted Property Management Framework, or Category Two (2) Sporting Clubs and Community Groups and Organisations, pursuant to the adopted Property Management Framework
Council Conditions on this Delegation:	<ol style="list-style-type: none"> The terms and conditions of any lease, licence or management agreement must be in accordance with the terms and conditions approved by Council as set out in the Property Management Framework – Category One (1) and Two (2). Requests from community or sporting groups not currently occupying a City building in Category One (1) or Category Two (2), will require a specific resolution of Council. The delegation does not extend to Category Three (3) or Four (4) of the Property Management Framework. Any leases or licences in accordance with Category Three (3) or Four (4) will require a specific resolution of Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.19 Payments from the municipal or trust funds

Guidance notes

The difference between incurring liabilities and making payments

The following information will assist in understanding the legislative framework that informs:

- Incurring a liability as a procedural matter subject to CEO authorisations; and
- Making payments as an express (written) statutory power which is capable of being delegated.

Incurring liabilities (procedures and administrative authorities)

Incurring liabilities is not described in the Local Government Act or Regulations as an express power or duty, rather it is only described as a requirement for the Local Government and the CEO to control by developing "systems and procedures" [see FM Regs 5 and 11].

Incurring liabilities is therefore not an express (written) power or duty which is capable of being delegated. The CEO must establish systems and written procedures which give effect to compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.

- Issuing a requisition – a requisition is only a proposal to purchase (FM Regs 5 & 11) describing the goods or services required to enable a decision to issue a purchase order. It does not incur a liability as the goods / services may only be provided on the basis of an appropriately issued purchase order. Administrative procedures should establish which positions are authorised to issue requisitions.

A decision to issue a requisition and therefore a purchase order is informed by other, previous Council decisions, for example – the budget adopted by Council, Council decisions to approve projects or implement policies.

The decision to incur a liability where a budget provision has been made is part of implementing a Council decision and therefore accords with the CEO's duties under s.5.41(c).

- Issuing a purchase order – a purchase order creates a contract between the supplier and the local government. It incurs a liability (FM Regs.5 & 11) provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue purchase orders, with pre-requisite requirements for a purchase order to only be issued, where due diligence confirms:
 - Compliance with the local governments purchasing policy;
 - The committal value of the purchase order is within an appropriate and available budget allocation; and
 - The proposed goods / services / works are within the scope of implementing a Council decision, either specific or generally.
- Using a credit or transaction card (store card, fuel card or corporate credit card) – transaction cards are a method of incurring a liability, with the goods or services received and a statement provided to the local government for acquittal on at least a monthly basis. Procedures should prescribe the positions which are authorised to used transaction cards and the limits and obligations for use for their use when incurring liabilities and the requirements for acquittal of statements to enable payment.
- Verification of a liability
 - Goods / services received – a record that evidences that the goods or services have been received in accordance with the purchase order.
 - Verification of invoice – the charges align with the accepted quote or the contracted schedule of rates as relevant, which have been checked against the record of goods / services received.

- Verification of transaction card statements – transactions accord with the card holder limits and conditions, transactions are for a proper purpose (not personal) and the goods / services obtained are within the scope of implementing a Council decision either specific or generally.

An element of the internal control is the separation of roles from employees who incur liabilities and those who make payments. This means that a person who has responsibility for incurring a liability should not also be responsible for verifying the liability or approving the relevant payment.

In addition, Council (and also through its audit committee) may form an opinion as to its satisfaction the procedures prepared in accordance with FM 11, when it undertakes its biennial review of Internal Controls in accordance with Audit Reg. 17(1)(b).

Making payments (delegated authority)

Financial Management Reg.12(1)(a) prescribes the ability for the Council to delegate to the CEO its power to make payments from the Municipal or the Trust Fund. Financial Management Reg.13 prescribes the procedural matters that the CEO must comply with if the power to make payments is delegated.

A payment can only be made, where an opinion has been formed (delegated authority decision FM Reg12(1)(a)) that the goods or services specified in the purchase order have been satisfactorily received.

Procedural reviews

Audit Regulations [r.17(1)(b) & (2)] require the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years.

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. 2. Authority to transfer funds held in the Trust Fund for over 10 years to the Municipal Fund.
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.20 Defer payment, grant discounts, waive fees or write off debts

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the City [s.6.12(1)(b)]. 2. Grant a concession in relation to money owed to the City [s.6.12(1)(b)]. 3. Write off an amount of money owed to the City [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The power to waive fees or write off money is subject to the amount not exceeding \$5000. b. The power to waive fees or write off debts relating to infringements is subject to the debt not exceeding \$270. c. The power to waive or write off library fees is subject to the debt not exceeding \$50. d. This delegation is not applicable to writing off or waiving rates or service charges. e. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the City.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.21 Amendment of a rate record

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.22 Agreement as to payment of rates and service charges

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	Subject to Council Policy No. 1.2.12 – Rates and Service Charges.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.23 Determine due date for rates or service charges

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the date on which rates or service charges become due and payable to the City [s.6.50].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.24 Recovery of rates or service charges

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.25 Recovery of rates debts – require lessee to pay rent

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	Subject to Council Policy No. 1.2.13 – Collection of Rates and Service Charges.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.26 Recovery of rates debts - actions to take possession of the land

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the City [s.6.71]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.27 Rate record – objections

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.28 Power to invest and manage investments

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C, and Council Policy 1.2.4 the City's Investment Policy and related procedures. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee each financial year. <u>at least once every 3 financial years as part of the Local Government (Audit) Regulations 1996, r.17 review.</u> [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.29 Dealing with objections under Part 9 of *Local Government Act 1995**Delegation from Council to CEO*

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> Section 9.5(2), Section 9.6(5) and 9.9(1)(b)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> • receive an objection and grant an extension of time for an objection to be lodged (Section 9.5(2)). • give notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way. • determine that there are reasons why the effect of a decision should not be suspended in line with the provisions of the Local Government Act 1995 Section 9.9(1)(b).
Council Conditions on this Delegation:	This delegation may not be exercised to dispose of an objection to a decision originally made by the CEO.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.30 Execution of documents

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> Section 9.49A (4) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The Chief Executive Officer is delegated authority to sign documents in relation to the administration of leases, licences, or other land agreements. 2. The Chief Executive Officer is delegated authority to sign sponsorship or grant agreements and acquittals where the City's contribution falls within budget or is consistent with a Council resolution. 3. The Chief Executive Officer is delegated authority to provide consent and execute documents in relation to any assignment or sublease where there is a request by a lessee operating under a lease agreement. 4. The Chief Executive Officer is delegated authority to sign Memorandums of Understanding (MOU) if they satisfy the following conditions: <ol style="list-style-type: none"> a) There is no additional financial contribution in excess of existing budgets required to give effect to the City's obligations under the MOU. b) Formalises an existing working relationship between the City and a government agency or department or another local government. 5. The Chief Executive Officer is delegated authority to execute, lodge, remove, withdraw, surrender or modify relating to notifications, covenants, easements and caveats under the <i>Transfer of Land Act 1893</i>. 6. The Chief Executive Officer is delegated authority to execute easements or deeds of easement under the <i>Land Administration Act 1997</i> and/or <i>Strata Titles Act 1985</i>. 7. Documents required to satisfy conditions of subdivision and/or development approval. 8. The Chief Executive Officer is delegated authority to sign Finance Leases, Contracts, Service Level agreements, and any other agreement that does not require the Common Seal of the City.
Council Conditions on this Delegation:	Execution of all documents must be in accordance with City's Execution of Documents Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.31 Appointing External Complaints Officer

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s5.42 Delegation of some powers and duties to the CEO.
Express Power or Duty Delegated:	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> r11(3) Complaint about alleged breach “The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawal of complaints.”
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	For the CEO to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the City of Vincent Code of Conduct for Council Members, Committee Members and Candidates.
Council Conditions on this Delegation:	Any appointment under this delegation excludes a current or former City of Vincent Council Member, Committee Member, candidate, or employee. Any appointed external Complaints Officer must comply with the requirements contained in the: <ul style="list-style-type: none"> • Code of Conduct for Council Members, Committee Members and Candidates; and • Code of Conduct Behaviour Complaints Management Policy
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

2.2.32 Appointment of Authorised Persons

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</i>
Express Power or Duty Delegated:	<i>Local Government Act 1995: s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2—Certain provisions about land] s.9.10 Appointment of authorised persons</i>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<i>Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <u>Local Government Act 1995</u> and its subsidiary legislation, including <u>Local Government Act Regulations</u>, the <u>Local Government (Miscellaneous Provisions) Act 1960</u> and Local Laws made under the <u>Local Government Act</u>. [s.3.24 and s.9.10] and any other Act under which a local law can be made.</i>
Council Conditions on this Delegation:	<i>a. A register of authorised persons is to be maintained as a local government record. b. Only persons who are appropriately qualified and trained may be appointed as authorised persons.</i>
Express Power to Sub-Delegate:	<i>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</i>

Delegation by CEO to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<i>All Executive Directors</i>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Notes:

2.2.32 Appointment of Community Directors – Leederville Gardens

Delegation from Council to CEO

<u>Head of power to Delegate:</u> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> <u>s.5.42 Delegation of some powers or duties to the CEO</u> <u>s.5.43 Limitations on delegations to the CEO</u>
<u>Express Power or Duty Delegated:</u>	<u>Local Government Act 1995:</u> <u>s.3.18 Performing Executive Functions</u>
<u>Function:</u> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <u>1. To run a search and selection process for each community Director to be appointed by the City; and</u> <u>2. To appoint and/or reappoint one (or more) of the potential appointees to the Board</u>
<u>Council Conditions on this Delegation:</u>	<u>Selection and appointment to be undertaken in accordance with clause 18, division 3 of the Leederville Gardens Inc. Rules of Association</u>
<u>Express Power to Sub-Delegate:</u>	<u>Local Government Act 1995:</u> <u>s.5.44 CEO may delegate some powers and duties to other employees</u>

3 Local Laws

Guidance note

Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under a Local Law is a decision that is subject to Part 9, Division 1 of the Local Government Act (objection and appeal rights – see s.9.1) and can be referred to the State Administration Tribunal. Example Local Law decision include approving, refusing, applying a condition, varying an approval or condition or cancelling a permit.

Such decisions are deemed 'quasi-judicial' and imply substantial scope for decision outcomes to differ on each occasion that a decision is made. Therefore, as with other legislation, where a discretionary power or duty is assigned in a local law to the 'Local Government', the power or duty must be delegated to convey the authority to make decisions.

Note that imposition of a fee or charge where mentioned in a local law cannot be delegated and must be set by Council when adopting its budget under Part 6 of the Local Government Act 1995.

3.1 Administer Local Laws

3.1.1 Council to CEO – all Local Laws

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i> All powers under City's local laws: <ul style="list-style-type: none"> • <i>Dogs Local Law</i> • <i>Fencing Local Law</i> • <i>Health Local Law</i> • <i>Local Government Property Local Law</i> • <i>Parking & Parking Facilities Local Law</i> • <i>Meeting Procedures Local Law</i> • <i>Trading in Public Places Local Law</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws, including relating to: <ul style="list-style-type: none"> • Permits; • Enforcement framework; • Recovery of costs; and • Adding or changing parking restrictions.
Council Conditions on this Delegation:	Parking permits are to be issued in accordance with the City's policy number 3.9.3
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

4 Delegations made under the *Building Act 2011*

Guidance note

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.

The *Building Act 2011* refers to a 'permit authority', which is the local government in this instance.

4.1 Grant or refuse a Building Permit

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.2 Demolition permits

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	a. The Chief Executive Officer is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the Building Act 2011, Sections 21, 22.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.3 Occupancy permits or building approval certificates

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.4 Building Orders

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.112(2) Content of building order s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to make Building Orders in relation to: <ol style="list-style-type: none"> Building work Demolition work An existing building or incidental structure [s.110(1)]. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. Authority to issue a building order to require a person to do one or more things within a specified time period, including stopping building or demolition work and demolishing a building or structure [s. 112(2)(a)-(h)]. Authority to revoke a building order [s.117]. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order ; or commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	a. Subject to Sub-Section 112(2)(b) being conditional as follows; <i>"The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified".</i>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) CEO may delegate a power or duty to a local government employee subject to conditions.

4.5 Inspection and copies of building records

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.6 Referrals and issuing certificates

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City's District [s.145A(2)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.7 Private pool barrier – ~~alternative and~~ performance solutions

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	Building Regulations 2012: r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.8 Smoke alarms – **alternative performance** solutions

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	Building Regulations 2012: r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.9 Designate employees as Authorised Persons

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

4.10 Prosecutions

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence a prosecution for an offence against the <i>Building Act 2011</i> [s.133(1)(b)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) – CEO may delegate this power subject to any conditions imposed on the delegation to the CEO.

4.11 Issue of Building Infringement Notices

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	Regulations 70(1), 70(2) and 70(3) of the <i>Building Regulations 2012</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The power to appoint an "authorised officer" who is to have by virtue of that appointment, the power under the Criminal Procedure Act 2004 Part 2, to issue infringement notices, for offences specified under Building Regulations 2012 Schedule 6. 2. The power to appoint an "approved officer" who is to have by virtue of that appointment, the powers under the Criminal Procedure Act 2004 Part 2, to extend and withdraw infringement notices, for offences specified under Building Regulations 2012 Schedule 6. 3. Revoke an appointment under (1) or (2) at any time. 4. Give an identity card to an authorised person under (1). <p>Note: The CEO may appoint officers pursuant to the provisions identified, who then have the powers referred to, by virtue of Building Regulations 2012, Regulations 70(2) or 70(1) as applicable.</p>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> (a) A person appointed under (1) or (2) must be an employee of the City. (b) A person cannot be appointed under (1) unless the person has already been authorised for the purpose of performing functions under Section 9.16 of the Local Government Act 1995. (c) A person cannot be appointed under (1) if the person holds an appointment under (2). (d) A person cannot be appointed under (2) unless the person has already been authorised for the purpose of performing functions under Section 9.19 and/or 9.20 of the Local Government Act 1995. (e) A person cannot be appointed under (2) if the person holds an appointment under (1). (f) Records of all appointments made under delegation to be kept on appropriate file or register. Statutory Power to Delegate: Building Act 2011, Section 127(6A).
Express Power to Sub-Delegate:	<i>Building Act 2011</i> Section 172 (6A) - CEO may delegate any of the CEO's powers and duties to other employees, other than power of delegation, subject to any conditions, qualifications, limitations or exceptions imposed on the delegation.

5 Delegations made under the *Fines, Penalties, and Infringement Notices Enforcement Act 1984*

5.1 Designate employees as Authorised Persons

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
Express Power or Duty Delegated:	Section 13(2) of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Appointment of officers as Prosecuting Officers for the purposes of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> , Section 13(2).
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	

6 Delegations made under the *Strata Titles Act 1985*

6.1 Issue of approval for built strata subdivision under section 25 – Forms 24 and 26

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Strata Titles Act 1985</i> Section 25 Certificate of Commission
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Power to issue a Form 15A and Form 15C (certificate of approval) pursuant to section 25 of the <i>Strata Titles Act 1985</i> , for a plan of subdivision, re-subdivision or consolidation, except those applications that: <ul style="list-style-type: none"> (a) propose the creation of a vacant lot; (b) proposed vacant air strata's in multi-tiered strata scheme developments; (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relating to: <ul style="list-style-type: none"> (i) a type of development; and/or (ii) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

7 Delegations made under the *Bush Fires Act 1954*

Section 48 of the *Bush Fires Act 1954* provides that:

48. Delegation by local governments

- (1) *A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.*
- (2) *Performance by the chief executive officer of a local government of a function delegated under subsection (1) —*
 - (a) *is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and*
 - (b) *is to be treated as performance by the local government.*
- (3) *A delegation under this section does not include the power to subdelegate.*
- (4) *Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.*

Section 59 provides that a local government may delegate to its CEO, bush fire control officer, or other officer to prosecute for offences under the Act:

59. Prosecution of offences

- (1) *A person authorised by the Minister, a person employed in the Department for the purposes of this Act, an authorised CALM Act officer, a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.*
- (2) *The person instituting and carrying on the proceedings shall be reimbursed out of the funds of the local government within whose district the alleged offence is committed, all costs and expenses which he may incur or be put to in or about the proceedings.*
- (3) *A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.*
- (4) *A local government may by written instrument cancel, or from time to time vary, any instrument of delegation conferred under subsection (3).*
- (5) *Notwithstanding that a local government has under subsection (3) conferred authority on a delegate, the local government is not precluded from exercising but may itself exercise the authority.*

7.1 Bush Fires Act 1954 – powers and duties

Council to CEO

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> S48 Delegation by local governments
Express Power or Duty Delegated:	All powers, duties and functions under the <i>Bush Fires Act 1954</i> .
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of a Local Government under the <i>Bush Fires Act 1954</i> , including the appointment of a Bush Fire Control Officers and all authorised persons under the Act and Regulations.
Council Conditions on this Delegation:	Decisions under s17(7) (variation of prohibited burned times) must be undertake jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government.
Head of power to Sub-Delegate:	Nil – sub delegation is prohibited under s48(3) of the <i>Bush Fires Act 1954</i> .

Notes:

Previously delegation 3.3 of the City's 2018/19 register.

Council to other officers

Note that some sections of the Bush Fires Act allow a council to directly delegate power to an employee.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> S59A(3) - Prosecution for offences under the Act
Express Power or Duty Delegated:	S59A - Prosecution for offences under the Act
Delegate:	Manager Ranger Services The power to issue infringement notices, pursuant to Section 59A under the <i>Bush Fires Act 1954</i> is delegated to: Manager Ranger Services Coordinator Ranger Services All Rangers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer and Manager Ranger Services are delegated the power to undertake prosecutions for offences under the <i>Bush Fires Act 1954</i> .

Council Conditions on this Delegation:	Nil. Note: s59A(3) and Bush Fires (Infringements) Regulations 1978, Reg.4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.
Express Power to Sub-Delegate:	Nil.

CEO to other employees

Section 48(3) of the *Bush Fires Act 1954* prohibits sub-delegation.

8 Delegations made under the *Cat Act 2011*

Section 44 of the *Cat Act 2011* operates in a similar manner to the delegation provisions of the *Local Government Act 1995*:

- 44. Delegation by local government**
- (1) *The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.*
 - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
 - (3) *A decision to delegate under this section is to be made by an absolute majority.*
- 45. Delegation by CEO of local government**
- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.*
 - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
 - (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty —*
 - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
 - (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
 - (5) *In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*
 - (6) *A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.*
- 46. Other matters relevant to delegations under this Division**
- (1) *Without limiting the application of the Interpretation Act 1984 sections 58 and 59 —*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
 - (2) *Nothing in this Division is to be read as preventing —*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*
- 47. Register of, and review of, delegations**
- (1) *The CEO of a local government is to keep a register of the delegations made under this Division to the CEO and to employees of the local government.*
 - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
 - (3) *A person to whom a power or duty is delegated under this Division is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

8.1 Delegations from Council to CEO

8.1.1 Cat registrations

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the City's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

8.1.2 Cat control notices

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's District [s.26].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

8.1.3 Approval to breed cats

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

8.1.4 Recovery of costs – destruction of cats

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

8.1.5 Applications to keep additional cats

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

8.1.6 Reduce or waive cat registration fee

Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Regulations 2012: Schedule 3 Fees clause 1(4)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

8.1.7 Appointment of Authorised Persons

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s. 48 Authorised persons
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

9 Delegations made under the *Dog Act 1976*

Section 10AA of the *Dog Act 1976* provides that:

10AA. Delegation of local government powers and duties

- (1) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.*
- (2) *The delegation must be in writing.*
- (3) *The delegation may expressly authorise the delegate to further delegate the power or duty.*
- (4) *A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.*
- (5) *Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.*

10AB. Register of, and review of, delegations

- (1) *The chief executive officer of a local government is to keep a register of —*
 - (a) *delegations made under section 10AA(1); and*
 - (b) *further delegations made under the authority of a delegation made under section 10AA(1).*
- (2) *At least once every financial year —*
 - (a) *delegations made under section 10AA(1); and*
 - (b) *further delegations made under the authority of a delegation made under section 10AA(1),*
are to be reviewed by the delegator.

The only restrictions on what can be delegated are those that require an absolute majority decision by council under s1.4 of the *Local Government Act 1995*. These are:

- Under s31 in relation to areas where dogs are prohibited:
 - (2B) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —*
 - (a) *at all times; or*
 - (b) *at specified times.*
- And designation of dog exercise areas under s31(3A):
 - (3A) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

9.1 Refuse or cancel registration of a dog

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept the dog is required to be microchipped but is not microchipped; or the dog is a dangerous dog [s.16(3) and s.17A(2)]. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City's District [s15(4A)]. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

9.2 Recovery of moneys due under the *Dog Act 1976*

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties

9.3 Dispose of or sell dogs liable to be destroyed

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

9.4 Declare dangerous dog

Guidance note

Section 33E also provides that this power may be exercised by an Authorised Person. If the Local Government has appointed an Authorised Person for this purpose (specified in the Certificate of Authorisation for the purposes of s.33E), then this Delegation is not required.

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

9.5 Dangerous dog declared or seized – deal with objections and determine when to revoke

Guidance note

Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog.

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] 4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties

9.6 Deal with objection to notice to revoke dangerous dog declaration or destruction notice

Guidance note

Delegation of the s33H(5) power to deal with an objection should not be delegated to the same person/position who is delegated/authorised to exercise s.33H(1) and (2).

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

9.7 Determine recoverable expenses for dangerous dog declaration

Guidance note

This delegation does not include s33M(1)(b) as the setting of a fixed fee must be Council resolution in accordance with s.6.16 of the Local Government Act 1995.

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

9.8 Appointment of Authorised Persons

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.11(1) Staff and Services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. 2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

10 Delegations made under the *Tobacco Products Control Act 2006*

10.1 Appointment of Authorised Persons and Restricted Investigators

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> <i>s 21 Public Health Act 2016:</i>
Express Power or Duty Delegated:	<i>Tobacco Products Control Act 2006</i> s.77 Power to appoint restricted investigators <i>Public Health Act 2016</i> s.24 Power to appoint Authorised Officers under the <i>Public Health Act 2016</i> to act as Authorised Officers under the <i>Tobacco Products Control Act 2006</i> by virtue of clause 1 of the Glossary of the <i>Tobacco Products Control Act 2006</i> .
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons as restricted investigators under s77 of the <i>Tobacco Products Control Act 2006</i> 2. Authority to appoint Authorised Officers for the purposes of the <i>Tobacco Products Control Act 2006</i> by appointing Authorised Officers under section 24 of the <i>Public Health Act 2016</i>
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	s.5.44 <i>Local Government Act 1995</i> s.21(4) <i>Public Health Act 2016</i>

11 Delegations made under the *Food Act 2008*

Guidance note

References to 'CEO' in the *Food Act 2008* mean the CEO of the Department of Health. There are no powers or duties assigned to the CEO of a local government in this Act.

There is also no power of sub-delegation available. As such it is important for each delegation under this Act to be made direct to delegates who are most suitable for fulfilling the power or duty.

11.1 Determine Compensation

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegates:	Chief Executive Officer Executive Director Strategy and Development Manager Built Environment and Wellbeing
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL - Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal under s35(5) of the Act

11.2 Prohibition orders

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Executive Director Strategy and Development Manager Built Environment and Wellbeing
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL - Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

Notes:

11.3 Food business registrations

Head of power or Duty Delegated:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Delegate:	Chief Executive Officer Executive Director Strategy and Development Manager Built Environment and Wellbeing
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

Notes:

11.4 Debt recovery and prosecutions

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Head of power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer Executive Director Strategy and Development Manager Built Environment and Wellbeing
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL - Food Regulations 2009 do not provide for sub-delegation.

Notes:

11.5 Food businesses list – public access

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food businesses publicly available
Delegate:	Chief Executive Officer Executive Director Strategy and Development Manager Built Environment and Wellbeing
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL - Food Regulations 2009 do not provide for sub-delegation.

Notes:

11.6 Appoint Authorised Officers and Designated Officers

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL - Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>

Notes:

12 Delegations made under the *Graffiti Vandalism Act 2016*

References to 'CEO' in the *Graffiti Vandalism Act 2016* mean the CEO of the Department of Corrective Services. There are no powers or duties assigned to the CEO of a local government within this Act.

Sections 16 and 17 allow for a local government to delegate powers and duties to its CEO however:

- 16. Delegation by local government**
 - (1) *The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.*
 - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
 - (3) *A decision to delegate under this section is to be made by an absolute majority.*
- 17. Delegation by CEO of local government**
 - (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.*
 - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
 - (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 16, but in the case of such a power or duty —*
 - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
 - (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
 - (5) *In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*

12.1 Give notice requiring obliteration of graffiti

Delegations from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

12.2 Notices – deal with objections and give effect to notices

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

12.3 Obliterate graffiti on private property

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry. b. Graffiti removal is to be undertaken in accordance with Policy 2.1.3 – Graffiti Control and Removal.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

12.4 Powers of entry

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

13 Delegations made under the *Public Health Act 2016*

Guidance note

Section 21 of the *Public Health Act 2016* provides that powers may only be delegated to the CEO or an authorised officer designated under s.24 unless a Regulation enacted under the *Public Health Act 2016* specifically authorises a delegated power or duty of an enforcement agency to be further delegated.

Under s4 of the Act, 'enforcement agency' includes a local government.

13.1 Enforcement agency reports to the Chief Health Officer

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.

Notes:

13.2 Determine compensation for seized items

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	Compensation is limited to a maximum value of \$5,000 with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

Notes:

13.3 Commence Proceedings

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.

Notes:

13.4 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i>

Notes:

13.5 Designate Authorised Officers

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p> <p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>

Notes:

14 Delegations made under the *Health (Miscellaneous Provisions) Act 1911*

Guidance note

Section 26 of the *Health (Miscellaneous Provisions) Act 1911* provides that:

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

14.1 Discharge of powers and duties under the Act

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Miscellaneous Provisions) Act 1911:</i> <i>Section 26</i>
Express Power or Duty Delegated:	To exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The CEO is appointed as the City's deputy under the Act to exercise and discharge all or any of the powers and functions of the local government.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	

14.2 Appoint Authorised Persons

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Miscellaneous Provisions) Act 1911:</i>
Express Power or Duty Delegated:	To exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The CEO may appoint authorised persons under the Act.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	

15 Appointment of authorised persons under the *Caravan Parks and Camping Grounds Act 1995*

Guidance note

There is no need for Council to delegate authority to the CEO to appoint persons to undertake certain matters under the *Caravan Parks and Camping Grounds Act 1995* as section 17 of the *Caravan Parks and Camping Grounds Act 1995* confers power directly on the CEO of a 'local government' authority to appoint 'authorised persons'.

15.1 Appointment of Authorised Persons by the CEO

Section 17 of the *Caravan Parks and Camping Grounds Act 1995* provides that:

17. *Appointment of authorised person*

- (1) *The chief executive officer of the Department or a local government —*
 - (a) *may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and*
 - (b) *must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.*
- (2) *An authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.*
- (3) *Production of an identity card referred to in subsection (1)(b) is prima facie evidence that the person to whom the identity card relates is an authorised person for the purposes of this Act.*
- (4) *Every member of the Police Force is, if so requested by an authorised person, to aid and assist the authorised person enforcing compliance with this Act and has, while so aiding and assisting, all the powers and authorities of an authorised person.*

16 Delegations made under the *Planning and Development Act 2005*

Section 5.42 of the Local Government Act provides that:

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) ...
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*
- * Absolute majority required.
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Sections 214 (2), (3) and (5) of the Planning and Development Act 2005 provide that:

214. Illegal development, responsible authority's powers as to

- (1) ...
- (2) *If a development, or any part of a development, is undertaken in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.*
- (3) *If a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development —*
 - (a) *to remove, pull down, take up, or alter the development; and*
 - (b) *to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.*
- (4) *The responsible authority may give directions under subsections (2) and (3)(a) and (b) in respect of the same development and in the same instrument.*
- (5) *If it appears to a responsible authority that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, the responsible authority may give a written direction to the person whose duty it is to execute the work to execute that work.*
- (6) ...

Regulations 81-84 of the Planning and Development (Local Planning Schemes) Regulations 2015 provide that:

81. Terms used

In this Division —

absolute majority has the meaning given in the Local Government Act 1995

section 1.4;

committee means a committee established under the Local Government Act 1995

section 5.8.

82. Delegations by local government

- (1) *The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme* other than this power of delegation.*

(2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.

(3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

83. Local government CEO may delegate powers

(1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.

(2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

84. Other matters relevant to delegations under this Division

The Local Government Act 1995 sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

(*Underlining added - the effect of this is that a power can only be delegated if it exists in a local government's local planning scheme (LPS) in the first instance).

16.1 Delegations by Council to the CEO

16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	Regulations 81-84 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Express Power or Duty Delegated:	<p>Determination of an application for development approval under clause 68 of Schedule 2 of the <i>Planning and Development (Local Planning Scheme) Regulations</i>; subclause 29(2) of the <i>Metropolitan Region Scheme</i>; and subsection 31(2) of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Advertising of applications and proposals under subclauses 18(4), 23(2) and 34(4) of the City of Vincent Local Planning Scheme No. 2; Clauses 18, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and subclause 30(1) of the <i>Metropolitan Region Scheme</i>.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(a) and (b) (Item 17), and 61(2)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Determining accompanying material requirements for Local Development Plans under Clause 49 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Vincent Local Planning Scheme No. 2 and/or Metropolitan Region Scheme; • Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the <i>State Administrative Tribunal Act 2004</i>; • Determine the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>; • Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or rejected; • Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval;

	<ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; • Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel; • Waive or vary a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval; and • Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>The determination of applications for development approval made under City of Vincent Local Planning Scheme No. 2 and the <i>Metropolitan Region Scheme</i>.</p> <p>Reconsidering a decision when invited to do so by the State Administrative Tribunal under section 31 of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Determining the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>.</p> <p>Determining the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or not;</p> <p>The determination of applications to amend or cancel a development approval made under delegated authority or to extend the period within which the development approved must be substantially commenced.</p> <p>Waiving or varying a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.</p> <p>Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. This delegation does not extend to applications for development approval that propose to introduce one of the following land uses listed under Local Planning Scheme No. 2: <ol style="list-style-type: none"> a. Cinema/theatre; b. Club premises; c. Corrective institution; d. Exhibition centre; e. Hospital; f. Hotel; g. Motel; h. Nightclub; i. Place of worship; j. Reception centre; k. Residential building;

	<p>l. Restricted Premises</p> <p>m. Serviced apartment;</p> <p>n. Tavern, unless:</p> <p style="padding-left: 20px;"><u>i. the premises is already subject to a Tavern Licence issued under the <i>Liquor Licensing Act 1985</i>; or</u></p> <p style="padding-left: 20px;"><u>ii. the Tavern accommodates 120 patrons or less</u></p> <p>2. This delegation does not extend to applications for development approval that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standard or Acceptable Outcomes set by State Planning Policy 7.3: Residential Design Codes in respect to the number of storeys and/or the height measured in metres;</p> <p>3. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use;</p> <p>4. This delegation does not extend to applications for telecommunications infrastructure that have received one or more objections;</p> <p>5. This delegation does not extend to the approval of applications for a billboard sign or directional sign;</p> <p>6. This delegation does not extend to applications for development approval <u>that propose demolition of any structure/building on a heritage protected place, unless the structure/building does not contribute towards the heritage significance of the heritage place;</u></p> <p style="padding-left: 20px;">for works in places identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places that propose:</p> <p style="padding-left: 40px;">a. Demolition of buildings; and/or</p> <p style="padding-left: 40px;">b. Alterations and/or additions to buildings to places included on the State Register of Heritage Places except where these are external fixtures (as defined by the Residential Design Codes), or restoration and/or remediation works;</p> <p>7. <u>This delegation does not extend to applications for development approval that propose alterations and additions to a place listed on the State Register of Heritage Places, unless the works are for:</u></p> <p style="padding-left: 20px;"><u>a. External fixtures (as defined by the Residential Design Codes);</u></p> <p style="padding-left: 20px;"><u>b. Restoration and remediation works;</u></p> <p style="padding-left: 20px;"><u>c. Internal building works;</u></p> <p style="padding-left: 20px;"><u>d. Façade upgrades and roof replacements; or</u></p> <p style="padding-left: 20px;"><u>e. Single storey additions that are located behind the front building line of the existing heritage building.</u></p> <p>7 8. This delegation does not extend to applications for development approval that have received more than five (5) objections during the City's community consultation period unless the application is for a billboard sign or directional sign;</p> <p>8. Any application for development approval within a design guideline area, character retention area or heritage area adopted by Council through a local planning policy is to be advertised to all owners and occupiers within that area by the City during the community consultation period, with the exception of the William Street Design Guideline Area and Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge Design Guideline Area, which shall be advertised in accordance with Policy 4.1.05—Community Consultation;</p>
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	<p>9. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed;</p> <ul style="list-style-type: none"> a. meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to-comply standards, set out in the City's Local Planning Policies; b. meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed-to-comply standards, or element objectives and acceptable outcomes, as set out in State Planning Policy 7.3 Residential Design Codes; and c. would not change the impact of any condition imposed <u>and would not change the substantial commencement period of the approved development.</u> <p>10. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i>;</p> <p>11. This delegation does not extend to applications for development approval that propose more than three (3) 'Dwellings (Grouped)' or 'Dwellings (Multiple)' and do not meet the deemed-to-comply standards or acceptable outcomes in relation to car parking of State Planning Policy 7.3: Residential Design Codes; and</p> <p>12. This delegation does not extend to applications for development approval that propose permanent structures on City owned or managed land, except where:</p> <ul style="list-style-type: none"> a. The structure is an awning, or b. The structure is for a ground anchor; or c. The structure is for an encroachment which: <ul style="list-style-type: none"> i. is an architectural feature and does not encroach by greater than 250 millimetres; or 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; <p>as outlined in the Minister's for Land's authorisations.</p>
Express Power to Sub-Delegate:	

16.1.2 Deal with illegal development under s214 of the Act

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	Any expenses incurred by the City in carrying out the works specified in a direction notice shall be recovered from the person to whom the direction was given.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

16.1.3 Enforce compliance with a direction issued under section 214 of the Act

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 215(1) and (2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Enforce compliance with a written direction issued under section 214 of the <i>Planning and Development Act 2005</i> to remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started and to recover the costs from the person the written direction was given to.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

16.1.4 Issue of heritage conservation notice under *Planning and Development (Local Planning Schemes) Regulations 2015*

Delegation from Council to CEO

Head of power to Delegate: <i>Power that enables a delegation to be made</i>	Regulations 81-84 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Reg 82 – the local government may, by resolution, delegate to a committee or a local government CEO any of the local government's powers or duties under this Scheme.
Express Power or Duty Delegated:	Clauses 13(2), (3), (4) and (5), Schedule 2 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Heritage Conservation Notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Form the view that a heritage place is not being properly maintained and give a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given; 2. If a person fails to comply with a heritage conservation notice, enter the heritage place and carry out the repairs specified in the notice; 3. Recover the expenses incurred in carrying out repairs as a debt due from the person to whom the notice was given, in a court of competent jurisdiction; 4. Vary a heritage conservation notice to extend the time for carrying out the specified repairs; and 5. Revoke a heritage conservation notice.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Reg 83 - CEO may delegate any of the CEO's powers and duties to other employees, other than power of delegation

Revisions

Review	Council Item	CM Ref	Details
25/06/2019	OMC - 12.5 Minutes	D19/92612	Annual review of Council delegations
08/07/2019	Administrative	D19/95056	Review and appointment of sub-delegations and authorisations.
03/09/2019	Administrative	D19/124944	Update of authorised officers. Approval of sub-delegation clause 2.4.10 to Manager Built Environment and Wellbeing. Extended CEO delegations to Executive Directors and Managers – Clause 2.4.11.
17/09/2019	OMC - 12.5 Minutes	D19/140608	Amendments to Council Delegations: <ul style="list-style-type: none"> • Amendment to delegations 4.4 and 10.1; • New delegations 4.10 and 17.1.3; and • Removal of delegations 2.1.1, 15.1 & 16.
24/09/2019	Administrative	D19/143297	Updated sub-delegations, authorisations and appointments
25/11/2019	Administrative	D19/181887	Position title changes <ul style="list-style-type: none"> • Executive Director Planning and Place to Executive Director Strategy and Development • Manager Regulatory Services to Manager Built Environment and Wellbeing • Manager Governance, Property and Contracts to Executive Manager Corporate Strategy and Governance; • Manager Asset and Design Services to Manager Asset and Engineering; and • Manger Parks and Property Services to Manager Parks and Urban Green
30/03/2020	SCM - 6.1 Minutes	D20/54046 & D20/59080	Amendments to Council delegation 16.1.1 & addition of clause 2.1.1 - Delegation to the COVID Relief and Response Committee.
21/04/2020	Administrative	D20/73202	Extension of sub-delegations and authorisations to Manager Development and Design.
23/04/2020	Administrative	D20/73371	Annual review undertaken by administration proposed amendments recommended to Council
16/06/2020	OMC – 12.1 Minutes	D20/105165	Annual review undertaken by Council. Extension of CEO Delegation 2.2.29 and clarification of condition 9 of delegation 16.1.1

18/08/2020	OMC – 12.3 & 12.4 Minutes		<p><u>Item 12.3</u></p> <p>Council revoked its delegation to grant licences under regulation 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to the COVID-19 Relief and Recovery Committee. Function removed from clause 2.1.1.</p> <p><u>Item 12.4 – New delegation – 16.1.4 - Issue of Heritage Conservation Notice</u></p> <p>Council delegated to the CEO the power to issue a heritage conservation notice under clause 13(2), (3), (4) and (5) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Renumbered appointment of Authorised Persons under the <i>Planning and Development Act 2005</i> & LPS to 16.1.5 (previously 16.1.4)</p>
17/11/2020	OMC – 11.2 Minutes		<p><u>New delegation - 2.2.18 - Leases and licences to Small Community Groups, Sporting Clubs and Community Groups and Organisations in accordance with the Property Management Framework</u></p> <p>Council delegated to the CEO the power to dispose of property in accordance with section 3.58 of the <i>Local Government Act 1995</i></p> <p>Existing delegations 2.2.18 to 2.2.30 renumbered 2.2.19 to 2.2.31 accordingly.</p>
22/04/2021		D21/6734 D21/1169263 and D21/116707	Annual review undertaken by administration proposed amendments from CEO reviewed proposed amendments for Council recommended.
22/06/2021	OMC – 12.5 Minutes		<p>Annual review undertaken by Council</p> <p>16.1.1 - Extended the delegation function to determining accompanying material requirements for Local Development Plans under Clause 49 of the Planning and Development (Local Planning Schemes) Regulations 2015 including the type and extent of accompanying material requirements. Updated conditions 1, 2, and 6 of this delegation and approved new conditions 9c and 12.</p> <p>Removed extension of the following delegations made under the Food Act 2008 from Manager Development and Design. These being delegation 11.1, 11.2, 11.3 and 11.4</p>
20/08/2021	Administrative	D21/148376	Position title correction - Manager Asset and Engineering updated to Manager Engineering

12/10/2021	OMC – 9.6 Minutes		<p><u>New delegation 4.11 - Issue of Building Infringement Notices</u></p> <p>Council delegated to the CEO the power to appoint “authorised officers” to issue infringement notices, for offences, “approved officers” to extend and withdraw infringement notices, the power to revoke an appointment, to issue an identity card to an authorised person.</p> <p>Existing clause 4.11 - List of Authorised Persons under the Building Act 2011 renumbered to 4.12 accordingly.</p>
14/12/2021	OMC – 9.15 Minutes	D21/229940	<p><u>New delegation 2.1.2 - Behaviour Complaints Committee</u></p> <p>Council delegated to the Behaviour Complaints Committee authority to deal with complaints in accordance with clause 12 and 13 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>.</p> <p><u>New delegation 2.2.31 – Appointing External Complaints Officer</u></p> <p>Council delegated to the CEO authority to appoint an external Complaints Officer to receive complaints and withdraw complaints related to the City of Vincent Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>Delegation 2.2.31 - Appointment of Authorised Persons re-numbered to delegation 2.2.32</p>

12.2 APPROVAL TO ADVERTISE DRAFT LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

- Attachments:**
1. Local Government Property Amendment Local Law 2022 [!\[\]\(687b6c142f51ac6f390f8bd444e38d03_img.jpg\)](#) [!\[\]\(861b7aaa71df51b93037a486c3b17630_img.jpg\)](#)
 2. Local Government Property Local Law 2021 - Tracked Changes [!\[\]\(605f40b2c3d6e1d01a5766f59c82e1d4_img.jpg\)](#) [!\[\]\(5f28278c0ebbde07efa8ee7d80530cb7_img.jpg\)](#)
 3. Table of Amendments [!\[\]\(c982d49bb610fbb6c7f10026c3033e9e_img.jpg\)](#) [!\[\]\(ad734bd1cbdd22a20e20a47a0c506662_img.jpg\)](#)
 4. Final Memorandum of Legal Advice - Confidential

RECOMMENDATION:

That Council:

1. **AUTHORISES** the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the *Local Government Act 1995*, for a period of at least 6 weeks, that:
 - 1.1 it is proposed to make the City of Vincent Local Government Property Amendment Local Law 2022 at Attachment 1;
 - 1.2 The purpose of the City of Vincent Local Government Property Amendment Local Law 2022 is to:
 - 1.2.1 amend clause 1.6 by inserting additional definitions for ‘election day’, ‘election period’, and ‘election sign’;
 - 1.2.2 amend clause 5.3(l) to delete the restriction on mobile phone use in a change room at a community facility, and to insert the restriction on any person taking images or recording of another person without their prior consent in a change room at a community facility;
 - 1.2.3 amend clause 5.14 to specify the responsibility of property owners to maintain awnings, balconies, and verandahs applies to those which are erected over a thoroughfare;
 - 1.2.4 amend clause 5.16(c) and (d) to specify that smoke free areas do not include vehicles within thoroughfares;
 - 1.2.5 amend clause 6.1(e) to change term from a ‘minor nature development’ to a ‘minor sign’ and provide further clarity to the definition;
 - 1.2.6 amend clause 6.8 to align with the City’s Election Signs Policy provisions for erection of signs on local government property without requiring a permit and to specify conditions for the City in determining an application for a permit for an election sign;
 - 1.2.7 delete clause 13.2(f) to remove the provision for an approved manager to refuse entry, suspend admission, or direct a person to leave a local government facility due to a person being deemed undesirable by reason of their past conduct; and
 - 1.2.8 amend typographical errors in and further clarify clauses 1.6, 4.4(2), 5.13, 6.2(2)(a), 6.3(1), 6.3(2)(a), 9.3(2), 9.7(1)(f), and 9.11(1);
 - 1.3 The effect of the City of Vincent Local Government Property Amendment Local Law 2022 is to:
 - 1.3.1 note and clarify new definitions used throughout additions to clause 6.8 regarding election signs;
 - 1.3.2 clarify that no images or recording shall be taken of another person in a change room at a community facility without their prior consent;

- 1.3.3 clarify that owners with properties which have awnings, balconies, and verandahs over thoroughfares have a public safety duty to maintain them;
- 1.3.4 clarify that persons smoking within their own private property (being a vehicle) situated on a thoroughfare in a smoke free area is not prohibited by the local law;
- 1.3.5 remove any confusion due to terminology used for signs in local planning policies and the City of Vincent's Local Planning Scheme No. 2;
- 1.3.6 clarify the conditions under which erection of an election sign on local government property does not require a permit and to provide guidance for the City in determining an application for a permit for an election sign;
- 1.3.7 remove grounds for discrimination in this manner against any person on local government property or in a community facility by an authorised person or approved manager; and
- 1.3.8 provide clarity in clauses 1.6, 4.4(2), 5.13, 6.2(2)(a), 6.3(1), 6.3(2)(a), 9.3(2), 9.7(1)(f), and 9.11(1);
- 1.4 Copies of the proposed amendment local law are available for inspection at the City's office, Library and Local History Centre and on its website;
2. NOTES that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed amendment local law and public notice will be provided to the Minister for Local Government;
3. NOTES that any submissions received as a result of the public notice provided as set out in recommendation 1. above will be presented to Council for consideration; and
4. RESPONDS to the Joint Standing Committee on Delegated Legislation indicating its intention to amend clause 5.3(l), as reflected in Attachment 1.

PURPOSE OF REPORT:

To consider giving public notice of the *City of Vincent Local Government Property Amendment Local Law 2022* and responding to the Joint Standing Committee on Delegated Legislation regarding a requested undertaking, proposing an amendment to clause 5.3(l).

BACKGROUND:

At its 28 July 2020 Meeting, Council resolved (Item 12.7) to provide public notice of its proposal to repeal the *City of Vincent Local Government Property Local Law 2008* and replace it with the *Local Government Property Local Law 2020*.

At its 20 October 2020 Meeting, Council approved (Item 9.4) the adoption of the *Public Health Plan 2020-2025*. To align with the PHP objective to achieve 'Smoke-free Town Centres by 2025', the *Local Government Property Local Law 2020* was put on hold due to requiring a number of changes.

At its 22 June 2021 Meeting, Council approved (Item 12.2) the recommencement of the process of repealing the *Local Government Property Local Law 2008* and adopting the *Local Government Property Local Law 2021*.

Local public notice of the *Local Government Property Local Law 2021* was given with submission period open between 30 July 2021 and 24 September 2021.

A number of minor changes were made due to public submissions and advice from the Department of Local Government, Sport and Cultural Industries (DLGSC).

At its 16 November 2021 Meeting (Item 9.6), Council approved the making of the *Local Government Property Local Law 2021*.

At the same Meeting, Council was informed that the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) may exercise its discretion to disallow part or all of the *Local Government Property Local Law 2021*.

The *Local Government Property Local Law 2021* was published in the *Government Gazette* on 30 November 2021 edition No. 201.

The *Local Government Property Local Law 2021*, as Gazetted, [can be viewed here](#).

Local public notice of adoption of the *Local Government Property Local Law 2021* was published on 4 December 2021, noting that the local law will become operational on 14 December 2021.

The *Local Government Property Local Law 2021*, relevant documents, and advice from DLGSC were provided to the JSCDL on 10 December 2021 for their review of the local law.

On 24 February 2022, the JSCDL considered the local law and advised Mayor Emma Cole to action certain undertakings.

At its 8 March 2022 Meeting (Item 12.6), Council was presented with the requested undertakings and approved responding to the JSCDL in agreeance with the requested undertakings.

A letter was provided to the Committee in agreeance with the undertakings on 14 March 2022.

DETAILS:

The Joint Standing Committee on Delegated Legislation is a joint committee of the Parliament of Western Australia. The committee has been delegated, by Parliament, the task of scrutinising subsidiary legislation.

Local laws are subsidiary legislation that are capable of disallowance by either House of Parliament under section 42 of the *Interpretation Act 1984*.

Where the committee has expressed concerns about a local law, rather than disallowing the law, the relevant local government is requested to provide the committee with a satisfactory written undertaking to address the concerns by amending or repealing parts of the local law.

In fulfilling the requested undertakings, the City is required to make the *Local Government Property Amendment Local Law 2022* within six months, by 24 August 2022. This would be made in accordance with all mandatory procedural steps contained in section 3.12 of the *Local Government Act 1995*.

A copy of the draft *Local Government Property Amendment Local Law 2022* is at **Attachment 1**.

A copy of the Gazetted *Local Government Property Local Law 2021* showing tracked changes is at **Attachment 2**.

Attachment 3 Table of Amendments outlines each proposed amendment.

Administration sought legal advice in order to fulfill the requested undertakings and draft the Amendment Local Law. See **Confidential Attachment 4** for the final memorandum of legal advice obtained by the City.

Administration sought comment from the Department of Local Government, Sport and Cultural Industries (DLGSC) regarding the Amendment Local Law. This precautionary step was taken outside of procedural requirements as set out in section 3.12 of the *Local Government Act 1995*.

Local Governments must submit any proposed Local Law to the Minister for comment during the advertising period as noted in section 3.12(3)(b). Administration sought advice from DLGSC ahead of this step with the intent of repeating this step as required in the Act. Due to this, DLGSC did not respond to this additional request for comment in time for inclusion in this Item.

Any comment provided by DLGSC when the Amendment Local Law is provided to the Minister in accordance with section 3.12(3)(b), would be presented to Council after the consultation period has closed and when Council would be recommended to adopt the Amendment Local Law.

Recommendation 4 – regarding clause 5.3(l)

The Committee's undertakings requested Council provide clarity for the intent of clause 5.3(l). In reviewing the clause and as a result of legal advice, Administration recommends amending the clause.

Clause 5.3(l) in the *Local Government Property Local Law 2021* reads as follows:

5.3 Responsibilities of users of a community facility

A person while in the administration centre or a community facility, shall not –

(l) use a mobile phone, camera or other similar recording device in a change room at a community facility.

In the draft *Local Government Property Amendment Local Law 2022* the clause reads as follows:

5.3 Responsibilities of users of a community facility

A person while in the administration centre or a community facility, shall not –

(l) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.

In making this amendment, Council would be going beyond the requested undertaking (which was to provide rationale for the clause, rather than amend it). Upon request by a Committee Clerk, Administration has included this intended amendment as a specific recommendation.

CONSULTATION/ADVERTISING:

In accordance with section 3.12 of the *Local Government Act 1995* local public notice of the draft *Local Government Property Amendment Local Law 2022* will be provided in the following ways:

- a notice published in a local newspaper;
- a consultation page displayed on the City's website (Imagine Vincent);
- inclusion of a News Item on the City's website;
- promotion on the City of Vincent's Facebook page; and
- inclusion on notice boards at the City of Vincent's Administration building and Library.

The local public notice will state:

- that the City proposes to make the *Local Government Property Amendment Local Law 2022*;
- the purpose and effect of the Amendment Local Law (as set out in recommendations 1.2 and 1.3 above);
- a copy of the Amendment Local Law may be obtained or inspected at the City's Administration and Civic Centre, Library and Local History Centre; and
- submissions about the Amendment Local Law may be made to the City by a date specified in the notice (being no less than 6 weeks after the notice is given).

A copy of the notice and draft Amendment Local Law will be provided to the Minister for Local Government.

LEGAL/POLICY:

Section 3.12 of the *Local Government Act 1995* sets out the procedural requirements for the making of a local law:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2a) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *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.*
- (3) *The local government is to –*
 - (a) *give local public notice stating that –*

- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

And

- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the gazette and give a copy of it to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister.*
- (6) *After the local law has been published in the gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The minister may give directions to local governments requiring them to provide to the parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve advertising the draft *Local Government Property Amendment Local Law 2022*.

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

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

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

Reduced smoking

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with advertising the local law, which can be expended from the City's operating budget.

City of Vincent

Local Government Act 1995

Local Government Property Amendment Local Law 2022

Local Government Property Amendment Local Law 2022

LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Vincent resolved on [insert date] to make the following amendment local law.

1. Citation

This local law may be cited as the *City of Vincent Local Government Property Amendment Local Law 2022*.

2. Objective

- (a) The objective of this amendment local law is to amend certain provisions of the City of Vincent Local Government Property Local Law 2021.
- (b) The effect of this amendment local law is to provide further clarity of the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

3. Commencement

This amendment local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

4. Principal Local Law

This amendment local law amends the City of Vincent Local Government Local Law 2021, published in the *Government Gazette* on 30 November 2021.

5. Clause 1.6 amended

Clause 1.6 is amended by

- (a) inserting the following words after the definition of ‘e-cigarette’:
 - election day** means the date of voting or polling for a Federal, State or local government election (as the case may be);
 - election period** means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government (which occurs 37 days prior to the local government election day), and two (2) days after that election day;
 - election sign** means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;
- (b) amending the definition of **vehicle** (f) by replacing the word ‘and’ with the word ‘or’.

6. **Clause 4.4(2) amended**

In clause 4.4(2) insert the word 'on' after the words 'behave in or'.

7. **Clause 5.3(l) replaced**

Clause 5.3(l) is replaced with:

- (l) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.

8. **Clause 5.13 amended**

In clause 5.13 delete the word 'are' after the words 'over a thoroughfare'

9. **Clause 5.14 replaced**

Clause 5.14 is replaced with:

The owner and occupier of any building to which any awning, balcony or verandah is attached and is erected over a thoroughfare, shall keep the awning, balcony or verandah clean, painted, watertight, in a sound and safe structural condition and in good and substantial repair.

10. **Clause 5.16(c) and (d) replaced**

Clause 5.16(c) and (d) are replaced with:

- (c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; or
- (d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

11. **Clause 6.1(e) replaced**

Clause 6.1(e) is replaced with:

(e) **minor sign** means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:

- (i) not exceeding 500mm in height nor 0.5m² in area, on any side;
- (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and

- (iii) not adversely affecting the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use;

12. Clause 6.2(2)(a) amended

Clause 6.2(2)(a) is amended by deleting the words 'nature development' and replace with the word 'sign'.

13. Clause 6.3(2)(a) amended

Clause 6.3(2)(a) is amended by:

- (a) deleting the words 'nature development' and replace with the word 'sign'; and
- (b) inserting the word 'or' after the semicolon at the end of the sentence.

14. Clause 6.8 replaced

Clause 6.8 is replaced with:

- (1) A person must not erect or display an election sign on local government property without a permit unless the election sign is:
 - (a) only displayed during the election period and removed within 48 hours after the election day;
 - (b) free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure;
 - (c) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - (d) erected at least 10 metres from any intersection of thoroughfares;
 - (e) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
 - (f) not placed on a median strip, roundabout or other traffic control device;
 - (g) not placed within an intersection;
 - (h) not located in, or within 50 metres of, a 40kph school zone;
 - (i) not places so as to obstruct or impede:
 - (i) a footpath, thoroughfare or carriageway;
 - (ii) the reasonable and/or safe use of a thoroughfare or local government property;
 - (iii) access to a place by any person;

- (j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (k) not placed within 100 metres of any works on a thoroughfare or local government property;
- (l) maintained in good condition;
- (m) securely installed;
- (n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
- (o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.

(2) In determining an application for a permit for an election sign, the local government is to have regard to –

- (a) any other written law or policy regulating the erection or placement of election signs within the district;
- (b) the dimensions of the election sign;
- (c) whether or not the election sign will create a hazard to persons using a thoroughfare;
- (d) whether the election sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
- (e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.

15. Clause 9.3(2) amended

In clause 9.3(2) insert the word ‘it’ after the words ‘as a debt due to’.

16. Clause 9.7(f) replaced

Clause 9.7(f) is replaced with:

‘only be solar lighting;’

17. Clause 9.11(1) replaced

Clause 9.11(1) is replaced with:

- (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person –

- (a) dig up all or part of a thoroughfare; or
- (b) disturb any verge treatment placed there by an owner or occupier of adjacent land.

18. Clause 13.2(1) replaced

Clause 13.2(1) is replaced with:

- (1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where the authorised person or Manager reasonably suspects that the person has –
- :
- (a) contravened a provision of this local law;
 - (b) behaved in a disorderly manner;
 - (c) used indecent, offensive, profane or insulting language;
 - (d) created or taken part in any disturbance whereby a crowd has gathered;
or
 - (e) committed an act of indecency.

Dated: [insert date]

The Common Seal of The City of Vincent was affixed in the presence of—

EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer.

City of Vincent

Local Government Act 1995

Local Government Property Local Law 2021

Local Government Property Local Laws 2021

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LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Vincent resolved on 16 November 2021 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Vincent Local Government Property Local Law 2021*.

1.2 Objective

- (1) The objective of this local law is to provide for the regulation, control and management of activities and facilities on local government property, thoroughfares and public places within the district.
- (2) The effect of this local law is to establish the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Repeal

The following local laws adopted by the City of Vincent:

- (a) *Local Government Property Local Law 2008*, published in the *Government Gazette* on 15 April 2008;
- (b) *Local Government Property Amendment Local Law 2008*, published in the *Government Gazette* on 7 October 2008;
- (c) *Local Government Property Amendment Local Law 2009*, published in the *Government Gazette* on 27 February 2009; and
- (d) *Local Government Property Local Law No.1, 2013*, published in the *Government Gazette* on 21 May 2013,

are repealed on the day this local law comes into operation.

1.5 Application

- (1) This local law applies throughout the district.
- (2) Unless otherwise provided for in this local law, the local government may –
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use and/or occupation of any local government property.

City of Vincent Local Government Property Local Law 2021

1.6 Definitions

In this local law unless the context requires otherwise –

Act means the *Local Government Act 1995*;

applicant means a person who applies to the local government to use local government property, in accordance with this local law;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

boat means any ship, structure or vessel, capable of being used in navigation by water, however propelled or moved, and includes a jet ski or dinghy;

carriageway means the bitumen or paved portion of a thoroughfare used or intended for use by vehicles;

CEO means the Chief Executive Officer of the local government;

change room means the room or area designated as a change room, bathroom or toilet in a public place such as a pool premises;

commencement day means the day on which this local law comes into operation;

community facility means a facility being local government property operated for the benefit of the public, and includes a hall, public swimming pool, library, leisure centre, recreation centre, child care centre, child health clinic, aged persons centre and the like;

Council means the Council, from time to time, of the local government;

decency means wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

determination means a determination made under clause 2.1;

district means the district of the local government;

drone means a powered aerial vehicle that does not carry a human operator and is piloted remotely;

e-cigarette means a portable device that is designed to generate or release an aerosol or vapour for personal use;

election day means the date of voting or polling for a Federal, State or local government election (as the case may be);

election period means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government (which occurs 37 days prior to the local government election day), and two (2) days after that election day;

election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;

face of kerb means the side of the kerb adjacent to the carriageway;

fence means any artificially created barrier whether temporary or permanent including post and rails, chain, metal, wire or pipe;

firework means a device such as a Catherine wheel, a roman candle, a rocket or the like, in which combustible materials are ignited and produce coloured smoke, flames and (sometimes) an explosion or loud noise and *fireworks display* means a show of a number of fireworks set off over a pre-arranged period;

fishing means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

footpath means a path set aside for use by pedestrians and cyclists that is on or runs through a road reserve, park, reserve or thoroughfare, and includes all that part of a thoroughfare lying between the

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edge of the carriageway and the property boundary nearest to that edge on the same side of the thoroughfare;

function means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organised by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

indecent exposure means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances;

garden means a verge or other area within a local government property that is planted, developed or treated, otherwise than as a lawn, with one or more plants;

kerb means the edge of a carriageway;

landscaping feature means any:

- (a) raised garden beds;
- (b) rocks, stones or logs;
- (c) compacted crushed gravel pathways;
- (d) paved pathways or bin stand areas;
- (e) seating or benches; and/or
- (f) decorations and lighting, installed within a garden or verge;

lawn means a verge or other area within a local government property which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government such as a tree;

liquor has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988* from time to time;

local government means the City of Vincent;

local government property means anything except a thoroughfare –

- (a) which is owned or leased by the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within the district as defined in section 3.53 of the Act;

local public notice has the same meaning as is given to it in section 1.7(1) of the Act from time to time;

lot means a defined portion of land in accordance with the meaning given to it in section 4(1) of the *Planning and Development Act 2005* from time to time;

Manager means the person for the time being employed by the local government to control and manage a community facility or other facility which is local government property and includes the person’s assistant or deputy;

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Notice means a written notice (in any form, including electronic) issued by the local government or an authorised person under these local laws;

nuisance means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which:

- (a) is injurious or dangerous to the health of another person of normal susceptibility; or
- (b) which has a disturbing effect on the state of the physical, mental or social well-being of another person of normal susceptibility;

permit means written confirmation from the local government of an applicant's right to use local government property in accordance with this local law and may include electronic confirmation and/or a reference number;

permit holder means a person who holds a valid permit;

person means a natural person, body corporate (as defined in the *Corporations Act 2001* (Cth)) or other legal entity such as an incorporated association, government or government agency but does not include the local government;

premises means a building, stadium or structure which is located on local government property, but excludes an open public space such as a park or a playing field;

private property means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or the subject of a lease or agreement with a person enabling its use for private purposes and includes any building or structure thereon;

publication date means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

public place means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of the public, including local government property, but does not include a building or structure on private property from which trading is lawfully conducted;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

Relevant Authority:

- (a) any government or government authority in any jurisdiction, whether federal, state, territorial or local (including the Western Australian Planning Commission);
- (b) any provider of public utility services, whether statutory or not; and
- (c) any other person, authority, instrumentality or body having jurisdiction, rights, powers, duties or responsibilities over the affected land or any part of them;

sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

smoke and/or **smoking** means to:

- (a) smoke, hold or otherwise have control over an ignited tobacco product;
- (b) light a tobacco product; or
- (c) use an e-cigarette;

street tree means a tree in a thoroughfare;

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thoroughfare has the same meaning as defined in section 1.4 of the Act, from time to time, and includes a footpath that is local government property;

tobacco product has the same meaning as defined in the *Tobacco Products Control Act 2006*;

trading means selling or hiring, or offering for sale or hire, goods or services, and includes displaying goods for the purpose of:

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them;

valid in relation to a permit issued under this local law means current, with all relevant conditions met and for which all the associated fees have been paid in full;

vehicle includes –

- (a) every conveyance and object capable of being propelled or drawn on wheels, tracks or by any means;
- (b) an animal being ridden or driven; and
- (c) a vehicle described or prescribed by the *Road Traffic (Vehicles) Act 2014*;

but excludes a –

- (d) wheel-chair or any device designed for use by physically impaired persons on a footpath;
- (e) pram, stroller or similar device;
- (f) wheeled recreational device, wheeled toy or a scooter used by a person aged under 12 years; ~~and/or~~
- (g) train, boat or aircraft;

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath or kerb; and

wheeled recreational device means a wheeled device built to transport a person (whether propelled by human power, electricity, motor or gravity).

1.7 Interpretation

In this local law unless the context requires otherwise a reference to local government property includes a reference to any part of that local government property.

1.8 Fees and Charges

All fees and charges applicable under this local law shall be determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act and will be specified in the local government's Schedule of Fees & Charges as amended from time to time.

1.9 Assistance animals

This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

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Part 2 - Determinations in respect of Local Government Property

Division 1 - Determinations

2.1 Determinations as to use of local government property

The local government may make a determination in accordance with clause 2.2 –

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the publication date.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the publication date;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the publication date.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the publication date.

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- (7) A proposed determination is to have effect as a determination on and from the publication date of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on any local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, it is to give local public notice of the revocation and the determination is to cease to have effect on the publication date.

Division 2 – Activities which may be pursued or prohibited under a determination**2.7 Activities which may be pursued on specified local government property**

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane, drone or other similar remotely piloted device;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;

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- (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) use a wheeled recreational device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property:
- (a) smoking;
 - (b) using a wheeled recreational device;
 - (c) taking, riding or driving a vehicle or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of:
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; and
 - (i) the use of a motorised model aeroplane, drone or other similar remotely piloted device.

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- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

Division 3 – Transitional considerations**2.9 Signs taken to be determinations**

- (1) Where a sign erected on local government property has been erected under a local law that is repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

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Part 3 - Permits

Division 1 – Application of this Part

3.1 Terms used

In this Part:

- (1) **Property** means a local government property or a thoroughfare or a portion thereof; and
- (2) **facility** means a caravan park or camping ground in accordance with section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

3.2 Application of this Part 3

- (1) This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government, including (but not limited to) a lease, licence, management agreement or shared use agreement.
- (2) This Part applies to any application for a permit to use a Property.

Division 2 – Applying for a permit

3.3 Application for permit

- (1) A person required to obtain a permit under this local law, must apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law must –
 - (a) be in the form determined by the local government;
 - (b) provide the information and any further documentation required by the form, including (but not limited to) plans, specifications and/or photographs; and
 - (c) be forwarded to the local government together with any fee specified in the form or as specified in the local government's Schedule of Fees and Charges.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may, prior to granting a permit, give local public notice of the application for a permit by an applicant to.
- (5) The local government may refuse to consider an application for a permit –
 - (a) which does not comply with the requirements in subclause (2);
 - (b) which is not properly completed; or
 - (c) where any required documentation, plan, specification or photograph does not in the opinion of the CEO or an authorised person, contain sufficient information or is not sufficiently clear to enable the local government to properly consider the application.

3.4 Relevant considerations in determining application for permit

Where a clause of this local law refers to matters which the local government is to have regard to in determining an application for a permit, the local government shall have regard to those matters prior to making a decision on an application for a permit under clause 3.5 and, in addition, may have regard to the following matters:

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- (a) the desirability of the proposed activity;
- (b) the location of the proposed activity; and
- (c) such other matters as the local government may consider to be relevant in the circumstances of the case.

3.5 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions, including but not limited to those conditions in clause 3.7; or
 - (b) refuse to approve an application for a permit on any of the grounds specified in clause 3.6, or for any other reason determined at the sole discretion of the local government.
- (2) If the local government approves an application for a permit, it will provide the applicant with Notice accordingly.
- (3) If the local government refuses to approve an application for a permit, it is to give Notice of that refusal, including the reasons for the local government's refusal, to the applicant.

3.6 Grounds on which an application may be refused

The local government may refuse an application for a permit under this Division on any one or more of the following grounds:

- (a) that within the preceding 5 years the applicant has committed a breach of any provision of this local law, or any other written law or condition of a lease or licence or hire arrangement between the applicant and the local government relevant to the activity in respect of which the permit is sought;
- (b) that the applicant in the opinion of the local government is not a fit and proper person to hold a permit;
- (c) that –
 - (i) the applicant is an undischarged bankrupt or is in liquidation; or
 - (ii) the applicant has entered into any composition or arrangement with creditors;
- (d) the local government deems the permit application to be for an activity which is not appropriate for the local government property or thoroughfare for which the permit is sought; or
- (e) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Division 3 - Conditions**3.7 Conditions which may be imposed on a permit**

Without limiting the generality of clause 3.5(1)(a), the local government may approve an application for a permit subject to conditions relating to –

- (a) the payment of fees, charges and bonds, as determined by the local government in accordance with sections 6.16 and 6.19 of the Act and specified in the local government's Schedule of Fees and Charges, as amended from time to time;

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- (b) compliance with a standard or policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit;
- (d) the commencement of the permit being contingent on the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the approval of another application for a permit which may be required by the local government under any written law;
- (g) the area of the district to which the permit applies;
- (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit, bond or secure sum against such damage; and
- (i) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government as set out in clause 13.4.

3.8 Compliance with permit conditions

Where an application for a permit has been approved for an activity defined in clause 3.18(1) subject to conditions, the permit holder shall comply with each of those conditions.

3.9 Amendment of permit conditions

- (1) A permit holder may apply in writing to the local government to vary or amend any of the terms or conditions of the permit.
- (2) The local government may, in respect of an application under subclause (1) –
 - (a) amend the permit, either in accordance with the application or otherwise as it sees fit; or
 - (b) refuse to amend the permit.
- (3) The local government may, at any time, amend any of the terms or conditions of a permit, subject to providing the permit holder with Notice of the reasons for the amendment.
- (4) If the local government amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable and the amended condition(s) shall apply from the date of notification, unless otherwise specified in the amendment.

Division 4 – General**3.10 Erection of a building**

- (1) Where a person applies for a permit to erect a building on local government property, the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.
- (2) The person is required to obtain all other necessary approvals to govern the erection of a building, including but not limited to development approval, if applicable, and a permit for use of the local government property.

3.11 Duration of permit

A permit is valid for one year from the date on which it is issued, unless:

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- (a) it is otherwise stated in this local law or the permit; or
- (b) cancelled in accordance with clause 3.15.

3.12 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to the expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part shall apply to an application for the renewal of a permit with all necessary modifications.

3.13 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, it will provide written confirmation to the former permit holder and the transferee.

3.14 Production of permit

- (1) A permit holder is to produce evidence of a permit to an authorised person immediately upon being required to do so by that authorised person.
- (2) The evidence referred to in subclause (1) may include the written confirmation (electronic version acceptable) provided by the local government or the permit number (if applicable).

3.15 Cancellation of permit

- (1) Subject to clause 12.1, a permit may be cancelled by the local government on any one or more of the following grounds:
 - (a) the permit holder has not complied with –
 - (i) condition of the permit; or
 - (ii) provision of this local law or any other written law relating to the activity regulated by the permit.
 - (b) the permit holder is convicted of an offence against this local law;
 - (c) the permit holder fails to maintain any required public liability insurance or ceases to indemnify the local government against damages in connection with loss or damage in connection with an activity conducted by the permit holder under the permit;
 - (d) the permit holder has become bankrupt or gone into liquidation;
 - (e) the permit holder has entered into any composition or arrangement with creditors;

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- (f) if the permit holder's application is subsequently found to be incomplete, insufficient or not containing a required document;
 - (g) if the permit holder's application is subsequently found to contain incorrect or falsified information and/or documents;
 - (h) if the local government reasonably considers that the activity permitted by the permit may create a public health, safety or amenity issue;
 - (i) if valid development approval is required and not held for the abutting premises at which the business relating to the activity authorised by the permit is conducted; or
 - (j) another permit for an outdoor eating area, goods display or portable advertising sign (as the case may be) has been granted, and remains in effect, in relation to the building or business premises related to the permit.
- (2) On the cancellation of a permit, the local government will provide the permit holder with Notice that the permit has been cancelled.
 - (3) On receiving Notice that the permit has been cancelled in accordance with sub-clause (2):
 - (a) the permit holder must immediately cease using the local government property or the thoroughfare unless the Notice provides otherwise; and
 - (b) any fees paid by the permit holder in respect of the permit are forfeited and will not be refunded by the local government.

3.16 Suspension of permit holder's rights and privileges

- (1) The rights and privileges granted to a permit holder on the issue of a permit, shall be automatically suspended, where the public liability insurance required as a condition of a permit, lapses, is cancelled or is no longer current.
- (2) The rights and privileges granted to a permit holder on the issue of a permit, may be suspended by the local government by Notice to the permit holder for the purpose of and during the carrying out of any works by or on behalf of the State, or an agency or instrumentality of the Crown, or the local government, in or adjacent to the area the subject of the permit.
- (3) The rights and privileges granted to a permit holder on the issue of a permit may be suspended by the local government where –
 - (a) the permit holder's application is subsequently found to be incomplete, insufficient or not containing a required document;
 - (b) the permit holder's application is subsequently found to contain incorrect or falsified information and/or documents; or
 - (c) the local government considers the activity permitted by the permit may create a public health, safety or amenity issue,

until the defect in the permit holder's application is rectified to the satisfaction of the local government and/or the local government considers that the activity may be conducted in a manner which does not create a public health, safety or amenity issue.

3.17 Other approvals

The requirement for a permit under this local law is additional to the requirement, if any, for any other approvals, including but not limited to development approval.

Division 5 – When a permit is required

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3.18 Activities on local government property or thoroughfares needing a permit

- (1) A person shall not without a permit –
- (a) subject to subclause (3), use a Property for any purpose which amounts to exclusive use of the whole or a portion of the Property for any period of time;
 - (b) advertise anything by any means on a Property, except where the person holds a permit issued under another local law of the local government authorising such advertising in that location;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on a Property;
 - (d) plant any plant, sow any seeds or install any other landscaping feature on local government property, unless in accordance with clause 9.5 of this local law;
 - (e) carry on any trading on local government property unless the trading is conducted in accordance with a permit issued under the *City of Vincent Trading in Public Places Local Law 2008* (as amended from time to time);
 - (f) unless an employee of the local government in the course of their duties or on an area set aside for that purpose –
 - (i) drive or ride or take any vehicle onto local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (g) conduct a function or public gathering on local government property;
 - (h) charge any person for entry to local government property, unless the charge is for entry to area or a building hired or leased from the local government, and that hire or lease arrangement provides that a fee for entry may be charged;
 - (i) light a fire on a Property except in a facility provided by the local government for that purpose;
 - (j) parachute, hang glide, abseil or base jump from or onto a Property;
 - (k) erect a building or a refuelling site on local government property;
 - (l) make any excavation on or erect or remove any fence on local government property;
 - (m) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (n) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
 - (o) light or set off any fireworks or conduct a fireworks display on local government property;
 - (p) operate any broadcasting or public address system or sound amplification equipment or apparatus on local government property;
 - (q) erect, display, post, stick, stamp, stencil, paint or otherwise affix or cause to be erected, displayed, posted, stuck, stamped, stencilled or otherwise affixed any sign, banner, placard, handbill, notice, advertisement, writing or picture whatsoever upon any tree, plant, building, structure, fitting or soil being local government property or on any other local government property, except where the person holds a permit issued under another local law of the local government authorising such an activity in that location;

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- (r) carry out filming, shooting or take a recording on local government property or within a thoroughfare where exclusive use of portion of the local government property or thoroughfare is required; or
 - (s) construct anything or place any infrastructure on a Property, including but not limited to paving, planter boxes and outdoor seating.
- (2) A person shall not without a permit carry out works in a thoroughfare or on local government property, including but not limited to –
- (a) verge treatments, unless the verge treatment is in accordance with clause 9.5 of this local law;
 - (b) vehicle crossovers;
 - (c) crossing a footpath with a vehicle which is likely to cause or causes damage to the footpath;
 - (d) locating construction materials on a verge or thoroughfare; or
 - (e) undertaking construction activities adjacent to a verge or thoroughfare which results in the use of the verge or thoroughfare.
- (3) A person shall not without a permit use local government property or a community facility for a profit purpose, including but not limited to:
- (a) group fitness classes;
 - (b) life coaching or counselling;
 - (c) meetings or seminars; or
 - (d) guided walks or tours.
- (4) The local government may, at its sole discretion, exempt a person from compliance with subclauses (1), (2) or (3) on the application of that person by providing Notice to that person.
- (5) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.19 Permit required to camp outside a facility

- (1) A person shall not without a permit –
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
 - (b) erect any tent, camp, hut, or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
 - (c) camp on or occupy any vehicle at night for the purpose of sleeping in a public place.
- (2) The maximum period for which the local government may approve an application for a permit in respect of subclause (1)(a) or (1)(b) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.
- (3) This clause does not apply to a facility operated by the local government.

3.20 Permit required for possession and consumption of liquor

A person on local government property, shall not consume any liquor or have in their possession or under their control any liquor, unless –

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- (a) permitted under the *Liquor Control Act 1988*;
- (b) a permit has been obtained for that purpose; or
- (c) consumption does not, in the reasonable opinion of the local government, result in any anti-social or unsafe behaviour or cause risk to members of the public accessing the local government property.

Division 6 – Responsibilities of permit holder

3.21 Responsibilities of permit holder

A holder of a permit shall, in respect of local government property to which the permit relates –

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) ensure that the local government property is fully locked or secured after its use where it can be so locked or secured;
- (d) report any damage or defacement of the local government property to the local government; and
- (e) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

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Part 4 - Behaviour on Local Government Property

Division 1 – Behaviour on and interference with local government property

4.1 Personal behaviour

A person shall not, in or on any local government property, behave in a manner which -

- (a) causes or is likely to cause injury to, or to interrupt, disturb or interfere with the enjoyment of, a person who might use the property; or
- (b) may be considered disorderly or offensive by a person on the local government property.

4.2 Only specified gender to use entry of toilet block or change room

- (1) Subject to clause 4.2(2), where a sign on a toilet block or change room specifies that a particular toilet block or change room is to be used by –
 - (a) females, then a person of the male gender over the age of 6 years shall not use that toilet block or change room;
 - (b) males, then a person of the female gender over the age of 6 years shall not use the toilet block or change room; or
 - (c) families, then, where the toilet block or change room is being used by a family, only an immediate member of that family, a guardian, or a caregiver, may use that toilet block or change room.
- (2) Subclause (1) does not apply to a toilet block or change room where a sign designates that particular toilet block or change room as unisex.
- (3) A person over the age of 6 years shall not, on any local government property or public place –
 - (a) loiter outside or act in an offensive manner, in any portion of a toilet block or change room, or
 - (b) enter, or attempt to enter, a cubicle or compartment of a toilet block or change room which is already occupied or in use.
- (4) Subclause (3)(b) does not apply to a parent, guardian or caregiver accompanying a child under the age of 6 years.

4.3 Proper and adequate clothing

- (1) A person over the age of 6 years shall not on any local government property or public place appear in public unless decently clothed.
- (2) Where an authorised person considers that a person on any local government property or public place appearing in public is not decently clothed, the authorised person may direct that person to put on clothing so as to be decently clothed and that person shall comply with the direction immediately.
- (3) In this clause, *decently clothed* means the wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure.

4.4 Behaviour detrimental to property

- (1) In this clause 4.4, *detrimental to the property* includes –

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- (a) removing any thing from local government property such as a sign, rock, plant or seat provided for the use of any person;
 - (b) destroying, defacing or damaging any thing on the local government property, such as a sign, plant, tree or a seat provided for the use of any person; and
 - (c) climbing on or over local government property.
- (2) A person shall not behave in or on any local government property in a way which is or might be detrimental to the property.

4.5 Taking or injuring any fauna or flora

- (1) In this clause –
- (a) **fauna** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –
 - (i) any class of animal or individual member;
 - (ii) the eggs or larvae; or
 - (iii) the carcass, skin, plumage or fur; and
 - (b) **flora** means all vascular plants other than plants recognised as weeds.
- (2) A person shall not, on or above any local government property, unless that person is authorised under a written law to do so –
- (a) take, injure, kill or attempt to take, injure or kill any fauna; or
 - (b) take on to, set or use, or attempt to take on to, set or use any animal trap, bird trap, fish trap, net or similar device; or
 - (c) remove, prune or damage any flora.

4.6 Intoxicated persons not to enter local government property

A person shall not enter or remain on any local government property while under the influence of liquor (unless pursuant to a permit issued under clause 3.20) or a prohibited drug or substance.

4.7 No prohibited drugs or substances

A person shall not take a prohibited drug or substance, consume or use a prohibited drug or substance, on any local government property.

Division 2 – Signs**4.8 Signs**

- (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

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Part 5 - Matters relating to particular local government property

Division 1 – Community facilities

5.1 Definitions

In this Division –

- (a) **administration centre** means the local government's administration centre which is currently located on Crown Land Lot 502, being Reserve 50345 and having an address of 244 Vincent Street, Leederville; and
- (b) **pool premises** means the place or premises provided by the local government for the purpose of swimming or bathing, and includes Beatty Park Leisure Centre which is located on portion of Crown Land Lot 1618, being Reserve 884 and having an address of 220 Vincent Street, North Perth, and includes all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the place or premises or used in connection with it.

5.2 Direction of Manager or authorised person to be observed

- (1) The Manager or an authorised person may refuse admission to, may direct to leave, or may remove or cause to be removed from the administration centre or a community facility, a person who –
 - (a) in her or his opinion is –
 - (i) under the age of 12 years and who is unaccompanied in the water by a responsible person 16 years or older;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint;
 - (iii) in an unclean condition; or
 - (iv) under the influence of liquor or a prohibited mind altering drug or substance;
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.
- (2) Subject to subclause (1), a person shall, on being requested by the Manager or an authorised person to do so, leave the administration centre or community facility immediately, quietly and peaceably.
- (3) A person who fails to comply with a request under subclause (2) may be removed from the administration centre or community facility by the Manager, an authorised person or a Police Officer.

5.3 Responsibilities of users of a community facility

A person while in the administration centre or a community facility, shall not –

- (a) consume foodstuffs or drinks in any specific area in which food or beverage consumption is prohibited;
- (b) climb up or upon any roof, fence, wall, partition or other structure not intended for climbing;
- (c) enter the premises if suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition;
- (d) use soap or shampoo in any part of the premises other than in a change-room;

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- (e) use any detergent, substance or oil in any pool or spa;
- (f) foul or pollute the water in any shower, pool or spa;
- (g) bring into any part of the pool premises or place thereon any chemical substance, liquid or powder;
- (h) bring into any part of the pool premises any glass containers;
- (i) deliberately waste or wastefully use fresh or potable water in a community facility;
- (j) spit or expectorate in any part of a community facility, other than in a water closet;
- (k) enter a pool or spa on the pool premises in a dirty or unclean condition; and
- (l) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent, use a mobile phone, camera or other similar recording device in a change room at a community facility.

Division 2 – Fishing and boat launching**5.4 Definition**

In this Division, *river* means the Swan River as referred to in the *Swan and Canning Rivers Management Act 2006*.

5.5 Boat launching

- (1) A person shall not launch a boat into the river other than at a boat launching ramp designed, constructed and approved for that purpose, or from the river where this activity is permitted and designated by signs.
- (2) A person shall not launch a personal water craft into the river other than at a boat launching ramp designed, constructed and approved for that purpose.

5.6 Fishing

- (1) A person shall not fish on or from any local government property where fishing is prohibited or restricted and the prohibition or restriction is designated by signs.
- (2) A person shall not on any local government property whether fishing is permitted or not –
 - (a) clean fish or cut bait such that it may cause a nuisance to river users; or
 - (b) leave or deposit fish offal or bait on land or in the river.

Division 3 – Fenced or closed property**5.7 No entry to fenced or closed local government property**

A person shall not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

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Division 4 – Air conditioning units over thoroughfares

5.8 Definition

In this Division, ***air conditioning unit*** means any machine, device, equipment, plant or part thereof which constitutes or is part of any mechanical system of ventilation or air conditioning.

5.9 Siting and design of air conditioning units

- (1) A person shall not install an air conditioning unit on or over a thoroughfare without the approval of the local government, which may be granted or withheld by the local government at its absolute discretion.
- (2) If the local government provides approval in accordance with subclause (1), the air conditioning unit shall not:
 - (a) project over any part of a thoroughfare unless provision is made, to the satisfaction of the CEO or an authorised person, for the collection of water discharged from such unit and for its disposal into the stormwater drainage system provided that where such unit is installed above a verandah, balcony or awning no such provision shall be necessary;
 - (b) project over any part of a thoroughfare unless the bottom of such unit is not less than 2,750 millimetres above such thoroughfare;
 - (c) project more than 300 millimetres over any part of a thoroughfare not more than 10 metres in width;
 - (d) project more than 450 millimetres over any part of a thoroughfare more than 10 metres in width.
- (3) No air conditioning unit which exhausts foul or vitiated air over or into a thoroughfare shall be installed under a verandah, balcony or awning which projects over any part of a thoroughfare.

Division 5 – Awnings, balconies and verandahs over thoroughfares

5.10 Definitions

In this Division –

- (a) ***awning*** means a roof-like covering to shelter persons or protect parts of a building from the effects of sun or rain, which extends or can be made to extend over any part of a thoroughfare;
- (b) ***balcony*** means an open or covered platform attached to an upper part of a building, projecting from or recessed into the face of a wall and protected by a railing or balustrade and accessible from an adjacent room;
- (c) ***permanent structure*** means a structure which is affixed to the ground and is considered to form part of the ground, including verandah posts and canopy structures;
- (d) ***road*** means Crown land dedicated at common law or reserved, declared or otherwise dedicated under an act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both and which the local government has care, control and management of, pursuant to section 55(2) of the *Land Administration Act 1997*;
- (e) ***road reserve*** means that area of a road which is reserved but not used as a carriageway and includes the verge, kerb and footpath; and

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- (f) **verandah** means a roofed structure attached to a building with the outer edge supported on posts and covered either by the main roof or a separate, lower roof, of which any part extends over any part of a thoroughfare.

5.11 Approval to erect or maintain an awning, balcony or verandah

The local government may approve an awning, balcony or verandah over a thoroughfare provided it complies with the dimensions and design requirements as set out in clauses 5.12 and 5.13.

5.12 Dimensions of awnings, balconies and verandahs

An awning, balcony or verandah erected over a thoroughfare must have:

- (a) a minimum clearance of 2,750 millimetres above the thoroughfare;
- (b) a maximum fascia depth of 300 millimetres; and
- (c) a minimum distance of 600 millimetres from the face of kerb.

5.13 Design of awnings, balconies and verandahs

The following design requirements apply for an awning, balcony or verandah erected over a thoroughfare:

- (a) the design, colour and materials shall be compatible with the aesthetics and character of the thoroughfare, in the opinion of the local government;
- (b) the height and width shall be uniform with other verandahs and awnings over the thoroughfare;
- (c) the form shall be cantilevered or suspended, unless otherwise approved by the local government; and
- (d) the design shall not allow water to be retained on the structure or allow water to fall onto the thoroughfare.

5.14 Maintenance and public safety

The owner and occupier of any building to which any awning, balcony or verandah is attached ~~for the time being~~ **and is erected over a thoroughfare**, shall keep the awning, balcony or verandah clean, painted, watertight, in a sound and safe structural condition and in good and substantial repair.

5.15 Permanent structures within a thoroughfare or road reserve

Subject to obtaining any other approvals required, including development approval and any approvals required by a Relevant Authority, a person shall not erect or maintain a permanent structure within a road reserve or thoroughfare without the prior written approval of the local government.

Division 6 – Smoke free areas

5.16 Definitions

In this Division – **smoke free area** means an area prescribed by Council under this Division as an area where smoking is prohibited. Areas are limited to:

- (a) An Activity Centre (as defined in the *State Planning Policy 4.2 – Activity Centres for Perth and Peel*);

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- (b) A Public Open Space that is local government property (recreation, sport and nature spaces defined by the Department of Local Government, Sport and Cultural Industries Public Open Space Classification);
- (c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; and/or
- (d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

5.17 Prohibition on smoking

- (1) A person must not smoke in a smoke free area
- (2) Where an authorised person believes on reasonable grounds that a person is contravening or has contravened subclause (1), the authorised person may direct the person to extinguish the tobacco product or e-cigarette.

5.18 Determination in regard to smoke free area

The local government may make a determination in accordance with clause 5.19 prescribing a local government property or thoroughfare, or any part thereof, as a smoke free area.

5.19 Procedure for making smoke free area determination

- (1) The local government is to give local public notice of its intention to make a determination in accordance with clause 5.18.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the publication date.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
 - (a) consider those submissions in accordance with clause 5.20; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –

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- (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

5.20 Considerations in making a determination

In effecting a proposed determination in accordance with subclause 5.19(3), (5) or (6), the local government must have regard to the following factors –

- (a) the size of the proposed smoke free area;
- (b) the submissions from the community, including the opinions of the owners and occupiers of the land immediately adjoining the proposed smoke free area;
- (c) the proximity of the proposed smoke free area to a public place, part or all of which is not in a smoke free area;
- (d) the extent and outcome of public consultation on the proposed smoke free area (in accordance with clause 5.19);
- (e) any benefits to the community which would be achieved by the Council prescribing the proposed smoke free area; and
- (f) any detriments to the community which would be caused by the Council prescribing the proposed smoke free area.

5.21 Signage

The local government may erect or caused to be erected a sign identifying an area as smoke free.

5.22 Application of clauses 2.5 and 2.6

Clause 2.5 (Register of determinations) and clause 2.6 (Amendment or revocation of a determination) apply to any determination of the local government made under this Division.

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Part 6 - Signs

Division 1 – Preliminary

6.1 Definitions

In this Part, unless the context otherwise requires –

- (a) **advertising sign** means a sign, which may or may not be permanently attached to a structure or fixed on or to the ground, that is –
 - (i) used or intended to be used for the purpose of advertising any premises, services, property, business, function, event, product or thing; and
 - (ii) not a portable advertising sign under the *City of Vincent Trading in Public Places Local Law 2008*;
- (b) **direction sign** means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;
- (c) **election sign** means a sign which advertises any aspect of a forthcoming Federal, State or Local Government election;
- (d) **frame sign** means a folding sign which is hinged at the top to provide a stable structure when open;
- (e) **minor ~~sign nature development~~** means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:
 - (i) not exceeding 500mm in height nor 0.5m² in area, on any side, ~~and which will not unduly adversely affect the local government property;~~
 - (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and
 - (iii) ~~uses which will not adversely affecting~~ the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use;
- (f) **permit holder** means the person to whom a sign permit has been issued;
- (g) **portable direction sign** means a portable free standing direction sign;
- (h) **sign** includes a notice, poster, flag, mark, word, letter, model, placard, structure, device or representation and includes advertising signs, portable direction signs and election signs; and
- (i) **sign permit** means a permit to display a sign.

Division 2 – Advertising signs and portable direction signs

6.2 Advertising signs

- (1) Subject to subclause (2), a person shall not display an advertising sign on local government property unless that person is the holder of a valid sign permit.
- (2) Notwithstanding subclause (1), a sign permit is not required to display an advertising sign on local government property if the advertising sign is:
 - (a) a minor ~~nature development~~ sign;

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- (b) does not exceed 500mm in height nor 0.5m² in area, on any side; and
 - (c) is not illuminated and does not incorporate reflective or fluorescent materials;
- provided that:
- (d) no more than one (1) advertising sign shall be erected in relation to the one building or business without a sign permit; and
 - (e) a person requiring more than one (1) advertising sign per building or business must obtain a sign permit for each additional advertising sign.
- (3) The local government may grant approval for the erection or display of an advertising sign for the duration of the period specified in the sign permit.
 - (4) No clause of this local law will be taken to grant the permanent display of an advertising sign on local government property.

6.3 Portable direction signs

- (1) Subject to subclause (2), a person shall not, without a sign permit erect or place a portable direction sign on local government property.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which is:
 - (a) a minor ~~nature development~~ sign; or
 - (b) does not exceed 750mm in height nor 0.5sqm in area, on any side; and
 - (c) placed or erected on a thoroughfare or local government property on an infrequent or occasional basis and only to direct attention to a place, activity or event during the hours of that activity or event;

provided that:

- (d) no more than one (1) portable direction sign shall be erected in relation to the one building or business without a sign permit; and
- (e) a person requiring more than one (1) portable direction sign per building or business must obtain a sign permit for each additional portable direction sign.

6.4 Location, maintenance and design of an advertising sign or portable direction sign

- (1) Notwithstanding any provision of this local law, a person shall not erect or place an advertising sign or portable direction sign –
 - (a) over any footpath where the resulting vertical clearance between the sign and footpath is less than 2,700 millimetres;
 - (b) on or within 600 millimetres from the face of kerb;
 - (c) in any other location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (d) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.
- (2) A person erecting or placing an advertising sign or portable direction sign on local government property must:
 - (a) maintain the sign in a safe and serviceable condition at all times and remove the sign upon it ceasing to be serviceable;

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- (b) ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using local government property;
- (c) ensure the free passage at all times of persons using the local government property; and
- (d) if it relates to a business or event, be removed each day at the close of the business or event to which it relates and not be erected again until the business or event next opens for trading.

Division 3 – Applications and conditions on sign permits**6.5 Matters to be considered in determining application for a sign permit**

In determining an application for a permit for an advertising sign or a portable direction sign, the local government is to have regard to –

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other signs already approved or erected in the vicinity of the proposed location of the signs;
- (d) whether or not the signs will create a hazard to persons using a thoroughfare;
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant;
- (f) whether the sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
- (g) whether the sign may obstruct or impede the use of the footpath for the purpose for which it is used.

6.6 Conditions on sign permits

- (1) If the local government approves an application for a sign permit for an advertising sign or portable direction sign, the application is to be taken to be approved subject to the following conditions –
 - (a) the sign shall –
 - (i) not exceed 1,000 millimetres in height;
 - (ii) not exceed an area of 0.8 square metres on any side;
 - (iii) if a portable direction sign, relate only to directions to the place described on the permit;
 - (iv) not be placed closer than 600 millimetres to the face of kerb or further than 1200 millimetres from the kerb so as to ensure the free passage of persons using the footpath;
 - (v) if it relates to a business or event, be removed each day at the close of the business or event to which it relates and not be erected again until the business or event next opens for trading;

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- (vi) be secured in position in accordance with any requirements of the local government;
- (vii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person or the sight line of any vehicle drivers; and
- (viii) be maintained in good condition; and
- (b) no more than one advertising sign or portable direction sign shall be erected in relation to the one building or business, unless otherwise approved by the local government.
- (2) The permit holder of a permit for an advertising sign or portable direction sign shall comply with each of the conditions in subclause (1) in addition to any other conditions imposed on the sign permit by the local government.

6.7 Obligations of permit holder

The permit holder shall –

- (a) maintain the sign in a safe and serviceable condition at all times;
- (b) display the permit number provided by the local government in a conspicuous place on the sign and whenever requested by an authorised person to do so, produce the sign permit to that person;
- (c) ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using local government property;
- (d) where a sign is to be displayed on a footpath, display that sign in the location approved by the local government and as specified in the permit; and
- (e) ensure the free passage at all times of persons using the local government property.

6.8 Election signs

- (1) ~~The local government may issue a~~ A person must not erect or display an election sign on local government property without a permit unless the election sign is –
 - (a) ~~permit for the erection or display of an election sign on local government property~~ only displayed during the election period and removed within 48 hours after the election day;
 - (b) ~~free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure;~~
 - (c) ~~at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;~~
 - (d) ~~erected at least 10 metres from any intersection of thoroughfares;~~
 - (e) ~~not closer than 50 metres to a signalised intersection or before any speed indicator sign;~~
 - (f) ~~not placed on a median strip, roundabout or other traffic control device;~~
 - (g) ~~not placed within an intersection;~~
 - (h) ~~not located in, or within 50 metres of, a 40kph school zone;~~
 - (i) ~~not places so as to obstruct or impede;~~
 - (i) ~~a footpath, thoroughfare or carriageway;~~

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- (ii) the reasonable and/or safe use of a thoroughfare or local government property;
- (iii) access to a place by any person;
- (j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (k) not placed within 100 metres of any works on a thoroughfare or local government property;
- (l) maintained in good condition;
- (m) securely installed;
- (n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
- (o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.
- (2) In determining an application for a permit for an election sign, the local government is to have regard to –
 - (a) any other written law or policy regulating the erection or placement of election signs within the district;
 - (b) the dimensions of the election sign;
 - (c) whether or not the election sign will create a hazard to persons using a thoroughfare;
 - (d) whether the election sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
 - (e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.

Division 4 – Sign requirements**6.9 Safety of persons**

A person shall not cause or permit a sign to be erected or displayed in such condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

6.10 Removal of sign for works

When directed to do so by an authorised person, a person who has displayed a sign on local government property will ensure that the sign is removed to permit the local government property to be swept or to permit any other authorised work to be carried out.

6.11 Removal of sign which does not comply

A person shall remove any sign which does not comply with the requirements of this local law, from any local government property when directed to do so by an authorised person.

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6.12 Unlawful placement of signs

A person who places, causes or permits to be placed on any local government property any sign which does not comply with the requirements of this local law, commits an offence.

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Part 7 - Obstructing Shopping Trolleys

Division 1 – Shopping trolleys

7.1 Definitions

In this Part, unless the context otherwise requires –

- (a) **retailer** means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop; and
- (b) **shopping trolley** means a container or receptacle on wheels provided by a retailer for the transport of goods.

7.2 Name of owner of shopping trolley

A retailer shall clearly mark its name or trading name on any shopping trolley made available for the use of customers and which may be left on a public place by the customer.

7.3 Shopping trolleys in public places

- (1) A person shall not leave a shopping trolley in a public place or on local government property, other than in an area set aside for the storage of shopping trolleys.
- (2) A shopping trolley left in a public place or on local government property is not obstructing unless it is left for a period exceeding three (3) hours.

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Part 8 - Bank Guarantee or Security Deposit

8.1 Definitions

In this Part, unless the context otherwise requires –

- (a) **applicant** means the person or business that received a development approval, building permit, or demolition permit, that has been issued to undertake the development.
- (b) **approval** means approval of a development application granted by the local government to an applicant in accordance with the Planning Act;
- (c) **bank guarantee** means an unconditional, irrevocable bank guarantee provided by an Australian trading bank carrying on business in Western Australia, in favour of the local government;
- (d) **building permit** means a building permit granted (subject to conditions or otherwise) by the local government to an applicant, in accordance with the *Building Act 2011* as amended from time to time, to build a development;
- (e) **development** has the same meaning as defined in section 4 of the Planning Act, as amended from time to time, but includes proposals to subdivide or amalgamate land;
- (f) **development application** has the same meaning as defined in section 4 of the Planning Act, from time to time;
- (g) **land** means privately owned land the subject of a development application; and
- (h) **Planning Act** means the *Planning and Development Act 2005*, as amended from time to time.

8.2 Security for restoration and reinstatement

- (1) Where an applicant proposes to undertake a development, the local government may require the applicant to pay a security deposit or provide a bank guarantee of a kind and to a value determined by the local government as a condition of an approval or a building permit and payable before the issue of the approval or building permit, for the purpose of ensuring that –
 - (a) hired local government property, including fixtures and fittings can be cleaned, replaced or repaired;
 - (b) a footpath or local government property damaged, removed or destroyed during the development on adjacent land, can be repaired or reinstated; and/or
 - (c) conditions of an approval or building permit insofar as they relate to local government property or a thoroughfare, are complied with.
- (2) A security deposit required under subclause (1) is to be held in an account established by the local government for the purpose of this clause prior to any work on the development commencing, unless otherwise agreed by the local government.

8.3 Restoration or reinstatement of local government property

- (1) If an applicant fails to carry out or complete reinstatement works on affected local government property as required by the building permit or approval conditions, or by a Notice served by the local government, either –
 - (a) within the time specified in that clause, those conditions or the Notice (as the case may be);

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- (b) where no such time has been specified, a reasonable time from the expiration of the building permit or approval to complete the restoration or reinstatement works; or
- (c) within 14 days or such time as specified in the Notice,

then, the local government may carry out or cause to be carried out, the required restoration and reinstatement works or as much work as remains undone (**restoration works**). All costs incurred by the local government relating to the restoration works are a debt owing by the applicant to the local government.

- (2) Where a bank guarantee or security deposit has been provided by the applicant and the costs of the restoration works exceed the bank guarantee or security deposit amount, the balance of the costs will be a debt owing by the applicant to the local government.
- (3) The applicant shall pay to the local government on demand all administrative, legal, contractor and other costs including, but not limited to loss of income, estimated or incurred by the local government to restore and reinstate the site or which the local government may be required to pay under this clause.
- (4) The local government may apply the proceeds of any bank guarantee or security deposit obtained under clause 8.2 to meet any costs incurred by it under this clause.
- (5) The liability of the applicant to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 8.2.

8.4 Obligation to provide bank guarantee or security deposit

When required under this local law, an applicant must provide the local government with a bank guarantee or pay a security deposit in the amount determined by the local government.

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Part 9 - Works on or affecting a thoroughfare

Division 1 – Works affecting a thoroughfare

9.1 No damage to thoroughfare

A person shall not damage, without lawful authority, a thoroughfare or anything belonging to or under the care, control or management of the local government that is on a thoroughfare, including but not limited to a footpath, verge or street tree.

9.2 Footpath, verge and street tree protection

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath, verge or street tree, shall –
 - (a) take all necessary precautions to ensure that the footpath, verge or street tree is not damaged during the course of the works; and
 - (b) take all necessary action to ensure that the footpath remains in a safe functional state suitable for use by the public.
- (2) A person who carries out any building or other operations or works on private property necessitating the crossing of a footpath with vehicles that may cause damage to the footpath, verge or a street tree, shall ensure that –
 - (a) all reasonable precautions are taken to prevent damage to the footpath, verge or street tree during the course of the works; and
 - (b) heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing for that private property.
- (3) If a person fails to comply with subclause (1) or (2) and a footpath, verge or street tree is thereby damaged, the local government may by Notice to that person require that person within the time stated in the Notice to pay the costs of reinstating or repairing the footpath, verge or street tree.
- (4) On a failure to comply with a Notice issued under subclause (3), the local government may recover the costs referred to in the Notice as a debt due to it in a court of competent jurisdiction.

9.3 Liability for damage to thoroughfare

- (1) Where a person unlawfully damages a thoroughfare or any thing belonging to or under the care, control or management of the local government that is on a thoroughfare, the local government may by Notice to that person require that person within the time stated in the Notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the thoroughfare or thing to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that thing.
- (2) On a failure to comply with a Notice issued under subclause (1), the local government may recover the costs referred to in the Notice as a debt due to it in a court of competent jurisdiction.

Division 2 – Verge treatments

9.4 Definitions

In this Part, unless the context otherwise requires –

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- (a) ***garden*** means a verge that is planted, developed or treated, otherwise than as a lawn, with one or more plants that:
 - (i) are waterwise or native;
 - (ii) are not prickly and do not have spines;
 - (iii) are not known to be poisonous or cause allergic reactions;
- (b) ***lawn*** means a verge which is planted only with grass, or with a similar plant but does not include synthetic turf or lawn;
- (c) ***owner*** means an owner or occupier of land adjacent to a verge; and
- (d) verge treatment means a:
 - (i) garden;
 - (ii) lawn; and/or
 - (iii) permitted landscaping feature,

installed in a verge and includes reticulation pipes and sprinklers but excludes paving or other treatments for the purpose of parking vehicles.

9.5 Verge treatment

An owner may install a verge treatment on a verge, in accordance with the requirements of this Part 9 Division 2.

9.6 Maintenance of verge treatments

An owner who installs or maintains a verge treatment must ensure:

- (a) the verge treatment is maintained:
 - (i) in good and tidy condition, including removing build-up of leaves and grass clippings; and
 - (ii) to ensure clear lines of sight for pedestrians, cyclists and motorists are provided at all times;
- (b) the verge treatment is setback from and provides clear access to any infrastructure such as power poles and underground services within, under or over the verge; and
- (c) any footpath running alongside the verge is kept clear of plants and landscaping features.

9.7 Permitted landscaping features

Unless otherwise approved by the local government, the following restrictions apply to landscaping features installed in a verge:

- (1) raised garden beds, seating or benches, decorations and lighting must:
 - (a) be constructed of durable material, securely installed with no sharp edges, corners or fixtures;
 - (b) be built to a height not exceeding 0.5 metres;
 - (c) provide a minimum 0.5 metre setback from any street tree;
 - (d) provide a minimum 0.5 metre setback from the face of the kerb;

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- (e) maintain clear access for parked cars at all times; and
- (f) only ~~be~~ solar lighting ~~is permitted within a verge~~;
- (2) rocks, stones or logs must:
 - (a) maintain clear access for parked vehicles at all times; and
 - (b) be of a size and installed securely so as to not be easily moved; and
- (3) compacted gravel pathways, paved pathways and bin stands (for non-parking purposes) must:
 - (a) be finished level to be flush with the adjacent footpath, driveway, kerb and verge soil level; and
 - (b) provide a minimum 0.5 metre setback from any street trees.

9.8 Damage to local government property

Any damage to the footpath, kerb, thoroughfare or carriageway caused by a person installing a verge treatment must be repaired or made good, to the satisfaction of the local government, by that person at his or her cost.

9.9 Removal of verge treatments

The local government may remove any verge treatment at any time if it considers the verge treatment is contrary to these local laws or poses a hazard to or interference with persons or property.

9.10 Enforcement

The local government may give a Notice to an owner who has installed or maintained a verge treatment in front of their land, requiring that owner, within the time specified in the Notice, to make good any breach of this Division, or to remove all or any part of a verge treatment that does not comply with this Division.

Division 3 – Public works**9.11 Public works on verges**

- (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person:
 - (a) dig up all or part of a thoroughfare; ~~or~~
 - ~~(a)(b) and~~ disturb any verge treatment placed there by an owner or occupier of adjacent land.
- (2) Where the local government digs up or carries out any works in a verge which has a verge treatment which complies with Division 2, then the local government shall use its best endeavours to –
 - (a) replace and restore any reticulation pipes and sprinklers; and
 - (b) back fill with sand any garden or lawn, but otherwise shall not be liable to replace or restore any verge treatment and in particular any plant, or other vegetation or any surface or in any event, shall not be liable to any person for any damage or disturbance caused.

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9.12 Contribution towards construction of standard vehicle crossings

For the purpose of determining the local government's contribution towards the construction of a standard vehicle crossing as stipulated in regulation 15 of *the Local Government (Uniform Local Provisions) Regulations 1996*, a **standard crossing** is a standard vehicle crossing for a residential area.

9.13 Temporary vehicle crossings

- (1) Where it is likely that works on a lot will involve vehicles leaving on a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where –
 - (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The **person responsible for the works** in subclause (1) is to be taken to be –
 - (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

9.14 Removal of redundant vehicles crossings

- (1) Where works on a lot will result in a crossing no longer giving access to an internal driveway or constructed parking amenity on the lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give Notice to the owner or occupier of a lot requiring her or him to –
 - (a) remove any part or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the Notice, and the owner or occupier of the lot shall comply with that Notice.

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Part 10 - Activities on thoroughfares and local government property

10.1 General prohibitions

A person shall not –

- (a) plant any tree or plant (except grasses or a similar plant) within 10 metres from the truncation of an intersection;
- (b) damage a lawn or a garden or remove a plant or part of a plant from local government property unless –
 - (i) the person is the owner or the occupier of the land abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (d) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (e) within a mall, arcade or verandah of a shopping centre, ride any wheeled recreational device or similar device; or
- (f) prune, injure, poison, remove or kill by felling, poisoning or other means, any tree on a thoroughfare or any local government property, unless the person is:
 - (i) acting under the authority of the local government; or
 - (ii) acting under authority of a written law.

10.2 Activities allowed with a permit

- (1) A person will not without a permit -
 - (a) dig or otherwise create a trench through or under a kerb, carriageway or footpath;
 - (b) subject to Part 9 of this local law, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
 - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - (f) damage a thoroughfare;
 - (g) light any fire or burn any thing on a thoroughfare;
 - (h) fell any tree onto a thoroughfare;
 - (i) if installing a verge treatment in accordance with any requirements specified in this local law, to –

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- (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) on a public place use anything or do anything so as to create a nuisance;
 - (l) place or cause to be placed on a thoroughfare a bulk rubbish container;
 - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare; or
 - (n) place or cause to be placed on a footpath or thoroughfare, a planter box or pots.
- (2) The local government may grant a permit in accordance with subclause (1) subject to conditions.

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Part 11 - Notices of breach

11.1 Offence to fail to comply with Notice

Whenever the local government serves a Notice under this local law requiring a person to do any thing, if a person fails to comply with the Notice, that person commits an offence.

11.2 Local government may undertake requirements of Notice

Where a person fails to comply with a Notice referred to in clause 11.1, the local government may by its employees, agents or contractors carry out the works and do all things specified in the Notice and may recover from that person, as a debt, the costs incurred in so doing.

11.3 Notice to remove, redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government or an authorised person may give a Notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to either remove, move or alter the direction of the sprinkler or other watering equipment.

11.4 Hazardous plants

Where a plant or tree in a garden creates or may create a hazard for any person using a thoroughfare, the local government or an authorised person may give a Notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

11.5 Notice to repair damage to thoroughfare

- (1) Where any portion of a thoroughfare, verge or footpath has been damaged, or is in the opinion of an authorised person, dangerous to the public, the local government or an authorised person may by Notice to the person who caused the damage or dangerous condition, order the person to repair or replace that portion of the thoroughfare, verge or footpath to the satisfaction of the local government, and within the timeframe stipulated in the Notice.
- (2) If a person does not comply with a Notice provided under subclause (1), to the satisfaction of the local government, that person commits an offence.

11.6 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by Notice to the owner or the occupier of the land abutting on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, requiring that person or the owner or occupier, as the case may be, to remove the thing within the time specified in the above Notice.

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Part 12 - Objections and review

12.1 Application of Division 1, Part 9 of the Act

When the local government makes a decision as to whether it will –

- (a) grant a person a permit, approval or consent under this local law; or
- (b) renew, vary or cancel a permit, approval or consent that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

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Part 13 - Miscellaneous

13.1 Authorised person to be obeyed

A person on local government property shall obey any lawful direction of a Manager or an authorised person.

13.2 Persons may be refused admission or directed to leave local government property or a community facility

- (1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where the authorised person or Manager reasonably suspects that the person has –:

~~the authorised person or Manager reasonably suspects that the person has –~~

- (a) contravened a provision of this local law;
- (b) behaved in a disorderly manner;
- (c) used indecent, offensive, profane or insulting language;
- (d) created or taken part in any disturbance whereby a crowd has gathered; or
- (e) committed an act of indecency; or
- (f) ~~the person has been deemed undesirable by the local government or the authorised person by reason of his or her past conduct.~~

- (2) The refusal or suspension referred to in subclause (1) can be for a period of up to 12 months as decided by the authorised person or Manager.

- (3) A person shall, on being requested by the authorised person to leave the local government property, do so immediately, quietly and peaceably.

- (4) A person who fails to comply with a request under subclause (3) may be removed from the local government property by an authorised person or a Police Officer.

13.3 Liability for damage to local government property

Where a person unlawfully damages or causes damage to or detrimentally affects the appearance or nature of any local government property, the local government may by Notice to that person require that person within the time specified in the Notice to, at the option of the local government, pay the costs of –

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

13.4 Public liability insurance policy

- (1) Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –

- (a) effect and maintain a policy of insurance in the name of the permit holder in respect to any injury to any person or any damage to any property which may occur in connection with the use of the local government property by the permit holder;
- (b) ensure that any policy of insurance referred to in subclause (1)(a) indemnifies the local government in respect of any injury to any person or any damage to any

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property which may occur in connection with the use of the local government property by the permit holder;

- (c) effect and maintain the policy of insurance referred to in subclause (1)(a) for the duration of the permit;
 - (d) immediately notify the local government if the policy of insurance cover lapses, in which case the permit may be cancelled by the local government in accordance with clause 3.15;
 - (e) at any time requested by the local government, provide the local government with a certificate of currency confirming that public liability insurance cover is in place;
 - (f) ensure that, as a minimum, the permit holder's public liability insurance policy provides coverage of \$20 million (twenty million dollars), or such other amount as the local government considers appropriate to the risk and liability involved in the activity authorised by the permit;
 - (g) upon the request of the local government (in its absolute discretion), increase the minimum value of coverage at the public liability insurance policy renewal date; and
 - (h) ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority.
- (2) A permit holder who refuses to or cannot provide a current certificate of insurance at least 14 days prior to the commencement of any activity, action or thing performed or erected in accordance with the permit, as required in accordance with subclause (1) commits an offence.
 - (3) A permit holder must provide the local government with a copy of their certificate of insurance currency at any time requested by the local government, including at the permit application stage.

13.5 Payment of application fees

Where a fee or charge applies to the entry to, use of or participation in an activity on or in any local government property, a person shall not enter that property without first paying the applicable fee or charge, unless that person has been exempted by the local government from paying that fee or charge.

13.6 No unauthorised entry to function

- (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

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Part 14 - Offences

Division 1 – Offences and penalties

14.1 Offences and general penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not less than \$300 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

14.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purpose of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

14.3 Infringement notices and infringement withdrawal notices

- (1) For the purpose of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the infringement notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice referred to in section 9.16 and 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

14.4 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a copy of an extract from the register certified as a true copy by the CEO.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

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Schedule 1***Prescribed offences (clause 14.2(1))***

Item	Clause	Description	Modified Penalty \$
1.	2.4	Failure to comply with determination	100
2.	3.8	Failure to comply with conditions of a permit	100
3.	3.14	Failure to produce permit when required by an authorised person	100
4.	3.18(1)	Failure to obtain a permit	250
5.	3.18(2)	Failure to obtain a permit to carry out works on local government property	500
6.	3.18(3)	Failure to obtain a permit to use local government property or a community facility for a for profit purpose	500
7.	3.19(1)	Failure to obtain a permit to camp outside a facility or erect structure	100
8.	3.20	Consumption or possession of liquor without a permit	100
9.	3.21	Failure of permit holder to comply with responsibilities	100
10.	4.2(1)	Failure to use correct toilet block or change room	100
11.	4.2(3)(a)	Loiter outside or act in an unacceptable manner in any toilet block	200
12.	4.2(3)(b)	Enter or attempt to enter an occupied cubicle or compartment	200
13.	4.3(1)	Failure to wear adequate clothing to secure decency	200
14.	4.3(2)	Failure to comply with direction of authorised person, to wear adequate clothing	250
15.	4.4(2)	Behaviour detrimental to property	100
16.	4.5(2)(a)	Take, injure or kill, or attempt to take, injure or kill any fauna	500
17.	4.5(2)(b)	Take onto, set or use any animal, bird or fish trap while on any local government property	250
18.	4.5(2)(c)	Remove, prune or damage any flora	250
19.	4.6	Under influence of liquor or prohibited drug or substance	100

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20.	4.7	Take, consume or use a prohibited drug or substance on local government property	250
21.	4.8(2)	Failure to comply with sign on local government property	100
22.	5.3(a)	Consume food or drink in a prohibited area	100
23.	5.3(b)	Climbing up or upon a community facility	100
24.	5.3(c)	Enter or use, or attempt to enter or use a community facility whilst unclean or suffering from a contagious, infectious or cutaneous disease	100
25.	5.3(d)	Using soap or shampoo in any part of the pool area other than in the change rooms	100
26.	5.3(e)	Using any detergent, substance or oil in any pool or spa	100
27.	5.3(f)	Fouling or polluting the water in any shower, pool or spa	100
28.	5.3(g)	Bringing into any part of the pool area or place thereon any chemical substance, liquid or powder	100
29.	5.3(h)	Bringing into any part of the pool area any glass containers	100
30.	5.3(i)	Deliberately waste or wastefully use fresh or potable water in the pool area	100
31.	5.3(j)	Spitting or expectorating in any part of the community facility, other than in a water closet	300
32.	5.3(k)	Entering a pool or spa in a dirty or unclean condition	100
33.	5.3(l)	Using a mobile phone, camera or other recording device in a change room at a community facility	500
34.	5.5(1)	Launch a boat into river other than from an approved boat launching ramp or area permitted by signs	100
35.	5.5(2)	Launch personal watercraft into river other than from a boat launching ramp	100
36.	5.6(1)	Fishing in an area where fishing is prohibited or restricted by signs	100
37.	5.6(2)(a)	Clean fish or cut bait that causes a nuisance to river users	100
38.	5.6(2)(b)	Leave or deposit fish offal or bait on land or in the river	100
39.	5.7	Unauthorised entry to an area fenced off or closed to the public	250
40.	5.9(1)	Installing an air conditioning unit without approval	250
41.	5.11	Erecting or maintaining an awning, balcony or verandah without a permit or approval	250

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42.	5.12	Erecting an awning, balcony or verandah that does not comply with dimensions	250
43.	5.13	Erecting an awning, balcony or verandah that does not comply with design requirements	250
44.	5.15	Erecting a permanent structure within a thoroughfare or road reserve without approval	250
45.	5.17(1)	Smoke in a smoke free area	100
46.	5.17(2)	Failure to extinguish tobacco product or e-cigarette upon direction of an authorised person	200
47.	6.2(1)	Displaying an advertising sign that requires a sign permit on local government property without a sign permit	250
48.	6.3(1)	Erecting or placing a portable direction sign that requires a sign permit on local government property without a sign permit	250
49.	6.4(1)	Placing or erecting an advertising sign or portable direction sign in a prohibited area	250
50.	6.4(2)(a)	Failing to maintain a sign in safe and serviceable condition at all times	100
51.	6.4(2)(b)	Failing to ensure that a sign is of a safe and stable design	100
52.	6.4(2)(c)	Failing to ensure the free passage of persons using footpath at all times	100
53.	6.4(2)(d)	Failing to remove sign at close of business each day or end of event	100
54.	6.6(2)	Failing to display a sign in accordance with conditions of sign permit	100
55.	6.7(a)	Failing to maintain sign in safe and serviceable condition at all times	100
56.	6.7(b)	Refusing to conspicuously display the sign permit number on a sign	50
57.	6.7(c)	Failing to ensure that a sign is of a safe and stable design	100
58.	6.7(d)	Failing to display sign in the approved location	100
59.	6.7(e)	Failing to ensure the free passage of persons using the footpath	100
60.	6.8	Erecting or displaying an election sign without a permit when a permit is required by the local government	500
61.	6.9	Permitting a sign to be displayed in an unsafe or dangerous manner	250

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62.	6.10	Refusing or failing to remove a sign to allow sweeping, cleaning or other authorised works	100
63.	6.11	Refusing or failing to remove a sign when requested to do so	250
64.	6.12	Placing or permitting a sign contrary to the requirements of the local law	250
65.	7.3(1)	Leaving a shopping trolley in public place other than trolley bay	100
66.	7.3(2)	Leaving a shopping trolley for a period in excess of 3 hours	100
67.	8.3(1)	Failure to carry out or complete reinstatement works on affected local government property	500
68.	8.4	Failure to provide a bank guarantee or pay a security deposit when required by local government	500
69.	9.1	Damaging a thoroughfare or anything belonging to or under the care control and management of the local government that is on a thoroughfare	500
70.	9.2(1)(a)	Failing to take necessary precautions to ensure footpaths, verges or trees are not damaged during works	500
71.	9.2(1)(b)	Failing to ensure footpath remains in a safe and functioning state suitable for use by the public	500
72.	9.2(2)(a)	Failing to take reasonable precautions to prevent damage to footpath, verge or street tree	500
73.	9.5	Failure to install or maintain a verge in accordance with the local laws	250
74.	9.8	Failing to rectify damage caused to footpath, kerb, thoroughfare or carriageway when installing a verge	250
75.	9.13(1)	Failing to obtain permit for temporary crossing	200
76.	9.14(2)	Failing to comply with notice to remove crossing and reinstate kerb	250
77.	10.1(a)	Planting of tree or plant which exceeds 500mm in height on local government property within 10metres from the truncation of an intersection	100
78.	10.1(b)	Damaging lawn or garden, or remove any plant without authority	100
79.	10.1(c)	Placing any fruit, substance or fluid on footpath which may create a hazard	100
80.	10.1(d)	Damaging or interfering with signpost or structure on thoroughfare	200

City of Vincent Local Government Property Local Law 2021

81.	10.1(e)	Riding any wheeled recreational device in a mall, arcade or verandah of a shopping centre	100
82.	10.1(f)	Damaging pruning, injuring, poisoning, removing or killing a tree, which includes a tree on a verge, thoroughfare or local government property without the approval of the local government	500
83.	10.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
84.	10.2(1)(b)	Throwing or placing anything on a verge without a permit	200
85.	10.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
86.	10.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	200
87.	10.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	300
88.	10.2(1)(f)	Damaging a thoroughfare	200
89.	10.2(1)(g)	Lighting a fire on a thoroughfare without a permit	300
90.	10.2(1)(h)	Felling tree onto thoroughfare without a permit	200
91.	10.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	200
92.	10.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	200
93.	10.2(1)(k)	Creating a nuisance on a public place without a permit	200
94.	10.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	100
95.	10.2(1)(m)	Interfering with anything on a thoroughfare without a permit	200
96.	10.2(1)(n)	Placing a planter box or pot on a footpath or thoroughfare	100
97.	11.1	Failing to comply with notice given under local law where not specified in Schedule 1	500
98.	13.4(2)	Failure to hold or provide a current certificate of currency to an authorised person when requested	250
99.	13.5	Failing to pay the applicable fee to enter, use or participate in an activity on local government property	100
100.	13.6(1)	Entering local government property or building other than through the proper entrance or without payment of the admission fee	100

City of Vincent Local Government Property Local Law 2021

101.	14.1(1)	Other offences not specified	100
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City of Vincent Local Government Property Local Law 2021

Dated: 23 November 2021

The Common Seal of The City of Vincent was affixed in the presence of—

EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer.




Table of Amendments		
Clause	Amendment	Reason
1.6	<p>(a) inserting the following words after the definition of 'e-cigarette': <i>election day means the date of voting or polling for a Federal, State or local government election (as the case may be);</i> <i>election period means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government (which occurs 37 days prior to the local government election day), and two (2) days after that election day;</i> <i>election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;</i></p> <p>(b) amending the definition of vehicle (f) by replacing the word 'and' with the word 'or'. <i>wheeled recreational device, wheeled toy or a scooter used by a person aged under 12 years; and or</i></p>	<p>(a) To note and clarify new definitions used throughout additions to clause 6.8 regarding election signs.</p> <p>(b) To provide clarity and correct an error.</p>
4.4(2)	A person shall not behave in or on any local government property in a way which is or might be detrimental to the property.	To provide clarity and correct an error.
5.3(l)	use a mobile phone, camera or other similar recording device in a change room at a community facility. <i>use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.</i>	To clarify that no images or recording shall be taken of another person in a change room at a community facility without their prior consent, rather than the prohibition of mobile phone use in change rooms altogether.
5.13	<i>The following design requirements apply for an awning, balcony or verandah erected over a thoroughfare are:</i>	To provide clarity and correct an error.
5.14	<i>The owner and occupier for the time being of any building to which any awning, balcony or verandah is attached and is erected over a thoroughfare, shall keep the awning, balcony or verandah clean, painted, watertight, in a sound and safe structural condition and in good and substantial repair.</i>	To clarify that owners with properties which have awnings, balconies, and verandahs over thoroughfares have a public safety duty to maintain them.
5.16(c) and (d)	<i>(c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; and or</i>	To clarify that persons smoking within their own private property (being a vehicle) situated on a

	(d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.	thoroughfare in a smoke free area is not prohibited by the local law.
6.1(e)	<p>(e) minor sign nature development means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:</p> <ul style="list-style-type: none"> (i) not exceeding 500mm in height nor 0.5m2 in area, on any side, and which will not unduly adversely affect the local government property; (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and (iii) uses which will not adversely affecting the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use; 	<p>To remove any confusion due to terminology used for signs in local planning policies and the City of Vincent's Local Planning Scheme No. 2. The term 'minor sign' is specific to this Local Law and is defined within this Local Law.</p> <p>Deleting duplication of reference to a sign 'adversely affecting' local government property.</p>
6.2(2)(a)	(a) a minor nature development sign;	To change the term for clarity.
6.3	<p>(1) Subject to subclause (2), a person shall not, without a sign permit erect or place a portable direction sign on local government property.</p> <p>(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which is:</p> <p>(a) a minor nature development sign; or</p>	To provide correct an error and to change the term for clarity.
6.8	<p>(1) The local government may issue a permit for the erection or display of an election sign on local government property. A person must not erect or display an election sign on local government property without a permit unless the election sign is –</p> <ul style="list-style-type: none"> (a) only displayed during the election period and removed within 48 hours after the election day; (b) free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure; (c) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath; (d) erected at least 10 metres from any intersection of thoroughfares; (e) not closer than 50 metres to a signalised intersection or before any speed indicator sign; (f) not placed on a median strip, roundabout or other traffic control device; (g) not placed within an intersection; (h) not located in, or within 50 metres of, a 40kph school zone; (i) not places so as to obstruct or impede: <ul style="list-style-type: none"> (i) a footpath, thoroughfare or carriageway; 	To clarify the conditions under which erection of an election sign on local government property does not require a permit and to provide guidance for the City in determining an application for a permit for an election sign.

	<p>(ii) the reasonable and/or safe use of a thoroughfare or local government property;</p> <p>(iii) access to a place by any person;</p> <p>(j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;</p> <p>(k) not placed within 100 metres of any works on a thoroughfare or local government property;</p> <p>(l) maintained in good condition;</p> <p>(m) securely installed;</p> <p>(n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and</p> <p>(o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.</p> <p>(2) In determining an application for a permit for an election sign, the local government is to have regard to –</p> <p>(a) any other written law or policy regulating the erection or placement of election signs within the district;</p> <p>(b) the dimensions of the election sign;</p> <p>(c) whether or not the election sign will create a hazard to persons using a thoroughfare;</p> <p>(d) whether the election sign would –</p> <p>(i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or</p> <p>(ii) impede pedestrian access; and</p> <p>(e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.</p>	
9.3(2)	(2) On a failure to comply with a Notice issued under subclause (1), the local government may recover the costs referred to in the Notice as a debt due to it in a court of competent jurisdiction.	To provide clarity and correct an error.
9.7(1)(f)	(f) only be solar lighting is permitted within a verge;	To provide clarity and correct an error.
9.11(1)	<p>(1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person, –</p> <p>(a) dig up all or part of a thoroughfare; or</p> <p>(a) (b) and disturb any verge treatment placed there by an owner or occupier of adjacent land.</p>	To provide clarity and correct a formatting error.

13.2(f)	<p>(1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where <i>the authorised person or Manager reasonably suspects that the person has —:</i></p> <p><i>the authorised person or Manager reasonably suspects that the person has—</i></p> <ul style="list-style-type: none">(a) contravened a provision of this local law;(b) behaved in a disorderly manner;(c) used indecent, offensive, profane or insulting language;(d) created or taken part in any disturbance whereby a crowd has gathered; or(e) committed an act of indecency; or. <p><i>(f) the person has been deemed undesirable by the local government or the authorised person by reason of his or her past conduct.</i></p>	<p>To remove the provision for an approved manager to refuse entry, suspend admission, or direct a person to leave a local government facility due to a person being deemed undesirable by reason of their past conduct. This eliminates any grounds for discrimination against any person on local government property or in a community facility by an authorised person or approved manager.</p>
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12.3 OUTCOME OF ADVERTISING NEW TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY

- Attachments:**
1. Temporary Employment or Appointment of CEO Policy - (amended clean version for adoption) [↓](#) 
 2. Temporary Employment or Appointment of CEO Policy - (marked up) [↓](#) 
 3. WALGA Template Policy - Temporary Employment or Appointment of CEO [↓](#) 

RECOMMENDATION:

That Council ADOPTS BY ABSOLUTE MAJORITY the new Temporary Employment or Appointment of CEO Policy at Attachment 1.

PURPOSE OF REPORT:

To present the outcome of community consultation and seek approval of the proposed a new Temporary Employment or Appointment of CEO Policy at **Attachment 1**.

BACKGROUND:

In July 2019 the *Local Government Act 1995* (Act) was amended to include a requirement for local governments to adopt a policy (by absolute majority) for the temporary employment or appointment of a Chief Executive Officer (CEO).

The policy must address the employment of a person, and the appointment of an employee, in the position of CEO for a period not exceeding 1 year.

At its 8 February 2022 meeting, Council approved conducting community consultation of its intention to adopt the Temporary Employment or Appointment of CEO Policy.

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation was undertaken between 24 February 2022 and 28 March 2022, 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 – 24 February 2022;
- Perth Voice – 26 February 2022; and
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre.

No public submissions were received.

At the Council Briefing 10 May 2022 clarification was requested in relation to the maximum amount of remuneration that could be determined by the CEO for acting appointments.

Minor amendments to clause 4.1 and 4.2 have been included in the marked-up version at **Attachment 2**.

These amendments provide clarification of the City's existing practice that the determined remuneration and benefits for acting appointments must not exceed the substantive CEO's total reward package.

Further consultation of the amendments is not proposed.

DETAILS:

The Policy is based on the template policy provided by the Western Australian Local Government Association (WALGA), included at **Attachment 3**, with minor amendments to reflect the City's existing practice and a proposed amendment to the condition of Councils delegation 2.2.1. Council delegation 2.2.1 delegates authority to the CEO to appoint an acting CEO under s5.36(1)(a) of the Act subject to the following conditions:

- the employee being designated a "Senior Employee", as prescribed by the Act;
- appointments being no longer than 30 days;
- Council Members to be advised of acting CEO; and
- the acting role to be rotated between the Executive Directors of the City where practicable.

The Policy will permit the CEO to appoint an acting CEO for planned and unplanned leave for a period of up to 6 weeks. The conditions of Council delegation 2.2.1 limit such appointments to being no longer than 30 days. Administration has recommended an amendment to this condition as part of its annual review of Council delegations included in this agenda. This will enable contingency arrangements to be made in the event of unforeseen absence and will align with industry standard.

The Policy fulfils the requirements of section 5.39C of the Act and aligns with remaining conditions of Council's delegation related to the appointment of an Acting CEO. The Policy also sets out arrangements for the unlikely event that the CEO is unavailable or unable to make the decision to appoint an Acting CEO.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

Section 5.39C of the Act requires local governments to adopt a policy (by absolute majority) relating to:

- employment of a person in the position of CEO for a term not exceeding 1 year; and
- appointment of an employee to Act in the position of CEO for a term not exceeding 1 year.

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 the proposed policy is low risk.

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 does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



Legislation / local law requirements	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • s5.39 Contracts for CEO and senior employee's; • s5.39C Policy for temporary employment or appointment of CEO • s5.40 Principles affecting employment by local governments.
Relevant delegations	Delegation 2.2.1 - Appointment of an Acting CEO
Related policies, procedures and supporting documentation	Organisational Structure and Designation of "Senior Employees" Policy

PRELIMINARY

INTRODUCTION

Pursuant to section 5.36 of the *Local Government Act 1995* (Act), it is a requirement that Council employ a person to be Chief Executive Officer (CEO) to enable the functions of the Local Government and the functions of Council to be performed. jj

The manner of the recruitment is prescribed in the Act and the *Local Government (Administration) Regulations Act 1996*.

Section 5.39C of the *Local Government Legislation Amendment Act 2019* was inserted into the Act and informs the requirements for this policy.

PURPOSE

To set out the process in relation to the appointment of Senior Employees (Executive Directors) to act in the position of CEO for a term not exceeding one year.

OBJECTIVE

To establish policy, in accordance with section 5.39C of the Act, that details the City of Vincent's processes for appointing an Acting or Temporary CEO for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

SCOPE

This policy applies to the statutory position of CEO of the City of Vincent.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



POLICY PROVISIONS

DEFINITIONS

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Senior Employee means a person appointed to the position of Executive Director

POLICY

1. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- 1.1 Consistent with Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO is authorised to appoint an Acting CEO, subject to the following conditions:
 - the Employee being designated a "Senior Employee", as prescribed by the LGA and determined by Councils [Organisational Structure and Designation of "Senior Employees"](#) policy;
 - appointments being no longer than 6 weeks;
 - Council Members to be advised of Acting CEO; and
 - the acting role to be rotated between the Executive Directors of the City where practicable or an external sector Senior Employee through a secondment arrangement.
- 1.2 The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.
- 1.3 If the CEO is unavailable or unable to make the decision to appoint an Acting CEO the Executive Manager Corporate Strategy and Governance will appoint an Acting CEO in accordance with 1.1. above.
- 1.4 Council may, by resolution, extend an Acting CEO period under subclause (1.3) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

2. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

- 2.1 This clause applies to the following periods of extended leave:
 - substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and
 - substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



- 2.2 The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - a. Appoint one Senior Employee, or multiple Senior Employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 3.1(c).
- 2.3 The Mayor will liaise with the CEO, or in their unplanned absence the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- 2.4 Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Strategy and Governance.

3. Appoint Temporary CEO – Substantive Vacancy

- 3.1 In the event that the substantive CEO's employment with the City of Vincent is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint a Senior Employee as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the City; or
 - b. by resolution, appoint a Senior Employee as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment or secondment process in accordance with the principles of merit and equity prescribed in section 5.40 of the LGA, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the City.
- 3.2 The Mayor will liaise with the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- 3.3 The Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Executive Manager Corporate Strategy and Governance.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



CITY OF VINCENT

4. Remuneration and conditions of Acting / Temporary CEO arrangements

- 4.1 The CEO will determine the remuneration and benefits when appointing an employee as Acting CEO. Remuneration and benefits must not exceed the substantive CEO's total reward package.
- 4.2 Where an appointment is made in accordance with clause 1.3 above the Executive Manager Corporate Strategy and Governance will determine the remuneration and benefits when appointing an employee as Acting CEO. Determination will have due regard to the remuneration and benefits applied formerly and must not exceed the substantive CEO's total reward package.
- 4.3 Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- 4.4 Acting and temporary CEOs will be delegated the powers and be able to discharge the duties of the CEO, subject to any limitations imposed by the CEO or Council through an appointment under this policy.

OFFICE USE ONLY	
Responsible Officer	Please use title only
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



Legislation / local law requirements	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • s5.39 Contracts for CEO and senior employee's; • s5.39C Policy for temporary employment or appointment of CEO • s5.40 Principles affecting employment by local governments.
Relevant delegations	Delegation 2.2.1 - Appointment of an Acting CEO
Related policies, procedures and supporting documentation	Organisational Structure and Designation of "Senior Employees" Policy

PRELIMINARY

INTRODUCTION

Pursuant to section 5.36 of the *Local Government Act 1995* (Act), it is a requirement that Council employ a person to be Chief Executive Officer (CEO) to enable the functions of the Local Government and the functions of Council to be performed. jj

The manner of the recruitment is prescribed in the Act and the *Local Government (Administration) Regulations Act 1996*.

Section 5.39C of the *Local Government Legislation Amendment Act 2019* was inserted into the Act and informs the requirements for this policy.

PURPOSE

To set out the process in relation to the appointment of Senior Employees (Executive Directors) to act in the position of CEO for a term not exceeding one year.

OBJECTIVE

To establish policy, in accordance with section 5.39C of the Act, that details the City of Vincent's processes for appointing an Acting or Temporary CEO for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

SCOPE

This policy applies to the statutory position of CEO of the City of Vincent.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



POLICY PROVISIONS

DEFINITIONS

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Senior Employee means a person appointed to the position of Executive Director

POLICY

1. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- 1.1 Consistent with Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO is authorised to appoint an Acting CEO, subject to the following conditions:
 - the Employee being designated a "Senior Employee", as prescribed by the LGA and determined by Councils [Organisational Structure and Designation of "Senior Employees"](#) policy;
 - appointments being no longer than 6 weeks;
 - Council Members to be advised of Acting CEO; and
 - the acting role to be rotated between the Executive Directors of the City where practicable or an external sector Senior Employee through a secondment arrangement.
- 1.2 The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.
- 1.3 If the CEO is unavailable or unable to make the decision to appoint an Acting CEO the Executive Manager Corporate Strategy and Governance will appoint an Acting CEO in accordance with 1.1. above.
- 1.4 Council may, by resolution, extend an Acting CEO period under subclause (1.3) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

2. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

- 2.1 This clause applies to the following periods of extended leave:
 - substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and
 - substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



- 2.2 The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - a. Appoint one Senior Employee, or multiple Senior Employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 3.1(c).
- 2.3 The Mayor will liaise with the CEO, or in their unplanned absence the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- 2.4 Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Strategy and Governance.

3. Appoint Temporary CEO – Substantive Vacancy

- 3.1 In the event that the substantive CEO's employment with the City of Vincent is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint a Senior Employee as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the City; or
 - b. by resolution, appoint a Senior Employee as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment or secondment process in accordance with the principles of merit and equity prescribed in section 5.40 of the LGA, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the City.
- 3.2 The Mayor will liaise with the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- 3.3 The Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Executive Manager Corporate Strategy and Governance.

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



CITY OF VINCENT

4. Remuneration and conditions of Acting / Temporary CEO arrangements

- 4.1 The CEO will determine the remuneration and benefits when appointing an employee as Acting CEO. Remuneration and benefits must not exceed the substantive CEO's total reward package.
- 4.2 Where an appointment is made in accordance with clause 1.3 above the Executive Manager Corporate Strategy and Governance will determine the remuneration and benefits when appointing an employee as Acting CEO. Determination will have due regard to the remuneration and benefits applied formerly and must not exceed the substantive CEO's total reward package.
- 4.3 Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- 4.4 Acting and temporary CEOs will be delegated the powers and be able to discharge the duties of the CEO, subject to any limitations imposed by the CEO or Council through an appointment under this policy.

OFFICE USE ONLY	
Responsible Officer	Please use title only
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY



WALGA Template Policy

Temporary Employment or Appointment of CEO

WALGA Note:

This template policy addresses the requirements of section 5.39C of the *Local Government Act 1995* that require a Local Government to adopt, by absolute majority, a policy that sets out the process to be followed in relation to:

- Employment of a person in the position of CEO for a term not exceeding 1 year;
- Appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

WALGA provides this template policy as a guide for Local Governments to consider when developing or amending a Policy. This template policy provides suggested wording only and Local Governments should consider, develop and implement policy suitable to their operational requirements.

Remember: Policy implementation is given effect through appropriate induction, ongoing training and operational procedures that evidence Council Members and Employees have been made aware of and are accountable for their obligations and responsibilities.

Template Council Policy:

Temporary Employment or Appointment of CEO

Policy Objective

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the [insert LG name]'s processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Policy Scope

This policy applies to the statutory position of Chief Executive Officer (CEO) of the [insert LG name].

Policy Statement

1. Definitions:

- (1) **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.
- (2) **Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

WALGA Note: {Delete before publication} CEO's are entitled to leave conditions specified in their employment contract. Approval of CEO leave entitlements is at the written discretion of the President / Mayor and approval should not be unreasonably withheld.

2. Acting and Temporary CEO Requirements and Qualification

- (1) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- (2) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of [insert Position title]/s are considered suitably qualified to perform the role of Acting or Temporary CEO.

- (3) A person appointed to act in the position of [insert Position title]/s is not included in the determination set out in Clause 3 (2).

3. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- (1) The CEO is authorised to appoint the [insert Position title]/s in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the [insert Position title]/s performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (2) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the [insert Position title] is appointed as Acting CEO.
- (4) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
- a. The [insert Position title (1)] will be appointed as Acting CEO; or
 - b. If the [insert Position title (1)] is unable to act, the [insert Position title (2)] will be appointed as Acting CEO; or
 - c. If the [insert Position title (2)] is unable to act, the [insert Position title (3)] will be appointed as Acting CEO.
- (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

4. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

- (1) This clause applies to the following periods of extended leave:
- Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:

- a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).
- (3) The [President / Mayor] will liaise with the CEO, or in their unplanned absence the [insert Position title] to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the [President / Mayor] will execute in writing the Acting CEO appointment with administrative assistance from the [insert Position title].

5. Appoint Temporary CEO – Substantive Vacancy

- (1) In the event that the substantive CEO's employment with the [insert LG name] is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint [insert Position title]/s as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b. by resolution, appoint [insert Position title] as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- (2) The [President / Mayor] will liaise with the [insert Position title] to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The [President / Mayor] is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the [insert Position title].




6. Remuneration and conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at [$< >$ %] of the cash component only of the substantive CEO's total reward package.
- (2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Document Control Box							
Document Responsibilities:							
Owner:	[insert Position Title]			Owner Business Unit:	[insert Unit Title]		
Reviewer:	[insert Position Title]			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Local Government Act 1995 s.5.39 Contracts for CEO and senior employees Local Government Act 1995 s.5.39C Policy for temporary employment or appointment of CEO s.5.40 Principles affecting employment by Local Governments						
Other:							
Organisational:							
Document Management:							
Risk Rating:	[low / med / high]	Review Frequency:	[annual / biennial / triennial]	Next Due:	[20##]	Records Ref:	[CP####]
Version #	Decision Reference:	Synopsis:					
1.	[decision date / EDMS Ref]	[brief description of the adoption / changes approved]					
2.							

12.4 OUTCOME OF ADVERTISING AMENDED COUNCIL MEMBERS – ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES POLICY AND PROPOSED REPEAL OF CIVIC FUNCTIONS POLICY

- Attachments:**
1. **Council Members – Allowances, Fees and Reimbursement of Expenses Policy (clean copy)** [↓](#) 
 2. **Council Members – Allowances, Fees and Reimbursement of Expenses Policy (marked up)** [↓](#) 
 3. **Civic Functions, Ceremonies, Receptions and Provision of Hospitality Policy and the use of Council Chamber, Function Room and Committee Room Policy (4.1.29)** [↓](#) 

RECOMMENDATION:

That the Council:

1. **ADOPTS the Council Members – Allowances, Fees and Reimbursement of Expenses Policy at Attachment 1; and**
2. **REPEALS Policy No. 4.1.29 – Civic Functions, Ceremonies, Receptions and Provision of Hospitality Policy and the use of Council Chamber, Function Room and Committee Room at Attachment 3.**

PURPOSE OF REPORT:

To present the outcome of community consultation and seek approval of the amended Council Members – Allowances, Fees and Reimbursement of Expenses Policy at **Attachment 1** and propose the repeal of the Civic Functions, Ceremonies, Receptions and Provision of Hospitality Policy and the use of Council Chamber, Function Room and Committee Room Policy (Civic Functions Policy) at **Attachment 3**.

BACKGROUND:

At its 8 February 2022 meeting, Council approved conducting community consultation of its intention to amend the Council Members – Allowances, Fees and Reimbursement of Expenses Policy.

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation was undertaken between 24 February 2022 and 28 March 2022, 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 – 24 February 2022;
- Perth Voice – 26 February 2022; and
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre.

No public submissions were received.

The Civic Functions Policy was reviewed by Administration in June 2021.

The findings of Administration's review, including the requirement of provisions outlined in clause 1.3 of the [Policy Development and Review Policy](#), were presented to Council Members in the July 2021 Policy Paper.

Administration's review identified that there is no requirement for a documented City position with the exception of provision 4 – Councillor's Room. It was identified that this provision would be better placed in the Council Members – Allowances, Fees and Reimbursement of Expenses Policy. This has been added as new clause 2.3.

There is no legislative requirement for the Civic Functions Policy, no apparent community need and there is no complexity or lack of clarity in the process.

It is proposed that the Civic Functions policy now be repealed, and procedural document created that outlines the approval process for civic events and clarifies the order of precedence for invited dignitaries.

DETAILS:

The substantive changes to the policy are as follows:

1. Additional Policy Objective

An additional Policy objective has been included to facilitate the documentation of Council Member reimbursements as follows:

3. appropriately administer and document the reimbursement of expenses incurred by Council Members in their official capacity.

2. Removal of Attendance Fee Condition

Clause 1.1 of the existing policy provides a condition that the annual meeting attendance fee is provided on the principle that each Council Member regularly attends meetings of Council.

At the 23 March 2021 Ordinary Meeting of Council, a new [Code of Conduct for Council Members, Committee Members and Candidates](#) (Nominated Members Code) was adopted. Clause 4(2)(d) of the Nominated Members Code requires Council Members to attend and participate in Council Briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role.

3. Councillors Meeting Room

The City currently provides use of the Councillors Meeting Room within the City's Administration and Civic Centre, for use by Council Members. A provision for this entitlement currently exists within the [Civic Functions Policy](#). This provision would be better placed in the Council Members – Allowances, Fees and Reimbursement of Expenses Policy as a Council Member entitlement.

The Civic Functions Policy was reviewed in June 2021 and the outcome of that review presented in the July 2021 policy paper. The outcome of the review proposed the repeal of the Civic Functions policy following the inclusion of this entitlement in the Council Members – Allowances, Fees and Reimbursement of Expenses Policy.

This entitlement has been added as new clause 2.3.

There is no legislative requirement for the Civic Functions Policy, no apparent community need and there is no complexity or lack of clarity in the process.

It is proposed that the Civic Functions policy now be repealed, and procedural document created that outlines the approval process for civic events and clarifies the order of precedence for invited dignitaries.

4. Annual ICT Allowance

Council Members are entitled to be reimbursed for information and communications technology expenses, childcare expenses, and travel costs.

As with the amount payable for meeting fees, the extent to which the above expenses can be reimbursed is established by the Salaries and Allowances Tribunal (SAT) under the *Salaries and Allowances Act 1975*.

Under the Tribunal's determination the minimum and maximum set for the annual allowance for ICT expenses is \$500 to \$3,500. Council has set the level for Council Members at \$2,500. Administration has researched 12 other metropolitan Local Governments in relation to their ICT allowance policy provisions.

Of these 12 Local Governments Administration found that 10 paid an ICT allowance equal to the maximum set by SAT in addition to providing Council Members with the use of City owned laptops/tablets or iPads. The remaining two (Subiaco and Mosman Park) paying the maximum ICT allowance but providing no equipment.

Council last determined the level of the ICT Allowance in April 2017 where after consideration of research into the typical costs of Council Member ICT needs, reduced the allowance from \$3,500 to \$2,500pa. At the time it was noted that in accordance with the *Local Government Act 1995* (Act), any Council Member, including the Mayor, would still be entitled to claim reimbursement of other ICT costs over and above this amount upon the provision of evidence of expenditure incurred.

The ICT Allowance has not been changed.

In accordance with clause 4.1(e) this allowance is in addition to any computing device provided by the City to enable the Council Members to fulfil their role.

Clause 4.1(e) also notes that the device supplied is to be approved by Council. Administration has updated this clause to reflect the City's existing practice that Council Members are provided with a computing device that is compatible with the City's security; systems and within budgetary constraints.

5. Inconsistent Reimbursement Requirements

Clause 5 of the policy has been updated to require the submission of Appendix A (Council Members Travel and Parking Expense Claim form) for all travel reimbursement requests. This will ensure that the date and detail of the meeting are documented.

6. Council Member Professional Development

The provisions of clause 7 have been superseded by the [Elected Members Continuing Professional Development Policy](#) adopted in June 2020. Approval for professional development is subject to budgetary funds being available.

7. Register of Council Member reimbursements

Administration has included a new clause 10.5 requiring the Chief Executive Officer to maintain a register of Council Member reimbursements and to publish the register on the City's website. This will support implementation of proposed objective 3 and reinforce the City's reporting obligations in accordance with Regulation 29C(2)(f) and 29C(6) of the Regulations.

CONSULTATION/ADVERTISING:

No further consultation is required.

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 the development and review of the City's policy documents.

Section 5.96A of the Act 1995 and Regs 29C(2)(f) & (6) of Regulations require the Chief Executive Officer to publish the type, and the amount or value, of any fees, expenses or allowances paid to each Council Member during a financial year beginning on or after 1 July 2020.

The [Salaries and Allowances Tribunal \(SAT\)](#) determines the remuneration to be provided to Council Members.

RISK MANAGEMENT IMPLICATIONS

Low: Adopting the proposed policy is low risk.

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 does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The Salaries and Allowances Tribunal (SAT) determines the remuneration to be provided to Council Members.

The latest determination was published on 7 April 2022.

The following Band 2 (maximum) fees and allowances will apply from 1 July 2022:

- Mayoral Allowance \$64,938pa;
- Deputy Mayor Allowance (@25% above) – \$16,234.50pa;
- Sitting Fee – Mayor – \$31,928pa; and
- Sitting Fee – Councillor – \$23,811pa.

There has been no change to the ICT allowance.

Council Member Allowances, Fees and Reimbursement of Expenses



Legislation / local law requirements	<p><i>Local Government Act 1995, Local Government (Administration) Regulations 1996 and Salaries and Allowances Act 1975</i></p> <p>In accordance with section 5.96A of the <i>Local Government Act 1995</i> and Regs 29C(2)(f) & (6) of the <i>Local Government (Administration) Regulations 1996</i>, the Chief Executive Officer must publish the type, and the amount or value, of any fees, expenses or allowances paid to each Council Member during a financial year beginning on or after 1 July 2020.</p>
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	<p>Council Member Travel and Parking Expenses Claim Form (Appendix A)</p> <p>Council Member Child Care Expenses Claim Form (Appendix B)</p> <p>Council Member Miscellaneous Expenses Claim Form (Appendix C)</p>

PRELIMINARY

INTRODUCTION

Council Member fees and allowances are determined by the salaries and allowances tribunal according to 'band' classification for local governments in Western Australia.

Under the Tribunal's determination, the City of Vincent has been classified as a band 2.

The [Salaries and Allowances Tribunal](#) undertakes an annual determination of fees and expenses payable to local government Council Members.

PURPOSE

To provide guidance and clarity with regard to the allowances and expenses that will be paid to Council Members in accordance with the *Local Government Act 1995 (Act)*, *Local Government (Administration) Regulations 1996 (Regulations)* and the *Salaries and Allowances Act 1975*.

OBJECTIVE

To:

1. clearly outline the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover within the provisions of the Act while performing the official functions and duties of office;
2. set out a structure under which Council Members are to be paid either a meeting fee or an annual attendance fee in recognition to each Council Member's commitment, pursuant to Sections 5.98, 5.98A and 5.99 of the Act; and
3. appropriately administer and document the reimbursement of expenses incurred by Council Members in their official capacity.

Council Member Allowances, Fees and Reimbursement of Expenses



SCOPE

This policy applies to the determination and remuneration of Council Member allowances, fees, and reimbursement of expenses.

DEFINITIONS

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

ICT expenses means:

- Rental charges in relation to information and communications technology (ICT) services and equipment as prescribed by regulation 31(1)(a) of the *Local Government Administration Regulations 1996* (Regulations); or
- Any other expenses that relate to information and communications technology and that are a kind of expense prescribed by regulation 32(1) of the Regulations;

POLICY PROVISIONS

1. Allowances

1.1 Annual Meeting Attendance Fees

The City will pay Council Members an Annual Meeting Attendance Fee to the maximum amount allowable within the prescribed legislation.

1.2 Mayoral Allowance

The City will pay the Mayor an Annual Local Government Allowance to the maximum amount allowable within the prescribed legislation. (Section 5.98, of the Act)

1.3 Deputy Mayoral Allowance

The City will pay the Deputy Mayor an Annual Local Government Allowance equivalent to 25% (maximum allowed is 25%) of the Mayoral Allowance. (Section 5.98A, of the Act).

1.4 Payment

The fees in 1.1, 1.2 and 1.3 above are to be paid to each Council Member monthly in arrears.

2 Office of the Mayor

2.1 Mayor's Office

The City is to provide to the Mayor, at the City's cost, the following within the City's Administration and Civic Centre:

- a. the use of a suitable office;

Council Member Allowances, Fees and Reimbursement of Expenses



- b. the allocation of sufficient finances and resources by Council to provide ongoing administrative support to the Mayor in the form of a personal assistant;
- c. photocopying and postage;
- d. the use of a computer and telephone; and
- e. beverages as provided.

2.2 Vehicle for Office of Mayor

The Office of the Mayor will be provided with an electric bicycle for all official duties connected to the office of Mayor. The bicycle will be replaced as part of the normal replacement program. All costs associated with the maintenance and upkeep of the electric bicycle are to be borne by the City of Vincent.

2.3 Councillors Meeting Room

The City is to provide use of the Councillors Meeting Room within the City's Administration and Civic Centre, for the use by Council Members for official purposes.

3 Expenses to be Reimbursed

Regulation 32(1) of the Regulations prescribe expenses that may be approved by a Local Government for reimbursement.

The express authority of the Council is given to Council Members to attend the following functions in the performance of their duty as a Council Member, for which an expense incurred can be reimbursed:

- a. council meetings, council briefings, council workshops, general meetings of Electors, civic functions or citizenship ceremonies called by either the Council, the Mayor and/or the Chief Executive Officer;
- b. regional councils, committees, advisory groups and working groups to which the Council Member is appointed as a delegate or member by Council;
- c. meetings and functions scheduled by the Chief Executive Officer;
- d. conferences, or meetings of community organisations, industry groups and local government associations to which the Council Member has been appointed by Council as its delegate;
- e. functions and presentations attended as the Mayor, or as a representative of the Mayor, that are supported by a copy of the relevant invitation or request for attendance;
- f. any other occasion in the performance of an act under the express authority of Council.
- g. site inspections in connection with matters listed on any Council Agenda paper (Council Members to state an address, along with the date and time of the visit on the claim form).
- h. in response to a request to meet with a ratepayer/elector but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).
- i. approved education and training courses/events;
- j. meetings of Town Teams and Precinct Groups within the City of Vincent;
- k. any ceremony for the presentation by the City of awards to school students by any member responsible for presentation of the awards;
- l. events that are sponsored or organised by the City of Vincent.

Council Member Allowances, Fees and Reimbursement of Expenses



4 Information and Communication Technology Allowance ("ICT")

4.1 Council Member ICT Equipment

- a. The City will provide Council Members equipment to receive and view electronic communications from the City.
- b. Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. The City will retain ownership of any equipment provided under this clause.
- c. Departing Council Members are eligible to purchase equipment purchased on their behalf and used by them during their term of office as follows:

Years of Service	Amount Payable
1st year of service (or part thereof)	not available
2nd year of service (or part thereof)	not available
3rd year of service (or part thereof)	50% of purchase price
4th year of service (or part thereof)	25% of purchase price
Upon retirement after more than 4 years' service	0% of purchase price

4.2 Annual ICT Allowance

- a. The City will pay Council Members an annual ICT Allowance of \$2,500. This Allowance covers ICT expenses incurred by Council Members in performing a function under the express authority of the Council or in performing a function in the Council Member's official capacity.
- b. Any claims by Council Members for ICT expenses incurred over the ICT Allowance are to be submitted on the Reimbursement of Expenses Form. Any such claims must be supported by receipted invoices. It must also be demonstrated, to the reasonable satisfaction of the CEO, that the ICT Allowance has been expended on allowable ICT expenses.
- c. The annual ICT Allowance is for ICT expenses relating to:
 - ICT equipment and software including purchase, rental and lease costs
 - Insurance and maintenance
 - Service and installation fees
 - Ongoing costs including phone and Internet bandwidth charges
 - Consumables including paper and ink for printing
- d. In recognition of possible capital costs associated with ICT expenses, payment will be made, in advance, as follows:
 - 50% to be paid in the month of October; and
 - 50% to be paid in the month of April.

Council Member Allowances, Fees and Reimbursement of Expenses



5 Travel Expenses

Council Members shall be entitled to reimbursement of travel expenses incurred while travelling to a destination from their normal place of residence or work and return for which express authority has been given in clause 1.3. The following reimbursement will be processed upon submission of Council Member – Travel and Parking Expenses Claim Form (as shown in Appendix A) and accompanying receipt.

5.1 Motor Vehicle Allowance

Where a Council Member uses their own vehicle in or in connection with the performance of their duties, the Council Member will be paid an allowance for each kilometre of authorised travel as set in the Local Government Industry Award 2010.

5.2 Public Transport

A Council Member may use the services of the bus, rail and ferry public transport system, expenditure for which shall be reimbursed.

5.3 Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in clause 1.3 above shall be reimbursed. The cost of valet parking will not be reimbursed.

5.4 Cab Charge Vouchers

Council Members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in Clause 1.3.

6 Child Care Costs

Council Members shall be entitled to reimbursement upon submission of Council Members Request for Reimbursement of Child Care Expenses Claim Form (as shown in Appendix B), a receipt and certified statement detailing dates, costs and relevant information of meeting of the lesser amount of actual childcare costs or to the maximum hourly rate prescribed by the Salaries and Allowances Tribunal. Claims can only be made for care of children, of which they are parent or legal guardian, while attending any occasion referred to in clause 1.3.

7 Insurance

Council will provide insurance cover for Council Members for:

- a. personal accident whilst engaged in the performance of the official duties of their office.
- b. professional indemnity for matters arising out of the performance of the official duties of their office, provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, unreasonable, in bad faith or against the interests of the City.
- c. public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.

Council Member Allowances, Fees and Reimbursement of Expenses



- d. motor vehicle at the particular time owned or driven by the Council Member or driven by another person on behalf of the Council Member whilst a vehicle is being used in connection with Council business, including attending meetings of the council or as a delegate of the council, meetings of municipal or association conferences or regional councils or committees of them. Such motor vehicle insurance provides cover in excess of any amount for which Council Members are otherwise insured.

8 Stationery and Consumables

8.1 Stationery, Consumables and Postage

The cost of consumables, stationery and postage associated with the role as an Council Member, will be reimbursed to a maximum of **\$200** per annum, on the receipt of a claim and a declaration that the consumables were used in performing the functions of an Council Member and were not in any way associated with campaigning for election as an Council Member. Council Members may choose to purchase their own consumables and claim reimbursement on production of receipts or access such items through the City. Council Members are to forward requests for stationery to the Personal Assistant to the Mayor who will coordinate the supply, keep a total of costs incurred and notify Council Members if the maximum allowance is reached.

Each Council Member shall be entitled to reimbursement, upon submission of a Council Members Miscellaneous Expenses Claim Form (as shown in Appendix C). Any such claims must be supported by receipted invoices. The allowance for stationery, consumables and postage includes up to 100 Christmas Cards for Council Members.

Christmas Cards for the Office of the Mayor is included in the "Stationery and Consumables" account – Members of Council cost centre.

8.2 Letterheads and Business Cards

In addition to clause 9.1, all Council Members will be supplied with business cards, letterhead paper and envelopes as reasonably required to carry out the duties of the role.

Council Member letterheads are not issued for personal use and are only to be used for Council business.

9 Acknowledgement of Service and Retirement Gifts

On retirement, a Council Member will be presented with a framed certificate identifying the name of the Council Member and the years of service to Council, signed by the Mayor and the Chief Executive Officer. The certificate shall be presented at a Council Meeting or at a function to be determined by the Mayor and Chief Executive Officer.

Despite the provisions of Reg 34AC of the Regulations, Council believe that the purchase of a retirement gift is an unnecessary use of public money, and a retirement gift will not be given by the City.

Council Member Allowances, Fees and Reimbursement of Expenses



10 Policy Administration

10.1 Pro-rata Allocations

Where a Council Member serves for only part of a financial year, the limit for any allowance or payment which has an annual limit specified, is to be determined on a pro rata basis based on the number of months, or part of a month, that a member serves.

10.2 Time Limit on Claims and Approval Process

Council Members choosing to receive reimbursement of expenses in accordance with the provision of this policy should submit the appropriate Reimbursement of Expenses Form to the Chief Executive Officer, together with supporting documentation, within three (3) calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the annual financial statements

10.3 Conditions Relating to Payment of Fees and Allowances

- a. All Allowances and Fees shall be paid automatically unless a Council Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those Fees, Allowances, and entitlements.
- b. If a Council Member advises that he/she does not want all or part of the Fees, Allowances, and entitlements to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of such request.
- c. The taxation liability arising from these payments is the individual responsibility of each Council Member.

10.4 Dispute Resolution

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Council Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to the Council for a decision.

10.5 Register of Council Member Reimbursements

The Chief Executive Officer will maintain a Register of Council Member reimbursements for each financial year and will publish the register on the City's website on or before 14 July immediately following the end of the financial year to which the information relates.

Council Member Allowances, Fees and Reimbursement of Expenses



OFFICE USE ONLY	
RESPONSIBLE OFFICER	Please use title only
INITIAL COUNCIL ADOPTION	DD/MM/YYYY
PREVIOUS TITLE	Applicable if the policy has been renamed
REVIEWED / AMENDED	DD/MM/YYYY
NEXT REVIEW DATE	MM/YYYY

COUNCIL MEMBER – TRAVEL & PARKING EXPENSES CLAIM FORM (Appendix A)



CITY OF VINCENT

INSTRUCTIONS & PROCESS

Council Members are entitled to reimbursement of travel and parking expenses, incurred as part of their role in accordance with the Council Member Allowances, Fees and Reimbursement of Expenses Policy.

Please email completed and signed form to governance@vincent.wa.gov.au.

Receipts must accompany any claim for reimbursement.

SECTION 1: COUNCIL MEMBER DETAILS					
Name					
SECTION 2: PERIOD OF CLAIM					
From		To			
SECTION 3: VEHICLE DETAILS (IF CLAIMING MOTOR VEHICLE REIMBURSEMENT)					
Make and model		Registration			
SECTION 4: DETAIL OF COST INCURRED					
Item	Date	Details / nature of meeting	Kms (if applicable)	Public Transport Cost (if applicable)	Parking Fee (if applicable)
No 1					
No 2					
No 3					
No 4					
No 5					
Total					
SECTION 5: DECLARATION					
I hereby certify that the above expenses are true and correct and were incurred to enable me to carry out my duties of a Council Member for the City of Vincent.					
Signature			Date		
PLEASE EMAIL COMPLETED AND SIGNED FORM TO governance@vincent.wa.gov.au .					

COUNCIL MEMBER – TRAVEL & PARKING EXPENSES CLAIM FORM (Appendix A)



CITY OF VINCENT

SECTION 6: CLAIM CHECKED BY ADMINISTRATION

Officer	Signature	Date
Executive Manager Corporate Strategy and Governance		
Chief Executive Officer		

SECTION 7: RECORDED AND PUBLISHED ON THE CITY'S REGISTER OF COUNCIL MEMBER REIMBURSEMENTS

Officer	Signature	Date

COUNCIL MEMBER – CHILDCARE EXPENSES CLAIM FORM (Appendix B)



CITY OF VINCENT

INSTRUCTIONS & PROCESS

Council Members are entitled to reimbursement of childcare expenses, incurred as part of their role in accordance with the Council Member Allowances, Fees and Reimbursement of Expenses Policy.

Please email completed and signed form to governance@vincent.wa.gov.au.

Receipts must accompany any claim for reimbursement.

SECTION 1: COUNCIL MEMBER DETAILS					
Name					
SECTION 2: PERIOD OF CLAIM					
From		To			
SECTION 3: DETAIL OF COST INCURRED					
Item	Date	Details / nature of meeting	No of hours	Rate per hour	Total cost
No 1					
No 2					
No 3					
No 4					
No 5					
No 6					
No 7					
No 8					
SECTION 4: DECLARATION					
I hereby certify that the above expenses are true and correct and were incurred to enable me to carry out my duties of a Council Member for the City of Vincent.					
Signature			Date		
PLEASE EMAIL COMPLETED AND SIGNED FORM TO governance@vincent.wa.gov.au .					

COUNCIL MEMBER – CHILDCARE EXPENSES CLAIM FORM (Appendix B)



CITY OF VINCENT

SECTION 5: CLAIM CHECKED BY ADMINISTRATION

Officer	Signature	Date
Executive Manager Corporate Strategy and Governance		
Chief Executive Officer		

SECTION 6: RECORDED AND PUBLISHED ON THE CITY'S REGISTER OF COUNCIL MEMBER REIMBURSEMENTS

Officer	Signature	Date

COUNCIL MEMBER – REIMBURSEMENT OF MISCELLANEOUS EXPENSES (Appendix C)



CITY OF VINCENT

INSTRUCTIONS & PROCESS

Council Members are entitled to reimbursement of Stationary and Consumable expenses, incurred as part of their role in accordance with the Council Member Allowances, Fees and Reimbursement of Expenses Policy.

Please email completed and signed form to governance@vincent.wa.gov.au.

Receipts must accompany any claim for reimbursement.

SECTION 1: COUNCIL MEMBER DETAILS			
Name			
SECTION 2: PERIOD OF CLAIM			
From		To	
SECTION 3: DETAIL OF COST INCURRED			
Item	Date	Details of Claim	Total cost
No 1			
No 2			
No 3			
No 4			
No 5			
Total			
SECTION 4: DECLARATION			
I hereby certify that the above expenses are true and correct and were incurred to enable me to carry out my duties of a Council Member for the City of Vincent.			
Signature		Date	
PLEASE EMAIL COMPLETED AND SIGNED FORM TO governance@vincent.wa.gov.au .			

COUNCIL MEMBER – REIMBURSEMENT OF MISCELLANEOUS EXPENSES (Appendix C)



CITY OF VINCENT

SECTION 5: CLAIM CHECKED BY ADMINISTRATION

Officer	Signature	Date
Executive Manager Corporate Strategy and Governance		
Chief Executive Officer		

SECTION 6: RECORDED AND PUBLISHED ON THE CITY'S REGISTER OF COUNCIL MEMBER REIMBURSEMENTS

Officer	Signature	Date

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



Legislation / local law requirements	<p><i>Local Government Act 1995, Local Government (Administration) Regulations 1996 and Salaries and Allowances Act 1975</i></p> <p>In accordance with section 5.96A of the <i>Local Government Act 1995</i> and Regs 29C(2)(f) & (6) of the <i>Local Government (Administration) Regulations 1996</i>, the Chief Executive Officer must publish the type, and the amount or value, of any fees, expenses or allowances paid to each Council Member during a financial year beginning on or after 1 July 2020.</p>
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	<p>Council Member Travel and Parking Expenses Claim Form (Appendix A)</p> <p>Council Member Child Care Expenses Claim Form (Appendix B)</p> <p>Council Member Miscellaneous Expenses Claim Form (Appendix C)</p>

PART 1 – PRELIMINARY

INTRODUCTION

Council Member fees and allowances are determined by the salaries and allowances tribunal according to 'band' classification for local governments in Western Australia.

Under the Tribunal's determination, the City of Vincent has been classified as a band 2.

The [Salaries and Allowances Tribunal](#) undertakes an annual determination of fees and expenses payable to local government Council Members.

PURPOSE

To provide guidance and clarity with regard to the allowances and expenses that will be paid to Council Members in accordance with the *Local Government Act 1995 (Act)*, *Local Government (Administration) Regulations 1996 (Regulations)* and the *Salaries and Allowances Act 1975*.

OBJECTIVE

To:

1. clearly outline the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover within the provisions of the Act while performing the official functions and duties of office;
2. set out a structure under which Council Members are to be paid either a meeting fee or an annual attendance fee in recognition to each Council Member's commitment, pursuant to Sections 5.98, 5.98A and 5.99 of the Act; and
3. appropriately administer and document the reimbursement of expenses incurred by Council Members in their official capacity.

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



SCOPE

This policy applies to the determination and renumeration of Council Member allowances, fees, and reimbursement of expenses.

DEFINITIONS

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

ICT expenses means:

- Rental charges in relation to information and communications technology (ICT) services and equipment as prescribed by regulation 31(1)(a) of the *Local Government Administration Regulations 1996* (Regulations); or
- Any other expenses that relate to information and communications technology and that are a kind of expense prescribed by regulation 32(1) of the Regulations."

POLICY PROVISIONS

1. Allowances

1.1 Annual Meeting Attendance Fees

The City will pay Council Members an Annual Meeting Attendance Fee to the maximum amount allowable within the prescribed legislation. ~~This is provided on the principle that each Council Member regularly attends meetings of Council (and committees, where appropriate) to which they are appointed and carry out other responsibilities of the office.~~

1.2 Mayoral Allowance

The City will pay the Mayor an Annual Local Government Allowance to the maximum amount allowable within the prescribed legislation. (Section 5.98, ~~of the Act~~) ~~Regulation 33 Local Government (Administration) Regulations 1996~~.

1.3 Deputy Mayoral Allowance

The City will pay the Deputy Mayor an Annual Local Government Allowance equivalent to 25% (maximum allowed is 25%) of the Mayoral Allowance. (Section 5.98A, ~~of the Act~~) ~~Regulation 33A of Local Government (Administration) Regulations 1996~~.

1.4 Payment

The fees in 1.1, 1.2 and 1.3 above are to be paid to each Council Member monthly in arrears.

2 Office of the Mayor

2.1 Mayor's Office

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



The City is to provide to the Mayor, at the City's cost, the following within the City's Administration and Civic Centre:

- a. the use of a suitable office;
- b. the allocation of sufficient finances and resources by Council to provide ongoing administrative support to the Mayor in the form of a personal assistant;
- c. photocopying and postage;
- d. the use of a computer and telephone; and
- e. beverages as provided.

2.2 Vehicle for Office of Mayor

The Office of the Mayor will be provided with an electric bicycle for all official duties connected to the office of Mayor. The bicycle will be replaced as part of the normal replacement program. All costs associated with the maintenance and upkeep of the electric bicycle are to be borne by the City of Vincent.

2.3 Councillors Meeting Room

The City is to provide use of the Councillors Meeting Room within the City's Administration and Civic Centre, for the use by Council Members for official purposes.

3 Expenses to be Reimbursed

Regulation 32(1) of the Regulations prescribe expenses that may be approved by a Local Government for reimbursement.

The express authority of the Council is given to Council Members to attend the following functions in the performance of their duty as a Council Member, for which an expense incurred can be reimbursed:

- a. council meetings, council briefings, council workshops, general meetings of Electors, civic functions or citizenship ceremonies called by either the Council, the Mayor and/or the Chief Executive Officer;
- b. regional councils, committees, advisory groups and working groups to which the Council Member is appointed as a delegate or member by Council;
- c. meetings and functions scheduled by the Chief Executive Officer;
- d. conferences, or meetings of community organisations, industry groups and local government associations to which the Council Member has been appointed by Council as its delegate;
- e. functions and presentations attended as the Mayor, or as a representative of the Mayor, that are supported by a copy of the relevant invitation or request for attendance;
- f. any other occasion in the performance of an act under the express authority of Council.
- g. site inspections in connection with matters listed on any Council Agenda paper (Council Members to state an address, along with the date and time of the visit on the claim form).
- h. in response to a request to meet with a ratepayer/elector but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).
- i. approved education and training courses/events;

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



- j. meetings of Town Teams and Precinct Groups within the City of Vincent;
- k. any ceremony for the presentation by the City of awards to school students by any member responsible for presentation of the awards;
- l. events that are sponsored or organised by the City of Vincent.

~~4.1 "ICT expenses" means—~~

- ~~• rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or~~
- ~~• any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;"~~

4 Information and Communication Technology Allowance ("ICT")

4.1 Council Member ICT Equipment

- a. The City will provide Council Members equipment to receive and view electronic communications from the City.
- b. Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. The City will retain ownership of any equipment provided under this clause.

~~4.2(a) c.~~ Departing Council Members are eligible to purchase equipment purchased on their behalf and used by them during their term of office as follows:

Years of Service	Amount Payable
1st year of service (or part thereof)	not available
2nd year of service (or part thereof)	not available
3rd year of service (or part thereof)	50% of purchase price
4th year of service (or part thereof)	25% of purchase price
Upon retirement after more than 4 years' service	0% of purchase price

- ~~b) —Where an item has been purchased in the twelve (12) months preceding a Council Member's retirement or cessation as a Council Member, the cost shall be the "written down" value of the item or 50% of the item's purchase price, whichever is the higher~~

4.2 Annual ICT Allowance

- ~~4.1(a)~~ a. The City will pay Council Members an annual ICT Allowance of \$2,500. This Allowance covers ICT expenses incurred by Council Members in performing a function under the express authority of the Council or in performing a function in the Council Member's official capacity.
- b. Any claims by Council Members for ICT expenses incurred over the ICT Allowance are to be submitted on the Reimbursement of Expenses Form. Any such claims must be supported by receipted invoices. It must also be demonstrated, to the reasonable

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



satisfaction of the CEO, that the ICT Allowance has been expended on allowable ICT expenses.

c. The annual ICT Allowance is for ICT expenses relating to:

- ~~1. telephone usage (including purchase, rental, plans/contracts and/or payments);~~
 - ~~2. line rental;~~
 - ~~3. call and service charges;~~
 - ~~4. costs for installation of an additional line (if required by the Council Member);~~
 - ~~5. purchase of mobile phones, (and any replacements) and extra telephone lines or call costs;~~
 - ~~6. telephone usage (including purchase, rental, plans/contracts and/or payments);~~
 - ~~7. line rental;~~
 - ~~8. call and service charges;~~
 - ~~9. costs for installation of an additional line (if required by the Council Member);~~
 - ~~10. purchase of mobile phones, (and any replacements) and extra telephone lines or call costs;~~
- ICT equipment and software including purchase, rental and lease costs
 - Insurance and maintenance
 - Service and installation fees
 - Ongoing costs including phone and Internet bandwidth charges
 - Consumables including paper and ink for printing

d. In recognition of possible capital costs associated with ICT expenses, payment will be made, in advance, as follows:

- 50% to be paid in the month of October; and
- 50% to be paid in the month of April.

~~(e) This Allowance is in addition to any laptop, tablet and/or printer which is approved by the Council to enable the Council Member to fulfil their role. Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. The City will retain ownership of any equipment provided under this clause~~

5 Travel Expenses

Council Members shall be entitled to reimbursement of travel expenses incurred while travelling to a destination from their normal place of residence or work and return for which express authority has been given in clause 1.3. The following reimbursement will be processed upon submission of Council Member – Travel and Parking Expenses Claim Form (as shown in Appendix A) and accompanying receipt.

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



5.1 Motor Vehicle Allowance

Where a Council Member uses their own vehicle in or in connection with the performance of their duties, the Council Member will be paid an allowance for each kilometre of authorised travel as set in the Local Government Industry Award 2010.

5.2 Public Transport

A Council Member may use the services of the bus, rail and ferry public transport system, expenditure for which shall be reimbursed. ~~upon lodgement of receipts.~~

5.3 Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in clause 1.3 above shall be reimbursed. ~~upon lodgement of receipts accompanying the associated travel claim form.~~ The cost of valet parking will not be reimbursed.

5.4 Cab Charge Vouchers

Council Members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in Clause 1.3.

6 **Child Care Costs**

Council Members shall be entitled to reimbursement upon submission of Council Members Request for Reimbursement of Child Care Expenses Claim Form (as shown in Appendix B), a receipt and certified statement detailing dates, costs and relevant information of meeting of the lesser amount of actual childcare costs or to the maximum hourly rate prescribed by the Salaries and Allowances Tribunal. Claims can only be made for care of children, of which they are parent or legal guardian, while attending any occasion referred to in clause 1.3.

~~7 **Training, Education, Conferences and Seminars**~~

~~7.1 Training and Education~~

- ~~a. Council Members who wish to attend training and education courses may make an application in writing to the Chief Executive Officer.~~
- ~~b. The Chief Executive Officer is authorised to arrange, at the City's cost, an educational course of study for the Council Member which course is:~~
 - ~~i. conducted by a Western Australian University, tertiary educational institution or registered training organisation; and~~
 - ~~ii. considered by the Chief Executive Officer to be directly relevant to the performance for the City of its functions including planning, financial management, corporate governance and social infrastructure.~~
- ~~c. A maximum cost of \$7000 per Member per four year term is set for the cost under 7.1(b) above, including fees, reference books and the like.~~

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



- ~~d. The Council Member is not entitled to any subsidy where a course of study is subsidised through other means.~~
- ~~e. Council Members will be required to reimburse any payments made in accordance with Clause 7.1(b) above in the event that they do not successfully complete the relevant course of study.~~

~~7.2 Conferences and Seminars~~

~~Council Members shall be entitled to reimbursement for expenditure incurred as a result of attendance at conference and seminars in accordance with the provisions of Council Policy No. 4.1.15 Conferences.~~

~~Any requests for attendance at a training, education, conference or seminar event that falls within the last six months of a Council Members' term of office will be referred to the Council for approval. To avoid confusion the date for which this shall take effect shall be taken from the date for which the Unit of study commences, or the conference/seminar/training event starts.~~

~~8-7 Insurance~~

Council will provide insurance cover for Council Members for:

- a. personal accident whilst engaged in the performance of the official duties of their office.
- b. professional indemnity for matters arising out of the performance of the official duties of their office, provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, unreasonable, in bad faith or against the interests of the City.
- c. public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.
- d. motor vehicle at the particular time owned or driven by the Council Member or driven by another person on behalf of the Council Member whilst a vehicle is being used in connection with Council business, including attending meetings of the council or as a delegate of the council, meetings of municipal or association conferences or regional councils or committees of them. Such motor vehicle insurance provides cover in excess of any amount for which Council Members are otherwise insured.

~~9-8 Stationery and Consumables~~

~~9-4 8.1 Stationery, Consumables and Postage~~

The cost of consumables, stationery and postage associated with the role as an Council Member, will be reimbursed to a maximum of **\$200** per annum, on the receipt of a claim and a declaration that the consumables were used in performing the functions of an Council Member and were not in any way associated with campaigning for election as an Council Member. Council Members may choose to purchase their own consumables and claim reimbursement on production of receipts or access such items through the City. Council Members are to forward requests for stationery to the Personal Assistant to the Mayor who will coordinate the supply, keep a total of costs incurred and notify Council Members if the maximum allowance is reached.

Each Council Member shall be entitled to reimbursement, upon submission of a Council Members Miscellaneous Expenses Claim Form (as shown in Appendix C). Any such claims

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



must be supported by receipted invoices. The allowance for stationery, consumables and postage includes up to 100 Christmas Cards for Council Members.

Christmas Cards for the Office of the Mayor is included in the "Stationery and Consumables" account – Members of Council cost centre.

9.2 8.2 Letterheads and Business Cards

In addition to clause 9.1, all Council Members will be supplied with business cards, letterhead paper and envelopes as reasonably required to carry out the duties of the role.

Council Member letterheads are not issued for personal use and are only to be used for Council business.

40 9 Acknowledgement of Service and Retirement Gifts

On retirement, a Council Member will be presented with a framed certificate identifying the name of the Council Member and the years of service to Council, signed by the Mayor and the Chief Executive Officer. The certificate shall be presented at a Council Meeting or at a function to be determined by the Mayor and Chief Executive Officer.

Despite the provisions of Reg 34AC of the Regulations, Council believe that the purchase of a retirement gift is an unnecessary use of public money, and a retirement gift will not be given by the City.

44 10 Policy Administration

44.1 10.1 Pro-rata Allocations

Where a Council Member serves for only part of a financial year, the limit for any allowance or payment which has an annual limit specified, is to be determined on a pro rata basis based on the number of months, or part of a month, that a member serves.

44.2 10.2 Time Limit on Claims and Approval Process

Council Members choosing to receive reimbursement of expenses in accordance with the provision of this policy should submit the appropriate Reimbursement of Expenses Form to the Chief Executive Officer, together with supporting documentation, within three (3) calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the annual financial statements

44.3 10.3 Conditions Relating to Payment of Fees and Allowances

- a. All Allowances and Fees shall be paid automatically unless a Council Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those Fees, Allowances, and entitlements.

COUNCIL MEMBER ALLOWANCES, FEES AND REIMBURSEMENT OF EXPENSES



- b. If a Council Member advises that he/she does not want all or part of the Fees, Allowances, and entitlements to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of such request.
- c. The taxation liability arising from these payments is the individual responsibility of each Council Member.

~~44.4~~ 10.4 Dispute Resolution

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Council Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to the Council for a decision.

10.5 Register of Council Member Reimbursements

The Chief Executive Officer will maintain a Register of Council Member reimbursements for each financial year and will publish the register on the City's website on or before 14 July immediately following the end of the financial year to which the information relates.

OFFICE USE ONLY	
RESPONSIBLE OFFICER	Please use title only
INITIAL COUNCIL ADOPTION	DD/MM/YYYY
PREVIOUS TITLE	Applicable if the policy has been renamed
REVIEWED / AMENDED	DD/MM/YYYY
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CITY OF VINCENT POLICY MANUAL
CHIEF EXECUTIVE OFFICER
POLICY NO: 4.1.29

CIVIC FUNCTIONS, CEREMONIES, RECEPTIONS AND PROVISION OF HOSPITALITY
AND THE USE OF THE COUNCIL CHAMBER, FUNCTION ROOM AND COMMITTEE ROOM

POLICY NO: 4.1.29

**CIVIC FUNCTIONS, CEREMONIES, RECEPTIONS AND PROVISION OF
HOSPITALITY AND THE USE OF THE COUNCIL CHAMBER, FUNCTION ROOM
AND
COMMITTEE ROOM**

OBJECTIVES

To:

- provide guidance for the approval of civic functions, ceremonies, receptions and/or the provision of hospitality;
- clarify the position in relation to the attendance of persons at the supper held at the conclusion of meetings of the Council and to provide guidance for use and access to refreshments;
- to provide guidance for the use of the City's Administration and Civic Centre for functions and ceremonies.

POLICY STATEMENT

To fulfil its civic objectives the City of Vincent will conduct various civic functions and receptions as listed below, as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.

1. Civic Functions and Receptions – General

- (i) The Mayor, in conjunction with the Chief Executive Officer, shall have discretion to determine whether a civic reception is to be held.
- (ii) The date, time and invitation list shall be determined by the Mayor, in conjunction with the Chief Executive Officer.
- (iii) At the discretion of the Mayor and Chief Executive Officer, the Mayor may host functions and receptions with light refreshments for visiting dignitaries, local residents who are recipients of awards or prizes from the City, exchange students and visitors from other local authorities from Australia and overseas. The invitation list shall be at their discretion.
- (iv) The Chief Executive Officer is authorised under delegated authority to approve of civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Civic Centre, subject to compliance with this Policy, Procedure and Guidelines.

CITY OF VINCENT POLICY MANUAL
CHIEF EXECUTIVE OFFICER
POLICY NO: 4.1.29

CIVIC FUNCTIONS, CEREMONIES, RECEPTIONS AND PROVISION OF HOSPITALITY
AND THE USE OF THE COUNCIL CHAMBER, FUNCTION ROOM AND COMMITTEE ROOM

2. Specific Functions and Ceremonies

(i) Citizenship Ceremonies

Following each Citizenship Ceremony a reception will be held for all participants and their partners with further guests at the approval of the Chief Executive Officer. Other invitees shall include all current Elected Members, Local Members of Parliament, the Chief Executive Officer and other staff of the City at the discretion of the Chief Executive Officer.

(ii) Australia Day Reception

Following the Australia Day Citizenship Ceremony, a reception will be held to which all Citizenship Ceremony participants with further guests at the approval of the Civic Functions Officer. Other invitees shall include all current Elected Members, Local Members of Parliament, the Chief Executive Officer, and other relevant staff of the City at the discretion of the Chief Executive Officer.

(iii) ANZAC Day Reception and Remembrance Day

Following the conclusion of the ANZAC Day Ceremony held in the City, all attendees will be invited to share in light refreshments.

(iv) Seniors Appreciation Dinner

Each year a function will be held to demonstrate the appreciation of the City to all seniors as specified by the Mayor and Chief Executive Officer. Other invitees shall include all current Elected Members, the Chief Executive Officer and other relevant staff of the City at the discretion of the Chief Executive Officer.

(v) Appreciation Function

Each year (usually October/November), a function will be held to demonstrate the appreciation of the City to persons who provide services to the City. The Chief Executive Officer is authorised to prepare an invitee list, which shall include all current Elected Members, the Chief Executive Officer and other relevant staff of the City at the discretion of the Chief Executive Officer.

(vi) Annual Garden Awards Function

During October each year, a function will be held for community members who participate in the Annual Garden Award. The Chief Executive Officer is authorised to prepare an invitee list which shall include all current Elected Members, participant's partners, the Chief Executive Officer and other relevant staff of the City at the discretion of the Chief Executive Officer.

CITY OF VINCENT POLICY MANUAL
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POLICY NO: 4.1.29

CIVIC FUNCTIONS, CEREMONIES, RECEPTIONS AND PROVISION OF HOSPITALITY
AND THE USE OF THE COUNCIL CHAMBER, FUNCTION ROOM AND COMMITTEE ROOM

(vii) Art Exhibition

Light hospitality will be provided for the opening day awards function of the City's Art Exhibition.

(viii) Mayor's Community BBQ

During December each year, at the Mayor's discretion, a community BBQ will be held in a park within the City. BBQ type food will be provided and the event will be *"alcohol free"*.

Invitations shall include all current Elected Members, partners, employees of the City and open invitation to the community.

(ix) Official Openings of Council Facilities

At the discretion of the Mayor and Chief Executive Officer, the Mayor may host receptions with light refreshments to commemorate the Official Openings of Council facilities and the invitation list shall be at their discretion but is to include all current Elected Members, the Chief Executive Officer and other relevant staff of the City at the discretion of the Chief Executive Officer.

(x) Annual Awards Functions for City Employees

The Chief Executive Officer shall determine on an annual basis an appropriate format for an employee function to recognise the efforts of employees throughout the preceding twelve (12) months with the cost of such functions being borne by the City.

Due to the varying nature of the City's services, which necessitate employees to work extended and variable hours, it is necessary that more than one function will be held, so as to enable employees an opportunity to attend a function. Functions would normally be held at:

- Administration and Civic Centre – Administration and Library employees
- Depot – outside workforce
- Beatty Park Leisure Centre- Centre employees.

(xi) Official Meetings

Appropriate catering and refreshments will be provided for official meetings (e.g. WALGA Central Zone, Tamala Park Regional Council, Mindarie Regional Council).

The catering is usually a buffet meal, at the discretion of the Chief Executive Officer.

CITY OF VINCENT POLICY MANUAL
CHIEF EXECUTIVE OFFICER
POLICY NO: 4.1.29

CIVIC FUNCTIONS, CEREMONIES, RECEPTIONS AND PROVISION OF HOSPITALITY
AND THE USE OF THE COUNCIL CHAMBER, FUNCTION ROOM AND COMMITTEE ROOM

(xii) Small/Private Meetings

Appropriate catering, such as tea, coffee, softdrinks, sandwiches, finger food, biscuits shall be provided for small/private meetings involving members of the community or other government/agency persons.

The catering shall be at the discretion of the Chief Executive Officer.

3. Mayor's Office

The Mayor is provided with an office in the Administration and Civic Centre for official purposes. Use and access to the Mayor's office is at the discretion of the Mayor.

4. Councillor's Room

A room is provided for the use by Councillors for official purposes.

5. Mayor's Suite, Councillor's Room

- (i) Tea, coffee and condiments be provided in the Mayor's Suite and Councillor's Room on a self help basis;
- (ii) A limited stock of alcoholic and non alcoholic beverages is also provided.

6. Meals

- (i) Meals will be provided at Council Meetings, Forums and Briefing Sessions;
- (ii) Meals for official Council business and functions are to be approved by the Chief Executive Officer. (CEO has delegated authority to approve this.)

7. Provision of Refreshments after Meetings of the Council

That:

- (i) the meal held at the conclusion of Council meetings is for Elected Members and their partners, employees and members of the press, by invitation;
- (ii) from time to time, Elected Members may wish to invite special guests, such as overseas visitors, to the meal; in such circumstances, Elected Members must obtain the prior approval of the Chief Executive Officer;
- (iii) from time to time, Elected Members may wish to invite occasional guests to the meal; this is also subject to the Chief Executive Officer's prior approval. When considering an Elected Members request, the Chief Executive Officer will take into account such factors as the frequency of guests attending the supper; and
- (iv) no other person shall be permitted to attend the meal.

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8. Use and Access to Refreshments

- (i) The provision of meals and beverages to Elected Members and Council employees shall be used for the betterment of the City of Vincent.
- (ii) The Policy Guidelines will be used by the Chief Executive Officer as a guide when considering the level of catering to be provided.

9. Beverages

- (i) The Function Room bar to be used only for Council business and functions approved by the Chief Executive Officer;
- (ii) Provision of alcoholic spirits will not normally be provided, unless approved by the Mayor/Chief Executive Officer; and
- (iii) Alcohol is not permitted to be consumed during Council Meetings.

10. Use of Council Chamber

The use of the Council Chamber is for official meetings/forums/presentations. The Council Chamber is not to be used for hospitality or entertainment purposes.

11. Use of Function Room

- (i) The use of the Function Room is for official purposes of the City (including functions/events which the City supports/sponsors, but is not the organiser) at the discretion of the Chief Executive Officer.
- (ii) The Function Room is not to be used or hired for non-Council business purposes.

12. Use of Committee Room

The Committee Room is to be used for official purposes such as meetings and presentations. It shall not be used for hospitality or entertainment purposes.

Use of the Committee Room by City employees is not normally permitted unless an Elected Member, Chief Executive Officer or Executive Manager is present.

Date Adopted:	23 June 1997 & 8 July 1996
Date Amended:	-
Date Reviewed:	22 July 2003 & 23 January 2007, 28 February 2012
Date of Next Review:	February 2017

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GUIDELINES FOR THE LEVEL OF CATERING TO BE PROVIDED

The following will be used as a Guide for catering levels/content for functions and events. The Chief Executive Officer is authorised to vary the catering level/content to meet the needs of the occasion.

Service costs for waiter staff/cleaners is extra. Alcohol costs are extra.

No Catering: Use of Room only-\$3.00* per person

Tea/ Coffee, Orange Juice & Water, selection of biscuits

Level 1: Internal meeting-self service - \$5.00* per person

Tea/ Coffee, Water, selection of biscuits

Level 2: Meeting with External persons/ morning and afternoon tea - self service - \$8.00* per person

Tea / Coffee, Water, Orange Juice, selection of biscuits

Level 3: Working Breakfast/Meeting/Service Recognition morning/afternoon tea - self service - \$13.00* per person.

Tea/Coffee, Water, Orange Juice, selection of biscuits

Selection of croissants/patisseries and/or cakes

Optional-Fresh fruit platter.

Level 4: Working Lunch - internal persons only - self service - \$15.00* per person

Tea/Coffee, Water, Orange Juice, selection of biscuits

Selection of gourmet/finger sandwiches and/or cakes

Optional-Fresh fruit platter

Level 5: Working Lunch - external persons - self service - \$19.00* per person

Tea/Coffee, Water, range Juice, selection of biscuits

Selection of gourmet sandwiches

A selection of hot and/or cold finger foods

(Optional- alcoholic beverages-extra cost)

Level 6: Official openings and employee retirements - with service optional - \$23.00* per person

Tea/Coffee, Water, Orange Juice, selection of biscuits

Selection of gourmet sandwiches

Assorted hot and/or cold finger foods

(Optional- alcoholic beverages-extra cost)

Level 7: Cocktail Receptions/ Briefing sessions/Committee Meetings - \$23.00* per person; with service optional

Tea / Coffee, Water, Orange Juice, selection of biscuits.

Selection of gourmet sandwiches.

Assorted hot and/or cold finger foods.

(Optional- alcoholic beverages-extra cost)

(*Indexed by CPI on 1 July of each year – includes 2014 increase)

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Level 8: Buffet meal without service (e.g. post Council, Regional Council meetings/forums/Garden Awards) - \$33* per person (Optional service cost extra)

Tea/Coffee, Water, Orange Juice

Choice of two hot courses - meat/fish/poultry dishes, one vegetarian dish, cheese platter, one choice of Sweets

Optional: soup, fruit/platter

(includes alcoholic beverages-extra cost)

Level 9: Formal Dinner or Buffet meal-with service - \$62* per person (service cost extra)

Tea/Coffee, Water, Orange Juice, Pre-dinner drinks

Entree

Choice of two hot courses-meat/fish/poultry dishes, one vegetarian dish, fruit platter, cheese platter

Choice of two sweets

Selection of cakes.

After dinner ports/ dessert wine

Percolated coffee

(includes alcoholic beverages-extra cost)

(* Indexed by CPI on 1 July of each year – includes 2014 increase)

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**CIVIC FUNCTIONS, CEREMONIES, RECEPTIONS AND PROVISION OF
HOSPITALITY AND THE USE OF THE COUNCIL CHAMBER,
FUNCTION ROOM AND COMMITTEE ROOM
POLICY NO: 4.1.29**

CPI INCREASES FROM JULY 2008
(Perth Based CPI)

Year	CPI	Page 6 "No Catering"	Page 6 "No Catering" Rounding	Page 6 Level 1	Page 6 Level 1 Rounding	Page 6 Level 2	Page 6 Level 2 Rounding	Page 6 Level 3	Page 6 Level 3 Rounding	Page 6 Level 4	Page 6 Level 4 Rounding
July 2007		\$2.50		\$4.00		\$6.50		\$10.50		\$12.50	
July 2008	4.5%	\$2.61	\$2.60	\$4.18	\$4.20	\$6.79	\$6.80	\$10.97	\$11.00	\$13.06	\$13.05
July 2009	1.4%	\$2.66	\$2.70	\$4.24	\$4.25	\$6.89	\$6.90	\$11.13	\$11.10	\$13.24	\$13.25
July 2010	3.5%	\$2.75	\$2.75	\$4.39	\$4.40	\$7.13	\$7.10	\$11.52	\$11.50	\$13.70	\$13.70
July 2011	3.0%	\$2.83	\$2.85	\$4.52	\$4.55	\$7.34	\$7.35	\$11.86	\$11.90	\$14.11	\$14.10
July 2012	1.0%	\$2.85	\$2.90	\$4.56	\$4.60	\$7.41	\$7.40	\$11.97	\$12.00	\$14.25	\$14.20
July 2013	2.5%	\$2.92	\$3.00	\$4.67	\$4.70	\$7.59	\$7.60	\$12.26	\$12.30	\$14.55	\$14.55
July 2014	3.3%	\$3.01	\$3.00	\$4.82	\$5.00	\$7.84	\$8.00	\$12.66	\$13.00	\$15.03	\$15.00


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Year	CPI	Page 6 Level 5	Page 6 Level 5 Rounding	Page 6 Level 6	Page 6 Level 6 Rounding	Page 6 Level 7	Page 6 Level 7 Rounding	Page 7 Level 8	Page 7 Level 8 Rounding	Page 7 Level 9	Page 7 Level 9 Rounding
July 2007		\$16.00		\$18.00		\$18.00		\$27.00		\$50.00	
July 2008	4.5%	\$16.72	\$16.70	\$18.81	\$18.80	\$18.81	\$18.80	\$28.22	\$28.20	\$52.25	\$52.25
July 2009	1.4%	\$16.95	\$16.95	\$20.21	\$20.20	\$20.21	\$20.20	\$28.61	\$28.60	\$53.65	\$53.65
July 2010	3.5%	\$17.54	\$17.50	\$20.92	\$21	\$20.92	\$21	\$29.61	\$29.60	\$55.53	\$55.50
July 2011	3.0%	\$18.07	\$18.10	\$21.55	\$21.55	\$21.55	\$21.55	\$30.50	\$30.50	\$57.19	\$57.20
July 2012	1.0%	\$18.25	\$18.20	\$21.76	\$21.80	\$21.76	\$21.80	\$30.80	\$30.80	\$57.76	\$57.80
July 2013	2.5%	\$18.60	\$18.60	\$22.30	\$22.30	\$22.30	\$22.30	\$31.57	\$32.00	\$59.20	\$59.00
July 2014	3.3%	\$19.21	\$19.00	\$23.03	\$23.00	\$23.03	\$23.00	\$32.61	\$33.00	\$61.15	\$62.00

12.5 PROPOSED REPEAL OF LOCAL GOVERNMENT ELECTIONS POLICY

Attachments: 1. **Policy No. 4.2.14 - Local Government Elections** [↓](#) 

RECOMMENDATION:

That Council REPEAL Policy No. 4.2.14 – Local Government Elections Policy at Attachment 1.

PURPOSE OF REPORT:

To seek Council approval to repeal Policy No. 4.2.14 – Local Government Elections at **Attachment 1**.

BACKGROUND:

In accordance with section 4.7 of the *Local Government Act 1995* (Act) ordinary elections are held on the third Saturday of October every two years. Local governments can either be responsible for the conduct of the ordinary election or appoint the Electoral Commissioner to conduct the ordinary election on its behalf.

The method of conducting the election can either be via postal or in person voting.

The Electoral Commissioner is responsible for conducting all local government postal elections in Western Australia and can also conduct voting in person elections on request under the Act.

The Local Government Elections Policy (Policy) was adopted by Council in February 2014 to provide guidance on the process for conducting Local Government Elections for the City.

The Policy was developed as a result of a Notice of Motion at the 29 October 2013 meeting requesting that the Chief Executive Officer create a guide for the conduct of Local Government Elections at the City of Vincent, including but not limited to:

1. advertising and promotional strategies of the City; and
2. matters relating to polling day.

The requirement of provisions outlined in clause 1.3 of the [Policy Development and Review Policy](#) were presented to Council Members through the monthly Policy Paper in March 2022. No comments were received.

DETAILS:

Part 4 of the Act prescribes the process that local governments are required to follow in relation to the election of its mayor or president, councillors, polls, and referendums. In particular:

- Divisions 2, 3, 4, 5 and 6 describe the different kinds of elections and direct when those elections are to be held;
- Division 7 is about the officials who conduct elections;
- Division 8 sets out the qualifications for enrolment to vote at elections;
- Division 9 deals with the process of preparing for and conducting an election;
- Division 10 deals with complaints about the results of elections;
- Division 11 sets out a number of offences in relation to elections and provides for investigation and prosecution of offences; and
- Division 12 deals with polls and referendums.

Prior to each election Administration prepares a report to Council to in relation to the conduct of the upcoming election.

The decision to declare a responsible person to conduct the election for the City must be made by resolution of Council by absolute majority vote.

Public notice of local elections is published in accordance with the requirements of the Act. The notices provide details about enrolling to vote, nominating to be a candidate in the elections, the ways in which a vote can be cast and the date of the election.

The substantive findings of Administrations review are as follows:

1. Type of Election

In accordance with section 4.20(4) and section 4.61(1) and (2) of the Act the decision to appoint a returning officer and to determine the method of conducting an election is to be made by absolute majority vote.

Prior to each election Administration prepares a report to Council to in relation to the conduct of the upcoming election. The report provides Council with sufficient and relevant information to make a decision, including alignment to the Strategic Community Plan, budget implications and community consultation and advertising.

2. Pre-Election promotion/advertising of Elections

Public notice of local elections is published in accordance with the requirements of the Act. The notices provide details about enrolling to vote, nominating to be a candidate, the ways in which a vote can be cast and the date of the election.

Clause 2.1 of the policy sets out the additional pre-election promotion and advertising that the City will undertake.

At its Council meeting held 14 September 2021 Council adopted its [Community Stakeholder and Engagement Strategy](#) and Policy. Pre-election promotions and advertising, in addition to the statutory requirements, should be guided by the principles of the [Community and Stakeholder Engagement Policy](#) and the objectives of the Community and Stakeholder Engagement Policy.

3. Information Sessions for potential candidates

Clause 2.2 of the policy requires the City to arrange information sessions for potential candidates to explain the election process and provide any other relevant information.

It is now compulsory for all candidates in local government elections to complete an online induction prior to nominating. The online induction is designed to make candidates aware of their obligations and commitments as a Council Member. The Candidate Induction is facilitated by the Department of Local Government, Sport and Cultural Industries (DLGSC) and is available on the DLGSC website.

In 2019 the Western Australian Local Government Association (WALGA) developed a free Webinar for prospective candidates.

The 2019 webinar focused on the following key areas:

- Parliament's role in creating legislation for local government;
- How to read the *Local Government Act 1995* and *Regulations*;
- Who does what at a local government;
- Council Member's personal responsibilities; and
- Consequences of improper conduct.

A prospective candidates webinar was held again prior to the 2021 elections. The 2021 webinar focused on the following key areas:

- Purpose of Local Government;
- Role of the Council and Council Members;
- Playing Your Role on Council;
- Conflicts of Interest;
- New Code of Conduct Behaviour Provisions Relating to Candidates; and
- Induction and Council Member Essentials Training.

Each session is recorded and available on the WALGA [website](#).

The Western Australian Electoral Commission (WAEC) has developed an online system called Nomination Builder to assist candidates to complete their nomination form which includes the candidate profile. The nomination builder can be accessed on the WAEC [website](#).

As part of local government best practice the City also schedules a specific City of Vincent Candidate Information Session prior to nomination day, involving the WAEC, the returning officer and other stakeholders.

4. Election Day

The conduct of each election is managed by a returning officer. This includes the conduct of the election day which should be determined in consultation with the appointed returning officer.

5. Swearing in Ceremony

Clause 4 of the policy determines the procedure to be undertaken when conducting a swearing in ceremony for newly elected Council Members.

Section 2.29 of the Act sets out the declaration requirements for newly elected members. The remainder of this clause is procedural and should be transferred to an Admin Procedure or Guidelines to facilitate the post-election process.

6. Appointment to Statutory Authorities, Committees and Advisory Groups

Division 4 of the Act sets out the requirements for forming a regional Council.

The membership requirements for the City's Advisory Groups are set out in clause 10 of the City's [Policy No. 4.2.12 – Advisory Groups](#). The Terms of Reference for each of the City's Advisory Groups is available on the City's website.

The remainder of this clause is procedural and should be transferred to an Admin Procedure or Guidelines to facilitate the post-election process.

7. Council Member Inductions

At its Council meeting held 8 February 2022, Council approved, for the purpose of advertising, proposed amendments to the Council Member Continuing Professional Development Policy. Part of these amendments include a new clause that the City will provide newly elected Council Members with a comprehensive induction program that will support in understanding Council Member roles and responsibilities; legislative obligations; personal responsibilities; and the strategic direction of the City.

The outcome of advertising and proposed adoption of amendments to this policy are included as an item in this agenda.

COMMENT:

Administration is of the opinion that there is no longer a requirement for a documented City position as the provisions of the Act govern the process for Local Government Elections and the guiding principles of the Community Stakeholder and Engagement Strategy and objectives of the Community and Stakeholder Engagement Policy guide administration in facilitating community engagement.

CONSULTATION/ADVERTISING:

No community consultation is required for the repeal of the policy.

LEGAL/POLICY:

There is no legislative or regulatory requirement for this 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 the development, review and repeal of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to repeal this 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:

Repealing this policy does not impact on the achievement of specific sustainability outcomes in the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

Repealing this policy does not impact on the achievement of the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

CITY OF VINCENT POLICY MANUAL
CHIEF EXECUTIVE OFFICER
POLICY NO: 4.2.14
LOCAL GOVERNMENT ELECTIONS

POLICY NO: 4.2.14**LOCAL GOVERNMENT ELECTIONS****OBJECTIVE**

To provide guidance concerning Local Government Elections for the City of Vincent.

POLICY STATEMENT

The Local Government Act 1995 (Part 4) and the Local Government (Elections) Regulations 1996 prescribe the Legal requirements for Local Government Elections.

In addition to the legal requirements as prescribed in the above Legislation the Council's position for Local Government Elections is as follows:

1. GOVERNANCE**1. Type of Election**

All Local Government Ordinary and Extraordinary Elections and Plebiscites shall be by postal vote, unless the Council resolves that there are extenuating or special circumstances which precludes this.

1.2. Conduct of Elections and Plebiscites

All Local Government Ordinary and Extraordinary Elections and Plebiscites shall be conducted by the West Australian Commission by postal vote, unless the Council resolves that there are extenuating or special circumstances which precludes this.

1.3. Model Resolutions for Elections

The model resolutions for Agenda Reports relating to Elections is as follows;

" That the Council;

- 1. DECLARE in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the Election for the City of Vincent; and*
- 2. DECIDE, in accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the Election/ for the City of Vincent as a postal election;"*

2. PRE-ELECTION**2.1 Promotion/Advertising of Elections**

In addition to the Statutory Requirements for advertising of the Election, the City shall advertise and promote Elections (and Plebiscites where appropriate), in accordance with the City's Policy No. 4.1.5 – Community Consultation – Part 6 and Part 7 as follows:

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CITY OF VINCENT POLICY MANUAL
CHIEF EXECUTIVE OFFICER
POLICY NO: 4.2.14
LOCAL GOVERNMENT ELECTIONS

Subject	Minimum Requirement
Local Government Ordinary and Extra-Ordinary Elections and Plebiscites	<p>In addition to legislative requirements prescribed in the Local Government Act 1995 and Local Government (Elections) Regulations 1996, the following will be carried out;</p> <p><u>1. City of Vincent Website</u></p> <p>At least the 50th day before Election day, relevant information is to be placed on the City's website.</p> <p><u>2. Advertising</u></p> <p>At least the 50th day before Election day, information/advertisement is to be placed in a local newspaper circulating in the City. The advertisements will be placed every fortnight up until Election day.</p> <p><u>3. Banner/Signage in</u></p> <p>At least the 50th day before Election day appropriate banner/signage is to be erected at Strategic locations (major roads, parks), as determined by the Chief Executive Officer.</p> <p><u>4. Posters/Displays</u></p> <p>At least the 50th day before Election day posters and displays are to be displayed in buildings owned by the City, including:</p> <ul style="list-style-type: none"> • Administration and Civic Centre • Library and Local History Centre; • Beatty Park Leisure Centre. <p><u>5. Media Statements</u></p> <p>Media Statements promoting the Election shall be issued by the Mayor and/or Chief Executive Officer. The Media Statements shall be regularly issued in the lead up to the Election.</p>

2.2 Information Session for Potential Candidates

The City will arrange for an information session to be held with potential candidates explaining the Election process and also including relevant information for Candidates. It should be noted that this information session maybe held jointly with other Local Governments.

2.3 Distribution of FAQ Brochure.

The City will promote the Department of Local Government Brochure, "Frequently Asked Questions about your Local Government" brochure.

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3. Election Day

3.1 Western Australian Electoral Commission (WAEC) – Returning Officer.

The Returning Officer appointed by the WAEC is responsible for the conduct of the Election, including on Election day.

- (a) The City of Vincent Administration and Civic Centre will be open to receive votes delivered by Electors, including on Polling day.
- (b) The City of Vincent Administration and Civic Centre (Function Room) will be the prescribed location to conduct the counting of votes.
- (c) Large signs will be displayed at the front of the Administration and Civic Centre on Election day, describing; “Local Government Elections – Polling Place”.
- (d) The City will not conduct any activities in the Administration and Civic Centre or its carpark or adjoining gardens, which may adversely impact on the conduct of the Elections or access to the premises.

POST ELECTION

4. Swearing in Ceremony

4.1 Ordinary Elections

The Council shall conduct an official function (swearing in ceremony) following Local Government Elections to enable newly elected Council Members to make a declaration in accordance with the provisions of the Local Government Act 1995.

- (a) The swearing - in ceremony for newly Elected Council Members will be held at a Special Meeting of the Council on the first Tuesday immediately following the Local Government Election, at 6pm, in the Council Chambers.
- (b) This ceremony is to be immediately followed by the election of the Deputy Mayor (as prescribed by law).
- (c) The immediate family and close friends of newly Elected Council Members are to be invited to attend the Swearing - in Ceremony and post Ceremony celebrations.
- (d) The post swearing - in ceremony celebrations shall be a modest buffet meal as determined by the Mayor, in the City's Administration and Civic Centre function room.

4.2 Extraordinary elections

- (a) In the case of an extraordinary Election, the swearing - in ceremony shall be conducted within seventy two (72) hours of the close of the poll.
- (b) At the first Ordinary Council meeting scheduled after the Swearing-in ceremony following an extraordinary Election, the Chief Executive Officer is to cause a report to be presented to the Council that provides opportunity for the newly Elected Councillor/s to be nominated and elected to a Committee of Council (in accordance with s.5.10(2) of the Local Government Act 1995) as well as to be nominated and elected as appropriate to any vacant positions as delegates to Advisory Groups and various organisations.

5. **Election to Statutory Authorities, Committees, Advisory and Working Groups**




- (a) The Chief Executive Officer shall prepare a report for consideration of the Council at the first Ordinary Meeting of the Council to enable Council Members to be nominated and elected to a Committee of Council (in accordance with s.5.10 (2) of the Local Government Act 1995) as well as to be nominated and elected as delegates to Advisory and Working Groups and various organisations.
- (b) The Chief Executive Officer shall liaise with the Mayor and provide a list of all Committees, Advisory and Working Groups, to enable the report to be circulated to the Council Members (if appropriate), prior to the Council Meeting.
- (c) The Council shall consider its Advisory and Working Groups and amend or discontinue as it sees fit.
- (d) The Council shall also authorise the Chief Executive Officer to advertise seeking nominations from the Community for such Groups.

6. **Council Member Inductions**

- (a) As soon as practicable after an election, the Chief Executive Officer will arrange an Induction Programme for newly elected Council Members, after their Swearing - in Ceremony.
- (b) The Induction Programme will cover the items/topics listed in the West Australian Local Government Association – Induction Ceremony Guideline. A copy of each Council Members Induction Program, Checklist will be filed in the City's Records.
- (c) Newly elected Council Members who wish to undertake additional training with the West Australian Local Government Association (Council Member Training Programme) or other approved organisations, may do so, in accordance with Council Policy No. 4.2.9 – '*Professional Development*'

Date Adopted:	12 FEBRUARY 2014
Date Amended:	-
Date Reviewed:	-
Date of Next Review:	FEBRUARY 2018

12.6 OUTCOME OF ADVERTISING AMENDED COUNCIL MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT POLICY

- Attachments:**
1. **Council Member Continuing Professional Development Policy - (clean copy)** [↓](#) 
 2. **Council Member Continuing Professional Development Policy - (marked up)** [↓](#) 
 3. **WALGA Template Policy - Council Members Continuing Professional Development** [↓](#) 

RECOMMENDATION:

That Council ADOPTS BY ABSOLUTE MAJORITY the Council Member Continuing Professional Development Policy at Attachment 1.

PURPOSE OF REPORT:

To present the outcome of community consultation and seek approval of the proposed amendments to the Council Member Continuing Professional Development Policy at **Attachment 1**.

BACKGROUND:

In July 2019 the *Local Government Act 1995* (Act) was amended to include a requirement for all local governments to prepare and adopt a policy in relation to the continuing professional development of Council Members and to review the policy after each ordinary election.

At its 16 June 2020 Council Meeting Council adopted its [Council Member Continuing Professional Development Policy](#) (Policy).

The Policy was developed with consideration of the Western Australian Local Government Association (WALGA) template policy, included at **Attachment 2**, and updated to reflect the City's existing practice.

At its 8 February 2022 meeting, Council were presented with the findings of Administrations review and approved conducting community consultation of its intention to adopt the proposed amendments to the Policy.

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation was undertaken between 24 February 2022 and 28 March 2022, 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 – 24 February 2022;
- Perth Voice – 26 February 2022; and
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre.

No public submissions were received.

DETAILS:

The substantive changes to the policy are as follows:

1. Policy Objective

The following policy objective has been included to present an overall statement of what the policy is designed to achieve.

To:

- establish policy, in accordance with 5.128 of the *Local Government Act 1995*, that details the City's commitment to the continuing professional development of Council Members; and
- reinforce the reporting obligations on the training completed by Council Members in each financial year.

2. Council Member Induction

Clause 1.1 has been added to reflect the City's existing Council Member Induction practice and aligns to the WALGA template policy.

3. Council Capacity Building

The WALGA template policy uses the term Council Capacity Building to refer to training and development completed by Council as a group.

WALGA recommends that Council Capacity Building becomes part of the regular informal meetings of Council held by many Local Governments.

Clause 1.3 has been added to highlight the importance of Council Capacity Building in alignment with the WALGA template policy. The new clause proposes that a Council Workshop is held to develop a Capacity Building program. The workshop provides an opportunity for Council to consider their collective strengths and weaknesses and prioritise areas for improvement in order to better function as a governing body, and better serve the community.

4. Budget Allocation

Clause 1 of the WALGA template policy provides that the budget allocation for the following aspects of Council Member Professional Development is included in the Annual Budget:

- Council Member Induction;
- Mandatory Council Member Training;
- Council Capacity Building; and
- Individual Council Member Professional Development.

Clause 10 of the Policy has been broadened to require the inclusion of budget allocation in the Annual Budget. This will ensure that sufficient budget is allocated to each aspect of Council Member Professional Development.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

Section 5.128 of the Act requires local governments to review its policy relating to the continuing professional development of council members after each ordinary election and prescribes that the local government may amend the policy (by absolute majority).

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 the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: Adopting the proposed policy is low risk.

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

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Council Member Professional Development is determined through the City's operating budget.

Council Members Continuing Professional Development Policy



Legislation / local law requirements	<p>Section 5.128 of the <i>Local Government Act 1995</i>. <i>'The Chief Executive Officer shall maintain a Register of Professional Development.</i> <i>This policy must be adopted and reviewed by absolute majority vote.</i> <i>This policy must be reviewed after each ordinary election</i> <i>The CEO must publish an up-to-date version of the policy on the local government's official website'.</i> <i>Regulation 34AD Local Government (Administration) Regulations 1996.</i></p>
Relevant delegations	Nil.
Related policy procedures and documents	<p>Policy 4.2.7 – Council Members Allowances, Fees and Reimbursement of Expenses Register of Professional Development (D17/36578) Professional Development Advance and Acquittal Statement (D19/179644)</p>

PRELIMINARY

INTRODUCTION

Council acknowledges its commitment to the training and development of Council Members to assist in the fulfilment of duties and responsibilities of public office and in the interests of effective representation.

Council Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well informed decision making. This can be achieved by participating in conferences, programs and training courses which provides for professional development relating to their role and responsibilities in local government.

Such professional development programs are those developed by industry-recognised providers and (generally) delivered locally.

Access and participation in the identified professional development courses and programs is made available to all Council Members.

PURPOSE

The primary objective of this policy is to provide guidance concerning the professional development of Council Members.

Council Members Continuing Professional Development Policy



OBJECTIVE

To:

- establish policy, in accordance with 5.128 of the *Local Government Act 1995*, that details the City's commitment to the continuing professional development of Council Members, and
- reinforce the reporting obligations on the training completed by Council Members in each financial year.

SCOPE

This Policy applies to the Council Members of the City.

DEFINITIONS

Professional Development means; training, conferences, conventions, congresses, study tours, forums, information sessions, workshops and events related to local government and of interest to the City of Vincent.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

POLICY PROVISIONS

1. Meeting the professional development needs of Council Members

The City will endeavour to address and meet the identified professional development needs of Council Members.

The options for providing such professional development includes:

1.1 Council Member Induction

Following each election, the City of Vincent will conduct a comprehensive induction program, providing newly elected Council Members with information that will support them to understand Council Member roles and responsibilities; legislative obligations; personal responsibilities; and strategic direction of the Local Government. Continuing/previously elected Council Members are encouraged to participate in nominated elements of the induction program, to assist in fostering a team culture and to refresh their understanding.

1.2 Mandatory Modules for Council Members

- All Council Members elected to Council following the 2019 local government elections are required to complete the five mandatory modules of the Council Member Essentials Course.
- The training is valid for five years therefore a Council Member is only required to undertake the training at every second election.
- The course must be completed within 12 months of appointment to Council.

Council Members Continuing Professional Development Policy



1.3 Council Capacity Building

Within 6 months after an election, a Council Workshop will be convened to enable Council Members to collaboratively develop a program of Council Capacity Building.

The program developed at the workshop will form the basis for regular training provided to all Council Members as a group, to encourage Council to focus on continuous improvement in its function as a governing body.

The CEO will coordinate training in accordance with the agreed program, with details of dates and delivery modes to be determined in consultation with Council Members.

1.4 Continuing Professional Development

- Council Members will be provided access to all West Australian Local Government Association (WALGA) Council Member training and development programs;
- Council Members will be encouraged to attend annual conferences of the major professions in local government and other institutions of relevance to local government activities; and
- Council Members will be able to attend eligible events where the Chief Executive Officer (CEO) or Council is of the opinion attendance would benefit the Council Member and the City.

2 **Accessing professional development**

Request for professional development may be initiated by the Council Member or through Administration's Professional Development Training Program and must be forwarded to the CEO prior to enrolment or registration.

The CEO will consult with the Mayor in relation to the request to determine that:

- the application is relevant and appropriate and addresses the Council Member's professional development needs;
- there are enough funds available for all costs likely to be incurred in the elected member's proposed professional development; and
- the proposed Elected Member is the most appropriate to undertake the specific professional development.

No Council Member is permitted to undertake professional development in the last 6 months of his or her term of office, unless approved by Council.

The CEO is authorised to approve requests from Council Members for professional development based on consultation with the Mayor and providing that:

- The training, development or conference is organised by an identified, industry recognised training provider; and
- The training, development or conference is held within the Perth metropolitan region.

Any requests that do not meet the above criteria, including those for attendance at courses or conferences outside of the Perth metropolitan region are to be submitted to Council for consideration.

Council Members Continuing Professional Development Policy



If the Mayor and CEO determine NOT to approve a request for professional development, the affected Council Member has the right to put the matter before Council for consideration and final determination.

3 Booking Arrangements

The City will make all bookings associated with the proposed professional development, including where relevant, airline bookings, accommodation and registration.

4 Registration

The City will pay all normal registration costs for Council Members, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the City.

5 Reports

Following attendance at conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the Council Member/s that attended shall submit an individual or composite report, which is to be signed by each attendee, to the Council (to be included in the Information Bulletin) within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the City and any recommendations, including as to whether attendance at similar conferences in the future is warranted.

Administration is also required to report annually on completed training. Completed training must be published on the City's website for that financial year. This will include the Council Member Essentials Course and any continuing professional development undertaken by Council Members.

6 Budget allocation

The City's Annual Budget will include:

a. Whole of Council Training and Development

An allocation for Council as a whole, to be used for:

- Council Member Induction, dealt with under Part 1.1 of this Policy;
- Mandatory Council Member Training, dealt with under Part 1.2 of this Policy, and
- Council Capacity Building, dealt with under Part 1.3 of this Policy.

b. Council Member Professional Development

An allocation for each Council Member to be used for individual Continuing Professional Development, as specified under Part 1.4 of this Policy. Council Members may select training and professional development to be funded from this allocation, subject to approval in accordance with this Policy.

Unexpended allocations at the end of a financial year will not be carried forward to the next financial year.

Any professional development proposal that exceeds an individual Council Member's allocation will be referred for Council decision. Alternatively, the Council Member may choose to privately fund any shortfall. This will not be eligible for reimbursement from a future budget allocation.

Council Members Continuing Professional Development Policy



OFFICE USE ONLY	
Responsible Officer	Office of the CEO.
Initial Council Adoption	16/06/2020
Previous Title	
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

Elected Council Members Continuing Professional Development Policy



Legislation / local law requirements	<p>Section 5.128 of the <i>Local Government Act 1995</i>. <i>'The Chief Executive Officer shall maintain a Register of Professional Development.</i> <i>This policy must be adopted and reviewed by absolute majority vote.</i> <i>This policy must be reviewed after each ordinary election</i> <i>The CEO must publish an up-to-date version of the policy on the local government's official website'.</i> <i>Regulation 34AD Local Government (Administration) Regulations 1996.</i></p>
Relevant delegations	Nil.
Related policy procedures and documents	<p>Policy 4.2.7 – Council Members Allowances, Fees and Reimbursement of Expenses Register of Professional Development (D17/36578) Professional Development Advance and Acquittal Statement (D19/179644)</p>

PRELIMINARY

INTRODUCTION

Council acknowledges its commitment to the training and development of Elected Council Members to assist in the fulfilment of duties and responsibilities of public office and in the interests of effective representation.

Elected Council Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well informed decision making. This can be achieved by participating in conferences, programs and training courses which provides for professional development relating to their role and responsibilities in local government.

Such professional development programs are those developed by industry-recognised providers and (generally) delivered locally.

Access and participation in the identified professional development courses and programs is made available to all Elected Council Members.

PURPOSE

The primary objective of this policy is to provide guidance concerning the professional development of Elected Council Members.

Elected Council Members Continuing Professional Development Policy



OBJECTIVE

To:

- establish policy, in accordance with 5.128 of the *Local Government Act 1995*, that details the City's commitment to the continuing professional development of Council Members, and
- reinforce the reporting obligations on the training completed by Council Members in each financial year.

SCOPE

This Policy applies to the **Elected Council** Members of the City.

DEFINITIONS

Professional Development means; training, conferences, conventions, congresses, study tours, forums, information sessions, workshops and events related to local government and of interest to the City of Vincent.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

POLICY PROVISIONS

1. Meeting the professional development needs of **Elected Council Members**

The City will endeavour to address and meet the identified professional development needs of **Elected Council** Members.

The options for providing such professional development includes:

1.1 Council Member Induction

Following each election, the City of Vincent will conduct a comprehensive induction program, providing newly elected Council Members with information that will support them to understand Council Member roles and responsibilities; legislative obligations; personal responsibilities; and strategic direction of the Local Government. Continuing/previously elected Council Members are encouraged to participate in nominated elements of the induction program, to assist in fostering a team culture and to refresh their understanding.

4.4 1.2 Mandatory Modules for **Elected Council Members**

- All **Elected Council** Members elected to Council following the 2019 local government elections are required to complete the five mandatory modules of the Council Member Essentials Course.
- The training is valid for five years therefore an **Elected Council** Member is only required to undertake the training at every second election.

Elected Council Members Continuing Professional Development Policy



- The course must be completed within 12 months of appointment to Council.

1.3 Council Capacity Building

Within 6 months after an election, a Council Workshop will be convened to enable Council Members to collaboratively develop a program of Council Capacity Building.

The program developed at the workshop will form the basis for regular training provided to all Council Members as a group, to encourage Council to focus on continuous improvement in its function as a governing body.

The CEO will coordinate training in accordance with the agreed program, with details of dates and delivery modes to be determined in consultation with Council Members.

~~4.2~~ 1.4 Continuing Professional Development

- ~~Administration will develop a training program in consultation with Elected Council Members to help identify specific training courses, workshops and forums, relating to the roles and responsibilities of Elected Members.~~
- Elected Council Members will be provided access to all West Australian Local Government Association (WALGA) Elected Council Member training and development programs;
- Elected Council Members will be encouraged to attend annual conferences of the major professions in local government and other institutions of relevance to local government activities; and
- Elected Council Members will be able to attend eligible events where the Chief Executive Officer (CEO) or Council is of the opinion attendance would benefit the Elected Council Member and the City.

2 Accessing professional development

Request for professional development may be initiated by the Elected Council Member or through Administration's Professional Development Training Program and must be forwarded to the CEO prior to enrolment or registration.

The CEO will consult with the Mayor in relation to the request to determine that:

- the application is relevant and appropriate and addresses the Elected Council Member's professional development needs;
- there are enough funds available for all costs likely to be incurred in the elected member's proposed professional development; and
- the proposed Elected Member is the most appropriate to undertake the specific professional development.

No Elected Council Member is permitted to undertake professional development in the last 6 months of his or her term of office, unless approved by Council.

Elected Council Members Continuing Professional Development Policy



The CEO is authorised to approve requests from Elected Council Members for professional development based on consultation with the Mayor and providing that:

- The training, development or conference is organised by an identified, industry recognised training provider; and
- The training, development or conference is held within the Perth metropolitan region.

Any requests that do not meet the above criteria, including those for attendance at courses or conferences outside of the Perth metropolitan region are to be submitted to Council for consideration.

If the Mayor and CEO determine NOT to approve a request for professional development, the affected Elected Council Member has the right to put the matter before Council for consideration and final determination.

3 Booking Arrangements

The City will make all bookings associated with the proposed professional development, including where relevant, airline bookings, accommodation and registration.

4 Registration

The City will pay all normal registration costs for Elected Council Members, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the City.

5 Accommodation

The City will pay reasonable accommodation costs. This includes the night before and/or after the training, development or conference where this is necessary because of travel, airline flights and/or conference timetables.

Where practicable and available, accommodation shall normally be booked at the training, development or conference venue or if unavailable, at premises near the venue.

6 Travel

Where travel is involved, the travel is to be undertaken by the shortest most practical route, to and from the venue. All reasonable travel costs to and from the venue will be met by the City.

7 Cash Allowance - Payment and Reimbursement

Reimbursement of Expenses shall be made in accordance with Policy 4.2.7 – '*Council Members - Allowances, Fees and Reimbursement of Expenses Policy*'

A daily cash allowance may be made for meals and incidental expenses.

Advances for international travel will be separately determined by the CEO in each circumstance, but only following Council's determination of the request.

All cash allowances must be acquitted within two weeks of returning to Perth. Cash not acquitted shall be refunded to the City at the same time.

Elected Council Members Continuing Professional Development Policy



Attendees shall acquit the cash allowance on the "Professional Development Advance and Acquittal Statement" (at **Attachment 1**). Where possible this should be supported by receipts.

The daily cash allowance shall be paid to cover all reasonable incidental expenses associated with the conference attendance, such as:

- Reasonable phone utilisation;
- Breakfasts, lunches, dinners and other meals not included in the conference registration fee;
- Reasonable laundry expenses;
- An optional activity specified in a conference program;
- Travel to and from the conference venue, and
- Travel to and from all airport destinations.
- Incidental expenses (e.g. Venue/exhibition entrance fees, parking fees).

8 **Elected Council** Member/Officer Delegate Accompanying Person

Where an **Elected Council** Member is accompanied at a conference, all costs for or incurred by the accompanying person including but not limited to travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the accompanying person and not by the City.

The exception to the above being the cost of attending any official conference dinner, where partners would normally attend.

An accompanying person's registration, and program fees, are to be paid direct by the attendee/delegate to the conference organiser.

9 Reports

Following attendance at conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the **Elected Council** Member/s that attended shall submit an individual or composite report, which is to be signed by each attendee, to the Council (to be included in the Information Bulletin) within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the City and any recommendations, including as to whether attendance at similar conferences in the future is warranted.

Administration is also required to report annually on completed training. Completed training must be published on the City's website for that financial year. This will include the Council Member Essentials Course and any continuing professional development undertaken by **Elected Council** Members.

10 Budget allocation

~~Any approval for professional development is subject to budgetary funds being available.~~

The City's Annual Budget will include:

a. Whole of Council Training and Development

An allocation for Council as a whole, to be used for:

- Council Member Induction, dealt with under Part 1.1 of this Policy;

Elected Council Members Continuing Professional Development Policy



- Mandatory Council Member Training, dealt with under Part 1.2 of this Policy, and
- Council Capacity Building, dealt with under Part 1.3 of this Policy.

b. Council Member Professional Development

An allocation for each Council Member to be used for individual Continuing Professional Development, as specified under Part 1.4 of this Policy. Council Members may select training and professional development to be funded from this allocation, subject to approval in accordance with this Policy.

Unexpended allocations at the end of a financial year will not be carried forward to the next financial year.

Any professional development proposal that exceeds an individual Council Member's allocation will be referred for Council decision. Alternatively, the Council Member may choose to privately fund any shortfall. This will not be eligible for reimbursement from a future budget allocation.

OFFICE USE ONLY	
Responsible Officer	Office of the CEO.
Initial Council Adoption	16/06/2020
Previous Title	
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

Elected Council Members Continuing Professional Development Policy



CITY OF VINCENT

Attachment 1 - Professional Development Advance and Acquittal Statement

Professional Development Advance and Acquittal Statement



CITY OF VINCENT

Council Member name: _____

Course/Training: _____

Date travelled from: _____ to: _____

Conference advance received: \$ _____

CONFERENCE ACQUITTANCE DETAILS RECEIPTS MUST BE PROVIDED TO SUBSTANTIATE CLAIMS
--

1. Travel expenses \$ _____

2. Meal expenses \$ _____

3. Incidental expenses
Description: _____

\$ _____

4. Other expenses
Description: _____

\$ _____

5. Total expenses incurred \$ _____

6. Less advance \$ _____

7. Amount refunded/claimed \$ _____
(Difference between item 5 and 6.)
Account number _____

I certify that the expenditure listed above has been incurred in connection with the Conference/travel and hereby claim or refund the amount shown at item 7.

SIGNED: _____ DATE: _____

I certify that the above expenditure has been validly made in relation to Council approved business as per Council Members – Continuing Professionals Development.

Chief Executive Officer's Signature: _____ DATE: _____

Page 1 of 1



WALGA Template

Council Member

Continuing Professional

Development Policy

WALGA Note:

*WALGA provides this template policy as a **guide** for Local Governments. It includes suggested components and wording only. Local Governments should review this policy content and consider, develop and implement policy suitable to their operational requirements. Detailed commentary is provided to outline possible options, and should be deleted before policy adoption.*

Remember:

Policy implementation is given effect through appropriate induction, ongoing training and operational procedures that evidence Council Members and Employees have been made aware of and are accountable for their obligations and responsibilities.

Template Policy Commentary

As there is scope for a range of approaches to Continuing Professional Development, the following comments outline the approach taken in this Template Policy, and discusses matters for further consideration by Local Governments.

Part 1 - Budget Allocations

Local Governments should consider how the budget for Continuing Professional Development will be structured. This Template Policy proposes an allocation for Council as a whole, as well as individual allocations for each Council Member. This ensures that each Council Member has equitable access to funding, and that the expenditure of funds on individual Continuing Professional Development is not to the detriment of Council Member Induction and Council Capacity Building. Local Governments may wish to consider whether to specify the allocation \$value amounts in the policy (subject to CPI increments annually).

This Template Policy is drafted on the basis that Mandatory Training will be funded from the group allocation, rather than from an individual Council Member's allocation. Local Governments may choose to take a different approach.

Part 2 – Council Member Induction

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced an [Elected Member Induction Operational Guideline](#) that outlines the types of information that should be included in a Council Member induction program. Local Governments may wish to include further details of their induction program in this policy.

During the induction, Council Members could be informed of the Mandatory Council Member Training requirements and the options available for their participation in and completion of the training and assessments. Council Members could also be introduced to the Continuing Professional Development Policy, advised of the budgeted allocation, and invited to begin identifying their collective and individual development priorities.

An induction follow up session could be an opportunity for Council Members to provide feedback on the induction program, and identify collective priorities for further training, which can be addressed through Council Capacity Building. Local Governments may also wish to invite all Council Members to undertake a self-assessment to identify priorities for their individual Continuing Professional Development.

Part 3 - Mandatory Council Member Training

This Template Policy is drafted to allow for two different approaches to Mandatory Council Member Training, and Local Governments should review and delete as applicable.

Local Governments may choose to conduct a procurement process to identify the most suitable/best value training provider and direct Council Members to nominate a delivery mode and time/date that is suitable. Local Governments may wish to arrange onsite delivery where a sufficient number of Council Members wish to complete training face to face. If considered relevant to Council as a whole, this could form part of the Council Capacity Building program.

Alternatively, Local Governments may allow Council Members to select their preferred training provider from the Department's approved providers.

Part 4 - Council Capacity Building

This Template Policy uses the term Council Capacity Building to refer to training and development completed by Council as a group. While each Council Member will have individual development needs and priorities, much training and development may be relevant to all Council Members. Training completed as a group allows Council Members to discuss and apply learning as they go, have a shared point of reference and build communication and relationships. In addition, it may be more cost effective and efficient for training to be delivered to Council as a whole.

WALGA recommends that Council Capacity Building becomes part of the regular informal meetings of Council held by many Local Governments. Depending on the resources and priorities of the Local Government, this could take the form of a presentation by a Planning Officer, a team building session delivered by an external facilitator, or a workshop on meeting procedures.

This Template Policy proposes that a Council workshop is held to develop a Capacity Building program, the delivery of which will be facilitated by the CEO. This workshop is an opportunity for Council to consider their collective strengths and weaknesses, and prioritise the areas for improvement in order to better function as a governing body, and better serve the community. This workshop may also be an opportunity to commence policy review (see Part 9 of this Template Policy), in order to ensure that it is fit for purpose, and aligns with the professional development needs and priorities of the Council.

Part 5 – Continuing Professional Development

This section of the Template Policy provides example generic criteria to define eligible continuing professional development. Based on their own resources and priorities, Local Governments may wish to modify these criteria, or include a list of specific topics or types of training that will be eligible.

5.1 – Application and Approval

A two tier system of approvals is provided in this section. Local Governments may wish to modify the circumstances in which a request may be approved by Council or the CEO. For example, Local Governments may wish to remove the reference New Zealand, so that any request to attend training outside of Australia is referred to Council for approval. Local Governments may also choose to address non-attendance or non-completion of Continuing Professional Development in this section. For example, by specifying that approval may be granted by resolution of Council where the Council Member has not completed requirements for previously approved Continuing Professional Development, or has failed to do so within a reasonable period.

5.2 – Sharing of knowledge

This Template Policy includes a requirement that Council Members who attend individual training or continuing professional development provide a report on their attendance. This allows insights and benefits gained through the training to be shared with all Council Members. In addition, the process of reviewing the training and considering its application to the Council Member role may

be helpful for the Council Member who attended the training. Local Governments may wish to specify the format and timing for the provision of attendee reports.

Part 6 – Registration, Travel and Expenses

Expenses

This Template Policy provides a possible approach to expenses. Local Governments may wish to revise with reference to their resources and any existing policies or processes dealing with travel, expenses and reimbursement.

The current WA Salaries and Allowances Tribunal Determination for Local Government CEOs and Elected Members can be accessed via the Tribunal [website](#). The 2020 Determination prescribes the application of the [Local Government Officers' \(Western Australia\) Interim Award 2011](#) in relation to reimbursement for use of a private vehicle, and the [Public Service Award 1992](#) in relation to other travel costs and accommodation expenses.

Insurance

This Template Policy includes a section based on generic information from LGIS regarding the standard inclusions of Local Government Corporate Travel Protection. Local Governments should contact LGIS to confirm the conditions of their protection policy, and for specific advice. In addition, as specified in the Template Policy, Council Members should ensure they are familiar with the conditions of the policy before travelling.

Part 7 – Report on Training

This section of the Template Policy is based on the requirements specified in s.5.127 of the *Local Government Act 1995*, as well as advice from DLGSC on the format and content of this report. If Local Governments choose to modify this section, they should confirm that the minimum requirements of s.5.127 are met.

Part 8 – Council Member Commitment

The Council Member Commitment is intended to emphasise the positive approach to Continuing Professional Development, and commit Council Members to ensuring that they and the Local Government get the best possible value from all training. This section also addresses communication of availability and cancellation.

Local Governments may wish to give further consideration to the way in which Council Members are supported to complete Continuing Professional Development, and management of situations where completion is not achieved within a reasonable period. This is also discussed in relation to 5.1 – Application and Approval, above.

Part 9 – Policy Review

As this Policy must be reviewed following each election, Council has the opportunity to ensure it reflects the needs, priorities, strengths and weaknesses of the current Council and the strategic direction of the Local Government.

While the policy should retain sufficient flexibility to deal with changing circumstances, it may be helpful to modify Part 6 to include particular examples of training or professional development that would be considered eligible.

Council Member Continuing Professional Development Policy

Policy Objective

To give effect to the <<Shire/ Town / City>>'s commitment to facilitate continuing professional development of Council Members, which enhances their knowledge and develops their skills, thus augmenting Council's capacity for well-informed decision-making and the provision of good government for our community.

This policy provides a framework to assist Council Members to identify and access relevant training and defines the expenses that will be paid by the <<Shire/ Town / City>>.

This policy supports compliance with sections 5.127 and 5.128 of the *Local Government Act 1995* (the Act), which require Local Governments to prepare and adopt a policy in relation to the continuing professional development of Council Members, and to provide annual reports on training.

Policy Scope

This policy applies to Council Member training and continuing professional development, including mandatory training required under s.5.126 of the Act.

Policy Statement

1. Budget Allocations

The <<Shire/ Town / City of XXXX>> Annual Budget will include:

a. Whole of Council Training and Development

An allocation for Council as a whole, to be used for:

- Council Member Induction, dealt with under Part 2 of this Policy;
- Mandatory Council Member Training, dealt with under Part 3 of this Policy, and
- Council Capacity Building, dealt with under Part 4 of this Policy.

b. Council Member Professional Development

An allocation for each Council Member to be used for individual Continuing Professional Development, as specified under Part 5 of this Policy. Council Members may select training and professional development to be funded from this allocation, subject to approval in accordance with this Policy.

Unexpended allocations at the end of a financial year will not be carried forward to the next financial year.

Any professional development proposal that exceeds an individual Council Member's allocation will be referred for Council decision. Alternatively, the Council Member

may choose to privately fund any shortfall. This will not be eligible for reimbursement from a future budget allocation.

2. Council Member Induction

Following each election, the <<Shire/ Town / City of XXXX>> will conduct a comprehensive induction program, providing newly elected Council Members with information that will support them to understand Council Member roles and responsibilities; legislative obligations; personal responsibilities; and strategic direction of the Local Government. Continuing/previously elected Council Members are encouraged to participate in nominated elements of the induction program, to assist in fostering a team culture and to refresh their understanding.

3. Mandatory Council Member Training

Council Members are required to complete the Council Member Essentials Course within 12-months from the day on which they are elected, unless exempt under Regulation 36 of the *Local Government (Administration) Regulations 1996*. Council Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

The <<Shire/ Town / City of XXX>>'s preferred provider is [specify provider], and course delivery is available [delivery modes, options]. Council Members will be provided with enrolment options and the <<Shire/ Town / City>> will coordinate bookings and arrangements to implement their selection.

[OR

The <<Shire/ Town / City >> will provide newly elected Council Members with information on training options from which the Council Member may select according to their preferred delivery mode and availability. The <<Shire/ Town / City>> will make the necessary arrangements for enrolment.]

Where a majority of Council Members would prefer face to face training, the <<Shire/ Town / City>> may arrange on-site delivery and may coordinate this in cooperation with neighbouring Local Governments to achieve cost savings.

Council Members who are not yet required to complete the Mandatory Training may still choose to participate, with associated costs attributed to the Whole of Council Training and Development budget allocation.

4. Council Capacity Building

Within [a reasonable period/3 months/6 months] after an election, a Council Workshop will be convened to enable Council Members to collaboratively develop a program of Council Capacity Building.

The program developed at the workshop will form the basis for regular training provided to all Council Members as a group, to encourage Council to focus on continuous improvement in its function as a governing body and to address the outcomes set out in Part 6 of this policy.

The CEO will coordinate training in accordance with the agreed program, with details of dates and delivery modes to be determined in consultation with Council Members.

5. Continuing Professional Development

Formats

Eligible Continuing Professional Development formats include, but are not limited to:

- Short courses;
- Training courses;
- Workshops;
- Seminars;
- Conferences;
- Formal qualifications, or individual units or modules as components of formal qualifications; and
- Membership of professional development organisation, where the membership incorporates access to Continuing Professional Development.

Providers

Continuing Professional Development should be delivered by industry recognised training providers, peak bodies or professional organisations.

Outcomes

In order to be eligible for approval under this policy, Continuing Professional Development must be relevant to the role of a Council Member, and offer demonstrable benefit to the Council as a governing body, the <<Shire/ Town / City >> as an organisation, and the broader community.

This includes Continuing Professional Development that:

- Enhances the understanding of Council Member roles and responsibilities, and/or the role and function of Local Government;
- Assists Council Members to develop knowledge and skills in relation to the strategic objectives of the <<Shire/ Town / City >>;
- Enables Council Members to further develop personal and professional skills necessary for excellence in performance of the Council Member role; or
- Supports Council Members in developing and maintaining positive and healthy communication, team culture and relationships, to facilitate excellent teamwork to achieve outcomes that deliver good government for the <<Shire/ Town / City >> community.

Eligible Continuing Professional Development activities include:

- WA Local Government Association Council (WALGA) and Australian Local Government Association (ALGA) conferences.
- Special 'one off' conferences called for or sponsored by WALGA and/or ALGA on important Local Government issues.
- Annual conferences of the major professions in Local Government and other institutions of relevance to Local Government activities.
- Other Local Government-specific training courses, workshops and forums, relating to the outcomes listed above.
- Training relevant to the outcomes listed above offered by accredited organisations.
- Conferences, training, workshops or seminars that address the initiatives and projects identified in the <<Shire/ Town / City >>'s Strategic Community Plan, Corporate Business Plan or other strategic documents.

Council Members are encouraged to identify and share relevant Continuing Professional Development opportunities with Council and the CEO. The CEO will also identify and inform Council Members of relevant opportunities.

5.1 Application and Approval

Request for approval

Council Members who wish to attend training or professional development may make application by providing the following details to the CEO in writing:

- a) Course or event title, provider or organiser name, location and date;
- b) Copy of, or link to program, course outline or other summary of content;
- c) An outline of the anticipated benefits of attendance, with reference to the eligibility criteria in this policy; and
- d) Total estimated costs including accommodation, travel and sundry expenses.

Applications, including all required details, are to be submitted in reasonable time for registration. Where possible, the <<Shire/ Town / City >> will seek to take advantage of reduced prices for early registration.

Approval

Approval for Council Member attendance may be granted by:

- (a) the Chief Executive Officer where the:
 - (i) application complies with this policy;
 - (ii) event is to be held within Australia or New Zealand; and
 - (iii) the Council Member has sufficient funds available in their professional development allocation to meet all costs of attendance.
- (b) resolution of Council where the:
 - (i) application has been refused by the Chief Executive Officer;
 - (ii) application does not comply with this policy;
 - (iii) estimated costs of attendance exceed the available balance of the Council Member's annual professional development allocation; or
 - (iv) event is to be held outside of Australia or New Zealand.

Limitations

Training and continuing professional development is for the purpose of enhancing a Council Member's performance of their role. Therefore, in some instances, approval may not be granted where attendance conflicts with scheduled Council or Committee meetings (i.e. a meeting where important strategic decisions are required or where the meeting may lack a quorum), unless Council has otherwise resolved.

Where attendance at a particular training or professional development event would require an extended absence, no more than two Council Members may attend, unless Council has otherwise resolved.

Approval will not be granted for training or continuing professional development that is scheduled to occur in the last six months of a Council Member's term of office.

5.2 Sharing of knowledge

In order to realise the maximum benefit for the <<Shire/ Town / City >>, Council Members will provide a report on their attendance, key features and benefits of the training or professional development within **[one month/a reasonable period]** after completion. Council Members may include ideas and innovations identified through the professional development for discussion at future Council Member workshops, where the matter relates to the <<Shire/ Town / City >>'s strategic objectives.

Knowledge sharing may be provided as a presentation or verbal update to an informal Council workshop, or a written report provided to the Chief Executive Officer and circulated to all Council Members. Where relevant, copies of resources obtained at the event may also be provided to the Chief Executive Officer for circulation to all Council Members.

6. Registration, travel and expenses

The <<Shire/ Town / City >> will be responsible for the costs associated with training or professional development approved in accordance with this policy, as detailed in this section.

Event Registration and Bookings

Travel, registration fees and accommodation are to be arranged directly by the <<Shire/ Town / City >> administration.

Council Members are not to pay such costs and seek reimbursement, except in the case of an emergency or unique circumstances and subject to the Chief Executive Officer's prior approval.

Travel

Where travel is involved, the actual costs of travel to and from the event venue are to be met by the <<Shire/ Town / City >> in accordance with the current WA Salaries and Allowances

Tribunal Determination for Local Government CEOs and Elected Members (the Determination).

Travel arrangements are to be by the most cost effective and reasonably convenient mode.

Air travel is to be by Economy Class at a time that is convenient to the Council Member. As far as is practicable, tickets will be purchased well in advance, and take advantage of available discount fares.

A Council Member may seek approval to travel within Western Australia by private motor vehicle and be reimbursed for vehicle costs in accordance with the Determination. Approval may only be granted where the cost is approximately equivalent to the most cost effective mode of travel.

A Council Member may choose to upgrade the mode of travel, however additional costs incurred are to be paid to the <<Shire/ Town / City >> by the Council Member before the <<Shire/ Town / City >> confirms the booking/s.

Registration

Registration fees may include, where applicable, event registration, conference program dinners, technical tours and accompanying workshops identified within the event program.

Accommodation

Reasonable accommodation will be booked for the Council Member for a room at or in close proximity to the event venue and within the expenditure limitations prescribed in the Determination.

If it is not reasonable to expect travel to occur on the day of the event, the booking may allow for arrival the day prior to commencement, and departure the day following the close of the event.

A Council Member may choose to upgrade their accommodation standard or extend their visit for personal reasons, however additional costs are to be paid to the <<Shire/ Town / City >> by the Council Member (including any additional associated or travel costs) prior to the <<Shire/ Town / City >> confirming the booking.

Loyalty Program and Reward Points

Council Members are not to obtain personal benefit from expenditure of <<Shire/ Town / City >> funds and must not claim personal frequent flyer or accommodation loyalty points for air travel or accommodation paid for by the <<Shire/ Town / City >>.

Meals and Incidental Expenses

Funding for meals and incidental expenses is to be provided in accordance with the Determination.

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch and dinner where these meals are not provided at the event or in travel. When meals are included and have been paid for as part of the registration fee or accommodation costs, claims for alternative meals at venues other than the event will not to be paid by the <<Shire/ Town / City >>.

Incidental taxi, economy ride share or public transport modes of transport (i.e. to / from airport, event venue) may be claimed for reimbursement on submission of receipts.

In lieu of reimbursement, Council Members may request a cash advance prior to departure. This is conditional upon the Council Member providing a written acquittal and supporting receipts to the CEO within 7 days of return from travel. If a Council Member fails to provide a reasonable and satisfactory acquittal inclusive of unspent funds, the value of the un-acquitted funds will be incurred as a debt invoiced to the Council Member.

Travel Insurance – Intrastate, Interstate and International

Subject to policy wording and conditions, Council Members are covered by the <<Shire/ Town / City >>'s corporate travel protection for the duration of their travel relevant to attendance at the approved event, including any incidental private travel taken either side or during the event.

Council Members should review the conditions of the <<Shire/ Town / City >>'s corporate travel protection policy and member certificate to determine whether it is adequate for their personal needs and circumstances, and so that the <<Shire/ Town / City >> and/or the Council Member can make any necessary alternative arrangements.

Accompanying persons/entertainment costs

Council Members are responsible and will be required to pay all costs associated with an accompanying person attending an event (including conference dinners and functions).

The <<Shire/ Town / City >> may coordinate accompanying person bookings and registrations for travel, accommodation and the event / function, with costs incurred to be paid to the <<Shire/ Town / City >> by the Council Member prior to the <<Shire/ Town / City >> confirming the booking/s.

Booking Change / Modification Costs

Costs incurred for changing or modifying a booking for travel or accommodation, where the change or modification is:

- a. At the request of the Council Member, are to be paid by the Council Member; or
- b. A requirement or for the convenience of the <<Shire/ Town / City >>, are to be paid by the <<Shire/ Town / City >>.

Cancellations

Costs incurred for cancellation of registration, travel or accommodation, where the cancellation is:

- a. At the request of the Council Member, are to be attributed to the Council Member's individual allocation; or
- b. A requirement or for the convenience of the <<Shire/ Town / City >>, are to be paid by the <<Shire/ Town / City >>.

7. Report on training

The <<Shire/ Town / City>> is required to produce a report detailing the training completed by Council Members during each financial year, in accordance with s.5.127 of the Act.

The report will include the following details of both mandatory training and continuing professional development completed by Council Members:

- Name of Council Member;
- Date of election;
- Whether the Council Member is required to complete Mandatory Training, and if applicable, the due date for completion and date of completion;
- Title of each training course or module completed or event/conference attended;
- The date attended or completed;
- The training provider or event/conference organiser;
- The cost of attendance; and
- Location of the training or event.

The report will be provided to Council Members for their information, before being published on the <<Shire/ Town / City>>'s website within one month of the end of the financial year.

8. Council Member Commitment

Council Members are committed to:

- a. Take a positive approach to identifying opportunities for improvement and professional development.
- b. Prepare for, participate in and complete professional development and training approved/booked under this policy.
- c. Apply the benefits of professional development to fulfilling their Council Member role, including by sharing their knowledge with other Council Members.
- d. Make reasonable efforts to confirm their availability, or otherwise, to the CEO before booking deadlines.
- e. When requested, advise the CEO of alternative dates / times that they would be available to facilitate their participation in training.
- f. Advise the CEO, at the earliest opportunity, if they are unable to attend planned / booked training. Where training costs are unable to be refunded, applicable costs will be debited to the individual Council Member's allocation.

9. Policy Review

In accordance with s.5.128 of the Act, this policy will be provided for Council's review following each ordinary election. The <<Shire/ Town / City>> will ensure the policy review occurs within the first 12-months following each ordinary election.

Document Control Box							
Document Responsibilities:							
Owner:	[insert Position Title]			Owner Business Unit:	[insert Unit Title]		
Reviewer:	[insert Position Title]			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Sections 5.126, 5.127 and 5.128, Local Government Act 1995 Regulation 36, Local Government (Administration) Regulations 1996 .						
Other:							
Organisational:							
Document Management:							
Risk Rating:		Review Frequency:	[Biennial-following election]	Next Due:	[20##]	Records Ref:	[CP####]
Version #	Decision Reference:	Synopsis:					
1.	[decision date / TRIM Ref]	[brief description of the adoption / changes approved]					
2.							

12.7 ADVERTISING OF AMENDED POLICY - COUNCILL MEMBER CONTACT WITH DEVELOPERS

Attachments: 1. Council Member Contact with Developers Policy (Marked Up)  

RECOMMENDATION:

That Council APPROVES the proposed amendments to the Council Member Contact with Developers Policy, at Attachment 1, for the purpose of community consultation.

PURPOSE OF REPORT:

For Council to approve, for the purpose of community consultation, the proposed amendments to the Council Member Contact with Developers Policy as detailed at **Attachment 1**.

BACKGROUND:

At its 2 June 2015 meeting, Council adopted the [Policy No. 4.2.15 – Council Member Contact with Developers](#) (the policy).

The policy was developed to supplement and guide Council Members' compliance with clauses 2.8 and 2.9.3 of the City's 2013 Code of Conduct, which set out the City's commitment to transparency and its conduct in the determination of development decisions.

In January 2021, Administration undertook a review of the policy and addressed the elements set out in clause 1.3 of the Policy Development and Review Policy as part of a Council Workshop Information Sheet on 25 May 2021 (Item 7.3).

At the May 2021 Council Workshop Council Members requested clarification in relation to disclosure requirements of developer contact prior to the lodgement of an application.

In September 2021 Administration reviewed the City's [Governance Framework](#) and proposed an amendment to the Contact with Developers section to include guidance on declaring contact with developers prior to the lodgement of a development application. It was noted that any contact prior to the lodgement of a Development Application, which includes during the Design Review Panel assessment, should be disclosed at the point that the application is presented to Council.

At its November 2021 Council Meeting, Council approved the updated Framework.

The requirement of provisions outlined in clause 1.3 of the [Policy Development and Review Policy](#) were re-presented to Council Members through the monthly Policy Paper in January 2022. Council Member requested inclusion in a Council Workshop to discuss further. No additional changes were proposed.

At the Council Briefing 10 May 2022 clarification was requested in relation to recording contact with developers prior to the lodgement of a development application.

Minor amendments to clause 1e have been included (in green) at **Attachment 1**.

These amendments provide clarification and guidance to Council Members of their record keeping obligations.

DETAILS:

The findings of Administration's review of the Council Member Contact with Developers Policy are as follows:

1. Consideration of policy objective

Administration has prepared a policy objective for Council's consideration.

2. Consideration of new policy provision

Administration has prepared a new provision to provide guidance on the disclosure requirements of developer contact prior to lodgement of an application. The new provision will provide clarity and

ensure the continued standardisation for the recording of contact between Council Members and developers.

CONSULTATION/ADVERTISING:

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant local businesses and community groups.

Public notice of this proposed new policy will be provided from mid-April 2022.

LEGAL/POLICY:

There is no legislative or regulatory requirement for this policy however the objective facilitates the City's aim to provide the highest standards of transparency and openness in town planning and development decision making.

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 the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to undertake community consultation of the proposed amendments to the 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.

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

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Council Member Contact With Developers



CITY OF VINCENT

Legislation / local law requirements	<i>Local Government (Model Code of Conduct) Regulations 2021.</i>
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	Code of Conduct for Council Members, Committee Member and Candidates (Nominated Members Code) Contact with Developers Register Register of Interests Disclosed at Council Meetings Governance Framework

PRELIMINARY

INTRODUCTION

Applicants, objectors and members of the community must have trust in Council Members' ability to make decisions free of influence or the perception of influence, particularly in respect of town planning and development decisions.

Contact with developers is a normal and necessary function of the role of a Council Member. However, the nature and frequency of that contact can sometimes lead to allegations or perceptions of bias, influence or even corruption being made towards Council Members. Implementing transparent decision-making processes will reduce opportunities for such allegations or perceptions to be raised. In part this includes setting standards for how Council Members interact with developers.

The City of Vincent aims to provide the highest standards of transparency and openness in town planning and development decision-making, by requiring all Council Members to record any Prescribed Contact they have with developers and also by requiring the Chief Executive Officer of the City to create and maintain a register of that contact

PURPOSE

To provide guidance on the recording of "Prescribed Contact" between Council Members and developers.

OBJECTIVE

To:

- facilitate integrity and transparency in the determination of the City's development applications; and
- guide Council and Administration on the recording of prescribed contact between Council Members and developers.

SCOPE

This Policy applies to all "Prescribed Contact" between Council Members and developers.

Council Member Contact With Developers



DEFINITIONS

Contact means any communication or conversation between a Council Member and Developer, regardless of whether it is foreseen, planned, solicited or reciprocated, and includes but is not limited to the following methods of communication – telephone, electronic mail (e-mail), short message service (SMS), multimedia messaging service (MMS), facsimile, web-based networking platform, written mail, face to face and the like.

Developer means an individual, body corporate or company engaged in a business that:

- a. regularly involves the making of relevant planning applications in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
- b. includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a Developer and who is appointed to promote or advocate for the Developer's interests or proposal, except when they are representing someone who is not regularly involved in the making of relevant planning applications or the development of land.

(Adapted from: Election Funding, Expenditure and Disclosures Act 1981 (NSW), s.96GB)

Exempt Contact means any contact which:

- a. is in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting; or
- b. does not involve the Council Member engaging in any discussion or communication with the developer on the planning or development proposal.

Planning or Development Proposal means and includes:

- a. a proposed Local Planning Policy or amendment to a Local Planning Policy under the City's operative Town Planning Scheme;
- b. a proposed amendment to the City's operative Town Planning Scheme; and
- c. an application under the City's operative Town Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land and which is currently before or at the time of contact known to require determination by Council or the Joint Development Assessment Panel.

Prescribed Contact means any contact relating to a planning or development proposal for which the developer is a proponent, excluding any exempt contact.

Council Member Contact With Developers



POLICY PROVISIONS

- 1 Subject to clause 2 below, Council Members shall:
 - a. In writing, record every instance of Prescribed Contact with a developer by noting the:
 - Developer's name
 - Date and time of contact
 - Type of contact
 - Property or properties within the City of Vincent to which the contact related
 - Nature of the issue covered in the contact
 - Council Member response
 - b. Subject to sub-clause (c) below, not more than 10 days after contact with the Developer, provide to the City's Chief Executive Officer the details referred to in sub-clause (a) above.
 - c. Where the Prescribed Contact occurs with a Council Member while he/she is on Approved Leave of Absence, then that Council Member shall provide the information referred to in sub-clause (a) above to the City's Chief Executive Officer within 10 days of the last day of their Approved Leave of Absence.
 - d. Where the Prescribed Contact occurs in the form of a group email or other correspondence to all Council Members, then the Office of the Mayor shall provide a copy of the same to the Chief Executive Officer for the purpose of compliance with clause 2 and 3 below.
 - e. Where contact occurs prior to the lodgement of a development application, including during the Design Review Panel assessment, the Council Member shall record all contact privately and disclose the contact as an interest at the point that the application is presented to Council. At this point such disclosures are to be recorded in the Register of Interests Disclosed at Council Meetings and added to the register of Council Member contact with the Developers.
- 2 This Policy does not require Council Members to record contact defined as Exempt Contact. Notwithstanding, all written communication to and from Council Members relating to Council business is deemed to be a corporate record and must be provided to the Chief Executive Officer for the record keeping purpose of and inclusion in the City's relevant files, which may be accessible under the Local Government Act 1995 and Freedom of Information Act 1992.
- 3 The Chief Executive Officer shall create and thereafter maintain a register of all Council Member contact with the Developers, incorporating the details referred to in sub-clauses 1a and d above. Such register shall be made publicly available in an electronic format on the City's website.
- 4 The Chief Executive Officer shall ensure the public register referred to in 3 above is updated on a fortnightly basis.

Council Member Contact With Developers











CITY OF VINCENT

DRAFT

OFFICE USE ONLY	
Responsible Officer	Please use title only
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

12.8 VINCENT UNDERGROUND POWER PROJECT (VUPP)

- Attachments:**
1. Invitation to participate - Tranche 2 - NRUPP  
 2. NRUPPT2 Presentation  
 3. Memorandum of Understanding  
 4. Project Summary  

RECOMMENDATION:**That Council:**

1. **NOTES** the invitation from Western Power for the City of Vincent to participate in Tranche 2 of the Network Renewal Underground Pilot Program (NRUPP) at Attachment 1.
2. **NOTES** the proposed project areas would underground power at 5,336 electricity service meters in 1) North Perth/Mount Lawley, 2) North Perth/Mount Hawthorn and 3) Perth/Highgate as per the boundaries identified in the maps contained in Attachment 2 plus an additional 144 meters covering approximately 80 Lots to include the Mount Hawthorn Town Centre (Oxford Street, Anzac Road, Hobart Street).
3. **NOTES** Western Power advice that the overhead network assets in these areas are coming to the end of their service life for replacement and renewal. The poles and wires would be replaced like for like with an expected serviceable life of 40-50 years in the event the City does not co-partner in an underground power project.
4. **AUTHORISES** the CEO to sign the Memorandum of Understanding at Attachment 3 to enable Western Power to commence detailed design of the project.
5. **NOTES** the project summary at Attachment 4 will be included as a new Strategic Project in the Corporate Business Plan 2023/24-2027/28.
6. **REQUESTS** Administration to prepare a preliminary business case on participation in NRUPP Tranche 2 as part of the preparation of the Annual Budget and update to the Corporate Business Plan (noting that the final business case would be finalised following 12 months of detailed design by Western Power which will confirm estimated costs for the project).
7. **APPROVE** utilisation of \$216,000 in the Underground Power Reserve to provide for two FTE over 12 months for project management and community engagement work to undertake this significant project.

PURPOSE OF REPORT:

To seek Council approval to sign a Memorandum of Understanding (MoU) to participate in Tranche 2 of Western Power's Network Renewal Underground Pilot Program (**NRUPP**)

BACKGROUND:

In 2021, Administration prepared a report to Council on the potential to participate in the second tranche of Western Power's Network Renewal Pilot Program (**NRUPPT2**). That report and the options paper can be found [here](#).

Western Power has now invited the City of Vincent to participate in NRUPP (see **Attachment 1**).

NRUPP Tranche 2 presents a transformational and one-off opportunity for the City to:

- Increase the City's urban tree canopy
- Improve street appearance
- Reduce street tree pruning costs

- Improve public safety, reliability and security of power
- Increase property value for property owners
- Improve opportunities for emerging technologies

The City of Vincent strongly supports the amenity benefits and improvement to tree canopy that results from undergrounding overhead distribution power lines.

Council has previously considered a number of funding models to expedite the undergrounding of power.

NRUPP is the least cost option offered to the City to underground overhead distribution power lines.

The State Government, through the Public Utilities Office, had been running the SUPP since the early 1990s.

The City previously applied for funding through the SUPP to undertake both Localised Enhancement Projects (LEP), typically single streets of either extensive tree canopy or heritage significance, and Major Residential Projects (MRP), which encapsulates upwards of 800 residential properties.

The first trial projects, called Round 1 in the 1990's, were based upon two-thirds State to one-third local government funding (which was subsequently passed onto the ratepayers within the project area). From Round 2 onwards it became a 50/50 funding split.

In respect of LEPs the City has had two past projects:

- 1) Mary Street, Highgate, in recognition of the significant trees, completed in the late 1990's; and
- 2) William Street, Perth (Brisbane to Newcastle Streets), as part of the William Street Upgrade Project, completed in late 2000's.

The City was successful in Round 3 in 2006, and secured funding for the Highgate East MRP Project, approx. 900+ properties, completed in 2009.

The City consulted residents on a SUPP project on Brookman Street and Moir Street Heritage Precinct in 2015 and the majority of respondents indicated they did not support paying \$8,260 per residential property to underground the power.

DETAILS:

Three areas including North Perth/Mount Lawley, North Perth/Mount Hawthorn and Perth/Highgate have been identified as part of Western Power's Network Renewal Underground Program as potential areas for underground power due to its ageing overhead infrastructure and the benefits undergrounding would provide for the community.

Western Power has agreed to expand the scope of the initial project area to include an additional 144 meters covering approximately 80 Lots to include the Mount Hawthorn Town Centre (Oxford Street, Anzac Road, Hobart Street). This would action Item 3.4 of the Mount Hawthorn Town Centre Place Plan: Underground Power - Investigate the potential to Underground Power along Oxford Street North and Hobart Street. This addition is reflected in the revised maps attached to the MOU. This addition will make a significant improvement to the town centre.

Underground power delivers lower operating and maintenance costs, improved network reliability and security, better public safety, an improved street appearance, opportunities for increased and more sustainable tree canopy and enhanced opportunities for emerging technologies.

These areas have been selected for this program because they are areas with a high number of ageing distribution overhead assets which must be replaced.

Western Power modelling indicates underground power is the better supply option for City of Vincent residents given the benefits of underground power that can be expected in the areas being considered.

Under NRUPPT2 program, Western Power would contribute the avoided capital costs (replacing the existing network with overhead assets) with the City of Vincent to pay for the customers' connection costs and any gap in capital costs.

Participation in NRUPPT2 requires the City of Vincent signing a memorandum of understanding with Western Power outlining the shared commitment and partnership to the underground power program (see **Attachment 3**).

Following the signing of the MoU, community engagement and detailed design for construction would take place over approximately 12 months.

Projects are expected to be completed within two years of construction starting.

Following Council approval of the MOU, Administration would develop a preliminary business case for Council consideration as part of annual budget process and update to the Corporate Business Plan.

A final Business Case would be presented to Council following 12 months of detailed design by Western Power which would confirm the costs and timing of the project. A draft project plan summary is at **Attachment 4**.

Western Power has advised that the overhead network assets in the proposed project areas are coming to the end of their service life for replacement and renewal.

Western Power would replace the poles and wires like for like with an expected serviceable life of 40-50 years in the event the City does not co-partner in an underground power project.

If the City decided not to co-partner with Western Power in this underground power project now then this opportunity would be missed for two generations.

The increase in property value for property owners from underground power is well established.

The [Economic Regulation Authority's 2011 inquiry](#) looked into the overall costs and benefits of the State Underground Power Program.

It found that for residential property values an estimated mean increase in property value of \$9,962 between 2000 and 2010 or an average of 1.6 per cent of the house price.

Adjusting this mean value for inflation to 2021 this provides an estimated increase in property value of approximately \$12,000 per residential property (noting this is considered a one-off property value benefit not a per annum benefit (see table 5.7 on page 44)).

The Authority's view in the draft report was that all of the benefits that accrued to property owners, such as improved amenity, greater reliability, improved quality supply and lower vegetation management costs, are capitalised into higher property values when existing overhead distribution lines are placed underground.

CONSULTATION/ADVERTISING:

The City has commenced consultation on a major review of its Strategic Community Plan. Preliminary feedback from the survey results to date indicate strong support for undergrounding power.

In response to the survey question '*How would you rate the priority of: Planting trees and undergrounding power lines across the City to improve our tree canopy*'

- 80% (39) rated undergrounding powerlines as a very high priority
- 14% (7) rated it as a high priority
- 4% (2) of rated it as a low priority
- 2% (1) did not respond to this question.

Public comments specifically relating to underground power are as follows:

- A leafy and permanently green environment without ugly overhead powerlines spoiling the tree canopy, which at the moment is hacked back to a lunar landscape on a regular basis.
- Start a program to take powerlines underground
- Providing canopy coverage in our streets to make them more pleasant to walk through
- [Vincent's future should include] underground power.

- City of Vincent is essentially a completely modified environment and there's not much that can be done to enhance the environment other than, perhaps, undergrounding power...
- [Biggest opportunities] underground the power
- Removing eyesores such as power poles

The majority of the submissions also stated their desire for more canopy coverage (to improve visual appearance and walkability, and to reduce heat island effect).

LEGAL/POLICY:

The MOU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however all parties commit to using their best endeavours to achieve its purpose.

RISK MANAGEMENT IMPLICATIONS

Low to Medium: It is low risk for Council to approve participation in NRUPP Tranche 2. Western Power has extensive experience in underground power programs. The construction and performance risk of the underground power project would remain with Western Power as the asset owner and managers (and their contractors). There would be a low to medium risk associated with managing an extensive community engagement process on this project. The City has recently completed a larger scale community engagement process to implement the FOGO third bin system. There would be a low to medium risk associated with capacity to pay issues for some property owners.

STRATEGIC IMPLICATIONS:

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

Enhanced Environment

Our urban forest/canopy is maintained and increased.

Thriving Places

Our physical assets are efficiently and effectively managed and maintained.

Sensitive Design

Our built form is attractive and diverse, in line with our growing and changing community.

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*.

Urban Greening and Biodiversity

PUBLIC HEALTH IMPLICATIONS:

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

Reduced exposure to ultraviolet radiation

FINANCIAL/BUDGET IMPLICATIONS:

Western Power's funding for the project is subject to approval. If approved, the funds would cover the majority of the cost for NRUPP with the remainder being met by the City of Vincent.

Western Power funds the majority of the cost for NRUP. The high-level estimate for underground power in the three project areas is around \$50 million.

There will be a portion of capital expenditure and operating expenditure that will be funded by the City of Vincent and/or the property owner (either directly or indirectly).

Modelling shows that, after the contribution by Western Power, the cost to the City of Vincent for undergrounding distribution lines is \$2,500 - \$5,000 per property.

This is a significant reduction in the cost per property than other options through the State Underground Power Program (SUPP) or Retrospective Undergrounding Projects (RUP) which have been as high as \$9,000 or \$10,000 in other local government areas.

Based on recent experience in other local government areas, we could expect around 70% of property owners would pay this estimated cost of between \$2,500 to \$5,000 upfront.

We undertook a community survey of affected property owners in the Town of Vincent in 2006 regarding the undergrounding of power in Highgate East based on an estimated cost per lot (flat rate) of \$3,556.

This survey showed that just over half of the respondents (50.4 per cent) would prefer to make an upfront payment for the underground power, with no interest fee. A three-year payment option was the second most popular payment preference (18.2 per cent), while a five-year payment option was the third most popular payment. The least popular payment option was a seven-year payment option.

The City would need to build a reserve to enable deferred payment arrangements for around 30% of ratepayers. We will not be able to estimate the amount required for this reserve with accuracy until after Western Power has completed its detailed design.

Administration will recommend to Council that we establish \$1-2 million in the underground power reserve as part of next financial year's annual budget to ensure no delay in the roll out of this program. The amount in the reserve would then be able to be recalibrated with greater accuracy in 2023-2024 financial year.

There is \$216,000 in the City's Underground Power Reserve. We recommend Council approve utilisation of these funds to provide additional project management and community engagement resources for this significant project. The recommendation has been updated to reflect the current total. This would include preparing a business case and project plan for the City simultaneously with Western Power's detailed design process. We estimate resourcing for this project could entail up to two FTE covering 1) project management and 2) community consultation and engagement requiring a budget of up to \$216,000 for the first 12 months.

The City could anticipate a significant reduction in street tree pruning costs if we were able to underground a significant portion of the power lines, however the quantum has not yet been determined.

Our ref: EDM# 59662391
Contact: Kevin Lim, 08 9326 4119

18th March 2022

David MacLennan
Chief Executive Officer
City of Vincent

Dear David,

Network Renewal Underground Pilot Program (NRUPP) Tranche 2

As part of Western Power's commitment to ensuring the safety and reliability of our network, Western Power continuously assesses the network to identify when assets are coming to the end of their service life for replacement and renewal.

During a recent assessment, a portion of Western Power overhead network assets in the City of Vincent has been identified as requiring replacement, as such, these locations have been identified as potential locations for Tranche 2 of the Network Renewal Underground Pilot Program (NRUPP).

Traditionally, Western Power overhead network assets are replaced with a "like for like" approach, where the old overhead assets are replaced with new overhead assets. However, due to the underground program improving cost competitiveness, there is an opportunity to co-fund and replace the overhead network with underground cables.

Replacing the existing assets with a new underground system provides several benefits, some of which are:

- Lower operating and maintenance costs for both Western Power and the local government through reduced disruptions, outages during storms and lower life cycle costs from verge vegetation management
- Better public safety and improved electricity supply reliability
- Improved street appearance resulting in increased property value and;
- Increase of network capacity which will enable future the installation of emerging technologies



363 Wellington Street Perth 6000
GPO Box L921 Perth WA 6842
westernpower.com.au



† 13 10 87
f (08) 9225 2660
TTY 1800 13 13 51
TIS 13 14 50

Electricity Networks Corporation
ABN: 18 540 492 861

Western Power would like to offer the opportunity with the City of Vincent to co-fund the undergrounding of the locations identified in the North Perth/Mt Lawley, North Perth/Mt Hawthorn and Perth/Highgate project areas.

Western Power have prepared a Memorandum of Understanding (MOU) that outlines the proposed project in further detail for your approval to progress to the next stage.

Yours sincerely,



Marie Van Wyk

Underground Power Projects Manager

Attachments:

Memorandum of Understanding – City of Vincent



Undergrounding Opportunity

NRUPP Tranche 2
City of Vincent

13 May 2022

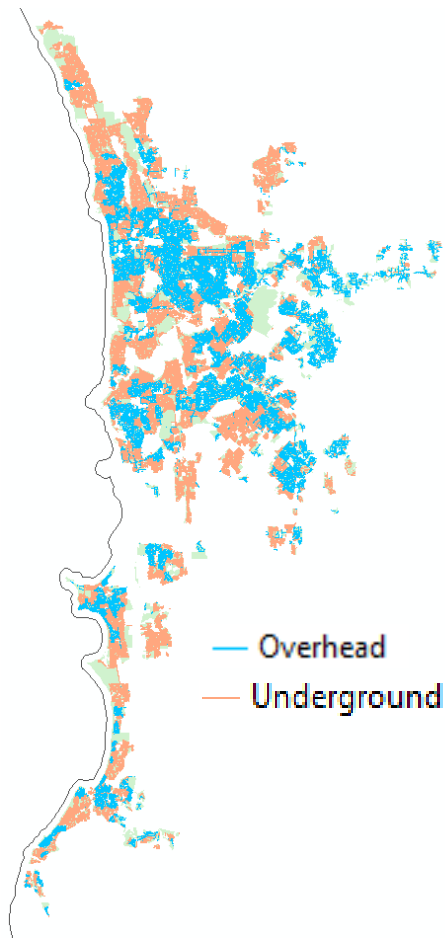


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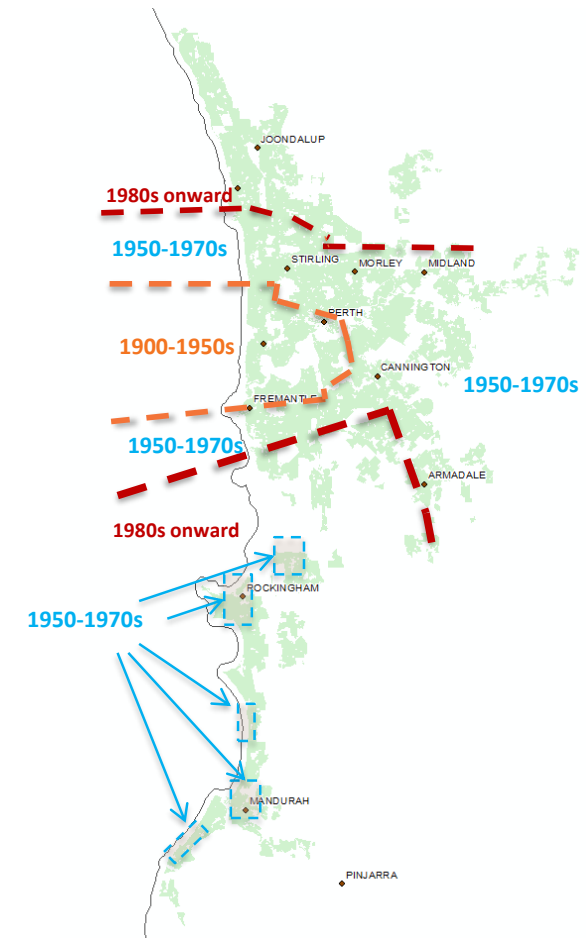
Background to underground power



Western Power's Network



- Many of the oldest suburbs established in the **1900s-1950s** were **undergrounded by the State Underground Power Program** between 2000 and present day.
- A **lot of older inner city suburbs are still served by overhead networks.** They were established in the **1950s to early 1970s.**
- Most of the outer suburbs established after **1980s** were undergrounded by the Urban Residential Development program.



Key benefits of underground power

- Improved public safety
- Improved reliability and security
- Improved street appearance
- Increased property value
- Reduction in street tree pruning
- Lower life-cycle costs
- Improved opportunity for emerging technologies



Funding Models



Undergrounding Programs

Program Type	Project Selection		Funding		Likely LGA cost comparison (per property)	Is network renewal required?
	By	Criteria	Contributor	Method		
State Underground Power Project (SUPP)	Underground Power Steering Committee (EPWA)	<ul style="list-style-type: none"> Local government contribution 50% or above Network renewal requirements Community support above 50% 	LGAs	LGA 50% or above	Mid (\$3k-\$9k)	Maybe – variable
			Western Power	Western Power avoided costs		
			State Government	State Government to fund remainder		
Customer Funded (RUP)	Local Government Authority (LGA)	<ul style="list-style-type: none"> Local amenity Community consultation 	LGAs	Project costs (balance)	Most (\$4k-\$10k)	Maybe – variable
			Western Power	Avoided costs		
Network Renewal Underground Program Pilot T2 (NRUPPT2)	Western Power (WP)	<ul style="list-style-type: none"> Western Power overhead network renewal requirements 	LGAs	Project costs (Opex and balance of Capex)	Least (\$2.5k to <\$5k)	Yes – maximised
			Western Power	Project costs (Capex that equates to net benefit of not replacing, augmenting and maintaining overhead assets)		

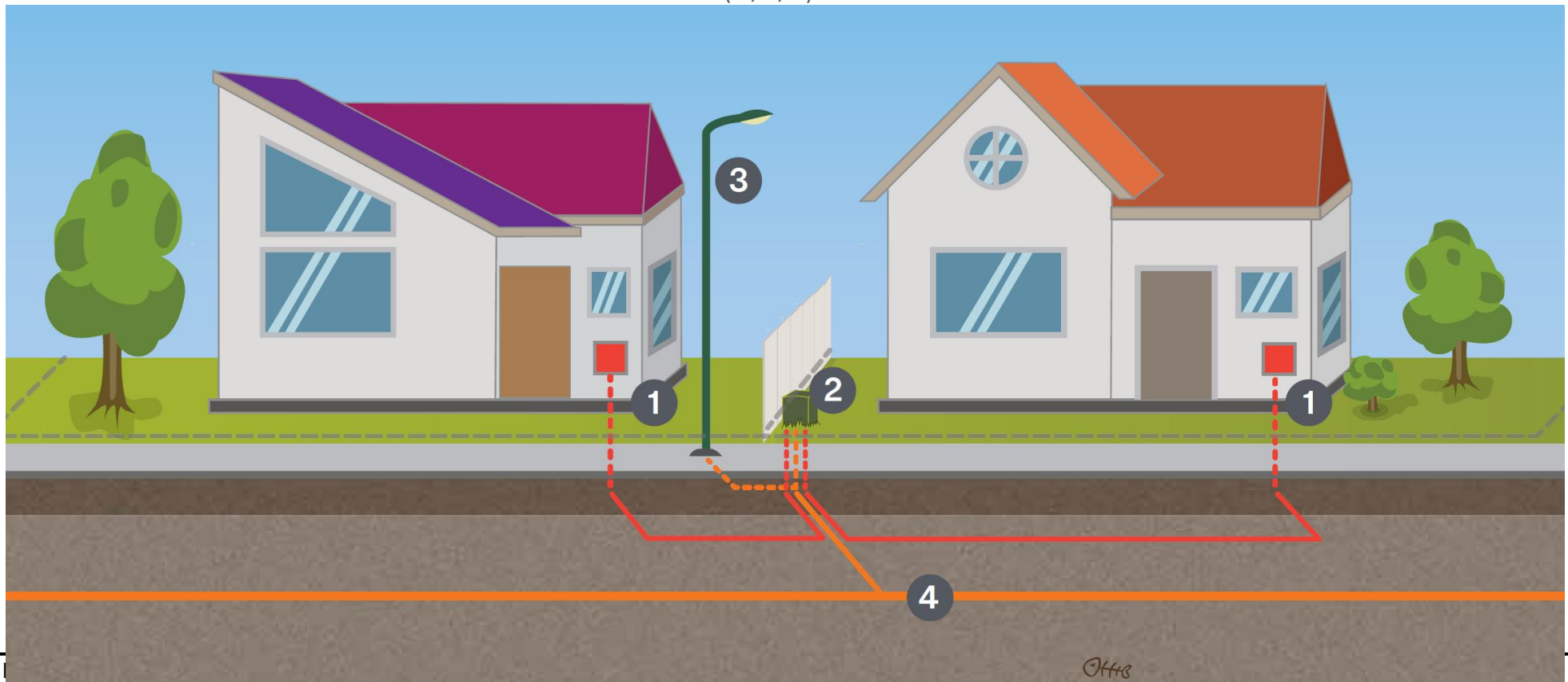
Network Renewal Underground Program Pilot Tranche 2

- Selection of the project areas are identified by large volumes of OH assets that are reaching the end of its life.
- Current undergrounding programs underway result in improving cost competitiveness
- It is more efficient for Western Power to replace overhead assets with underground assets in the identified areas
- Given the condition of the network, renewal & maintenance work will be carried out in the area either way (i.e. overhead or underground).
- If underground is not progressed, RUP is still available but the WP contribution will be much lower due to the newer OH assets.



Funding Model

- Local Government Authorities (LGA's) will be requested to fund the Operating Expenditure portion of the works (1 – residential consumer mains) and a portion of the Capital Expenditure
- Western Power will fund the Capital Expenditure portion that equates to the Net Benefit Western Power will incur by not having to replace, augment and maintain the overhead network - Western Power's infrastructure (2,3,4)



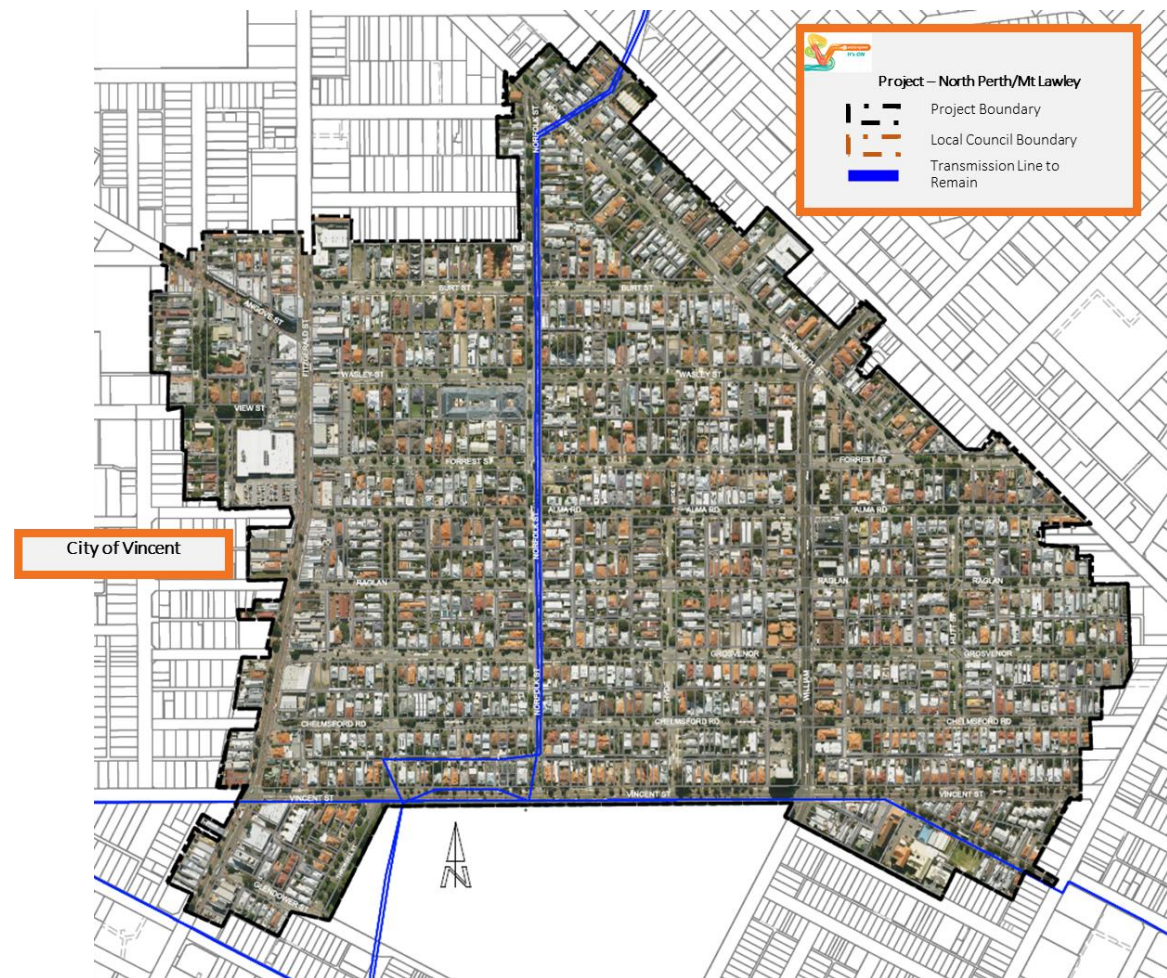
The proposed projects in City of Vincent



Proposed Project Boundary – North Perth / Mount Lawley

Project boundaries are determined by the age & risk profile of the overhead assets in the area

Project
Boundary



Proposed Project Boundary – North Perth / Mount Hawthorn

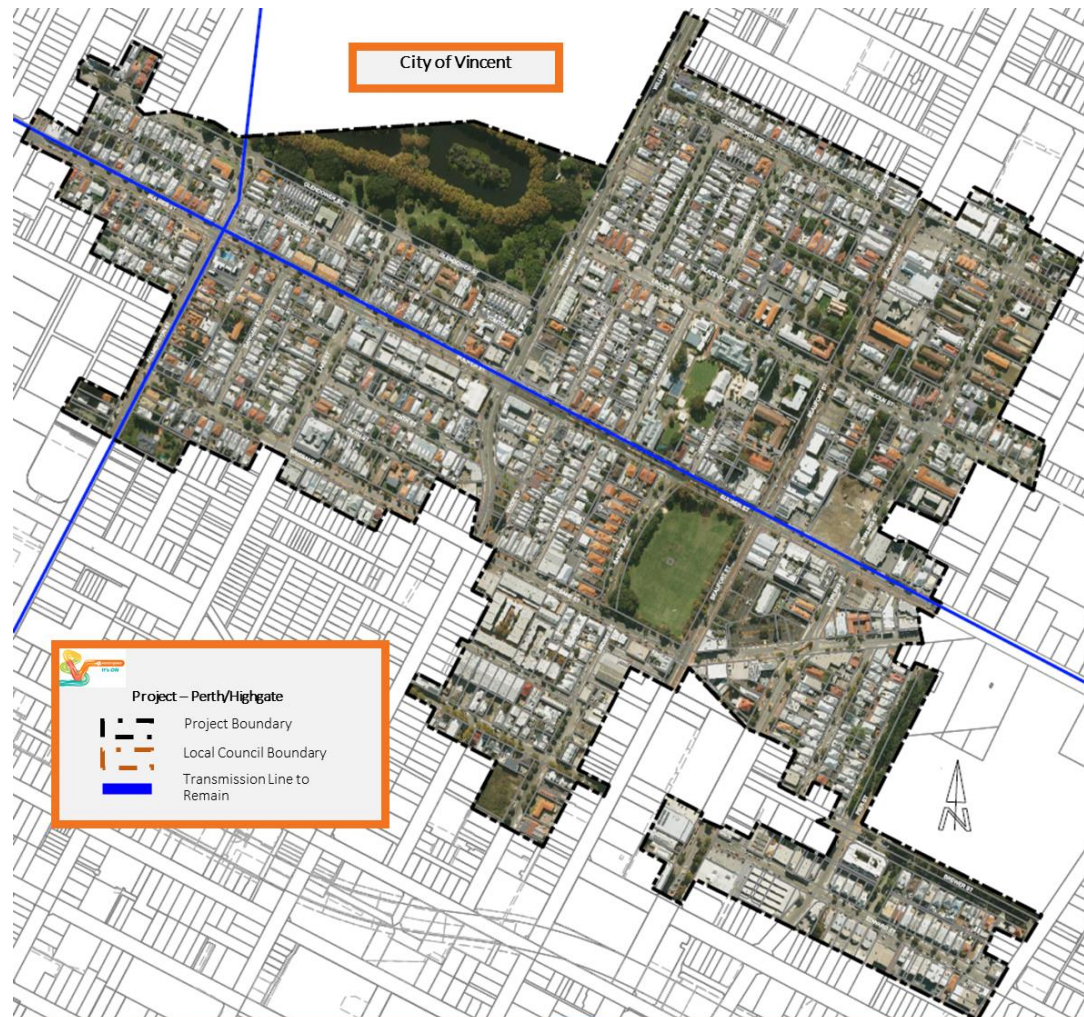
Project boundaries are determined by the age & risk profile of the overhead assets in the area

Project
Boundary



Proposed Project Boundary – Perth / Highgate

Project boundaries are determined by the age & risk profile of the overhead assets in the area





Co-Funding Agreement

Western Power is planning to approach the project funding as follows:

1. WP and City of Vincent to sign a Memorandum of Understanding (MoU) outlining the relative intention of all parties
2. Western Power commence the detailed design and will prepare a Business Case for approval
3. Post community consultation, it is intended that Western Power and the City of Vincent will enter into a Co-Funding Agreement where the Parties will agree to participate in and financially contribute to the Project
4. Western Power will initiate a detailed estimation process and enter into a construction contract post completion of detailed design



Indicative Timeline

- The project will be in planning phase for approximately 12 months followed by approximately 15 to 18 months of construction*

City of Vincent Undergrounding Project - Indicative Timeline



* Construction length depends on size of project boundary



Memorandum of Understanding

Between
Electricity Networks Corporation ABN 18 540 492 861

and
City of Vincent ABN # 62 191 132 542

for

Highgate/ Mount Lawley/ Mount Hawthorn/ North Perth & Perth Underground Project



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The Parties agree as follows	3
2. Purpose of this document	3
3. Objective.....	3
4. Duration.....	4
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Parties

ELECTRICITY NETWORKS CORPORATION ABN 18 540 492 861, a statutory body corporate established under section 4(1)(b) of the *Electricity Corporations Act 2005* (WA), of 363 Wellington Street, Perth, Western Australia (**Western Power**)

and

City of Vincent of 244 Vincent Street, Leederville WA 6007 - ABN # 62 191 132 542
(the **LGA**)

Introduction

1. Background

- (a) Western Power has identified overhead distribution assets within Highgate / Mount Lawley / Mount Hawthorn / North Perth & Perth – Annexures 1, 2 and 3 (**Project Area**) which have reached or will soon be reaching the end of their design life and are therefore due for replacement.
- (b) Where assets reach the end of their design life and are due for replacement Western Power is obliged to replace those assets in the most efficient means possible.
- (c) Historically underground distribution assets have not been the most efficient means of replacing overhead distribution assets.
- (d) Western Power and the LGA wish to jointly investigate replacing these overhead distribution assets with underground assets in the Project Area which are within the City of Vincent local government boundary, as this is expected to be mutually beneficial and result in an efficient solution for Western Power and the LGA..

The Parties agree as follows

2. Purpose of this document

- (a) This Memorandum of Understanding (**MOU**) outlines the relative intentions of both Western Power and the LGA to develop a project under the principles of mutual understanding, mutual benefits, common interest, shared goals and mutually complementary activities (**Purpose**).
- (b) This MOU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however all parties commit to using their best endeavours to achieve its purpose.

3. Objective

The Parties will jointly develop the Project in the Project Area as identified by Western Power. The Objective will be achieved by acting in good faith and working together and with property owners throughout the initiation phase of the project with the intent of agreeing and executing a Works Contract to effect delivery of the Project.



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4. Duration

- (a) Subject to 4(b), this MOU shall be effective from the date of its execution by both Parties and shall remain in effect until the execution of a Works Contract by both Parties or the termination of this MOU by either Party by the giving of 30 days' notice by one party to the other of the intention to terminate the MOU.
- (b) In the absence of a termination, mutual agreement to continue this MOU, or a resulting Works Contract being executed, this MOU shall end on 30th June 2023.

5. Confidential Information

- (a) To achieve the Objective it may be necessary for the Parties to exchange Confidential Information.
- (b) Confidential Information means this MOU, and all or any part of any information that a Party (**First Party**) supplies or provides to the other Party, or gives the other Party access to, including:
 - (i) any information relating to businesses carried on by the First Party from time to time;
 - (ii) the assets, liabilities and undertakings of the First Party;
 - (iii) financial statements and arrangements of the First Party, including balance sheets, profit and loss statements, assets and liability statements and income and expenditure statements;
 - (iv) manuals, trade secrets, source and object codes, accounts, books, ledgers, financial and other records of the First Party (including non-public historical financial details);
 - (v) drawings, know-how, techniques;
 - (vi) business and marketing plans, projections and forecasts of financial performance of the First Party;
 - (vii) arrangements and agreements with third parties;
 - (viii) customer information and customer information proprietary to customers, customer lists;
 - (ix) formulae, concepts not reduced to material form, designs, plans, models, intellectual property of any nature whatsoever (including information technology strategies and innovations) of the First Party;
 - (x) business and funding strategies, asset and liability management policies of the First Party;
 - (xi) the existence, progress or terms of the Purpose, or the fact that the First Party, or the other Party, or both, is involved in the Purpose, or that any discussions may have taken place or may be taking place between the Parties;
 - (xii) the substance of any report, test, recommendation, advice, or other information, acquired by either Party in respect of the Purpose; and



- (xiii) any other information of the First Party that is by its nature confidential, or that is marked, or designated, or confirmed by an officer of the First Party as, confidential or proprietary, at the time of its disclosure.
- (c) For the avoidance of doubt, Confidential Information does not include any information referred to above that:
 - (i) is in, or enters, the public domain through no wrongful act of any person; or
 - (ii) a Party can establish, to the reasonable satisfaction of the other Party, either is, or was made, available on a non-confidential basis to it, through no wrongful act of any person, or is or was developed, independently of the other Party without using any the other Party's Confidential Information.
- (d) The Party that receives or is disclosed Confidential Information of the First Party must not, directly or indirectly:
 - (i) use any of that Confidential Information except to the extent necessary to give effect to the Purpose; or
 - (ii) disclose any of that Confidential Information,
without first obtaining the other Party's written consent.

6. No Partnership or Agency

Nothing in this MOU shall be deemed to constitute a partnership between the parties or authorise either party to act as agent of the other party for any purpose.



SIGNED BY THE PARTIES

SIGNED for and on behalf of WESTERN POWER by :

ZANE CHRISTMAS

NAME (PLEASE PRINT):

Position title (please print):

Signature:

Date: / /

SIGNED for and on behalf of the CITY OF VINCENT by:

DAVID MACLENNAN

NAME (PLEASE PRINT):

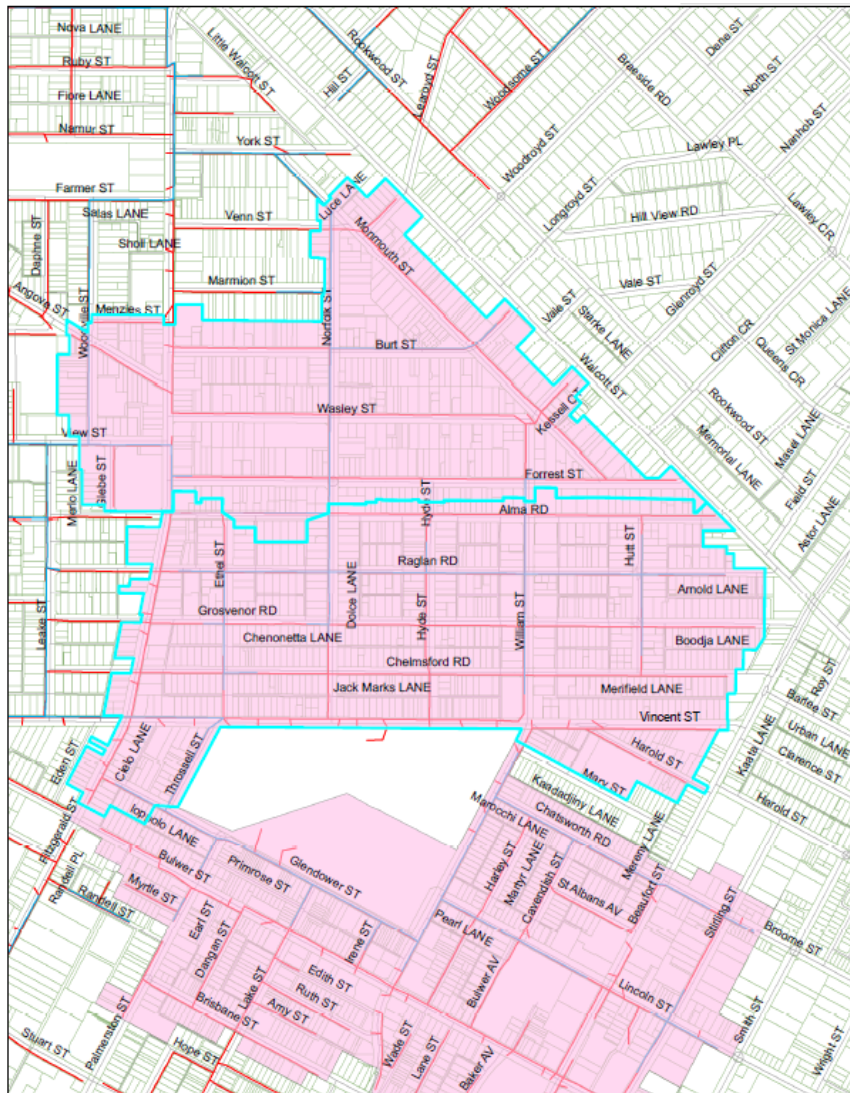
Position title (please print):

Signature:

Date: / /

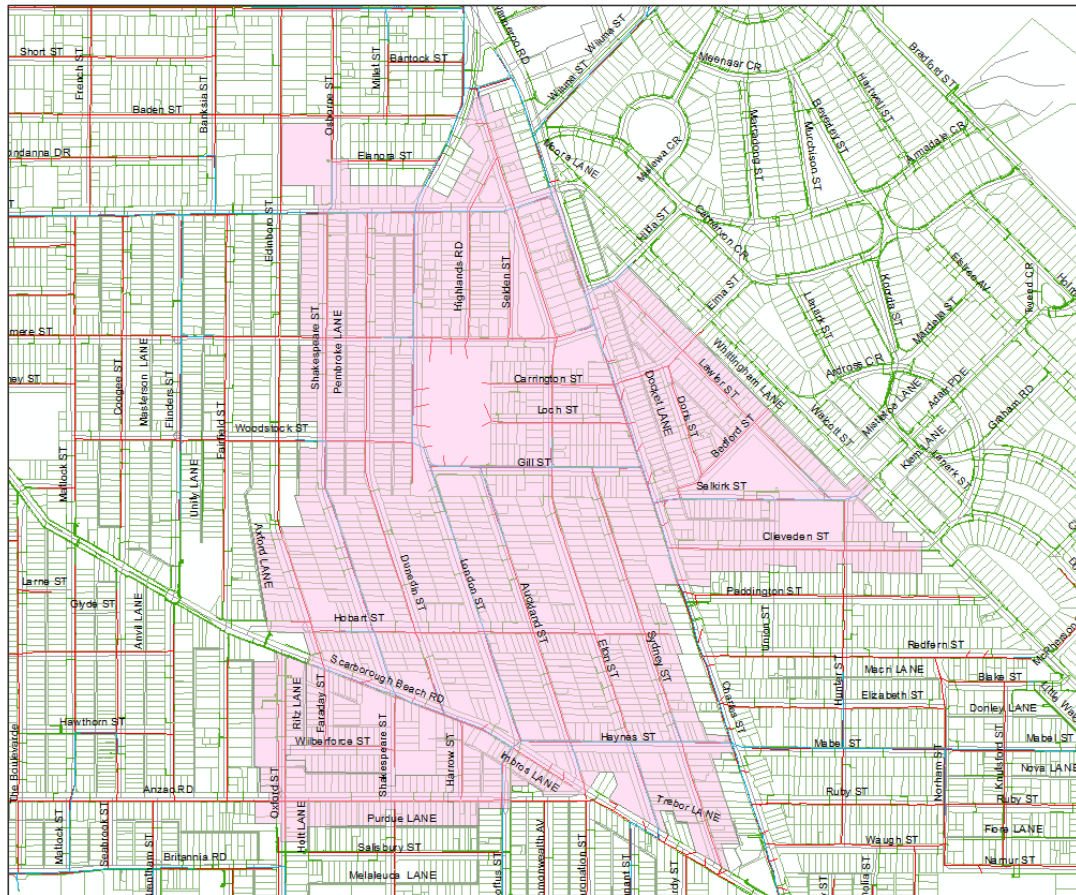
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Annexure 1 – Project Area: North Perth/ Mount Lawley




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Annexure 2 – Project Area: North Perth/ Mount Hawthorn


















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<div>CITY OF VINCENT</div> <div>PROJECT ON A PAGE</div>			Project Size Large	Start Date February 2022	SCP Category	Enhanced Environment Thriving Places Sensitive Design Innovative & Accountable														
	Priority High	Estimated Finish Date Q4 2024																		
Project Name:	Underground Power Project (UPP)					Project Board:	Yes	Project Manager:	Craig Wilson											
Project Code (CBP):	CBP Strategic Project No. 1					Accountable Executive Sponsor:	CEO	Service Area:	Infrastructure & Environment											
Project Description:	Underground Power in the City of Vincent commencing with three project areas.					Expenditure Type:	OPEX	Container & Record No:												
Objectives & Scope	Transition Distribution overhead power to underground power at 5,336 properties in three project areas in 1) North Perth/Mount Lawley, 2) North Perth/Mount Hawthorn and 3) Perth/Highgate					Project Success is...														
						Underground power is delivered to identified project areas under the Network Renewal Underground Program Pilot T2 in partnership with Western Power in a cost-effective manner for the City and affected property owners.														
Estimated Timeframe:	36 months	<div>Benefits</div> <ul style="list-style-type: none">Improved public safety, reliability, and securityImproved street appearanceIncreased property value for property ownersReduction in street tree pruning and increase in urban tree canopyLower asset life-cycle costsImproved opportunity for emerging technologiesVia the Network Renewal Program in partnership with Western Power transition to underground power at a significantly reduced cost to the city and property owners.Through the partnership and co-funding with Western Power to underground the project areas identified from the Network Renewal Underground Pilot Program T2, it will result in a reduced cost for the city and property owners in comparison to a standard underground project.					Key Stakeholders (internal and external)													
Project Estimated Cost:	\$17.4 million						<div>External</div> <ul style="list-style-type: none">Western PowerProperty Owners in project area <div>Internal</div> <ul style="list-style-type: none">Local Businesses and Wider CommunityCommunity Engagement TeamEngineeringFinance, Rates and the Project Management OfficeLegal													
Contingency:	\$1 million																			
Total CoV Expenditure:	\$18.6 million																			
Sensitivity Analysis: <small>(Indicate the confidence level of your estimate i.e. +/- 20% and provide factors to be considered)</small>	+/-30%																			
Total FTE cost (estimated):	\$200,000																			
Number of FTE	2																			
Total Project Cost (ex. GST):	\$48.9 million (inc. Western Power funding)																			
Account No.(Finance to allocate)																				
Project Deliverables / Milestones <i>Timeframes and cost estimates are indicative and will be confirmed after detailed design and project planning</i>		MoSCoW Priority (M, S, C, W)		FY 2022/23												FY 2023/24 (\$)	FY 2024/25 (\$)	Year 4 (\$)	Outer Years (\$)	
				Budget (\$)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN				
1. Initial planning		M																		
2. MoU between the City and Western Power		M																		
3. Design and detailed estimations		M															Jan 2023			
4. Community engagement		M																		
5. Establish governance and develop detailed business case, financial forecasts, benefits realisation, risk assessment, community engagement and project plans		M		\$200,000													Oct 2022			
6. Co-Funding agreement and commitment to proceed		M															Feb 2023			
7. Construction contract		M															March 2023			
8. Construction		M		\$17,400,000													Q2 2023	Q4 2024		
9. Project close and lessons learned		M																Q4 2024		
Total				\$17,600,000																
						Risks and Issues														
Risks (what could happen): <ul style="list-style-type: none">Impact of Covid-19 on project timelines and budget requirementsNegative community sentiment to the project		Issues (what has been identified): <ul style="list-style-type: none">Concern relating to initial costs to property ownersRequirement for internal resourcing for project management, community engagement and liaison with Western PowerPayment options and terms for affected property owners				What happens if we don't do the project? <ul style="list-style-type: none">Western Power will replace existing power poles and wires like for like and the City of Vincent will lose the opportunity to underground power for a generation														

People or Engagement Activities					Process/Policy changes or improvements required for this project to succeed					Technology tools or infrastructure changes or improvements required for this project				
<ul style="list-style-type: none">Work in partnership with Western Power and their contractors to ensure Vincent property owners and key stakeholders are fully informed throughout the process					<ul style="list-style-type: none">Underground Power Payment plan processes established as required for property ownersFuture reduction in street tree pruning and associated costs to maximise urban tree canopy					<ul style="list-style-type: none">N/A at this stage. The implementation and operational risks are borne by the asset owner – Western Power and their contractors				
Internal Service Requirements: <i>Please discuss with the appropriate Service Area as soon as practicable and indicate here which areas will be included.</i>														
	Consulted	Plan attached	Plan to be developed	Not applicable		Consulted	Plan attached	Plan to be developed	Not applicable		Consulted	Plan attached	Plan to be developed	Not applicable
Engagement / Media:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Human Resources:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risks & Issues:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Engineering / Parks:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ICT:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Business Case, Benefits Realisation and Project Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planning: Consulted:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Finance / Procurement:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12.9 INFORMATION BULLETIN

- Attachments:**
1. Minutes of the Mindarie Regional Council Meeting held on 24 March 2022
[↓](#) 
 2. Minutes of the Tamala Park Regional Council Meeting held on 21 April 2022
[↓](#) 
 3. Minutes of the Children and Young People Advisory Group (CYPAG) held on 16 March 2022
[↓](#) 
 4. Minutes of the Reconciliation Action Plan Working Group (RAPWG) held on 14 March 2022
[↓](#) 
 5. Minutes of the Sustainability and Transport Advisory Group held on 24 March 2022
[↓](#) 
 6. Statistics for Development Services Applications as at the end of April 2022
[↓](#) 
 7. Register of Legal Action and Prosecutions Monthly - Confidential
 8. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 28 April 2022
[↓](#) 
 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 - April 2022
[↓](#) 
 12. Register of Notices of Motion - Progress Report - April 2022
[↓](#) 
 13. Register of Reports to be Actioned - Progress Report - April 2022
[↓](#) 
 14. Council Workshop Items since 5 April 2022
[↓](#) 
 15. Council Meeting Statistics
[↓](#) 
 16. Council Briefing Notes - 29 March 2022
[↓](#) 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated May 2022.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

24 MARCH 2022

ELECTRONIC MEETING BY ZOOM

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES
24 MARCH 2022

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MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES
24 MARCH 2022

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Prior to the commencement of this meeting Council Members had their Zoom connections confirmed.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair welcomed Council Members, staff, and officers to the meeting which was conducted by electronic means in accordance with the Local Government (Administrations) Regulations 1996.

The Chair declared the meeting open at 6.30 pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr C May	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton (<i>connected 6.38 pm</i>)	City of Stirling
Cr E Re	City of Stirling
Cr K Sargent	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr P Miles	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Nil

3 DECLARATION OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

Due to health-related concerns with COVID-19 the public gallery was closed and public questions were invited by email.

No public questions were received.

MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES
24 MARCH 2022

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5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair congratulated Mr. Michael Littleton from the City of Stirling on his appointment to CEO of the City of Canning.

Cr Hatton connected to the meeting at 6.38 pm

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**8.1 ORDINARY COUNCIL MEETING – 27 January 2022**

The Minutes of the Ordinary Council Meeting held on 27 January 2022 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 27 January 2022 be confirmed as a true record of the proceedings.

Moved Cr Cvitan, seconded Cr Sargent

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)

MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES
24 MARCH 2022

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9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 JANUARY 2022 AND 28 FEBRUARY 2022
Reference:	GF-21-0000196
Appendix(s):	Appendix No. 1 Appendix No. 2
Date:	10 March 2022
Responsible Officer:	DIRECTOR CORPORATE SERVICES

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

DETAIL

The Financial Statements for the month ended 31 January 2022 and 28 February 2022 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 8 months to 28 February 2022 is attached at **Appendix No. 3**.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the "air space" remaining and other relevant information.

MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES
24 MARCH 2022

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Summary of results for the year to date period ended 28 February 2022

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	133,362	130,636	2,726
Tonnes – Others	22,230	21,548	682
TOTAL TONNES	155,592	152,184	3,408
	\$	\$	\$
Revenue – Members	22,689,317	21,841,847	847,470
Revenue – Other	7,585,772	6,368,531	1,217,241
TOTAL REVENUE	30,275,089	28,210,378	2,064,711
Expenses	30,448,120	29,566,917	(881,203)
Profit on sale of assets	9,846	12,308	(2,462)
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET SURPLUS/(DEFICIT)	(163,185)	(1,344,231)	1,181,046

Members

Members tonnages for the financial period ended 28 February 2022 were 2,726 tonnes in excess of budget.

RRF

The Resource Recovery Facility residue tonnes delivered 15,938 tonnes in total to Tamala Park year to date as they have now completed the empty, clean and make safe (ECMS) of the facility.

Trade & Casuals

The Casual and Trade tonnages are 682 tonnes higher than forecast for the financial year to date. 11,250 tonnes delivered through the discounted rate waste tender.

Overall tonnages for the financial period ended 28 February 2022 were 3,408 tonnes more than budgeted.

The net result variance against budget of \$1,181,046 is mainly attributable to increased tonnages above budgeted forecast.

VOTING REQUIREMENT

Simple Majority

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RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 January 2022 and 28 February 2022.

Moved Cr Re, seconded Cr Jacob

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)

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9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 31 JANUARY 2022 AND 28 FEBRUARY 2022
File No:	GF-21-0000196
Appendix(s):	Appendix No. 4 and 5
Date:	15 March 2022
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 January 2022 and 28 February 2022 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 16 September 2021, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
31 January 2022	General Municipal	Cheques	\$1,226.70
		EFT	\$5,132,072.40
		DP	\$387,814.12
		Inter account transfers	\$3,000,000.00
		Total	\$8,521,113.22
28 February 2022	General Municipal	Cheques	\$810.00
		EFT	\$1,154,019.61
		DP	\$333,076.22
		Inter account transfers	\$0.00
		Total	\$1,487,905.83

VOTING REQUIREMENT

Simple Majority

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RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 January 2022 and 28 February 2022.

Moved Cr May, seconded Cr Hatton

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY12/0)

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9.3 REVOKING A DECISION OF COUNCIL	
File No:	GF-22-000130
Appendix(s):	Nil
Date:	29 February 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is for Council to consider a revocation of the decision of Council made on 6 July 2017.

BACKGROUND

At the Ordinary Meeting of Council held on 06 July 2017 Councillor Fishwick moved a notice of motion as follows:

In accordance with clause 3.13(2) of the Mindarie Regional Council Standing Orders Local Law 2010 I hereby give notice of my intention to move the following motion as the meeting of the Council to be held on 6 July 2017.

That the Chief Executive Officer be requested to conduct a review of the Mindarie Regional Council's (MRC) band classification as determined by the Salaries and Allowance Tribunal (SAT) to ascertain if there is a justification for the MRC in making a submission to the SAT to be reclassified from a band 3 Regional Council to a band 2 Regional Council.

Reason for Motion

The purpose of this Notice of Motion is to request the Chief Executive Officer (CEO) of the Mindarie Regional Council (MRC) to submit a report to the Council on reviewing the Band classification of the MRC as determined by the Salaries and Allowances Tribunal (SAT) to ascertain if there is justification in forwarding a submission to the SAT to reclassify the MRC from Band 3 to Band 2.

The SAT has determined that the band classification for all local governments in Western Australia and a total reward package arrange for the CEO's which includes regional local governments.

The current local government classification for regional councils and the subsequent total reward package range is shown in table 1 and table 2 below respectively:

Table 1: Regional Local Government band classification

Regional Local Government	Band
Bunbury-Harvey Regional Council	4
Eastern Metropolitan Regional Council	2
Mindarie Regional Council	3
Murchison Regional Vermin Control	4
Pilbara Regional Council	4

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<i>Rivers Regional Council</i>	3
<i>Southern Metropolitan Regional Council</i>	2
<i>Tamala Park Regional Council</i>	2
<i>Western Metropolitan Regional Council</i>	4

Table 2: Local Government band classification - Total Reward Package range

Band	Total Reward Package
1	\$247,896 - \$375,774
2	\$204,455 - \$316,586
3	\$156,356 - \$256,711
4	\$126,956 - \$198,210

In reviewing the data in Table 1 above there is no parity between the MRC and Tamala Park Regional Council (TPRC) as MRC is a Band 3 classification and TPRC is a Band 2 classification. The operations and assets owned and or managed by the MRC are far in excess of those undertaken by the TPRC.

Similarly, when reviewing the Southern Metropolitan Regional Council (SMRC) and MRC, the SMRC which performs similar services to MRC is a Band 2 classification.

The Rivers Regional Council (RRC) which is a band 3 classification only provides a management service with limited staff and assets to manage whereas MRC has a larger number of staff and considerable assets to manage such as the landfill site at Tamala Park and the Resource Recovery Facility at Neerabup.

The State Government has recently advised that it will direct the SAT to freeze all increases to salaries for a period of four (4) years for its senior State Government employees and politicians and also local government elected members and their CEO's. Local governments may increase CEO's salaries where they are not at the maximum of their band range.

Giving consideration to staff retention and succession planning and taking cognisance of proposed changes to alternate waste management infrastructure it is considered that a review of the MRC's band classification should be undertaken.

At this meeting, the Council resolved:

That the Chief Executive Officer be requested to conduct a review of the Mindarie Regional Council's (MRC) band classification as determined by the Salaries and Allowances Tribunal (SAT) to ascertain if there is justification for the MRC in making a submission to the SAT to be reclassified from a band 3 Regional Council to a band 2 Regional Council.

The MRC has not taken any action in relation to the Council resolution. The MRC has kept Council informed that a review had not been undertaken. The reason for no action was due to the MRC going through a period of change and the Administration's view was that the timing was not right for such a review.

Where a decision of Council has been made any motion to revoke that decision must be supported by at least one-third of Council in accordance with the *Local Government (Administration) Regulations 1996 clause 10 (1)(a)*. On 2 March 2022, the MRC canvassed

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MRC Councillors to gauge their support for the proposal to revoke the Council decision of 06 July 2017.

More than one-third of MRC Councillors responded, by email, indicating their support to revoke the Council decision of 06 July 2017.

In accordance with Clause 10 (1a), a notice of motion to revoke a decision is to be signed by at least one-third of the members of the Council. On 16 March 2022, the MRC circulated the notice of motion to Councillors for signature.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

It is noted that a review of the MRC band classification has not been conducted as per the previous decision. Due to the period of time that has lapsed between July 2017 to March 2022, the Administration's view is that the most appropriate way to deal with the outstanding matter is to revoke the previous decision.

The MRC will consider its long-term strategic direction in the coming months; if Council felt that the banding review is still necessary, Administration would advocate for the review to take place in 12 months' time.

VOTING REQUIREMENT

Absolute Majority

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RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Resolve to revoke the following decision made at the Ordinary Council meeting held on 6 July 2017:

That the Chief Executive Officer be requested to conduct a review of the Mindarie Regional Council's (MRC) band classification as determined by the Salaries and Allowances Tribunal (SAT) to ascertain if there is justification for the MRC in making a submission to the SAT to be reclassified from a band 3 Regional Council to a band 2 Regional Council.

(Absolute Majority Required)

Moved Cr Vernon

Seconded 1. Cr Cvitan, 2. Cr Jacob, and 3. Cr Miles

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

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9.4 ADOPTION OF 2021 COMPLIANCE AUDIT RETURN	
File No:	GF-22-307
Appendix(s):	Appendix 6
Date:	3 MARCH 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide Council with information on the completed Compliance Audit Return (1 January 2021 – 31 December 2021).

BACKGROUND

The 2021 Local Government Compliance Audit Return (CAR) covers the calendar year from 1 January to 31 December 2021.

The 2021 Compliance Audit Return is mandatory pursuant to the *Local Government (Audit) Regulations 1996* which requires all local governments to complete a Compliance Audit Return annually.

Local governments not only have to explain or qualify cases of non-compliance, but also provide details of any remedial action taken or proposed to be taken in regard to instances of non-compliance. The Administration has completed the Return.

The Return was placed on the agenda for the Audit Committee meeting on 9 March 2022 for consideration. The Return should be lodged with the Department of Local Government before 31st March, 2022.

DETAIL

The Compliance Audit covers a range of matters that require specific actions to be completed by Local Government authorities in performing their functions.

The Compliance Audit Return requires the responsible officer to indicate against each item whether the required action is relevant to Mindarie Regional Council (MRC) and if it has been completed by either answering;

- (a) Yes; or
- (b) No; or
- (c) N/A – Not applicable

Local Governments are required to provide feedback or comments on areas of non-compliance. This assists the Department of Local Government to have a better understanding of any problems or issues relating to a Local Government's inability to achieve full compliance in a particular area.

The Compliance Audit Return for calendar year 2021 is at **Appendix 6**.

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The Local Government is to submit the Compliance Audit Return to its Audit Committee for consideration so that it has the opportunity to examine the Return and report to council the results of that review.

A joint certification is also required to be completed by the Chairperson and Chief Executive Officer to the effect that the information contained in the Return is true and correct to the best of their knowledge. Several other requirements must be met in the Return process and these include: -

- The particulars of all matters of concern raised by Council should be recorded in the minutes of the meeting and a copy of the relevant page(s) attached to the Compliance Audit Return as an appendix; and
- The completed Compliance Audit Return and appendices should be forwarded to the Director General of the Department of Local Government by 31 March 2022.

The Section dealing with the Joint Certification by the Chairperson and Chief Executive Officer requires inter alia that:

- each Councillor has had the opportunity to review the return and to make comment to the Council;
- particulars of any matters of concern relating to the return have been recorded in the minutes of the meeting; and
- a true and correct copy of the relevant sections of the minutes covering Council's consideration of the return must be attached to it.

The Audit Committee, at its meeting on 9 March 2022, considered the Return and resolved the following:

"That the Audit Committee recommends that Council endorse the Compliance Audit Return for the 2021 calendar year, as presented.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Regional Councils are required to carry out a Return in accordance with the Local Government (Audit) Regulations 1996. The requirements set for the Return are contained in s.14 and 15 of the Regulations, which read as follows:

"14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

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-
- (3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —*
- (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit,*
- is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*
- certified*** *in relation to a compliance audit return means signed by —*
- (a) *the mayor or president; and*
 - (b) *the CEO.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

In order to comply with Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* it is necessary for the MRC to complete the Local Government Compliance Audit Return in the form approved by the Minister.

The results contained in the Compliance Audit Return required by the Department of Local Government for the period 1 January to 31 December 2020 indicates that the Council is continuing to operate within the Local Government Legislative requirements.

The Audit Committee, at its meeting held on 9 March 2022, recommended that the Council adopts the Compliance Audit Return.

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It is recommended that the Return be adopted by the Council and that the component comprising the form approved by the Minister be certified by the Chairperson and Chief Executive Officer and be forwarded to the Director General, Department of Local Government.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. adopt the Local Government Compliance Audit Return in the form approved by the Minister for the period 1 January to 31 December 2021 as contained within the Appendices in accordance with the provisions of *Regulation 14(3) of the Local Government (Audit) Regulations 1996* and in line with the recommendation from the Audit Committee;
2. authorise the Chairperson and the Chief Executive Officer to complete the Joint Certification contained in the adopted Return detailed in (1) above; and
3. authorise the Chief Executive Officer to submit the adopted Return detailed in (1) to the Director General, Department of Local Government.

Moved Cr Vernon, seconded Cr Hatton

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

7.15 Cr May left the meeting

7.16 Cr May re-entered the meeting

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9.5 GENERAL INSURANCE RENEWAL 2022/23	
File No:	GF-21-0000495
Appendix(s):	Appendix 7 - Australian Insurance Market Insights 2021
Date:	15 February 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

This report highlights the results of a review undertaken by the MRC on the experiences of other Western Australian local governments with respect to accessing adequate insurance provision in the current market, and seeks endorsement of the recommendation to renew general insurances for 2022/23.

BACKGROUND

At the 30 July 2020 Audit Committee Meeting, a query was raised to why the Mindarie Regional Council (MRC) had not gone out to tender for its general insurance renewals.

At that time, the MRC sought advice from WALGA, which held the view that local governments do not need to go out to tender for insurance services purchased from LGIS.

Accordingly, the MRC continued to access general insurance services through LGIS. These practices have continued since.

Further investigation of the insurance arrangements in Western Australia has been undertaken to assess whether accessing the general insurance market in preference to utilising the services of LGIS is likely to provide the MRC with tangible benefits at this time.

The insurance portfolio for the MRC consists of three main policies; liability, property and workers' compensation. Premiums paid for the past three years are as follows:

	Annual Premiums		
	2019/20	2020/21	2021/22
Liability	\$97,967	\$103,129	\$113,052
Property	\$111,101	\$118,349	\$125,975
Workcover	\$111,287	\$105,000	\$75,720
Total	\$320,355	\$326,478	\$314,747

LGIS has managed the key risks for the MRC since mid-1990 and in addition to member benefits has provided scheme credits each year, for the past three years they have totalled \$57,666.74; a 6% 'rebate' on premium costs.

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DETAIL

The MRC recently commenced an investigation into the benefits of tendering for the general insurance renewals for 2022/23.

The Current Market

Due to 2019/20 bushfires, the COVID-19 pandemic, and recent large insurance losses in global insurance markets, insurers are currently reporting a 'hard market'. During 2020 and 2021, insurers have increased prices, reducing coverage, excluding certain types of risks and lowering policy limits.

A member of the National Insurance Brokers Association, AON, states in their 2021 report titled "Australian Insurance Market Insights 2021" (see **Attachment 1**) that insurers are looking for stability and are driven by a need to reduce volatility, stating, "This makes some industries and product lines hugely attractive to insurers whilst others are borderline uninsurable", with waste recyclers specifically highlighted in page 4 of the report.

Responses from the MRC member council administrations

Administration contacted member council officers to ascertain their experiences with the procurement of insurances services; responses in summary, as follows:

- Three member councils have tested the market in the past 5 years.
 - Two of the three members that tested the market remained with LGIS, whilst the third member remained for all classes with the exception of workers compensation insurance.
 - After utilising the alternative insurer for workers compensation cover for a period of two years, the member then returned to utilising LGIS fully in the third year due to their experience of a lack of claim support and increasing premiums from the industry provider.
 - One member used an external Risk Advisor to develop a scope of works and assist in the evaluation of the responses. That member reported the process gave them confidence in remaining with LGIS.
 - Member officers reported the following when testing the market:
 - Limited responses were received through the process
 - Premiums were competitive but the level of cover and exclusions did not meet their risk appetite.
 - The four members that have never tested the market commented as follows:
 - No requirement due to LGIS being a mutual and the perceived member scheme benefits are valued.
 - Confidence in the scheme and the relevant professional advice to public liability claims was more valuable than a cheaper premium.
 - They appreciated the value proposition of being self-insured.
 - Not convinced there is added value in doing so as their understanding is that all members which have gone out of the scheme have later returned due to increasing premiums, policy exclusions and the inferior quality of general advice and support received.
 - Councils that have gone out to tender have had limited responses from the market, the value of public liability insurance accessible was assessed as being much less and inadequate for councils needs and risk models.
-

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Other Local Governments

In 2014, the City of Nedlands departed the LGIS scheme for a period of 3 years, following advice of significant increases in cover premiums from LGIS.

In 2017, 16 other local governments tendered their protection and risk services to the general insurance market. Only three of the 16 made the decision to leave the LGIS scheme. All three returned within 18-24 months citing significant premium increases within 12 months and complaining about the quality of the service.

In 2019, the City of Nedlands published another tender, which resulted in a council resolution to return to the scheme. Amongst other comments in the council report, it is stated that, "...LGIS is, based on the responses, now the most competitive provider in the market place at present".

LGIS

LGIS is a WA Local Government group self-insurance scheme, supplemented by a niche brokering service for the WA local government sector, which all WALGA member councils have chosen to be part of at this time. The Scheme exists to provide protection of the WA local government sector.

Membership of the Scheme now includes cyber liability; management liability; motor vehicle; personal accident; and travel protection under the existing portfolios of Combined Liability, Property and Workcare

LGISWA state that they provide:

- Covers specifically designed for WA local government that accurately and adequately reflects risks exposures that cannot be replicated.
- Mitigating price volatility driven by cyclical hard or soft insurance market conditions across the globe.
- Quick claims resolution. Delegated local authority on scheme claims to provide timely outcomes with claims assessed, adjusted and determined within LGIS, by specialist local government staff.
- Complimentary specialist risk management services, which align with the priorities of modern, sophisticated local governments, assisting councils in mitigating and preventing the impact of claims for the long-term benefit for the member and broader sector.
- Working together with the sector to make sure that emerging risks are considered for coverage and risk management.
- Funding covers that are too cost prohibitive or complex for your local government to acquire independently, for example pollution exposures; community based risks; and employee benefits.
- Surplus Funds are returned to participating members.

LGIS Market Update for 2022

Each year LGIS provides its customers with an assessment of market conditions. Details of the most recent assessment can be found below:

"Our previous guidance indicated the current market conditions to flow into 2023. The current cycle is known as a "hard market" where insurers tend to withdraw capacity or increase rates and limit covers.

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According to the Marsh Global Insurance Market Index, which measures its global commercial insurance premium pricing change at renewal and represents the world's major insurance markets, the following trends have occurred:

- *global commercial insurance prices rose 15% p.a in the third quarter of 2021, the sixteenth consecutive quarter of price increases, and*
- *geographically, the UK, with a composite pricing increase of 27%, and the Pacific region, with a 17% increase, drove the global composite rate.*

It is important to note that reported pricing changes are averages and that the data used to estimate the changes cover a wide range of clients in terms of size, industry, location, claims history, and other parameters.

- *Property insurance pricing increased by a further 10% on average but pressure remains for assets in catastrophe risk zones (earthquake, cyclone, bushfire, flood etc.)*
- *Liability insurance pricing rose by a further 15%.*
- *Financial and professional classes rose 25% with 17 consecutive quarters of double digit increases and capacity continued to tighten.*
- *Cyber premiums increased dramatically, capacity shrunk and many programs were unable to purchase historical limits. In some instances, premiums increased between +20% to +80%.*

Moving into 2022 we are impacted by the increased frequency of large catastrophic claims that have pushed increases in annual average losses. Results for 2020 have nearly closed and it's predicted to be the fourth year since 2011 that has seen significant insured losses in excess of \$USD 100 Billion. In these conditions, there is a demand for proactive risk management and data.

LGIS continues to respond proactively through the risk services team and regional risk program in assisting our members address risk and mitigation strategies.

In a hardening insurance market, it is a timely reminder of the benefit of belonging to a mutual as it continues to provide the WA local government sector with stable contributions, delivering outstanding value for money and financial stability."

CONSULTATION

Consultation undertaken with LGIS, MRC member council administrations and a small number of other Local Governments that tested the market in the past five years.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

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FINANCIAL IMPLICATIONS

The MRC gross insurance premium contributions for 2021/22 are \$314,747, rebates received for the period total \$11,577, reducing premiums to \$303,171. Rebates are based on the premium contributions made each year, adjusted for the scheme performance and the MRC's insurance performance.

It is unlikely that rebates of this type would be available through non-scheme or commercial insurance options.

Premiums are likely to rise by at least 10% in 2022/23 due to the hard market.

VOTING REQUIREMENT

Absolute majority

COMMENTS

The following options have been assessed by the MRC through this review:

1. The MRC could consider tendering in the general insurance market for the three main insurances outlined in the report.
2. The MRC continues with the current insurance arrangement through the LGIS Scheme.

From a financial perspective it is unclear whether the MRC would benefit from lower insurance premiums were it to access the general insurance market given the experiences of the City of Nedlands. Whilst it is possible that other insurance providers could offer significant discounts in the short term, the general experiences from those local governments who chose to leave the LGIS scheme is that these discounts were not sustainable and resulted in increased premiums in the following years. Also, the rebates received by the MRC are unlikely to be replicated in another commercial insurance arrangement.

Comments around poorer levels of customer service and a lack of knowledge of the local government sector by other insurance providers has also been raised by other local governments. This appears to contrast with the LGIS Scheme which is specifically tailored to the sector and which, according to those local governments that chose to contract with general insurance providers, provides a higher level of service.

It would appear that the LGIS Scheme offers both financial and service benefits to the MRC. Option 2 is the preferred option of the MRC.

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RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Notes the information contained in this report.
2. Recommends that the MRC does not undertake a public tender process for the provision of insurance services, and continues to remain within the LGIS WA local government group self-insurance scheme.

Moved Cr Miles, seconded Cr Cvitan

AMENDMENT

Moved Cr Vernon, seconded Cr Gobbert

Insert an additional point 3 as follows:

3. requests the CEO to investigate the advantages and disadvantages of undertaking a regular cyclic process for undertaking a public tender process for insurance services, and if necessary to seek independent expert advice, and bring a report back to Council by December 2022, including a recommendation for the procurement of insurances services in 2023.

Rationale:

It is prudent to test the market regularly to ensure that the MRC is getting good value.

(CARRIED UNANIMOUSLY 12/0)

SUBSTANTIVE RECOMMENDATION AS AMENDED

That the Council:

1. Notes the information contained in this report.
2. Recommends that the MRC does not undertake a public tender process for the provision of insurance services, and continues to remain within the LGIS WA local government group self-insurance scheme.
3. Requests the CEO to investigate the advantages and disadvantages of undertaking a regular cyclic process for undertaking a public tender process for insurance services, and if necessary to seek independent expert advice, and bring a report back to Council by December 2022, including a recommendation for the procurement of insurances services in 2023.

(CARRIED UNANIMOUSLY 12/0)

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10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 67

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 67 be received.

Moved Cr Re, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

Moved Cr Vernon, seconded Cr May

To close the meeting to the public

(CARRIED UNANIMOUSLY 12/0)

Doors closed at 8.00 pm. The public gallery was closed and therefore no members of the public were present. MRC officers remained online observing the meeting for item 14.1. Member Council Officers observing the meeting went into a 'ZOOM breakout room' and were unable to observe the meeting.

Cr Miles left the meeting at 8.00pm

Cr Miles re-entered the meeting at 8.01 pm

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14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

This Report Is Confidential And Dealt With In A Confidential Session, Under Section 5.23 (2) (f)(ii) Of The *Local Government Act 1995* As The Report Deals With A Matter that if disclosed , could be reasonably expected to endanger the security of the local governments property.

14.1 AUDIT COMMITTEE CONFIDENTIAL DOCUMENTS

File No:	GF-22-0000070
Attachment(s):	Attachment 1 – High Risk Register Attachment 2 – Risk Tables
Date:	18 March 2022
Responsible Officer:	Chief Executive Officer

The Chief Executive Officer has not released the report for item 14.1 for public viewing.

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Note the Full Risk Register presented to the Audit Committee at the meeting held on 09 March 2022.
2. Note the Risk Tables presented to the Audit Committee at the meeting held on 09 March 2022.

Moved Cr Vernon, seconded Cr Gobbert

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

Moved Cr Vernon, seconded Cr Cvitan

To reopen the meeting to the public

(CARRIED UNANIMOUSLY 12/0)

Doors reopened at 8.02 pm and the Chair declared the meeting reopened.

Member Council Officers reconnected with the meeting and the Chair noted the resolution passed behind closed doors.

MINDARIE REGIONAL COUNCIL
ORDINARY COUNCIL MEETING MINUTES
24 MARCH 2022

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15 NEXT MEETING

The next Ordinary Council meeting will be held on Thursday 26 May 2022 at the City of Stirling commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 8.03 pm and thanked Councillors for their participation.

These minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of Council held on 24 March 2022.

Signed.....Chair

Dated day of 2022



Ordinary Meeting of Council

Thursday 21 April 2022

MINUTES

Online Zoom Meeting

These Minutes were confirmed as a true and correct record of proceedings at a meeting held on 16 June 2022.

Signature:
Chair

*Constituent Members:
Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

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Minutes TPRC Ordinary Meeting of Council – 21 April 2022

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Jane Cutler	
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Russ Fishwick Cr John Raftis
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Tony Krsticevic Cr Suzanne Migdale Cr Bianca Sandri Cr Karlo Perkovic	Cr David Lagan
Town of Victoria Park	Cr Bronwyn Ife	Cr Claire Anderson
City of Vincent	Cr Ashley Wallace	Cr Jonathan Hallett
City of Wanneroo	Cr Brett Treby Cr Glynis Parker	Cr Linda Aitken Cr Vinh Nguyen

 Minutes TPRC Ordinary Meeting of Council – 21 April 2022

PRESENT

Chair	Cr Bianca Sandri
Councillors	Cr John Chester Cr Jane Cutler Cr Brent Fleeton Cr Bronwyn Ife Cr Nige Jones Cr Tony Krsticevic Cr Glynis Parker (<i>until 6:30pm</i>) Cr Karlo Perkovic Cr Brett Treby
Alternate Members	Nil
Staff	Mr Jon Morellini (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Mr Daniel Govus (Senior Governance Advisor – City of Stirling)
Apologies Councillors	Cr Suzanne Migdale
Leave of Absence	Nil
Absent	Cr Ashley Wallace
Consultants	Mr Carl Buckley (Satterley Property Group) Mr John Silas (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr David MacLennan (City of Vincent) Mr James Pearson (City of Joondalup) Mr Karl Heiden (Town of Cambridge) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr Anthony Vuleta (Town of Victoria Park) Mr Stuart Jardine (City of Stirling)
In Attendance Participant Councils' Advisers	Ms Noelene Jennings (City of Wanneroo) Mr Stevan Rodic (City of Stirling)
Members of the Public	Nil
Press	Nil

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:00pm.

The Chair informed the Council that Cr Jane Cutler had been elected the representative of the Town of Cambridge on Tamala Park Regional Council, after the resignation of Andres Timmermanis.

A formal declaration was verbally made by Cr Jane Cutler, and a declaration form was signed to indicate that she agreed to abide by the *Local Government (Model Code of Conduct) Regulations (2021)*.

DISCLOSURE OF INTERESTS

Nil.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Suzanne Migdale

Absent: Cr Ashley Wallace

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Moved Cr Jones, Seconded Cr Treby.

That the minutes of the Ordinary Meeting of Council of 17 February 2022 be CONFIRMED as a true and accurate record of proceedings.

The Motion was put and declared CARRIED (10/0).

5A. BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil.

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.8)**7.1 BUSINESS REPORT – PERIOD ENDING 14 APRIL 2022**

Moved Cr Chester, Seconded Cr Jones.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 14 April 2022.

The Motion was put and declared CARRIED (10/0).

7.2 STATEMENT OF FINANCIAL ACTIVITY FOR FEBRUARY 2022

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statement of Financial Activity for the month ending 28 February 2022.

The Motion was put and declared CARRIED (10/0) by exception resolution.

7.3 STATEMENT OF FINANCIAL ACTIVITY FOR MARCH 2022

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statement of Financial Activity for the month ending 28 February 2022.

The Motion was put and declared CARRIED (10/0) by exception resolution.

7.4 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR FEBRUARY and MARCH 2022

Moved Cr Chester, Seconded Cr Jones.

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for February and March 2022:**

February 2022 - \$1,772,393.59

March 2022 - \$1,252,737.81

Total Paid - \$3,025,131.40

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

2. APPROVES the CEO Credit Card Statement for February and March 2022.

The Motion was put and declared CARRIED (10/0).

7.5 PROJECT FINANCIAL REPORT – FEBRUARY 2022

Moved Cr Chester, Seconded Cr Jones.

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (February 2022) submitted by the Satterley Property Group.

The Motion was put and declared CARRIED (10/0).

7.6 SALES AND SETTLEMENT REPORT – PERIOD ENDING 14 APRIL 2022

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 14 April 2022.

The Motion was put and declared CARRIED (10/0) by exception resolution.

7.7 ELECTED MEMBER ALLOWANCES

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council APPROVES:

- 1. An Annual Allowance for the Chair of the Council to be \$20,565 per annum.**
- 2. An Annual Attendance fee for the Chair of the Council to be \$16,235 per annum.**
- 3. An Annual Allowance for the Deputy Chair of the Council to be 25% of the amount paid to the Chair per annum.**
- 4. An Annual Attendance fee for Council members to be an amount of \$10,824 per annum.**
- 5. Council members not being entitled to claim separate telecommunications, IT allowances or travelling allowance to meetings.**
- 6. Elected member allowances being made quarterly in arrears.**

The Motion was put and declared CARRIED (10/0) by an Absolute Majority.

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

7.8 CATALINA SALES INCENTIVES – EXTENSION OF REDEMPTION VALIDITY PERIOD

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council AUTHORISES the Chief Executive Officer to approve an extension of up to six months to the eligibility period for the redemption of sales incentive packages on Catalina lots that settled between 1 October 2020 and 31 August 2021 and have been the subject of delayed completion of home construction due to high levels of demand on home builders.

The Motion was put and declared CARRIED (10/0).

8. COMMITTEE REPORTS

Consideration of Item 8.1 was deferred until after Item 13.1.

9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAVE BEEN GIVEN

Nil

11. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

12. GENERAL BUSINESS

Nil

13. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Treby, Seconded Cr Perkovic.

That

- 1. Item 8.1 – DEVELOPMENT MANAGEMENT AGREEMENT STAGE 3 BOUNDARY AMENDMENTS be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:**

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

-
- c) *A contract entered into, or which may be entered into, by the TPRC and which relates to a matter to be discussed at a meeting (section 5.23(2)(c)); and*
- e) *A matter that if disclosed would reveal –*
- i) information that has commercial value to a person; or*
 - ii) information about the business, professional, commercial or financial affairs of a person.*
- Where the information is held by, or is about, a person other than the TPRC (section 5.23(2)(e)).*
2. Item 13.1 – EXTENSION OF CIVIL CONSTRUCTION RATES CONTRACT be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:
- c) *A contract entered into, or which may be entered into, by the TPRC and which relates to a matter to be discussed at a meeting (section 5.23(2)(c)); and*
- e) *A matter that if disclosed would reveal –*
- i) information that has commercial value to a person; or*
 - ii) information about the business, professional, commercial or financial affairs of a person.*

The Motion was put and declared CARRIED (10/0).

At 6:28pm the meeting was closed to the public, and all attendees who were not required left the meeting prior to consideration of Item 13.1.

Cr Parker left the meeting at 6:30pm.

13.1 EXTENSION OF CIVIL CONSTRUCTION RATES CONTRACT

Moved Cr Krsticevic, Seconded Cr Cutler.

That the Council APPROVES an extension to the contract with RJ Vincent to 30 June 2023 and rates schedule (dated 4 April 2022) in accordance with the terms of Tender 04/2019 (Earthworks and Subdivision Works).

The Motion was put and declared CARRIED (10/0).

8.1 DEVELOPMENT MANAGEMENT AGREEMENT STAGE 3 BOUNDARY AMENDMENTS

Moved Cr Krsticevic, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council APPROVES the minor boundary amendments of the Development Management Agreement Stage 3 as shown on the Staging Plan Amendment 2022 and gives written notice in accordance with the Development Management Agreement (2010).

The Motion was put and declared CARRIED (10/0).

Minutes TPRC Ordinary Meeting of Council – 21 April 2022

Moved Cr Treby, Seconded Cr Jones.

That the meeting be REOPENED to the public.

The Motion was put and declared CARRIED (10/0).

At 6:39pm the meeting was reopened to the public.

14. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 6:40pm.

MINUTES



CHILDREN AND YOUNG PEOPLE ADVISORY GROUP

Wednesday 16 March 2022 at 6pm

Venue: Online via Zoom

City of Vincent Councillors:

Cr Alex Castle (Chair)
Cr Ron Alexander (RA)

Community Representatives:

Daniel Langlands (DL)
Fiona Buswell-Smith (FBS)
Laura Dunlop (LD)
Maria Daniele (MD)
Nicci Salley (NS)
Shari Stockdale (SS)
Suzanne Lawrence (SL)

City of Vincent Officers:

Gemma Carter- Manager Marketing and Partnerships (GC)
Courtney Aylett – Community Development Advisor – Children, Young People & Community Funding (CA)

1. Welcome/Declaration of Opening

The Chairperson opened the meeting at 6.04pm and delivered the Acknowledgement of Country.

2. Apologies

Fiona Buswell-Smith
Maria Daniele

3. Confirmation of Previous Minutes

Confirmed minutes from 19 January 2022.

4. Business

4.1 Update on recent youth programs and initiatives

Dance In Heels Workshop

CA advised that the City partnered with Foyer Oxford to offer a four-week Dance in Heels workshop to young people age 16-25. The workshop was delayed one week due to COVID-19, however commenced March 22. The workshop had 16 registrations and 12 attendees.

Drag and Stage Makeup Workshop

CA advised that a second Stage and Drag Makeup workshop was planned (again in partnership with Foyer) to commence March 29, however had been delayed until June due to COVID. The workshop is for young people aged 16-25 and had already received 12 registrations prior to its delay.

RA asked how the City promotes. CA advised that information is sent to a community stakeholder contact list and promoted via social media and the website.

AC noted that it is a difficult age group to attract and that it is great to see events targeted toward a particular cohort.

GC noted paid social and promotion are an option.

DL noted it was a pleasure to work with the City to put on events.

4.2 Youth Week 2022

CA advised that Youth Week 2022 is running from the 8-16 April and given the community climate of COVID 19 administration will be proceeding with an outdoor / online suite of activities for this year. Activities include;

- Skateboarding Workshops – 4 x sessions to be held at Leederville Skatepark. Sessions are targeted at specific cohorts.
- Nature Craft at Woodville Reserve – participants will be making dream catchers and creating cards and bookmarks through nature printing.
- Superhero Strengths Workshop (online) - participants will explore some famous superheroes whilst creating a character that represents themselves. They will develop sketching, drawing and perspective skills whilst reflecting on personal skills that give them strength in everyday life.
- Moorditj Mural Masters – the City has partnered with Propel Youth Arts WA to offer this workshop for First Nations Artists. The workshop, led by Jade Dolman, will involve 3 full days of teaching participants about the mural arts process whilst they plan and paint their own mini-mural on a wall located at 201 Beaufort Street. A closed exhibition event is scheduled for April 22 at 4:30pm.
- Agility and Pop-Up Play Workshop – Young people who live in the area surrounding Edinboro Street Reserve will be invited to attend a workshop to run through the draft pop-up play design and suggest tweaks. The workshop will involve a fun fitness and agility session followed by a walk through of the planned obstacle course mapped out in the reserve.
- Vincent Young Achievers – the City has accepted nominations for 'Vincent Young Achievers' and plans to promote the positive contributions of young people within our community via social media throughout Youth Week. All nominees will receive a certificate and prize pack as a thank you for their contribution to the community. The City has only received 1 nomination and requested CYPAG nominate young people and share this opportunity. DL noted that there may be an issue with the nomination link.

CA noted that in discussions with other LG's and youth sector stakeholders it was recognised that it is difficult to engage with young people online. The City has planned one online event to ensure access and inclusion for all young people.

LD recommended narrower age groupings on some activities as some young people will not engage when they see broad age demographic attending.

ACTION: CA to distribute Youth Week information to CYPAG members.

4.3 Upcoming / Ongoing Key Priorities

Neighbour Day

CA advised that Neighbour Day is coming up on 27 March 2022. Administration is supporting this initiative through the promotion of methods that encourage neighbours to create safe and welcoming communities for families with children and young people.

Online Resume Writing Workshops

CA advised that the City has partnered with North Metropolitan TAFE Perth to offer two online resume writing workshops;

- 28 March 2022 workshop for Aboriginal and Torres Strait Islander People
- 31 March 2022 workshop open to all young people

AC noted that the flyer does not specifically mention youth and wondered if this was intentional.

ACTION: CA to review promotional material.

School Holiday Activities

CA advised that the Vincent Library is offering school holiday activities targeted towards younger children. A Lego Mazes session (ages 4+) will be held on Tuesday April 12, and a sensory nature collage session (ages 4+) will be held on Tuesday April 19.

YMCA HQ Leederville Partnership

CA advised that at Council meeting on 08 February 2022 Council approved a 3-year funding agreement with the Y WA in the amount of \$50,000 (ex GST) per year, commencing July 2022.

AC mentioned that the long-term partnership approval was great news and highlighted the importance of The Y in connecting with young people within the City. LD advised that this was integral in planning more long-term partnership outcomes.

Vincent Youth Network (The VYN)

Discussions evolved as part of The Y's partnership agreement included funding towards activities hosted by their Youth Squad. CA advised that a meeting took place with LD to discuss the Youth Squad and connection to the VYN / City.

The Y's Youth Squad is for young people age 16-25. The group organise events and workshops and are willing to provide feedback on major plans and strategies.

CA advised that the current VYN is open to young people age 12-25 and there is concern that given the broad age bracket, young people may be hesitant to become involved or young people may not be satisfied with the discussions and purpose of the group. CA advised that the City would be facilitating the transition of older VYN members into the Y's Youth Squad, and ensuring a stronger level of support and communication is maintained with the coordinator of the Youth Squad.

NS asked about demographic of the current VYN. CA advised there are currently 3 members with quite similar interests and that the City is conducting the review of its current structure prior to promotion to target a greater level of diversity and better retention of members.

ACTION: CA to update VYN flyer and coordinate distribution to CYPAG and Youth Stakeholders.

4.4 Terms of Reference

Discussions of the proposed Terms of Reference took place.

NS noted the language was great and reflected comments made by the group at the previous meeting. NS advised that there was one typo where the document outlines '6' community members when it should read '7'.

DL noted that the changes read well, and AC noted that the changes are reflective of the groups evolution and where it stands now from where it started.

ACTION: CA to send revised Terms of Reference through for Council endorsement.

4.5 Proposed meeting dates for 2022

CYPAG reviewed the proposed dates for future meetings. AC noted that there may not be enough meetings scheduled in.

It was agreed that the group would proceed with these dates, and should another meeting be required it could be scheduled between those proposed.

4.6 Other Business

LD advised that COVID has led to lower numbers and reduced referrals from schools. Schools are spending time and resources reacting to COVID requirements and this reduces the ability for them to focus on students.

LD advised that The Y have gigs and programs planned, and they are trying not to move to operating online.

LD advised that the Y has a new Youth Worker who is indigenous and would like to know what the City is doing in this space to connect in.

ACTION: LD to share gigs and programs so that CYPAG can promote.

ACTION: CA to contact LD to discuss how the City and Y can link with employment / training opportunities.

DL advised that Foyer Oxford is looking for more volunteers to help young people with the RYDE, learner drivers program. DL advised he would contact CA to discuss how the City can promote and support this initiative.

NS commented that it is great to see how much is happening, even in the last few weeks and that activities and programs have not been cancelled. AC also advised that she was impressed that opportunities were taking place together with the coordination of Youth Week.

Further to this, the promotion and awareness of these opportunities within CYPAG was discussed with some members not aware of opportunities taking place. AC asked if there was a dynamic calendar which could be

shared with CYPAG. CA mentioned that there was a 'What's On' calendar on the City of Vincent website that details some upcoming activities.

CA advised that there may be potential for a monthly stakeholder newsletter down the track, however advised that she would include all CYPAG in her mail outs advising of upcoming opportunities.

ACTION: CA to investigate the potential for a monthly stakeholder newsletter.

ACTION: CA to add CYPAG to stakeholder mailing list for notifications of upcoming opportunities.

5. Close/Next Meeting

The meeting was closed at 7.10pm. The next meeting is scheduled for 8 June 2022.

Signed

Councillor (Chairperson)

Dated this _____ day of _____ 20__

ACTIONS

Summary of Actions	Date	Status
CA and AC to bring Mt Hawthorn Skate Park information to CYPAG meeting for discussion and feedback when available.	January	In progress
CA to distribute Youth Week information to CYPAG members.	March	Completed
CA to review online resume workshops promotional material.	March	Completed
CA to update VYN flyer and coordinate distribution to CYPAG and Youth Stakeholders.	March	In progress
CA to send revised Terms of Reference through for Council endorsement.	March	Not started
LD to share gigs and programs so that CYPAG can promote.	March	Completed
CA to contact LD to discuss how the City and Y can link with employment / training opportunities.	March	Not started
CA to investigate the potential for a monthly stakeholder newsletter.	March	In progress
CA to add CYPAG to stakeholder mailing list for notifications of upcoming opportunities.	March	Completed

**CITY OF VINCENT****RECONCILIATION ACTION PLAN WORKING GROUP (RAPWG)**

Monday 14 March 2022
Venue: Online via Zoom

UNCONFIRMED MINUTES**Attendees:**City of Vincent Councillors

Cr Dan Loden (Acting Chairperson)
Cr Jonathan Hallett
Cr Suzanne Worner

City of Vincent Officers

Virginia Miltrup – Executive Director Community & Business
Gemma Carter – Manager Marketing & Partnerships
Gaya Surendorff – Community Development Advisor

Community Representatives

Maxine Braham
Roslyn Harley

1. Welcome / Declaration of Opening – Acknowledgement of Country

Councillor Loden opened the meeting at 5.30pm and delivered Acknowledgement of Country on behalf of the Working Group.

2. Apologies

Gordon Cole
Mikayla King

3. Confirmation of Previous Minutes – 24 January 2022

The previous Minutes were unanimously accepted as a true and correct record.

3.1 Action Items – Update**4. Items for Discussion****4.1 Review of Terms of Reference**

Roles and Responsibilities of the Chairperson have been updated in the Terms of Reference made available to RAPWG members.

RAPWG members cannot be absent for more than three consecutive meetings as outlined in the Advisory Groups Policy unless a leave of absence has been granted and approved by the Working Group.

Reconciliation Australia has approved the RAPWG Vision for the second Innovate RAP.

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The City will look to review the current Welcome to Country Policy, and at that time request changes to the wording in an Acknowledgement of Country. In the interim, the City has followed the guidance of the RAPWG and made changes to the Acknowledgement of Country in staff email signatures, and made it known in a staff forum that changes have been made.

4.2 Noongar Elders Group and Kambarang Services

The City will work with Kambarang Services over the coming 12 months to further their relationship with Noongar Elders. Kambarang will facilitate all communication and workshops with Noongar Elders.

The City will look to hold its second Noongar Elders Group workshop in the coming weeks and will seek feedback from the Group regarding the City's Draft Innovate RAP.

4.3 Noongar Heritage, Noongar Place Naming and Moodjar Consultancy

The City engaged Len Collard of Moodjar Consultancy to hold a Noongar Place Naming Workshop. Ten places of significance within the City were discussed with the Elders and Traditional Owners attending the workshop agreeing on the Noongar names for these places.

The City will seek feedback from the Noongar Elders Group in the future regarding the use of these names, and potential for revitalising these names through signage, parks and heritage trails.

Moodjar Consultancy have also worked with the City to further develop documentation relating to Noongar culture and heritage in a report that will be kept at the Vincent Local History Centre.

4.4 Aboriginal Employment

The City is continuing to build its relationship with the Koolark centre that is based at North Metro TAFE. In partnership, the City and North Metro TAFE are hosting a Resume Writing Workshop for Aboriginal people on 28 March 2022. Aranmore College students have been invited to attend the workshop.

The City has closed its EOI for an Aboriginal Employment Consultant and recently engaged Christine Coin to undertake this consultancy work over a ten-week period. Christine will work closely with the Human Resources and Community Development teams to review the City's policies and procedures that will result in recommendations being made regarding Aboriginal employment and retention along with the development of an Aboriginal Employment Strategy.

4.5 Aranmore Traineeship Program

Two Aranmore College students will commence their traineeships at the City on 23 March 2022.

GS discussed the City's intentions to provide opportunities of employment at the City after the completion of traineeships.

RH questioned if the City would consider offering traineeships to people who are not Aranmore students. GS responded that the City would investigate this whilst working with Christine Coin over the coming months.

Action: Investigate expanding traineeship program for Aboriginal people.

4.6 Close the Gap Day

The City will host two workshops for staff to attend for Close the Gap Day 2022. All staff are invited to attend a Noongar language class with Sharon Gregory, and an Acknowledge This! workshop. The Acknowledge This! workshop will be recorded and available to all staff for three months. This workshop aims to ensure staff feel confident to do an Acknowledgement of Country at meetings and events.

The City will acknowledge Close the Gap Day through social media posts and include links to the Human Rights Commission and Lowitja Institute websites.

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4.7 Event and Workshop Update

Planning for Reconciliation and NAIDOC Weeks has commenced. The City plans to hold its annual NAIDOC Festival in the Pickle District this year and will host several workshops for community members to attend.

Several workshops outside of NAIDOC and Reconciliation Weeks have been organised for community members including online Six Seasons workshops with Marissa Verma and a live stream of Kobi Morrison playing an acoustic set in Noongar language.

The City has also partnered with Propel Arts and Jade Dolman to host Moorditj Murals during Youth Week 2022. Jade will facilitate a three-day workshop with young Aboriginal artists where she will guide them through the process of painting a wall mural. The City is providing the wall for the artists, catering during the workshops, and is hosting the launch event of the artwork on 22 April.

The City will work alongside Sharon Gregory to name meeting rooms across the City in Noongar.

The City is progressing in its investigation to establish a Noongar bush garden. Cr Loden mentioned that Transition Town Vincent may be a group to engage with during this process.

Action: Contact Transition Town Vincent regarding the establishment of a Noongar bush food garden.

Cr Loden queried if the City could work with local primary schools in the lead up to NAIDOC Week on an Aboriginal led project. GS said they would discuss this with the Community Development Coordinator and Community Development Advisor – Children and Young People.

Action: Investigate opportunities to work with local primary schools on NAIDOC related projects.

Cr Worner mentioned the events taking place during NAIDOC Week at Revelation Film Festival including live music, and screening of Moorditj Footprints. The City will cross-promote these events in support of NAIDOC Week celebrations taking place within the Council.

Summary of Actions

Summary of Actions	Date	Status
Roles and responsibilities of the Chairperson clarified and relayed to Working Group members.	2 May 2022	Commenced
Provide policy regarding requirements for RAPWG members to attend meetings.	14 March 2022	Completed
Amendments to the Terms of Reference to be drafted by the City and brought back to the RAPWG.	2 May 2022	Commenced
Investigate expanding traineeship program for Aboriginal people.	June 2022	Commenced
Contact Transition Town Vincent regarding the establishment of a Noongar bush food garden.	2 May 2023	Commenced
Investigate opportunities to work with local primary schools on NAIDOC related projects.	2 May 2022	Commenced

5. Close / Next Meeting

The Acting Chairperson closed the meeting at 6.30pm. Next meeting to be held on 2 May 2022.

Signed _____
Councillor Dan Loden (Acting Chairperson)

Date this _____ day of _____ 2017

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MINUTES



SUSTAINABILITY AND TRANSPORT ADVISORY GROUP

Thursday 24 March 2022 at 6.00pm

Via: Zoom
City of Vincent
Administration and Civic Centre
244 Vincent Street Leederville
UNCONFIRMED MINUTES

Attendees:

City of Vincent Councillors

Cr Loden (Chairperson), Cr Hallett

Community Representatives

Chris Cutress, Chris Wilson, Jacinta Key, Helen Griffiths, Katherine Celenza, Ian Kininmonth, Adam Wilmot
Georgia Scott (guest), David Harries (guest)

City of Vincent Officers

Chief Executive Officer, David McLennan
Manager Engineering, Craig Wilson
Co-ordinator Sustainability and Innovation, Aline Brion
Sustainability and Innovation Advisor, Sara Orsi
Active Transport Officer, Tim Burns

1. Welcome/Declaration of Opening

Councillor Loden opened the meeting at 6.05pm and delivered the Acknowledgement of Country.

2. Apologies

- Andrew Murphy, Executive Director Infrastructure & Environment
- Community representative Julian Ledger has resigned from the group due to an interstate move

3. Confirmation of the Minutes

The Minutes of the meeting held on Thursday 7 October 2021 were received and confirmed as true and correct record.

4. Business

4.1 Climate Projections

- The group received a presentation from Professor David Harries relating to the West Australian Government's Climate Projections Summary Report.
- It was noted that the report provides some solid information that the City can work with and have relative confidence in for planning purposes. Up until now, there has been significant uncertainties as to what can be expected in terms of increased temperatures and increased or decreased rainfall due to climate change. The City of Vincent is already doing many things to manage the likely impacts of climate change and this report should be referenced when City planning and strategy documents are reviewed.

4.2 Residents or businesses wanting to install EV charging stations on crown land

- The group received an update from the Sustainability and Innovation Co-ordinator and Advisor relating to several community member and a business request to install EV charge stations on

verges.

- It was noted that the main barrier is Western Power regulations that prevent transfer of power between separately owned properties and WALGA is aware of this issue.
- It was noted that Council is considering options to install EV charging stations in a car park within a town centre.

4.3 Verbal update:

- Safe active street for North Perth
 - Currently starting the community consultation and concept design stage. A consultant has been appointed and a detailed plan is being developed. The proposed route runs through the middle of the neighbourhood bounded by William Street, Fitzgerald Street, Vincent Street and Walcott Street. An extra section south of Vincent Street to connect to Palmerston Street is also included.
 - The first stage will present a range of ideas to improve the streets along the proposed route with the aim to reduce motor vehicle traffic speed and volume. Ideas include; cul-de-sacs with pocket parks, diagonal diversions with garden beds and trees, one-way slow points with additional trees, plus seating. These elements have potential to improve the public realm in addition to reducing the impact of motor vehicles.
 - In early April the consultation will feature on the Imagine Vincent webpage, with a letter distribution to households and postcards to businesses.
- Forrest St speed bumps
 - The speed humps and parking changes were implemented in December 2021 (as promised), with Main Roads installing the 'piano' key line-marking in February 2022.
- Next Steps for Alma Rd and Leake St petition on traffic management
 - There is a report going to the Council meeting in April recommending raised intersection plateaus in-lieu of single lane slow points and consulting with residents about a 12 month trial of a 'diagonal diversion' at the intersection of Alma Road and Leake Street.

4.4 WALGA Road Safety Update – Katherine Celenza

- It was noted that there is an Easter road safety campaign coming up soon and an opportunity for the City to make a submission in the Local Government Road Safety Awards 2022.

4.5 Status Update of Previous Agenda Items

Item	Current Status	Next Step
Future Climate Technology Review	Discussed at 29 October 2020 STAG.	Circulate relevant sections as they are completed, to inform decision making by council on relevant matters.

5. Close/Next Meeting

The Chairperson closed the meeting at 7.31pm. Proposed future meeting dates were noted and these dates will be circulated to the group. It was noted by the Chair that this was Craig Wilson's last meeting with the group prior to retirement. Craig was acknowledged and thanked for his support and expertise.

Signed

Councillor

(Chairperson)

Dated this _____ day of _____ 20__

Statistics for Development Applications As at the end of April 2022

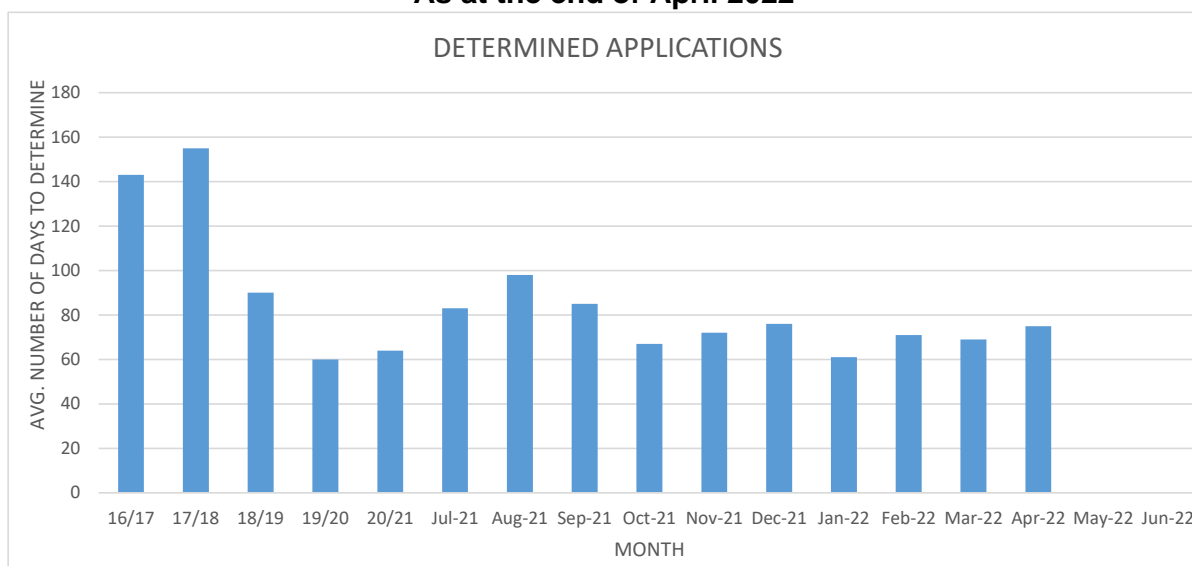


Table 1: Minimum, Average and Maximum Processing Timeframes for determined applications in each financial year since 2016/17 and each month since July 2021. (includes applications exempt from requiring approval)

Processing Days	16/17	17/18	18/19	19/20	20/21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
Minimum	7	1	0	0	0	1	19	26	8	2	32	9	9	1	23		
Average	143	155	85	60	64	83	98	85	67	72	76	61	71	69	75		
Maximum	924	1008	787	499	268	234	159	298	171	159	166	119	124	193	170		

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
DA's Determined	27	33	34	33	38	51	19	30	31	27		
Value of Determined DA's (in millions)	11.9	12.3	9.5	9.8	15.2	18.1	8.5	7.4	9.3	21.1		

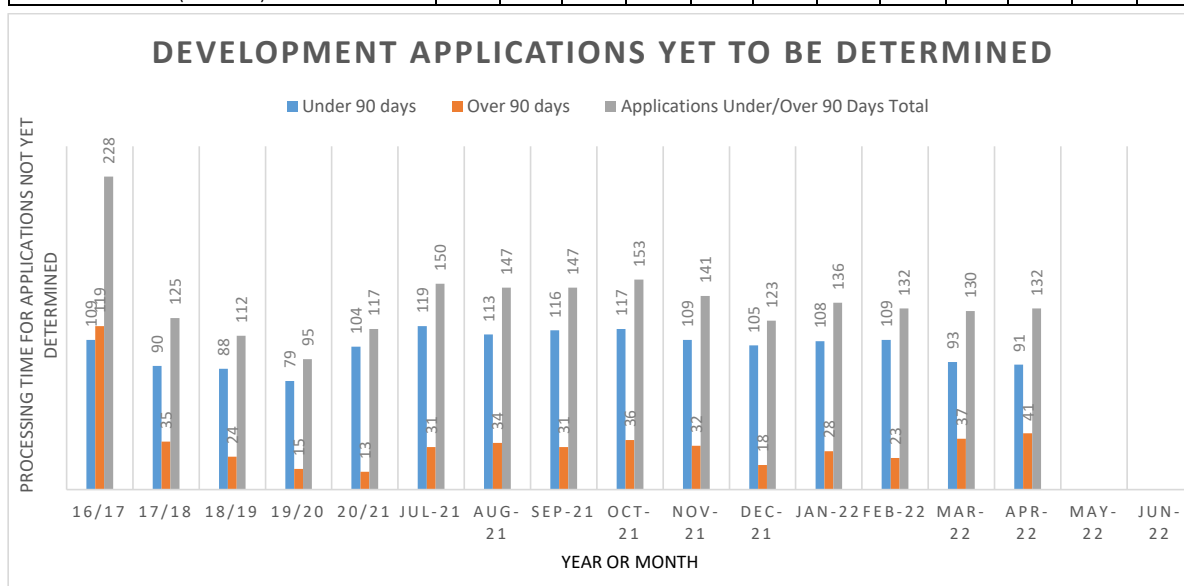


Table 2: No. of DA's to be determined

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
DA's lodged	34	29	34	44	29	37	30	29	27	29		
DA's to be Determined	150	147	147	153	141	123	136	132	130	132		
Value of DA's to be Determined (in millions)	49.4	47.6	51.7	56.3	60.7	56.4	74.4	75.8	70.7	69.5		

**REGISTER OF STATE ADMINISTRATIVE TRIBUNAL (SAT) APPEALS
AS AT 12 MAY 2022**

NO.	ADDRESS & SAT REVIEW NO.	DATE RECEIVED	APPLICANT	REVIEW MATTER & COMMENTS
1.	No. 374 Newcastle Street, Perth (DR 204 of 2021)	1 October 2021	S&K Investments Pty Ltd	<p>Application for review of Council decision to conditionally approve Billboard signage on 14 September 2021. Application seeks to review a condition of development approval.</p> <p>*****</p> <p>Directions Hearing listed for 15 October 2021 and matter referred directly to mediation scheduled for 27 October 2021. Following mediation the applicant was required to provide additional information by 15 November 2021. Council invited to reconsider its decision at 14 December 2021 Meeting. Application for reconsideration approved by Council for a period of three years. Following Directions Hearing on 14 January 2022, the matter has been listed for a further Directions Hearing on 22 April 2022 to schedule Hearing on the matter.</p> <p>Applicant withdrew their application for review on 15 March 2022. Withdrawn.</p> <p><i>Representation by: Allerding and Associates</i></p>
2.	Nos. 212-214 Lake Street, Perth (DR 223 of 2021)	19 October 2021	Hanoze Park Pty Ltd	<p>Application for review of notice issued in accordance with the <i>Health (Miscellaneous Provisions) Act 1911</i> to address odour nuisance at 7 Grams Chicken Café.</p> <p>Hanoze Park Pty Ltd believes the notice to be invalid.</p> <p>*****</p> <p>The applicant sought a determination that a <i>Health Act</i> Notice cannot be issued for nuisances not listed in Section 182 of the <i>Health Act</i>. On 20 April 2022 SAT dismissed this application.</p> <p>A further directions hearing was scheduled for 6 May 2022 to determine how to proceed, however this has been adjourned until approximately 20 May 2022 (date subject to SAT availability) so the business can appoint an expert to explore practical solutions to the odour nuisance. The business may also investigate further appeal options.</p> <p><i>Representation by: McLeods</i></p>
3.	Nos. 636-640 Newcastle Street, Leederville (DR 61 of 2022)	4 April 2022	Megara	<p>Application for review of JDAP decision to refuse an application for Mixed Use Development (Amendment to Approved) on 17 March 2022.</p> <p>*****</p> <p>Directions Hearing listed for 29 April 2022 was vacated and the matter referred directly to mediation scheduled for 26 May 2022.</p> <p><i>Representation by: JDAP</i></p>

**METRO INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL (DAP)
REGISTER OF APPLICATIONS RELATING TO THE CITY OF VINCENT
AS AT 28 APRIL 2022**

No.	ADDRESS	APPLICANT	PROPOSAL	DATE APPLICATION RECEIVED	DAP MEETING DATE	DAP DECISION
1.	No. 46C Joel Terrace, East Perth	Doepel March Architects and Planners	Form 1 – Multiple Dwellings	3 November 2021	Not yet scheduled	Currently under assessment. Responsible Authority Report currently due 10 May 2022.
2.	No. 357 Oxford Street, Mount Hawthorn	Peter Simpson Town Planning	Form 1 – Commercial Development	25 November 2021	22 April 2022	Application approved unanimously as recommended by the City. Meeting minutes are available here .
3.	Nos. 170-180 Brisbane Street, Perth	Urbanista Town Planning	Form 1 – 10 Grouped Dwellings	13 January 2022	Not yet scheduled	Currently under assessment. Responsible Authority Report currently due 12 May 2022.
4.	Nos. 17-39 Robinson Avenue, Perth	Stewart Urban Planning	Form 1 – Alterations and Additions to Hotel	19 January 2022	Not yet scheduled	Currently under assessment. Responsible Authority Report due 3 May 2022.
5.	No. 391 Lord Street, Mount Lawley	Urbanista Town Planning	Form 1 – Mixed Use Development	22 February 2022	Not yet scheduled	Currently under assessment. Responsible Authority Report due date not yet confirmed due to a current request for further information.

**CITY OF VINCENT DESIGN REVIEW PANEL
REGISTER OF APPLICATIONS CONSIDERED BY DESIGN REVIEW PANEL
AS AT 28 APRIL 2022**

ADDRESS	APPLICANT	PROPOSAL	DRP MEETING DATE	REASON FOR REFERRAL
Nos. 107-109 Summers Street, Perth	Urbanista Town Planning	Six Grouped Dwellings	23 March 2022	Lodged DA – Previously Referred To consider amendments to the proposal made in response to the comments of the Design Review Panel on 15 December 2021.
No. 391 Lord Street, Mount Lawley	Urbanista Town Planning	Mixed Use Development – 8 Apartments and 1 Café Tenancy	6 April 2022	Lodged DA – Previously Referred To consider amendments to the proposal made in response to the comments of the Design Review Panel on 28 April 2021.
Nos. 170-180 Brisbane Street, Perth	Urbanista Town Planning	10 Grouped Dwellings	20 April 2022	Lodged DA – Previously Referred The proposal would benefit from referral to the Design Review Panel to consider amendments to the proposal made in response to the comments of the Design Review Panel (DRP) on 9 February 2022.
No. 357 Lord Street, Highgate	Arconic Design	Mixed Use Development – Four Multiple Dwellings and One Café	20 April 2022	Lodged DA – Previously Referred To consider amendments to the proposal made in response to the comments of the Design Review Panel (DRP) on 29 September 2021.
Nos. 367-373 Fitzgerald Street and No. 103 Alma Road, North Perth	Celsius Developments + TRCB + Space Collective Architects	Mixed Use Development	20 April 2022	Prelodgement Application The proposal would benefit from referral to the Design Review Panel to consider departures to the City's Policy No. 7.1.1 – Built Form (Built Form Policy) and Residential Design Codes (R Codes), and the appropriateness of the development within its setting. The applicant has refined their previous development concepts which were presented to the DRP on 16 March 2022.



CITY OF VINCENT

INFORMATION BULLETIN

TITLE:	Register of Petitions – Progress Report – April 2022
DIRECTORATE:	Chief Executive Officer

DETAILS:

Petitions received by the City of Vincent are read out at the Council Meeting and are referred to the appropriate Director for investigation and report. This normally takes 6-8 weeks and the purpose of this report is to keep the Council informed on the progress of the petitions which have been reported to the Council.

A status report is submitted to Council as an Information Bulletin item on a monthly basis.

The following petitions still require action or are in the process of being actioned.

Key Index:

CEO:	Chief Executive Officer
EDCBS:	Executive Director Community & Business Services
EDIE:	Executive Director Infrastructure & Environment
EDSD:	Executive Director Strategy & Development

Date Rcd	Subject	Action Officer	Action Taken
30/3/2022	Petition with thirty six (36) signatures requesting that Council prohibit Western Diagnostic Pathology from operating a COVID testing drive through clinic at 391 Oxford Street, Mt Hawthorn.	EDIE	City of Vincent and Western Diagnostics are working collaboratively to relocate the COVID testing clinic to an alternate site within City of Vincent. Residents will be updated with information as it becomes available.
15/3/2022	Petition with four (4) signatures requesting residents only parking on Prospect Place, West Perth	EDIE	The Rangers have recently completed the necessary occupancy survey for this street, and are now in the process of going through all of the data to ascertain what the best outcome is. Once we have analysed the data, we can then make a decision whether it is viable or necessary to make this resident only parking.



CITY OF VINCENT

INFORMATION BULLETIN

TITLE:	Register of Notices of Motion – Progress Report – April 2022
DIRECTORATE:	Chief Executive Officer

DETAILS:

A status report is submitted to Council as an Information Bulletin item on a monthly basis.

The following Notices of Motion still require action or are in the process of being actioned.

Key Index:	
CEO:	Office of the CEO
EDCBS:	Executive Director Community & Business Services
EDIE:	Executive Director Infrastructure & Environment
EDSD:	Executive Director Strategy & Development

Details	Action Officer	Comment
18 May 2021 – Submitted by Cr Hallett		
Local Planning Scheme No 2 – Amendment Regarding Tobacco Outlets	EDSD	Policy to be created to address provisions relating to Restricted Premises and businesses whose trade is the sale and consumption of tobacco products. Consider the definition of 'Restricted Premises', and the use permissibility for this land use as part of the next Scheme Review. To be completed in 2022.
27 April 2021 – Submitted by Cr Hallett		
Community Engagement For Ecozoning	EDIE	Chief Executive Officer to ensure that future eco-zoning initiatives in public parks/reserves will involve prior public engagement with the local community and park users on the design and implementation, as outlined in the Community Engagement Strategy.
20 October 2020 – Submitted by Cr Topelberg		
Review of Local Planning Policy No. 7.5.2 - Signs and Advertising	EDSD	Draft Policy including reference to prohibited third party advertising signs (previously known as billboards) authorised for advertising at 14 December OMC. Advertising commenced 19 February 2022. Advertising results and updated Policy will be presented back to Council mid-year.



INFORMATION BULLETIN

TITLE:	Register of Reports to be Actioned – Progress Report – April 2022
DIRECTORATE:	Chief Executive Officer

DETAILS:

A status report is submitted to Council as an Information Bulletin item on a monthly basis.

The following reports still require action or are in the process of being actioned.

Key Index:
CEO: Office of the CEO
EDCBS: Executive Director Community & Business Services
EDSD: Executive Director Strategy & Development
EDIE: Executive Director Infrastructure & Environment

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
5 April 2022				
9.1	No. 128A (Lot: 2; STR: 80812) Harold Street, Mount Lawley - Proposed Alterations and Additions to Grouped Dwelling	EDSD	Applicant is considering their options for the development.	Application anticipated to be presented back to Council by mid 2022.
9.3	Proposed Amendment No. 9 to Local Planning Scheme No. 2 - No. 21 (Lot: 373; D/P: 1939) Eucla Street, Mount Hawthorn	EDSD	Referrals to State Government progressing.	Referral comments expected to be received by mid 2022.
10.4	North Perth Traffic Calming - Public Consultation Results	EDIE	Receive further report on the consultation in August 2022	Report will be presented to Council in August 2022
12.1	Advertising of Amended Policy - CEO Annual Performance Review	EDSD	Advertising of Policy No. 7.5.3 – CEO Annual Performance Review to be arranged.	Summary of consultation and updated Policy will be presented back to Council in mid 2022.
12.5	Responses to motions carried at the Annual Meeting of Electors held on 2 February 2022			
Motion 2	DIRECTS the CEO to provide the Tree Selection Tool publicly on the City website. Council RECEIVE a further report on the review of the Street Tree and other relevant policies to reflect the requirement for at least 75% of street trees planting going forward being native.	EDIE	Further report advising feasibility will be presented to Council in September 2022.	Parks will liaise with ICT to see feasibility of having the Tree Selection Tool made public. We will also have a review of the Street Tree Policy. After investigations, a report advising feasibility will be presented to Council by September 2022.
Motion 4	Colvin Lane Signage: REQUESTS that Administration undertake further investigation into additional signage, repainting of the carriageway and the addition of a safety mirror. To be reported to Council no later than June 2022 REQUESTS that Administration contact Main Roads regarding the suitability of a reduced enforceable	EDIE	Report back to Council in June 2022.	Will investigate additional signage, speed limit and repainting requirements and bring a report back to Council no later than June 2022.

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
	limit in the laneway. To be reported to Council no later than June 2022.			
Motion 6	<p>4. REQUESTS that:</p> <ol style="list-style-type: none"> 1. The CEO investigates the scope and cost of a suitably qualified consultant to assess and model the capacity of the City's existing drainage network to cope with increasing major rain events and the need to assess climate mitigation; 2. Includes a scope of works is inclusive of cost estimates, a risk-based assessment and a program of prioritised works and recommendations over a 10-year period; and 3. Provides a report back to Council by December 2022. 	EDIE	Budget allocation and engaging of contractors underway.	Engaging contractors to have the construction of the retaining wall are underway. Budget to be allocated for the works, and a report will be presented back to Council no later than December 2022.
Motion 9	<p>That Beatty Park Reserve be reclassified from District Open Space to Neighbourhood Open Space. 2. That sporting teams are stopped from using Beatty Park Reserve and return the park to community use. 2. That a plan is developed for Beatty Park based on recreational zoning.</p> <p><u>Administration will correct the error in Table 11 within the Public Open Space Strategy and modify the existing area size of the reserve to encompass both the Beatty Park Leisure Centre and the green space.</u></p>	EDSD	Strategy being amended to correct the error in Table 11 and modify the existing area size of the reserve to encompass both the Beatty Park Leisure Centre and the green space.	Updated Strategy will be uploaded to the website in May 2022.
8 March 2022				
9.4	Sale of No. 26 Brentham Street, Leederville	EDSD	Investigations/consultation on playground and landscape plan to commence. Subject to rezoning amendment. EOI's from adjoining landowners to be prepared closer to amendment outcome. Prework to be commenced on potential POS locations and road reserve enhancement.	Early 2023
9.5	Amendment 8 to Local Planning Scheme No. 2 (No. 26 Brentham Street, Leederville)	EDSD	A notice has been sent to relevant public authorities to reclassify the subject site from Public Open Space reserve to Residential zone with density code of R60. Advertising of amendment to close on 20 May 2022.	Summary of consultation will be presented back to Council in mid-2022.
9.7	Advertising of Amended Policy - Policy No. 7.5.3 - Education and Care Services	EDSD	Advertising of Policy No. 7.5.3 – Education and Care Services closed 10 April 2022.	Summary of consultation and updated Policy will be presented back to Council in mid 2022.

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
9.9	Advertising of New Policy - Draft Vibrant Public Spaces Policy	EDSD	Advertising of Draft Vibrant Public Spaces Policy closed 29 April 2022.	Summary of consultation and updated Policy will be presented back to Council in mid 2022.
12.6	Undertakings Relating to the Local Government Property Local Law 2021	EDSD	Response to JSCDL. Legal advice sought.	Amendment to Local Law to be completed Sept 2022.
8 February 2022				
9.1	Advertising of amended Character Areas and Heritage Areas policy - Wilberforce and Kalgoorlie Streets	EDSD	Advertising of Character Areas and Heritage Areas Policy relating to Wilberforce and Kalgoorlie Streets close 21 March 2022.	Summary of consultation and updated Policy will be presented back to Council following advertising period in mid 2022.
9.3	Public Open Space Strategy - Implementation Progress Update	EDSD	Council received the first implementation progress update relating to the actions within the Public Open Space Strategy. These actions will continue to be progressed. Council will receive this update annually.	February 2023.
9.4	Draft Smoke Free Areas and Smoke Free Areas - Education and Enforcement Policy	EDSD	Public consultation to commence in early 2022. Summary of consultation and updated smoke free areas and Policy will be presented back to Council following advertising period.	Mid Late 2022 Joint Standing Committee has expressed concerns about Property Local Law 2021, which has led to this project being delayed.
9.6	Extension of Lease and Deed of Contract to Belgravia Health & Leisure Group Pty Ltd - Loftus Recreation Centre - Portion Lot 501 (99) Loftus Street, Leederville	EDSD	Drafting of documents progressing.	March Mid 2022.
9.7	Advertising of New Policy - Temporary Employment or Appointment of CEO Policy	EDSD	Public consultation to commence in early 2022. Summary of consultation and updated Policy will be presented back to Council following advertising period.	Mid 2022
9.8	Outcome of Advertising and Adoption of New Election Signs Policy	EDSD	Council Policy adopted. Review implementation after Federal Election April/May 2022. Conditions of policy to be incorporated into Property Local Law per JSCDL undertaking	Mid 2022
9.9	Advertising of Amended Policy - Elected Members Continuing Professional Development	EDSD	Public consultation to commence in early 2022. Summary of consultation and updated Policy will be presented back to Council following advertising period.	Mid 2022
9.10	Advertising of Amended Policy - Council Members – Allowances, Fees and Reimbursement of Expenses Policy	EDSD	Public consultation to commence in early 2022. Summary of consultation and updated Policy will be presented back to Council following advertising period.	Mid 2022
11.7	3 Year Funding Agreement – Y WA	EDCBS	Following the endorsement by Council, Administration has	March 2022 June 2022

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
			been liaising with Y WA and will enter into a 3 year Agreement from July 2022 to June 2025.	
14 December 2021				
9.9	Commencement of Expressions of Interest process inviting redevelopment concepts for the Avenue and Frame Court Car Parks	EDSD	Commercial consultant engaged. Initial planning commenced.	Presenting draft EOI materials to Council workshop in mid-2022.
9.12	Amendment to Local Planning Policy No. 7.5.2 - Signs and Advertising	EDSD	Draft Policy including reference to prohibited third party advertising signs (previously known as billboards) authorised for advertising at 14 December OMC. Advertising commenced 19 February 2022 and concluded on 19 March 2022.	Advertising results and updated Policy will be presented back to Council mid-2022.
9.15	Complaints Management Framework - Code of Conduct for Elected Members, Committee Members and Candidates	EDSD	Draft Policy to be advertised for consultation.	Completed Ordinary Meeting of Council April 2022.
9.16	Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd	EDSD	Proposed Lessee advised - Discussions commenced in respect to fit-out requirements and works program.	Early 2022
16 November 2021				
9.3	Creation of City of Vincent Animal Local Law	EDSD	Animal Local Law advertised.	Report back to Council in early mid-2022.
9.7	Response to Notice of Motion - Local Planning Scheme No. 2 Amendment Regarding Tobacco Outlets	EDSD	Policy to be created to address provisions relating to Restricted Premises and businesses whose trade is the sale and consumption of tobacco products. Consider the definition of 'Restricted Premises', and the use permissibility for this land use as part of the next Scheme Review.	To be completed in 2022.
9.8	Extension of Lease - North Perth Special Needs (Shalom Coleman) Dental Clinic, 31 Sydney Street, North Perth	EDSD	CEO to approve and execute lease. Administration to prepare for expeditious conversion to POS following end of lease on 30 June 2022. Neighbours to be informed of change to transition plan.	Late 2022 Awaiting return of lease from NPSNDC. Car park land report 2022
9.9	Car Parking Licence for Minister for Education (School of Isolated and Distance Education)	EDSD	CEO to approve and execute licence.	Late 2022 Early 2022
14 September 2021				
9.7	Outcomes of Advertising: Draft Precinct Structure Plan and Draft Place Plan - Leederville; and Preparation of Amendment 7 to Local Planning Scheme No. 2	EDSD	LPSP referred to WAPC for comment and endorsement.	Comments not expected until Mid 2022.
10.1	Advertising of amended policy - Parking Permits		A report will be presented to Council after the conclusion of public notice period.	Completed. April 2022.
10.6	North Perth Traffic Calming - Public Consultation Results		Report withdrawn from September OMC to allow administration time to liaise with	Completed April 2022 OCM

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
			MRWA on the potential to access funding from the Urban Road Safety Program. Will be presented to Council in March April 2022.	
10.7	Forrest Street Traffic Petition - Response to Petition	EDIE		Community Consultation to be carried out and Administration will review once completed.
17 August 2021				
10.1	E-Permits Implementation Progress Report	EDIE	<p>A report will be prepared for the August Audit Committee Meeting and will brought back to council for further review no later than October 2021.</p> <p>As a consequence of issues raised with the implementation of the permits in respect to the collection management and retention of privacy data, a review of the City's Privacy policy is being undertaken. A report will be submitted to Audit Committee early 2022 on the Privacy Policy.</p>	October 2021 Early 2022
22 June 2021				
12.1	Results of Consultation - Barlee Street Car Park Options for Future Use	EMCSG	A further report is required to Council on potential public or shared spaces within Beaufort Street including the potential for trialling pedestrian spaces at Grosvenor Road or Barlee Street. Submitters notified of Council decision. Fee modified and signs updated. New 5 year lease for car park approved.	<p>Report on public/shared spaces within Beaufort Street Town Centre 2022.</p> <p>Relocation costs to be reviewed and valuation of sign footprint on private land to be undertaken early 2022.</p> <p>Lease of car park for further 5 years defers need to relocate sign. Further work to be done as part of reviewing car park need in four years.</p>
23 March 2021				
10.2	Waste Strategy Project - 2 Bulk Hard Waste Options Appraisal	EDIE	<p>Carry out one final scheduled collection in July 2021.</p> <p>Implement an 18 month trial of the WMRC Verge Valet from January 2022.</p> <p>Further report will be provide to council on the progress and the community feedback.</p>	<p>Carry out one final scheduled collection in July 2021.</p> <p>Implement an 18 month trial of the WMRC Verge Valet from January 2022.</p> <p>Report to be presented to Council in March 2023</p>
15 December 2020				
9.9	Review of Policy No. 4.1.22 - Prosecution and Enforcement	EDSD	Review presented to August Council Workshop.	Draft policy proposed to be presented to Council for community consultation in early 2022.
10.3	North Perth Traffic Report	EDIE	<p>Implement a 12 month trial by extending the Fitzgerald street median island through the intersection.</p> <p>Undertake consultation with the businesses and residents in the area bounded by Angove, Charles, Vincent and Fitzgerald Streets on the installation of</p>	<p>Completed OCM April 2022</p> <p>Public consultation in February March April with report March May July 2021 OCM.</p> <p>27 August September 2021 OCM.</p>

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
			<p>mid-block traffic calming measures.</p> <p>Present a further report at the conclusion of public consultation in March May 2021</p> <p>Inform the petitioners of the Council's decision.</p> <p>Undertake traffic, speed and volume and data collection on Alma Road and present to council in March July-August 2021.</p>	<p>Report delayed following public meeting requested by residents.</p> <p>Report withdrawn from September OMC to allow administration time to liaise with MRWA on the potential to access funding from the Urban Road Safety Program.</p> <p>The report will be revised and re-presented to Council by March April 2022 following advice from MRWA.</p>
20 October 2020				
12.2	Request to the Minister for Lands to Acquire Six Rights of Way as Crown Land and Reserve as Public Rights of Way - Perth Precinct	CEO	Request submitted to the Minister for Lands in February 2021. Assessment expected to take 6 – 12 months. Five RoWs completed. One pending.	<p>Expected completion 31 December 2021.</p> <p>End of 2021/22 financial year.</p> <p>September 2021 Late 2021</p> <p>During 2022</p>
15 September 2020				
9.4	City of Vincent Rebound Plan	EDSD	The Rebound Plan is a living document that will constantly update and evolve to meet the changing needs of businesses and the community. The plan will be updated and reported monthly to the Rebound Roundtable and quarterly to Council.	The final quarterly update will be provided to Council at its meeting in June 2022.
10.1	Waste Strategy Project - 8 Commercial Waste Collections (Update Report)	EDIE	Administration currently preparing next steps for ending commercial services as per council approved Communications Strategy. Administration is visiting all commercial premises.	Implementation review report to Council on the discontinuation of the commercial waste service will be provided six months after implementation. Estimated March April 2022
12.2	Repeal of the City of Vincent Parking and Parking Facilities Amendment Local Law 2020	EDSD	<p>The Joint Standing Committee has been advised of Council's decision.</p> <p>Public notice of the repeal of the amendment local law occurred in January 2021. The public comments proposed to be provided to Council in mid-late 2021 early 2022.</p>	A new local law is being drafted for Council's review in mid September late 2021 early 2022.
Council Meeting – 7 April 2020				
12.3	Sale of miscellaneous portions of City Freehold Land	CEO	Community consultation in respect to Brentham Street conducted September 2021. Discussions to occur with Rosewood and Aranmore regarding future sale/lease of Brentham Street parcel.	<p>202 Vincent Street – Completed.</p> <p>150 Charles Street - Completed.</p> <p>10 Monmouth Street – Complete sale not proceeding.</p> <p>Completed – Barlee Street carpark – 22 June 2021 – not proceeding at this time.</p> <p>Completed (Superseded with new resolution) - Brentham Street - Council December 2021 early 2022</p>

Item	Report Details	Action Officer	Comments	Due Date / Timeframe for Completion / Completed
Council Meeting – 23 July 2019				
9.8	Beaufort Street Change of Use Exemption and Amendment to Policy No. 7.5.1 - Minor Nature Development	EDSD	The trial has been implemented along with a number of additional exemptions implemented through the State Government in response to COVID and presented back to Council for consideration.	The revised draft Policy will be presented to Council for consideration in the 2020/21 financial year 2021- 2022
Council Meeting – 30 April 2019				
11.4	Transfer and dedication of lots as road - Charles Street, North Perth	CEO	Main Roads to organise State Solicitors Office to prepare have prepared transfer documents. Awaiting signing by both parties. Acquisition of Lot 66 on hold due to adverse possession claim. Resolution of adverse possession claim waiting on Landgate decision.	To be signed by 30 October 2020. Waiting on Landgate decision
Council Meeting – 2 April 2019				
11.4	Amendments to the Trading in Public Places Local Law 2008 and Local Government Property Local Law 2008	CEO	Local Government Property Local Laws and new Election Signs Policy report provided to Council 28 July 2020 for approval to advertise. Trading in Public Places Amendment Local Law will be redrafted.	Local Government Property Local Law completed (Item 12.7 28 July 2020). Trading in Public Places Local Law will be redrafted mid in June late 2021. early 2022
Council Meeting – 27 June 2017				
9.5	Submission to WALGA – Third Party Appeal Rights in Planning	EDSD	Administration has forwarded the submission to WALGA. The Minister for Planning and the Attorney General were not advised of Council's position in relation to Third Party Appeal Rights.	Administration will prepare advice to the Minister for Planning and the Attorney General on Third Party Appeal Rights in 2022 in the context of reforms to Development Assessment Panels and the intended introduction of a Special Matters Development Assessment Panel.
Council Meeting – 30 May 2017				
12.5	Perth Parking Levy	EDIE	Awaiting outcomes of the Perth CBD Transport Plan and specific recommendations regarding the Perth Parking Levy. State Government yet to release results of consultation.	Update scheduled to be provided in late 2021 2022
Council Meeting – 27 May 2014				
9.3.4	East Perth Football Club and Subiaco Football Club Lease additional space at Medibank Stadium	CEO	Further discussions ongoing as part of broader discussions with Football Clubs.	September 2020. November 2020 Mid Late 2021. Early 2022

COUNCIL WORKSHOPS

Two workshops have been held since 5 April 2022.

12 April 2022

The topics discussed were:

Vincent Pedestrian Streets - Grosvenor Road Trial

Tamala Park Regional Council – Landholding

Precinct and City-Wide Planning

19 April 2022

Proposed Communications & Social Media Policy, replacing Social Media Protocol and Media Policy

Review of Council Member Contact with Developers Policy

Annual Review of Council Delegations

Workforce Plan 2022/2023

Leederville Oval Floodlights

Waste Project Update - Cessation of Commercial Services

Advocacy Agenda - Q1 2022 Update

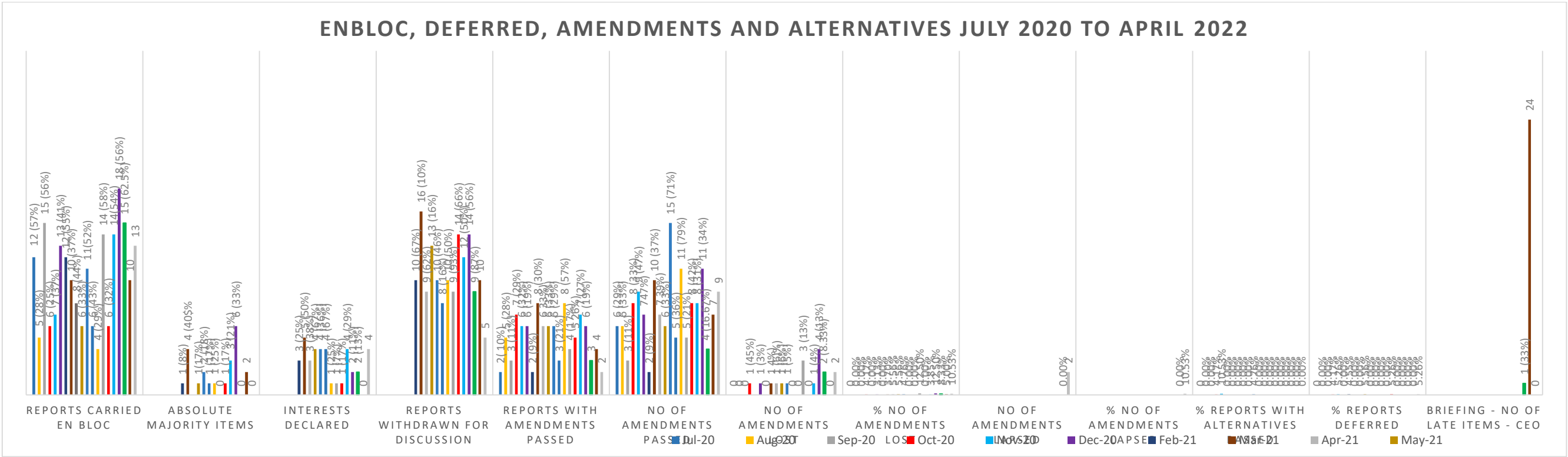
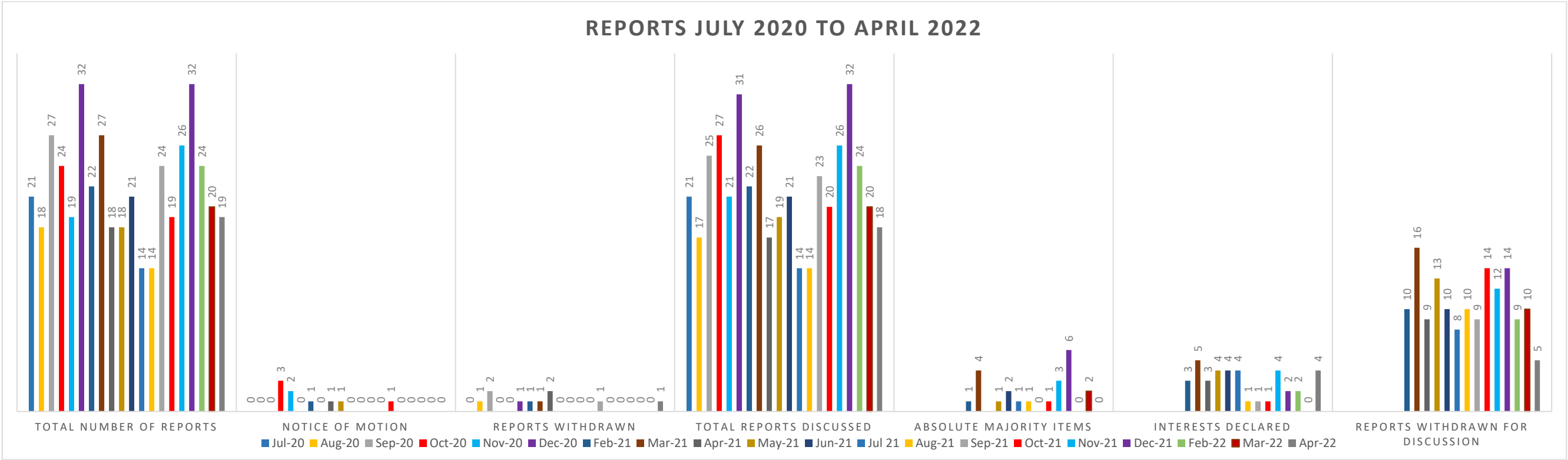
Asset Prioritisation for Buildings and Level of Service Review

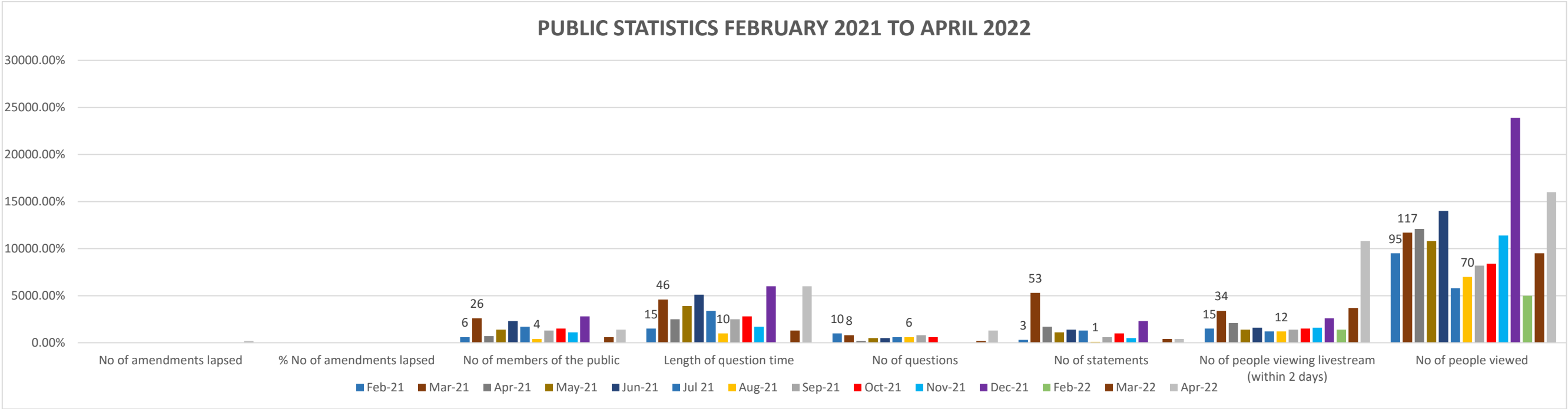
Local History Awards 2022

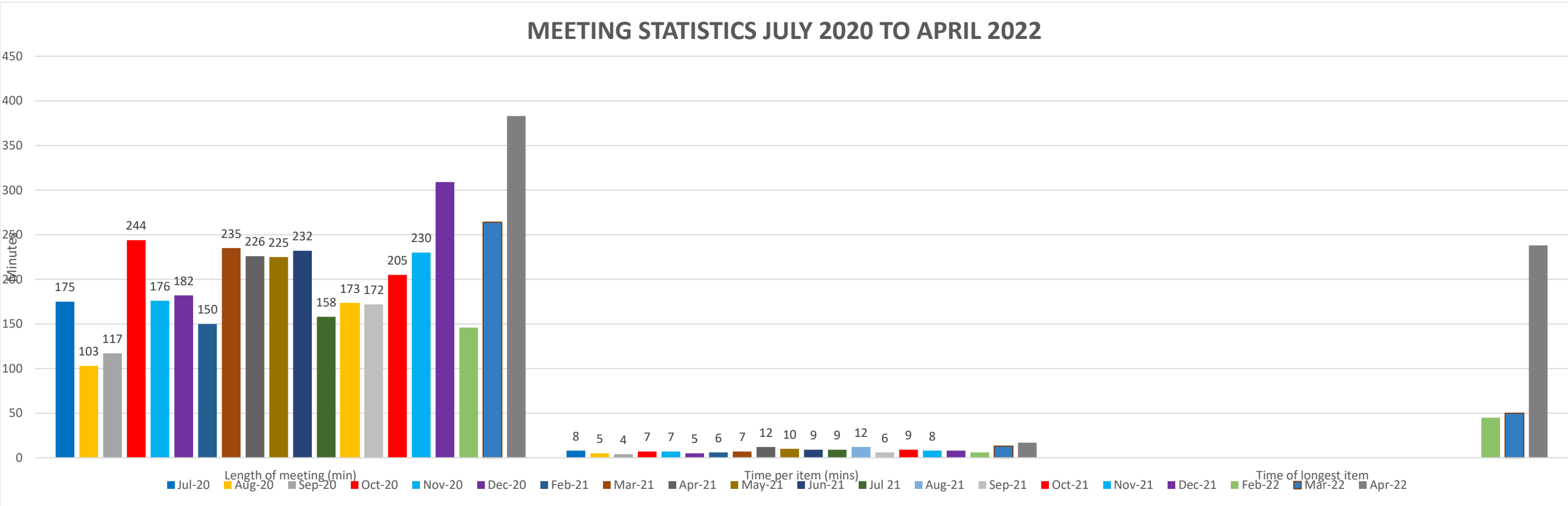
Consideration of New Policy – Sportsground Allocation, Use and Hire Policy

Improving Council Meeting Decision Making Processes

COUNCIL MEETING STATISTICS AS AT 5 APRIL 2022









CITY OF VINCENT

NOTES

Council Briefing

29 March 2022

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29 MARCH 2022

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COUNCIL BRIEFING NOTES

29 MARCH 2022

**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AS E-MEETING AND AT THE
ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 29 MARCH 2022 AT 6.00PM**

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward (electronically)
	Cr Alex Castle	North Ward
	Cr Jonathan Hallett	South Ward (electronically)
	Cr Dan Loden	North Ward (electronically)
	Cr Ashley Wallace	South Ward (electronically)
	Cr Suzanne Worner	North Ward (electronically)
	Cr Ron Alexander	North Ward (left at
	Cr Ross Ioppolo	South Ward (electronically)
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment (electronically)
	Peter Varris	A/Executive Director Strategy & Development
	Virginia Miltrup	Executive Director Community & Business (electronically)
	Jay Naidoo	Manager Development & Design (electronically) (left at 8.40pm, after Item 5.3)
	Rhys Taylor	Manager Financial Services (left at 8.42pm after Item 7.4)
	Craig Wilson	Manager Engineering (electronically) (left at 7.53pm, after Item 8.5)
	Paul Morrice	Manager Ranger Services (electronically)
	Tara Gloster	Manager Policy & Place (electronically) (left at 8.40pm after Item 5.4)
	Wendy Barnard	Council Liaison Officer
Public:	Approximately eleven members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Emma Cole, declared the meeting open at 6.00pm and read the following Acknowledgement of Country statement:

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

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

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

3.1 Geraldine Box of North Perth - Item 6.4

- Spoke in support of the recommendation
- Thanked Administration and Council for listening to the residents

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- Recommendation 3.1 is a really useful approval to traffic calming, as it will improve pedestrian amenity, as long as they are at grade where the plateau and footpath meet to ensure that people in wheelchairs and prams etc can access
- Requested a plateau at Claverton and Leake Streets, this would make it clear that these streets are not suitable for rat running
- Requested that a timeline for completion is advised
- Supports a 12 month trial of the diagonal diversion
- Thanked Council for addressing these issues

The Presiding Member, Mayor Emma Cole, thanked Ms Box for her comments and advised that Main Roads are keen to expend this funding before the end of the financial year, which is one of the reasons that Council has to rely on previous consultation.

3.2 Andrew Main of North Perth – Item 6.4

- Spoke in support of recommendation
- Requested details on the impact that specific treatments on each street would be
- Recommended a couple of community workshops with representatives from each street
- Suggested that the closure of View Street at Fitzgerald Street would cause major impacts
- View Street was not closed when this process started, so traffic that would have used that street is now using Alma Street, could modelling be done around what traffic would look like if View Street was opened again.

The Presiding Member, Mayor Emma Cole, thanked Mr Main for his comments and advised that the City is not planning to close View Street.

3.3 Barbara Abbott of North Perth – Item 8.4

- Submitted a written statement, listed below, and spoke to it
- Mentioned that while there may be constraints set out in the Model of Code of Conduct, it is in the best interests of Council to provide the best possible process for resolving behaviour issues
- Mentioned that lack of resolution of behaviour issues breeds discontent
- Stated that the complaints process should be fair, demonstrate respect for all parties and be founded on the principles of natural justice

The Presiding Member, Mayor Emma Cole, thanked Ms Abbott for her comments and for taking the time to prepare this feedback.

3.4 Marie Slyth of West Perth – Item 8.5

- Spoke to motion 4 and 5
- Stated that she feels she has the right to be safe entering and leaving her garage, there is no visibility in either direction when exiting the garage
- Reiterated her call for a large sign at the entrance of Colvin Lane from Strathcona Street and at the unnamed laneway that adjoins Colvin Lane
- Mentioned that when the wind blow strongly, the trees almost touch the tops of the houses

The Presiding Member, Mayor Emma Cole, thanked Ms Slyth for her comments and advised that the recommendation notes that the trees in Carr Street require minor management. Mayor Cole also queried the condition of the pavement markings from 2011? Marie Slyth advised they are still clear, but they are not observed.

3.5 Suzanne Burke of North Perth – Item 8.5

- Spoke to motions 6 and 9
- Mentioned that when the pavilion was demolished the field is no longer suitable for sports
- Stated the reserve is too small to shared use.

COUNCIL BRIEFING NOTES29 MARCH 2022

- Stated that the limestone wall and fence on the north side of Beatty Park needs to be extended, or their houses will be flooded.
- Mentioned that the removal of the pavilion removed a physical barrier to the water
- Stated that protection is required from the Charles Street side of the reserve, the Council did agree to this and allocated money towards it, which was then cancelled for an unknown reason

The Presiding Member, Mayor Emma Cole, thanked Ms Burke for her comments.

3.6 Lynda Quinn of North Perth – Item 8.5

- Spoke to Motion 9
- Mentioned there is not sufficient space for concurrent use
- Queried how the neighbourhood can use this space with the sporting teams, when there are approximately 80 people at the sporting events
- Stated that there is no reference in the report to the lack of changerooms or toilet facilities, which are required for hiring the field to sporting teams
- Requested that the teams are relocated to a more suitable venue

The Presiding Member, Mayor Emma Cole, thanked Ms Quinn for her comments.

3.7 Ray Stevenson of North Perth – Item 8.5

- Spoke to motion 6
- The Emerge report cost \$25,000, option 5 was the preferred option, but it did not proceed
- Money was allocated but subsequently cancelled with no explanation or communication
- Spoke about the history of this issue

The Presiding Member, Mayor Emma Cole, thanked Mr Stevenson for his comments.

3.8 Steve Burke of North Perth – Item 8.5

- Spoke to motions 6 and 9
- Without the pavilion there are no facilities for the sporting teams and the neighbouring houses are flooding from the Charles Street side.
- Stated that the leaves block the drains, which causes flooding.
- The extension of the wall and the fence will slow the water and stop the leaves

The Presiding Member, Mayor Emma Cole, thanked Mr Burke for his comments.

3.9 Greg Nolan of North Perth - Item 8.5

- Spoke to motion 6
- The City's response is that significant drainage improvement works have been carried out, the total cost of mitigation works exceed \$260,000. Most of the drainage works precede the Emerge report.
- Can the City provide details of the additional works undertaken after the Emerge report and explain why option 5 of the report was not actioned? Option 5 was to increase the barrier within Beatty Park and connection to the downstream leisure centre drainage system.
- As the City cannot guarantee that inundation will not occur in the future, why not build the wall

The Presiding Member, Mayor Emma Cole, thanked Mr Nolan for his comments.

3.10 Dean Campbell of North Perth- Item 5.2

- Spoke against the recommendation
- Made a presentation which highlighted how the development will allow full view into the backyard and rear windows of his house
- Requested that Council reject this proposal and suggested some alternatives

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The Presiding Member, Mayor Emma Cole, thanked Mr Campbell for his comments. Mayor Cole asked about Mr Campbell's plan for access from the ROW. Mr Campbell advised he would like to add a garage on the corner facing the unit, entering from Raglan Street. Mayor Cole asked which direction is it looking from backyard to the frontage of the development. Mr Campbell advised it is West, so that they can get the light. Mayor Cole queried if he had considered a boundary wall? Mr Campbell advised that he would like to have a garage there, and then possibly a tree would help with shade.

3.11 Ian Merker of North Perth – Item 5.2

- Stated that the requirement is to look at overshadowing at one moment of the year, but he has looked at the effects on other days. The result is that for 4 – 5 months of the year multiple neighbours are completely overshadowed
- In summer it will cause a heat trap in the backyard
- Queried if Council would like to have no sunshine in their backyard

The Presiding Member, Mayor Emma Cole, thanked Mr Merker for his comments.

The following questions and statements were received prior to the Briefing.

3.12 Thomas Corbett of North Perth - Item 6.4

I support recommendation 4 of the briefing agenda on North Perth traffic calming to consult on a diagonal diversion at the intersection of Leake St and Alma Rd. My question is can the council - in this consultation - consider making the diversion a more substantial size that incorporates the adjacent park area to the east of Leake St - extending it north to fully block the east approach of Alma Rd to Leake St, and giving a greater overall park green space to the area as part of the diversion measure? A sketch is included below.

This would have the following benefits:

- Create a cul-de-sac of the northern section of Leake St - reducing traffic in the area of the St Ritas nursing home and North Perth Town Hall
- Gives a quieter area for parking and safe access to families of North Perth Primary school, via the existing school crossing at the North end of Leake St
- Not disrupt overall traffic flow as traffic from View St heading to Alma Rd and vice versa could take the nearby Glebe St in lieu of the north section of Leake St - extending use of the View St as the designated higher traffic street
- Provide an extension of the Leake St green space to the benefit of all residents in the area

I would ask for this proposal to be considered by the council in the consultation - as I see it for the above reasons creating more benefit to the users of the surrounding area.

Figure of proposal:



3.13 Barbara Abbott of North Perth – Item 8.4 – attended the meeting and spoke to the below statement

It is my view the document, in its current form, should not be endorsed. I consider there are some necessary changes required.

My background is in complaints management and conciliation. I am a licenced Investigator and have conducted investigations into conduct issues in State and Federal Government organisations, private sector corporations and Local Government authorities over more than 20 years. In recent times I have conducted investigations of complaints, made in WA Local Government authorities, raised under the Model Code of Conduct. I have had no involvement in any matters within the City of Vincent.

ISSUE 1 The Complaints Assessor role is insufficiently defined. It is a requirement in WA that persons making inquiries, into the conduct of others, do so with some authority. Lawyers, sworn officers and licenced investigators meet these requirements. There are significant risks in contracting a Complaints Assessor who is not qualified to make inquiries into the conduct of others.

ISSUE 2 [3.1 Making a complaint] Best practice is to address issues, as soon as possible, after an event as is possible. The policy allows a one month window. If the complaint is a one-off event this may be considered reasonable and qualify as best practice. Unfortunately, complaints are often regarding a series of interactions or events that occur over time. In this case a one month window in which to raise a complaint would be unreasonable. For example: if a Councillor were to be dismissive of a resident's concerns and in doing so made disparaging comments regarding their character, the one-off issue would probably not result in a complaint.

However, if the behaviour was repeated, it is more likely to require resolution through the complaint process. It is unlikely repeated incidents would happen within the month that is provided for in the procedure. An opportunity to resolve an issue of behaviour could be denied and the opportunity for resolution lost. The matter may then escalate to proceedings outside of CoV procedures which is not desirable.

ISSUE 3 Code of Conduct Behaviour Complaints Management Policy – Alternative Dispute Resolution. There is no place for disputes in the coverage of behaviour complaints. The documentation clearly states it is behaviour complaints to be addressed not disputes. This is out of place.

It is critical that claimants and respondents have an opportunity to resolve the behaviour complaint. This is an important part of a process and should be highlighted and encouraged. Effective resolution would usually

COUNCIL BRIEFING NOTES

29 MARCH 2022

require a conciliation process. Conciliation is an expedient process that has a high success rate. Some authorities use mediation. My experience is that mediation is less effective than conciliation as it tends to focus on how people feel rather than an agreement as to how they will both conduct themselves in the future.

ISSUE 4 The role of the Complaints Assessor is to; collect evidence relevant to the complaint, analyse the evidence into findings, consider mitigating circumstances, consider opportunities for resolution and conclusion of the complaint. The Report provided by the Complaint Assessor should then be considered by the Complaints Committee as to its quality and completeness. The Complaints Committee needs to make a decision based upon their assessment of the report and not bring their own biases to the decision making. 4.4 encourages the Complaints Committee to consider things outside of the independent Complaints Assessor's report. This threatens the perception of a fairness and natural justice. This section (4.4) needs to be rewritten. In my view it is the greatest risk to the success of this process.

These issues were raised during discussion on the item, and Administration has provided a response to each of the issues at Item 8.4 of these Notes.

3.14 Dudley Maier of Highgate – Item 6.3 and 8.6

1. Item 8.6 identifies three areas for underground power and indicates that this covers 5,336 service meters, plus that the preliminary estimated cost is \$17,600,000. What is the preliminary cost for each of the areas, and how many service meters are in each area (i.e. what is the split up of the 5,336 and \$17,600,000 by area)
2. Item 6.3 indicates that the combined cost of toilet block refurbishment and kiosk 'fit-out' is \$263,896. How much will the toilet block cost, and how much will the kiosk cost? Why didn't the report provide this information given that separate budget components are known to be \$220,000 and \$55,000 respectively, and the tenderers were requested to provide separate figures for each?

Rob Goulding of North Perth – Item 6.4

With reference to ongoing heightened levels of traffic on Alma Road (including ongoing Cole's HGV delivery trucks) in addition to the expected increase of traffic attributable to the Fitzgerald Street development, we would like the Council to respond to the following questions:

- Further to previous correspondence from the Council, when will a trial period to block access to Alma Road commence and for how long?
- Will the Council consider a local traffic management system identical to the one in Mt Lawley that also has traffic management on the same streets around a busy retail district similar to the North Perth Shopping Plaza (Alma Road, Raglan Road and Grosvenor Road)?
- Will the council publicly share the data collected for traffic (quantity of vehicles) recorded on Alma Road, Claverton Street, Leake Street and View Street?
- Where variances in data sets exist between Alma Road and Claverton Street (a street parallel to Alma Road not typically used as a short cut between Charles Street and North Perth Shopping Plaza), what are the Council's conclusions to the variances in traffic volume between Alma Road and Claverton Street?
- Does the council consider the volume in Alma Road traffic (heavy goods and regular vehicles) a health and safety risk managed to ALARP (As Low as Reasonably Practicable) for local residents and their children?

There being no further speakers, Public Question Time closed at approximately 6.48pm.

4 DECLARATIONS OF INTEREST

Cr Ron Alexander declared a proximity interest in Item 6.3 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd and Item 8.5 Responses to motions carried at the Annual Meeting of Electors 2 February 2022 (specifically motion 12). The extent of his interest is that he lives opposite Hyde Park. He is seeking approval to participate in the debate as he feels his interest is trivial and insignificant.

COUNCIL BRIEFING NOTES**29 MARCH 2022**

At 6:49 pm, Cr Ron Alexander left the meeting.

COUNCIL DECISION

Moved: Cr Ioppolo, **Seconded:** Cr Worner

That Council APPROVE Cr Ron Alexander's request to participate in the debate on Item 6.3 Proposed Lease of Hyde Park Kiosk to Veggie Mama Pty Ltd and Item 8.5 Responses to motions carried at the Annual Meeting of Electors 2 February 2022 (specifically motion 13).

LOST (1-7)

(Cr Alexander was absent from the Council Chamber and did not vote.)

For: Cr Ioppolo

Against: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Wallace and Cr Worner

(Cr Alexander was absent from the Council Chamber and did not vote.)

At 7.15 pm, Cr Ron Alexander returned to the meeting.

COUNCIL BRIEFING NOTES

29 MARCH 2022

5 STRATEGY & DEVELOPMENT**5.1 NO. 128A (LOT: 2; STR: 80812) HAROLD STREET, MOUNT LAWLEY - PROPOSED ALTERATIONS AND ADDITIONS TO GROUPED DWELLING****Ward:** South

- Attachments:**
1. Location Plan
 2. Final Development Plans
 3. Superseded Plans - Plans Originally Submitted
 4. Summary of Submissions - Administration's Response
 5. Summary of Submissions - Applicant's Response
 6. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for alterations and additions to grouped dwelling at No. 128A (Lot: 2; S/P: 80812) Harold Street, Mount Lawley in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Development Plans

This approval is for alterations and additions as shown on the approved plans dated 22 February 2022. No other development forms part of this approval;

2. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the use of the terrace, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

3. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City;

4. Visual Privacy

Prior to use of the terrace, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

5. Colours and Materials

Prior to the lodgement of a building permit, a schedule detailing the colour and texture of the building materials, including privacy screening, must be submitted to and approved by the City. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to use of the terrace; and

6. Stormwater

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

NO QUESTIONS

COUNCIL BRIEFING NOTES

29 MARCH 2022

5.2 NO. 4 (LOT: 235; D/P: 1237) ETHEL STREET, NORTH PERTH - PROPOSED TWO GROUPED DWELLINGS**Ward:** South

- Attachments:**
1. Consultation and Location Map
 2. Lodged Development Plans
 3. Final Development Plans
 4. Administration Streetscape Analysis
 5. Administration Shadow Diagram
 6. Urban Design Study
 7. Environmentally Sustainable Design Report and Template
 8. Summary of Submissions - Administration's Response
 9. Summary of Submissions - Applicant's Response
 10. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Two Grouped Dwellings at No. 4 (Lot: 235; D/P: 1237) Ethel Street, North Perth in accordance with the plans shown in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Development Plans

This approval is for Two Grouped Dwellings as shown on the approved plans dated 21 February 2022 and 10 March 2022. No other development forms part of this approval;

2. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

3. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City;

4. Visual Privacy

Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply provisions, to the satisfaction of the City;

5. Colours and Materials

5.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

5.2 The metre boxes are to be painted the same colour as the wall they are attached to so as to not be visually obtrusive, to the satisfaction of the City;

6. Landscaping

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All landscaping works shall be undertaken in accordance with the approved plans dated 21 February 2022 and 10 March 2022;

7. Stormwater

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

8. Sight Lines

Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect, with the exception of:

- One pier at max width of 0.4 metres x 0.4 metres and height of 1.8 metres, with decorative capping permitted to 2.0 metres;
- Infill that provides a clear sight line; and
- If a gate is proposed:
 - When closed: a minimum of 50 percent unobstructed view;
 - When open: a clear sightline;

Unless otherwise approved by the City of Vincent; and

9. Car Parking and Access

9.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

9.2 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City; and

9.3 No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage areas, where provided.

MAYOR COLE:

If the ROW remains at 4 metres is there still space within the land to provide some additional planting? Given the orientation of the Unit 2 development to other properties and backyards on the ROW, is there the ability to soften this façade through landscaping or other means?

MANAGER DEVELOPMENT & DESIGN:

The ground floor of Unit 2 is proposed to be setback 1.0 metre from the ROW. Should the ROW remain as 4 metres in width, it would be possible for landscaping to be provided within this setback area.

The applicant has amended the landscaping proposed for the site and two Cottonwood Hibiscus trees are now proposed within the 1.0 metre ROW setback to Unit 2. The tree has a canopy of 5 metres width and can grow to a height of 8 metres at maturity. The tree is a recommended species which is evergreen and would be effective for both screening and additional canopy, and is supported by the City's Parks team.

The applicant has also proposed 1.6 metres of obscured glass balustrading to the living/ dining opening on the upper floor of Unit 2, facing the ROW. Although this opening is setback 6.0 metres from the property at No. 158 Grosvenor Road across the ROW in accordance with the visual privacy deemed-to-comply standards of the R Codes, the provision of this screening would further assist to mitigate any actual or perceived loss of privacy to this adjacent property.

CR GONTASZEWSKI:

What are they contemplating for the subdivision, and what would the impacts be?

COUNCIL BRIEFING NOTES

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MANAGER DEVELOPMENT & DESIGN:

The indicative subdivision layout plan for the proposed development shows two lots with a common property area being the pedestrian access leg from Ethel Street. This plan is included in the development plans. The common property serves as the pedestrian access for Units 1 and 2 from Ethel Street. By providing common property, the type of subdivision would be survey strata. This would result in the development remaining as two grouped dwellings.

The implication for grouped dwellings development type is that store rooms are required to be provided for each dwelling under the R Codes and residential parking permits would not be available under the City's Policy No. 3.9.3 – Parking Permits.

The development proposal would provide for approximately 1 square metre of storage within the garage for future occupants to use and this is detailed in the officer report.

Advice note 11 of Administration's recommendation confirms that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the grouped dwellings.

There is no subdivision application for the site that has been lodged with the Western Australian Planning Commission (WAPC) at this stage.

CR HALLETT:

Administration's report notes the overshadowing is deemed to comply at the winter solstice. Seeking clarity around what avenues there are to look at, such as setbacks, height to address this issue. Are there any provisions in local policy documents around increasing requirements specifically for this type of orientation of buildings to avoid this in the future?

MANAGER DEVELOPMENT & DESIGN:

Overshadowing of adjoining southern properties from east-west orientated lots is a common issue throughout the City.

Administration could investigate options to provide greater guidance on this issue as part of a review of the City's Policy No. 7.1.1 – Built Form (Built Form Policy) which is scheduled for next financial year.

These options could include providing additional deemed-to-comply standards relating overshadowing of adjoining properties. This would provide greater design guidance to better respond to preserving the amenity of neighbouring properties from overshadowing impacts for lots due to this orientation.

The inclusion of any additional deemed-to-comply standard for overshadowing through the Built Form Policy would require the approval of the WAPC.

CR LODEN:

There is a large space on the boundary of No. 164 Grosvenor Road and No. 4 Ethel Street in the verge. Could an additional tree be planted to address the landscaping challenges and bulk and scale of the development?

MANAGER DEVELOPMENT & DESIGN:

Administration has investigated planting a street tree in this verge location between No. 4 Ethel Street and No. 164 Grosvenor Road. It would not be possible to plant a tree in the verge in this locations for the following reasons:

- Administration has confirmed with the owner of No. 164 Grosvenor Road that the outbuilding structure on the boundary is used to park vehicles with vehicle access provided from Ethel Street. There is no formalised and constructed crossover in the verge. A new verge tree planted in this location would obstruct access to the outbuilding on No. 164 Grosvenor Road.*
- Crossovers to Ethel Street would not be able to accommodate the minimum 1 metre clearance of verge trees from vehicle access points required under the City's Policy No. 2.1.2 – Street Trees, should a new verge tree be installed within this area.*
- The City's Parks team has confirmed that an additional verge tree adjacent to the boundary of No. 164 Grosvenor Road and No. 4 Ethel Street would be limited by an overhead power line in this location. The overhead power line together with crossover and vehicle access locations would limit another verge tree to be successfully installed and that could grow to maturity.*

COUNCIL BRIEFING NOTES

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The applicant has proposed an additional Capital Pear tree within the front setback area of Unit 1 since Council's Briefing Session. This tree has a maturity canopy width of 4 metres. The City's Parks team has confirmed that this is consistent with the City's recommended species, and it is fast growing and can be pruned to remain clear any buildings or upper floor structures. This would assist in mitigating bulk and scale of the development as viewed from the street.

CR LODEN:

If Council's view was that the bulk and scale of Unit 2 was dominant, could planting additional trees within the right of way (ROW) assist to reduce these impacts? How wide does the ROW need to be to maintain access? Could trees be planted on one side or another of the ROW, reducing this width to 3 metres while still facilitating ingress and egress?

MANAGER DEVELOPMENT & DESIGN:

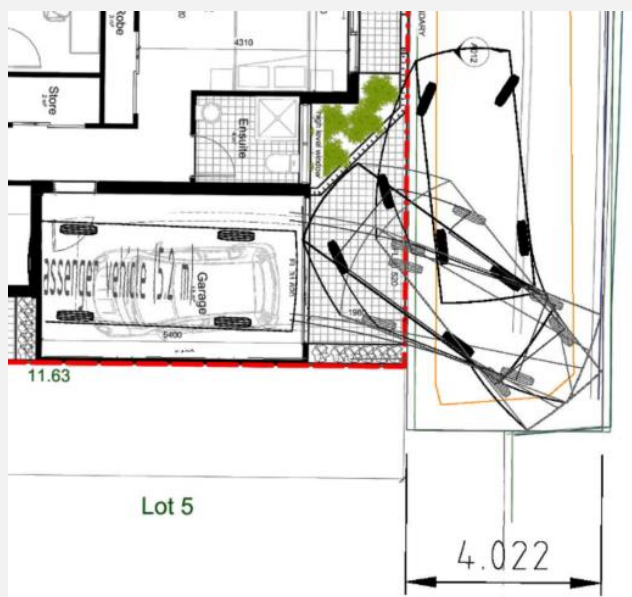
The Australian Standards require a 3 metre aisle width for vehicles moving in a straight direction. This width does not account for larger vehicles or turning movements required within the ROW. Additional tree planting in the ROW would limit vehicle egress within the right of way, introduce additional obstructions in truncation zones from rear garages and impede vehicle movements within the ROW. Future development of lots that have a right of access to the ROW may be restricted in development potential due to the inability to place garages and crossovers in locations that would otherwise be available, and a 1 metre clearance required of garages and crossovers from any obstructions placed within the ROW.

Administration would not be supportive of the planting of trees within the ROW as this would provide limitations on the access and the 6 metres of manoeuvring required for vehicles under the Australian Standards (AS2890.1) for the subject and neighbouring lots.

The City has previously planted trees in ROW's in accordance with the City's Greening Plan. These ROW's have been 6 metres in width and free of any underground or overhead service infrastructure. The subject ROW is 4 metres in width and has sewer lines and hatch to access sewer lines which run through the ROW that also restricts the ability to install trees.

Notwithstanding this, 1 metre wide tree planting areas proposed to portions of the ROW would require separate approval to be obtained that is outside of the planning approval process. The installation of a tree within the ROW would be classed as an obstruction to a public road on Crown Land. The City's Local Government Property Local Law 2008 does not allow for obstructions within thoroughfares and would require a permit to be obtained for such works issued by the City.

A copy of the swept path analysis for the vehicle manoeuvring for Unit 2 to the ROW that was prepared by the City is included below and demonstrates the required turning circle required for safe and sufficient ingress and egress to the lot.

**CR LODEN:**

COUNCIL BRIEFING NOTES

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Is the southern portion of the ROW required for any purposes or can it be re-purposed for screening vegetation? If possible, foreshadow an amendment

MANAGER DEVELOPMENT & DESIGN:

The southern portion of the ROW is required for the manoeuvring of vehicles in and out of the garage of Unit 2. This is shown on the swept path diagram included above.

Administration does not support planting in this section portion of the ROW on this basis.

Notwithstanding this, the re-purposing and closing a portion of a ROW for planting would be subject to a separate process outside of the planning approval process. The process that would need to be followed is below.

- *City provide notice to owners, occupiers of the abutting properties with right of access to the right of way, and any suppliers of public utility to the land.*
- *Council to endorse advertising of the works to the community.*
- *The City seek feedback from the community and consider any comments received.*
- *With landowner support of the closure, the City can request the Minister for Lands to close the access way in accordance section 58 of the Land Administration Act 1997.*
- *Administration's recommendation presented to Council for decision.*
- *If approved, the request is sent to the Minister for final closure.*

Works to the ROW could not commence before approval is granted by the Minister and the process would take approximately 10 months to complete. The City would also become responsible for the ongoing maintenance of this landscaping.

CR HALLETT:

Administration's report notes the overshadowing is deemed to comply at the winter solstice. Seeking clarity around what avenues there are to look at, such as setbacks, height to address this issue. Are there any provisions in local policy documents around increasing requirements specifically for this type of orientation of buildings to avoid this in the future?

MANAGER DEVELOPMENT & DESIGN:

Overshadowing to adjoining southern properties from east-west orientated lots is a common issue throughout the City.

Administration could investigate options to provide greater guidance on this issue as part of a review of the City's Policy No. 7.1.1 – Built Form (Built Form Policy) which is scheduled for next financial year.

These options could include providing additional deemed-to-comply standards relating overshadowing of adjoining properties. This would provide greater design guidance to better respond to preserving the amenity of neighbouring properties from overshadowing impacts for lots due to this orientation.

The inclusion of any additional deemed-to-comply standard for overshadowing through the Built Form Policy would require the approval of the WAPC.

CR WALLACE:

How was the sight lines assessment assessed by the City? Specifically the manoeuvrability of vehicles in and out of the rear proposed dwelling. Has the City's Engineering team performed that analysis or additional information including a swept path analysis was provided by the applicant in support? Is there room for the vehicle to enter and exit the lot in forward gear or reversing out of the garage?

MANAGER DEVELOPMENT & DESIGN:

The vehicle access and manoeuvring from Unit 2 garage to the ROW was reviewed by the City's Technical Services team.

This review included the preparation of a swept path diagram by the City to confirm that there is adequate manoeuvring for vehicles to enter in forward gear and exit by reversing out from the garage through the setback and truncations of the development.

A copy of the swept path analysis undertaken is provided above.

COUNCIL BRIEFING NOTES

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OTHER MATTERS:Development Plans Date

There was a question raised during public question time at Council's Briefing Session querying the date of the development plans, specifically that there appeared to be no plans dated 10 March 2022 as referenced in the officer report.

There was one plan showing elevations of Unit 1 (plan ref. A003) dated 10 March 2022 in the set of development plans attached to the officer report. All other plans were dated 21 February 2022.

Due to changes made to the proposed plans following Council's Briefing Session, the date of development plans have been updated.

Changes Made Following Council's Briefing Session

The applicant has submitted amended plans following Council's Briefing Session to make changes to the proposal based on comments made at the meeting.

These changes relate to the following:

- An additional tree (Capital Pear) proposed within the front setback area of Unit 1 to assist with softening the development as viewed from the street.
- Two additional trees (Cottonwood Hibiscus) are proposed to the rear of Unit 2 in the setback area to the ROW to address perceived overlooking.
- Obscure window treatments to a height of 1.6 metres have been incorporated to the upper floor opening of the living/dining room of Unit 2 to address perceived overlooking.

The officer report has been updated to reflect this in the Proposal and Comments sections.

Late Submission of Support

Just prior to Council's Briefing Session, the City received a late submission of support from a neighbour to the north of the development site. The officer report has been updated to reflect this in the Consultation/Advertising section.

At 8.04 pm, Cr Ross Ioppolo returned to the meeting

At 8.11pm David MacLennan left the meeting

At 8.18pm David MacLennan returned to the meeting.

COUNCIL BRIEFING NOTES

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5.3 PROPOSED AMENDMENT NO. 9 TO LOCAL PLANNING SCHEME NO. 2 - NO. 21 (LOT: 373; D/P: 1939) EUCLA STREET, MOUNT HAWTHORN**Ward:** North

- Attachments:**
1. Location Map
 2. Proposed Scheme Amendment Map
 3. Applicant's Scheme Amendment Report and Justification

RECOMMENDATION:**That Council:**

1. **ADOPTS** Amendment No. 9 to Local Planning Scheme No. 2, included as Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005*;
2. **ADVISES** the Western Australian Planning Commission that Amendment No. 9 to Local Planning Scheme No. 2 is considered a standard amendment pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment:
 - Is consistent with the City's Local Planning Strategy on the basis that it does not represent an expansion of the commercial area into the residential area given that it provides consistent zoning over the entire landholding and better reflects the long-standing approved commercial use of the subject site;
 - Is consistent with the intent of the Urban zone under the Metropolitan Region Scheme to provide for a range of commercial and residential activities;
 - Would have minimal impact on land in the scheme area that is not the subject of the amendment as a future commercial development would be assessed against the relevant planning framework to ensure that it responds to the surrounding context appropriately;
 - Does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - Is not a complex or basic amendment;
3. **REFERS** Amendment No. 9 to Local Planning Scheme No. 2 to the Environmental Protection Authority, pursuant to Section 81 of the *Planning and Development Act 2005*; and
4. Subject to the approval of the Environmental Protection Authority, **ADVERTISES** Amendment No. 9 to Local Planning Scheme No. 2 for public comment for a period of 42 days, pursuant to Regulation 47(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*

NO QUESTIONS:

At 8.40pm Jay Naidoo left the meeting and did not return.

COUNCIL BRIEFING NOTES

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5.4 AMENDMENT TO THE CITY'S TREES OF SIGNIFICANCE INVENTORY TO INCLUDE THE JACARANDA TREE AT NO. 54 LINCOLN STREET, HIGHGATE**Attachments:** 1. No. 54 Lincoln Street, Highgate - Tree Photograph**RECOMMENDATION:**

That Council **APPROVES** an amendment to the City's Trees of Significance Inventory to include the Jacaranda tree (*Jacaranda mimosifolia*) at No. 54 Lincoln Street, Highgate.

NO QUESTIONS:

At 8.40pm Tara Gloster left the meeting and did not return.

COUNCIL BRIEFING NOTES

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6 INFRASTRUCTURE & ENVIRONMENT

6.1 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO MEMORIALS IN PUBLIC PLACES AND RESERVES POLICY

Attachments: 1. Memorials in Public Places and Reserves Policy (2.1.5)

RECOMMENDATION:

That Council:

1. **ADOPTS** the Memorials in Public Places and Reserves Policy as per Attachment 1.

NO QUESTIONS:

COUNCIL BRIEFING NOTES

29 MARCH 2022

6.2 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO PARKING PERMITS POLICY

- Attachments:
1. Attachment 1 - Summary of Submissions on Policies - Parking Permits Policy
 2. Attachment 2 - Parking Permits Policy - amended 2022 - clean copy
 3. Attachment 3 - Parking Permits Policy - amended 2022 - marked up

RECOMMENDATION:

That Council:

1. NOTES the submissions received in relation to the Parking Permits Policy at Attachment 1;
2. ADOPTS the Parking Permits Policy at Attachment 2.

NO QUESTIONS

At 8.39 Paul Morrice left the meeting.

COUNCIL BRIEFING NOTES**29 MARCH 2022**

For convenience of the briefing, the Mayor deferred questions on Item 6.3 to the end of the meeting as Cr Ron Alexander had declared a proximity interest. Cr Alexander left the meeting at 8.59pm and was not present for discussion on this item.

6.3 TENDER IE179/2022 HYDE PARK WEST TOILET REFURBISHMENT AND CAFE KIOSK

Attachments: 1. Tender Evaluation Worksheet - Confidential

RECOMMENDATION:

That Council

1. **NOTES** the outcome of the evaluation process for Tender IE179/2022 Hyde Park West Toilet Refurbishment and Cafe Fit-Out; and
2. **ACCEPTS** the tender submission of Devco Holdings for Tender IE179/2022 Hyde Park West Toilet Refurbishment and Cafe Fit-Out, for both Separable Portion 1 - Toilet Refurbishment and Separable Portion 2 - Cafe Fit-Out.

CR WALLACE:

Any drawings of what is being installed?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Will be circulated to Council.

COUNCIL BRIEFING NOTES

29 MARCH 2022

6.4 NORTH PERTH TRAFFIC CALMING - PUBLIC CONSULTATION RESULTS

- Attachments:
1. Camelia Street Petition - Confidential
 2. North Perth Traffic Calming - Consultation Letter
 3. North Perth Common - View Street, Fitzgerald Closure - Consultation Input From Residents of North Perth - Confidential
 4. Plan 3484-CP-01B - Proposed Traffic Calming Measures - Alma Road, Alfonso & Leake Streets, North Perth
 5. North Perth Traffic Calming - Online Survey - Confidential
 6. Project Detailed Report - North Perth Traffic Calming
 7. Summary of Comments - Public Meeting Road Safety & Amenity Improvements in Relation to Petition
 8. Plan 3715-CP-0 – Proposed Location of Raised Intersection Plateaus and Diagonal Diversion

RECOMMENDATION:

That Council:

1. **NOTES** the outcome of the North Perth Traffic Calming public consultation inclusive of the trial median closure at View and Fitzgerald Streets.
2. **RESCINDS** clause 3 of Council's decision for Item 10.4 of the Ordinary Meeting of 18 September 2018, and
3. **APPROVES**
 - 3.1 The installation of a raised intersection plateaus at:
 - 3.1.1 Claverton and Alfonso Streets
 - 3.1.2 Claverton and Camelia Streets
 - 3.1.3 Alma Road and Vine Street
 - 3.1.4 Alma Road and Persimmon Street
 - 3.1.5 Alma Road and Camelia Street
 - 3.1.6 Leake Street and Raglan Road
 - 3.1.7 Leake Street and Grosvenor Road, and
 - 3.1.8 Leake Street and Chelmsford Road
4. **CONSULTS** with the residents and businesses about 12 month trial of a 'diagonal diversion' at the intersection of Alma Road and Leake Street, as shown on Plan 3715-CP-0, Attachment 8.
5. **RECEIVES** a further report on the results of the consultation in August 2022.
6. **NOTES** that trial closure of the median strip in Fitzgerald Street, at View Street, will be discussed as part of a report to Council in May on possible changes and improvements in North Perth Common piazza.
7. **ADVISES** the respondents and petitioners of the Council decision.

MAYOR COLE:

40km per hour, can this be advertised for community comment in this section of North Perth? Flag an amendment if this is possible.

MANAGER ENGINEERING:

COUNCIL BRIEFING NOTES

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Noted and will be prepared.

MAYOR COLE:

Does this require Main Roads Approval and will they provide funding?

MANAGER ENGINEERING:

Information included in report

CR CASTLE:

Could the City consult on a few different options and how would this look?

MANAGER ENGINEERING:

Options will be generated and shared with Council in preparation for the public consultation exercise.

CR LODEN:

Could a heat map that shows vehicle movements and commentary on the direction of flow be provided?

MANAGER ENGINEERING:

Heat map will be circulated Monday

CR LODEN:

Alternative options- East of Alma Rd into a dead end, can previously discussed options be included in briefing notes?

MANAGER ENGINEERING:

Information included in report.

COUNCIL BRIEFING NOTES

29 MARCH 2022

7 COMMUNITY & BUSINESS SERVICES

7.1 REPEAL OF COUNCIL LOGO POLICY

Attachments: 1. Attachment 1 - Council Logo Policy 4.1.11

RECOMMENDATION

That Council:

1. APPROVES the repeal of Council Logo Policy 4.1.11, at Attachment 1.

NO QUESTIONS

COUNCIL BRIEFING NOTES

29 MARCH 2022

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 FEBRUARY 2022 TO 28 FEBRUARY 2022

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

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 February 2022 to 28 February 2022 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$4,630,613.38
Cheques	\$745.11
Direct debits, including credit cards	\$662,798.34
Total payments for February 2022	\$5,294,156.83

CR GONTASZEWSKI:

Sauna rental for Beatty Park, what period does that amount relate to?

EXECUTIVE MANAGER FINANCIAL SERVICES:

Rental of 2 Saunas for \$1300 per month plus GST and includes rental, maintenance and repair. Sauna rental costs are for the month of February. These were acquired as a result of demand from customers and generate a net positive financial benefit to the City. Spa and sauna revenue from July to December 2021 was \$140,000.

CR GONTASZEWSKI:

Which digital art work was purchased, \$1,500 from C Cole? Was it digital artwork or design services?

EXECUTIVE MANAGER FINANCIAL SERVICES:

Purchase of 4 digital pieces for the Reconciliation Action Plan and other uses, from Aboriginal artist. Artworks are title Dumbung, Jeerjii, Berrung and Bushtucker

CR GONTASZEWSKI:

Information on the 100k for kitchen caddies . Was it an annual amount or amount of rollout for FOGO's ?

EXECUTIVE MANAGER FINANCIAL SERVICES:

These costs relate to the second allocation of bin liners to households included in the FOGO rollout. The total cost of bin liners for the year is circa \$200k (incl GST).

CR GONTASZEWSKI:

Some information on the "special welfare grant for property repairs in Hobart Street"

EXECUTIVE MANAGER FINANCIAL SERVICES:

The property at 39 Hobart Street required urgent remedial works under Sections 135 and 139 of the Health Act 1911. The owner required assistance and met criteria for support on welfare grounds.

COUNCIL BRIEFING NOTES29 MARCH 2022

7.3 INVESTMENT REPORT AS AT 28 FEBRUARY 2022

Attachments: 1. Investment Statistics as at 28 February 2022

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 28 February 2022 as detailed in Attachment 1.

NO QUESTIONS

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7.4 FINANCIAL STATEMENTS AS AT 28 FEBRUARY 2022**Attachments: 1. Financial Statements as at 28 February 2022****RECOMMENDATION:**

That Council RECEIVES the Financial Statements for the month ended 28 February 2022 as shown in Attachment 1.

NO QUESTIONS

Rhys Taylor left the meeting at 8.42pm and did not return.

COUNCIL BRIEFING NOTES

29 MARCH 2022

8 CHIEF EXECUTIVE OFFICER**8.1 ADVERTISING OF AMENDED POLICY - CEO ANNUAL PERFORMANCE REVIEW****Attachments:** 1. CEO Annual Performance Review Policy (marked up)**RECOMMENDATION**

That Council APPROVES the proposed amendments to the Chief Executive Officer Annual Performance Review Policy, at Attachment 1, for the purpose of community consultation.

MAYOR COLE:

Clause 2.4a of the proposed policy refers to the CEO's contractual performance criteria as "his". Could you please update this to ensure that the policy is gender neutral?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

This has been updated in the report.

MAYOR COLE:

Clause 1.5 requires that all Council Members appointed to the CEO review panel are to undertake training within a six month period. Could you please update the wording to allow for flexibility in the event training cannot be sourced within the timeframe?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Clause 1.5 has been updated to allow for CEO performance review training courses to be provided by WALGA or similar industry recognised training providers. This has been updated in the Council report.

CR CASTLE:

Is WALGA the only option for CEO performance review training? Could you please update the wording to allow for other options and more flexibility.

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Clause 1.5 has been updated to allow for CEO performance review training courses to be provided by WALGA or similar industry recognised training providers. This will be updated in the Council report.

CR CASTLE:

In relation to Clause 5.1, what would happen if Council did not reach an absolute majority to endorse the review?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Clause 18, schedule 2 of the Local Government (Administration) Regulations 1996 requires local governments to endorse, by absolute majority, a CEO performance review.

Clause 5.1 has been included to ensure that the process aligns with this new legislative requirement.

All Council Members are involved in the performance appraisal process, providing feedback on performance and in some cases, as member of the appraisal committee. The process is facilitated by the human resource consultant with the objective of achieving a mutually acceptable outcome for all parties.

It would be anticipated that the consensus view would have been achieved prior to presentation to Council for final approval. Should an absolute majority decision not be reached the appropriate way forward would be for the matter to be deferred to enable the human resource consultant to liaise with Council members, the CEO and the Committee to work through matters of concern where the outcomes of the performance review can be endorsed with the appropriate majority.

Failure to do so would be a matter of non-compliance for Council and perhaps indicative of other issues having to be resolved.

COUNCIL BRIEFING NOTES

29 MARCH 2022

8.2 ADVERTISING OF AMENDED POLICY - POLICY NO. 4.1.09 - FLYING AND DISPLAYING OF FLAGS AND BANNERS**Attachments:** 1. Flying and Displaying of Flags and Banners Policy (Marked Up)**RECOMMENDATION**

That Council **APPROVES** the proposed amendments to the Flying and Displaying of Flags and Banners Policy, at Attachment 1, for the purpose of community consultation.

MAYOR COLE:

Approval to fly flags is something of significance but is not in the policy. What is the process e.g. the attacks in New Zealand.

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

Clause 1 of the policy provides that applications for the flying and/or displaying of flags or banners are to be approved by the Chief Executive Officer. Consideration will be given to the promotion of a Significant Week or in conjunction with a significant event/occasion.

CR WALLACE:

I am struggling to understand the third paragraph of the introduction of the draft policy. Could you please review it and update for clarity.

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The Policy has been reworded for clarity.

COUNCIL BRIEFING NOTES29 MARCH 2022

8.3 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 16 MARCH 2022

- Attachments:**
- 1. Audit Committee Minutes 16 March 2022**
 - 2. Attachments to Audit Committee Meeting 16 March 2022 - Confidential**

RECOMMENDATION:

That Council RECEIVES the minutes of the Audit Committee Meeting of 16 March 2022, as at Attachment 1, and NOTES the recommendations.

NO QUESTIONS

COUNCIL BRIEFING NOTES

29 MARCH 2022

8.4 OUTCOME OF ADVERTISING AND ADOPTION OF CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT POLICY AND APPOINTMENT OF COMPLAINTS OFFICER

Attachments: 1. Code of Conduct Behaviour Complaints Management Policy

RECOMMENDATION:

That Council:

1. **ADOPTS** the Code of Conduct Behaviour Complaints Management Policy at Attachment 1; and
2. **AUTHORISE** the appointment of the Executive Manager Corporate Strategy and Governance as a complaints officer for the purpose of Division 3 of the City of Vincent Code of Conduct for Council Members, Committee Members and Candidates.

CR GONTASZEWSKI:

Is administration open to making any of the proposed changes, or undertaking a review of the policy regarding the issues raised by Ms Abbott?

EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE:

The proposed Code of Conduct Behaviour Complaints Management Policy needs to be read in relation to the legislative mandatory provisions of the Code of Conduct. The mandatory provision cannot be altered or changed and this underpins the manner in which complaint management will be addressed.

The policy outlines four key principles – procedural fairness, consistency, confidentiality and accessibility.

The issues raised by Ms Abbot are addressed as follows:

Issue 1– The Complaints assessor role is insufficiently defined.

Response – Clause 3.8 of the proposed policy provides that “.. the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor...”. The Western Australian Local Government Association has arranged a panel of suitably qualified firms/people who can undertake complaint assessment, which can be accesses for City procurement purposes.

Issue 2 – Best Practice is to address issues, as soon as possible, after an event as is possible. The policy allows a one month window. In certain cases this may be unreasonable.

Response – the one month timeframe is a legislative requirement and therefore cannot be changed.

Issue 3 – Alternate Dispute Resolution – there is no place for disputes in the coverage of behaviour complaints.

Response – ‘Alternate Dispute Resolution’ is an early intervention measure to resolve a complaint to the mutual satisfaction of complainant and respondent resulting in the complaint being withdrawn. It can only proceed with the consent of both parties. The term ‘Alternate Dispute Resolution’ is used in the WALGA templates and its intent is defined in the policy. The retention of the terminology is recommended for consistence purposes.

Issue 4 – Clause 4.4 encourages the Complaints Committee to consider things outside the independent Complaint Assessor’s report. This threatens the perception of fairness and natural justice.

Clause 3.11 of the proposed policy requires the Compliant Assessor to prepare a Complaint Report that will:

- *outline the process followed, including how the Respondent was provided with an opportunity to be heard;*
- *include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments;*
- *include recommendations on each decision that may be made by the Complaints Committee; and*
- *include reasons for each recommendation, with reference to Part 4 of this Policy.*

COUNCIL BRIEFING NOTES

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The report is presented to the complaints committee. In accordance with clause 3.12 the Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

Clause 4.4 is based on the WALGA template and provides that in deciding whether to take no further action, or prepare and implement a Plan, the committee may consider:

- the nature and seriousness of the breach(es);*
- the Respondent's submission in relation to the contravention;*
- whether the Respondent has breached the Nominated Members Code knowingly or carelessly;*
- whether the Respondent has breached the Nominated Members Code on previous occasions;*
- likelihood or not of the Respondent committing further breaches of the Nominated Members Code;*
- personal circumstances at the time of conduct;*
- need to protect the public through general deterrence and maintain public confidence in Local Government; and*
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.*

These are appropriate considerations for determining the outcomes of a complaint.

The Policy is recommended as is.

COUNCIL BRIEFING NOTES

29 MARCH 2022

For convenience of the briefing, the Mayor deferred questions on motion 13 to the end of the meeting due to Cr Ron Alexander declaring a proximity interest. Cr Alexander left the meeting at 8.59pm and was not present for discussion on motion 13.

8.5 RESPONSES TO MOTIONS CARRIED AT THE ANNUAL MEETING OF ELECTORS HELD ON 2 FEBRUARY 2022

Attachments: Nil

RECOMMENDATION:

That Council **NOTES** and **ENDORSES** the responses provided by Administration to the General Business motions carried at the Annual Meeting of Electors held on Wednesday 2 February 2022 for the reasons outlined in the report.

QUESTIONS ON MOTION 9:

MAYOR COLE:

No of training hours per week, recent measures in relation to complaints
Would we consider to provide toilets, would Admin advise this during budget.

CR GONTASZEWSKI:

Woodville reserve facilities and lighting?

CR CASTLE:

Provide a schedule of how much sport is being played and how many hours a week, how often multiple clubs at the same time?
BP reserve – booking numbers, how many people does that involve? Can the bookings be moved, and if so to where?

COLLATED RESPONSES TO MOTION 9:

EXECUTIVE DIRECTOR COMMUNITY & BUSINESS SERVICES:

Bookings of Beatty Park Reserve:

- *From January 2022 – February 2022 – 5.5 hours*
 - o *Tuesday 6.15pm-8.15pm Soccer training*
 - o *Thursday 6.15pm-8.15pm Soccer training*
 - o *Friday 5.30pm-7.00pm Junior Soccer training*
- *March 2022 – 7.5 hours*
 - o *Tuesday 6.15pm-8.15pm Soccer training*
 - o *Wednesday 5.00pm-7.00pm Junior Soccer training*
 - o *Thursday 6.15pm-8.15pm Soccer training*
 - o *Friday 5.30pm-7.00pm Junior Soccer training*
- *From April 2022 – September 2022 – 7.5 hours*
 - o *Tuesday – 6pm to 8pm*
 - o *Wednesday 5.00pm – 7.00pm (4 female junior teams, 10's, 12's, 14's and 16's)*
 - o *Thursday – 6pm to 8pm*
 - o *Friday 5.30pm – 7.00pm (Junior NPL teams 12's, 14's, 15's and 16's)*
- *Occasional adhoc requests last winter due to turf damage/issues at other reserves; as advised by the Parks team.*

Audit of passive and active use at Beatty Park Reserve (two dates in February):

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Tuesday 22/02/2022	6.00pm-6.30pm	6.30pm-7.00pm	7.00pm-7.30pm	7.30pm-8.00pm
ADULT COMMUNITY	26	19	29	16
CHILD COMMUNITY	6	6	5	0
DOG WALKING	5	2	2	3
SOCCER PLAYERS	37	42	42	42
OTHER (eg CYCLIST)	6	4	2	3

COMMENTS

Children playing, parents happy to sit and watch from bench
 Patrons of Leisure Centre used foot paths - walking, escooters, prams
 Exercise equipment used
 People running/walking on the outside of the soccer area - personal exercise

Thursday 24/02/2022	6.00pm-6.30pm	6.30pm-7.00pm	7.00pm-7.30pm	7.30pm-8.00pm
ADULT COMMUNITY	56	51	44	27
CHILD COMMUNITY	6	3	1	1
DOG WALKING	10	6	6	3
SOCCER PLAYERS	32	36	36	36
OTHER (eg PRAM WALKING)	2	2	0	0

COMMENTS

Majority of all adults counted were using the paths or walking through/around the park
 After 7:30pm only 1 non-soccer player was using the park
 Children used the playground and paths
 All dog walkers used reserve on outskirts & paths

- Junior Soccer cannot be moved anywhere as we are at capacity at all grounds. This is mainly due to the lack of infrastructure.
- Britannia doesn't have lights for the whole area.
- If Woodville had floodlights, the usage would increase. The turf has been damaged by pests and is the strongest it has been, but ideally needs another year of recovery to be able to accommodate heavy use. The biggest issue with utilising Woodville more frequently for sports is the dog usage. We counted 45 dogs at 8am at the reserve last week and the public would need to be re-educated that it was a sporting facility. Currently the reserve is only booked on Sundays for soccer seasonal games April – September – 10am – 5pm. We also receive occasional casual bookings for Bouncy Castles/birthday parties etc as it is popular due to the enclosed fence.
- Birdwood has poor floodlights and no public facilities nearby (no toilets)
- Charles Veryard does not have floodlights on Barnet St side.

Current Ground Allocations:

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	Les Lilleyman		Menzies Park		Britannia Reserve	
	2022	2021	2022	2021	2022	2021
Monday	5pm to 7.30pm	5pm to 7.30pm			5pm to 7pm	4.30pm to 7.30pm
Tuesday	5pm to 7.30pm	5pm to 7.30pm	4.30pm to 7.30pm	3.30pm to 8.00pm	6.30pm to 8.30pm	5pm to 8.30pm
Wednesday			4.30pm to 7.30pm	3.30pm to 8.00pm	5pm to 7pm	4.30pm to 7pm
Thursday	5pm to 7.30pm	5pm to 7.30pm	4.30pm to 7.30pm	3.30pm to 8.00pm	6.30 to 8.30pm	5pm to 8.30pm
Friday						
Saturday			8.00am to 3.30pm	7.30am to 3.30pm		
Sunday			8.00am to 12.30pm	occasional	7.30am to 5pm	7.00am to 5pm
Comments						High dog use
						New floodlights planned

	Charles Veryard		Birdwood		Forrest Park	
	2022	2021	2022	2021	2022	2021
Monday	4.30pm to 7.30pm	4.30pm to 8.30pm		4.45pm to 6pm	5pm to 7.30pm	5pm to 7.30pm
Tuesday	4.30pm to 8pm	3.30pm to 8pm			5pm to 7.30pm	5pm to 7.30pm
Wednesday	4.30pm to 8pm	3.30pm to 8pm	4pm to 6pm	5pm to 6.15pm	5pm to 7.30pm	5pm to 7.30pm
Thursday	4.30pm to 7.30pm	4.30pm to 7.00pm			5pm to 7.30pm	5pm to 7.30pm
Friday	4pm to 10pm	3.30pm to 8pm	4pm to 6pm	5pm to 6.15pm	5pm to 7.30pm	5pm to 7.30pm
Saturday	8.30am to 5.30pm	8am to 8pm				
Sunday	8am to 5pm	7.30am to 5.30pm			8am to 1pm	8am to 1pm
Comments	Heavier use in Winter		No floodlights		Note Resident feedback	
			No toilets		High demand for dog access after work	
					Hirers aware of dog park areas	

	Litis Stadium		Woodville Reserve		Beatty Park	
	2022	2021	2022	2021	2022	2021
Monday	4.30pm to 8pm					5.30pm to 7.30pm
Tuesday	4.30pm to 8.30pm	6.30pm to 8.30pm			6.15pm to 8.15pm	6.15pm to 8.15pm
Wednesday	4.30pm to 8pm	5pm to 6pm			5.30pm to 7pm	
Thursday	4.30pm to 8.30pm	6.30pm to 8.30pm			6.15pm to 8.15pm	6.15pm to 8.15pm
Friday	4.30pm to 8pm	4.30pm to 6.30pm			5.30pm to 7pm	5pm to 7.30pm
Saturday	8pm to 5pm	11am to 5pm				
Sunday	8pm to 3.30pm		10am to 4pm	8am to 5pm		
Comments	Public facilities located next door at Britannia		No floodlights		Hirers advised to attend Leisure Centre for Bathrooms	
			Ground repeatedly damaged due to dogs, trees, pests		Hirers advised of set up requirements (avoid Farr Ave and set up East/West)	
			Turf under remediation		Note Resident Feedback. BPLC Supervisor to respond to complaints	
					No toilets on site	

MANAGER POLICY AND PLACE:

Administration completed a public open space amenity gap review in 2020/21. This identified gaps in amenity in order to provide the minimum standard of provision across the City's public open spaces. Beatty Park Reserve did not identify any gaps to achieve the minimum standard, therefore other amenities across the City are of a higher priority.

The City is currently completing the Sport and Recreation Plan which will assess the provision further and will result in a program of works and upgrades that align with the findings, the City's Long Term Financial Plan and the City's Asset Management Sustainability Strategy.

This may result in either public toilets, a sporting pavilion or no further amenities required.

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MAYOR COLE:

Which location would Admin recommend for toilets at Beatty Park Reserve

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

If toilets were to be reinstalled at Beatty Park Reserve then the logical and most efficient location would be at the site of the old pavilion where existing services could be picked up without entailing excessive installation costs. We would estimate a cost of around \$60k to install a toilet at this location similar to that used in Banks Reserve.

MAYOR COLE:

Motion 1 – items 4 and 6, more info in relation to how we deal with disruption to footpaths during construction, is there a time limit for the disruption?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

When a complaint is received, a site inspection is undertaken by the Engineering Technical Officer who then advises Admin what remediation works are required. Prior to the site inspection, Admin also confirms if an Infrastructure Protection Bond is held.

Following the site inspection, a letter is sent to the developer outlining the repairs to be undertaken, with 14 days given to do so. After the 14 days a further site inspection is undertaken. If remediation works are complete, no further action is taken and the complaint is closed.

If works are not complete, we liaise with the developer with regards to the delay. If an Infrastructure Protection Bond is held, discussions may begin with regards to using the bond towards the cost of remediation. Written authorisation/approval is required from the bond holder and works would be undertaken by the City's Engineering Department.

If no Infrastructure Protection Bond is held and all attempts to have the developer rectify the damaged area have been unsuccessful, the City would make the area temporarily safe.

Alternatively, if a damaged section of footpath is identified at the inspection conducted for the release of an Infrastructure Protection Bond (and not by customer complaint), a letter is sent to the bond holder advising that no refund will be given until the damage is repaired to the City's specifications. Discussions may also take place in this instance with regards to the City undertaking the work with bond monies.

MAYOR COLE:

Snap Solve Send for parking – can it be used?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

Snap, send, solve is a feature that is currently available to the Vincent community for a range of issues, including parking. The City is also embarking on a Customer Experience project which will review the methods and channels by which customers access the City. It is anticipated that as well as enabling and promoting more online request options, the after-hours emergency line will still be an important offering for customers who require urgent assistance outside of business hours.

MAYOR COLE:

Motion 2 on jacarandas – update on how this is working?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

Historically Jacarandas were used as the replacement species for Queensland Box trees as box trees are unpopular with the community and therefore no longer planted. As there are numerous streets with box trees, many streets have been planted using Jacarandas as replacements.

This was generally supported by the community and Council. As a consequence of some negative feedback, they are no longer used as the replacement species for box trees unless a large proportion of the trees in the street are already Jacarandas. This is in keeping with our street tree policy which states species will be chosen to be in keeping with the existing street tree theme.

We now no longer select Jacarandas for any new street tree themes. Wherever possible, natives are preference over exotics. It is important to note though that some people love Jacarandas and in streets where there is not theme, if a resident specifically requests one, we will likely grant this request.

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MAYOR COLE:

Sign in Strathcona – cost of sign and does the pavement marking need refreshing.

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The cost to refresh the speed humps and stencils painting is \$780 + GST, and currently is not warranted.

To install a large advisory sign as requested (i.e. 2000 X 1200) would be in the order of \$950 + GST (including anti-graffiti coating).

The resident suggested that the sign be located on the verge on the right hand side of the entrance to Colvin Lane. A sign of the size of the above would be visual obstruction for the adjacent residents (14 Strathcona Street) with whom it has not been discussed. In addition the suggested wording is too verbose and unlikely to lead to any meaningful behavioural change.

The most recent traffic data for Colvin Lane is as per below. While it is sign posted 8 kph technically as a gazetted road the speed limit is 40 kph*. The data indicates that the 85% speed is 20 kph while the average speed is 16.2 kph. By any metric it is a low speed environment.

*Colvin Lane is within the Cleaver Precinct 40 kph Local Area Traffic Zone (LATZ). LATZ's were no longer supported by Main Roads after the introduction of the 50 kph Urban Speed Limit in 2001 and hence the program was discontinued.

The daily volume is to be expected as, in addition to the residents, it provides access to the Department of Training and Work Force Development staff car park and the Greek Orthodox Church.

ROAD	CLASS	DATE		AWT 5 day	Ave Speed	85% Speed	% Heavy (Class 3-12)	5 Day Peak Vehicle/hr	
		START	FINISH					AM	PM
COLVIN LANE	AR	11-Nov-20	18-Nov-20	185	16.2	20.0	2.6	24.0	23.8

In regards the suggestion to paint the road surface as a point of difference to the road environment it is expensive to install and maintain and doesn't adhere well to the 'chip' seal. Further, constant vehicle movements (particularly on aggregate) quickly wears down the paint. Works well in a (predominately) pedestrian zone. Further, it would set an unsustainable precedence and if to be considered should form part of the 'love your laneway' project.

MAYOR COLE:

Item 6 – which part of the 260k expenditure was expended before the Emerge report?

MANAGER ENGINEERING:

In the order of \$228,000. A further \$22,000 was spent in 2018 (after the report was received) upgrading the pipe connection into the Claisebrook Main Drain (from 300dia to 600dia as per the report).

We've also in the past 6 months spent approx. another \$7,000 changing the manholes on the Beatty Park drainage line to Gatic covers (to address the residents' concerns about the lid's popping' during a storm surge).

MAYOR COLE:

Drainage only working because of residents clearing and having to sandbag. How would the wall work if extended, especially without access drainage channel/

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

The wall would work by intersecting rain water preventing it from leaving the reserve and entering the car park. Regular maintenance is undertaken on the drainage infrastructure by the City.

MAYOR COLE:

Motion 10 – list of ways the AGME was promoted, please include in response

EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Promotion for this year's meeting initiatives were –

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1. **The City of Vincent Webpage**
News story - 21 December 2021
Added as an event to our events page - 19 January
2. **Facebook**
Posts - 9 January and 14 January
Posted promotion and added as an event - 19 January
3. **Public notice placed in both Community Newspapers**
Perth Now 27 Jan
The Voice 22 Jan
4. **Public notice on display**
Display in the Library building - 19 January
Display in the City Administration building - 19 January
5. **E-mail Invitation**
Invite sent via email to all residents subscribed to our e-mailing list -19 January
6. **Newspaper Advertisement**
Inclusion in the January monthly newspaper advert - 29 January
7. **Promotional screens**
Screen at Beatty Park - 28 January
Screen at the Library - 28 January
8. **Invite sent to list of key stakeholders including:**
 - Town Teams - 25 January
 - Community Engagement Panel - 25 January
 - Community Groups - 25 January

All of these materials contained information on how to contact the City for more information at governance@vincent.wa.gov.au

This has been reflected in the report.

CR GONTASZEWSKI:

Motion 1 – safety and condition of footpaths, has there been a surge in reporting on this? If so, can we confirm if any action has been taken in respect to them?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

Damaged footpath report statistics:

- Repair requests received from the public since 1 January 2022 – 24
- Complaints related to building companies since 1 January 2022 – 2
- Complaints related to service authorities since 1 January 2022 - 4.
- Reports by City Staff since 1 January – 8

Procedure for dealing with complaints about damage by builders:

When a complaint is received, a site inspection is undertaken by the Engineering Technical Officer who then advises Admin what remediation works are required. Prior to the site inspection, Admin also confirms if an Infrastructure Protection Bond is held.

Following the site inspection, a letter is sent to the developer outlining the repairs to be undertaken, with 14 days given to do so.

After the 14 days a further site inspection is undertaken by ETO. If remediation works are complete, no

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further action is taken and the complaint is closed.

If works are not complete, we liaise with the developer with regards to the delay. If an Infrastructure Protection Bond is held, discussions may begin with regards to using the bond towards the cost of remediation. Written authorisation/approval is required from the bond holder before any works would be undertaken by the City's Engineering Department.

If no Infrastructure Protection Bond is held and all attempts to have developer rectify the damaged area have been unsuccessful, the City would make the area temporarily safe and further discussions with senior management would be undertaken with regards to next steps.

Alternatively, if a damaged section of footpath is identified at the inspection conducted for the release of an Infrastructure Protection Bond (and not by customer complaint), a letter is sent to the bond holder advising that no refund will be given until the damage is repaired to the City's specifications. Discussions may also take place in this instance with regards to the City undertaking the work with bond monies.

CR GONTASZEWSKI:

Cost of retrofitting the bus stops in areas with parking and footpaths?

MANAGER ENGINEERING:

We have checked the most recent pricing and discussed with Devco so can advise the following:

- *1 off is \$266 per recycled plastic kerb stop (\$150 install (2 man crew, collect materials from depot), \$80 per unit (yellow*) and \$36 for three pins).*
- *10-20 kerb stops is \$176 per kerb stop.*
- *>20 kerb stops is \$166 per kerb stop.*

**Grey kerb stops, as used in Oxford Street north, are 20% cheaper, the other costs remain the same. Yellow kerb stops probably more advisable in on-road perpendicular spaces.*

All-inclusive other than traffic management costs, the need for which is dictated by the location. In many locations the contractor will block off the bays from 6.00am and work within the closed area so that traffic management is not required.

CR GONTASZEWSKI:

Motion 2 – Street Tree Selection Tool – Is this tool public, and are there any limitations that would stop us from making the tool available to the public for use?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

The street tree selection is not currently public as it was designed for professional use by Administration only. Due to the interactive nature of the tool, Parks are seeking advice from ICT internally to determine how the tool could be made public on the City's website and if so, what this would involve.

CR GONTASZEWSKI:

Native Plantings – Can you provide a general comment on the 75% goal of Native plantings for street? Confirmation that it would be the Street Tree Policy that would be required to be amended in order to affect a change like that. Request a reminder on when the policy review is due for consideration.

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

Administration does not have a specific % goal for planting natives. Although natives are preferred, they may not always be the best choice for certain locations and therefore are not always selected.

Should Council wish to commit to a goal of 75% native tree plantings, the policy will likely need to be changed as it currently commits to maintaining existing tree themes as well as consultation with residents when new tree themes are to be selected.

Administration would require justification (in the form of a policy) to preference natives as it is anticipated that there would be negative feedback from the community.

The Street Tree Policy is due for review in 2023.

CR GONTASZEWSKI:

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Motion 3 – Whether City of Vincent staff have done any survey design training or survey instrument design training. There has been some IAP2 training that may break down into some of the areas.

EXECUTIVE DIRECTOR COMMUNITY AND BUSINESS SERVICES:

IAP2 training is in progress for City staff as planned in the roll out of the Community and Stakeholder Engagement Framework.

City staff who have put their hand up to be Engagement champions received Engagement Essentials training late last year.

We increased the budget for staff training at mid-year budget review and plan to complete Engagement Design and Engagement Methods training for staff this financial year.

Those training courses are fairly intensive and best delivered in a face to face environment, so delivery has been delayed due to COVID restrictions.

CR GONTASZEWSKI:

POS Strategy Table

MANAGER POLICY AND PLACE:

Administration can address this during the POS Strategy review. The review is proposed for the year 24/25. In the review, we will better define the classification of the hierarchy, primary purpose, and area size, and amend tables as required.

CR CASTLE:

Motion 2 – report mentions the tree selection tool is used infrequently, more info about how often?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

The Tree Selection Tool is predominantly used when a new street tree theme is required. As the majority of streets within Vincent already have existing tree themes, its use can be limited.

Instances where the tool is utilised include:

- *Greening Plan projects where an entire street (or part of) is to be planted and there is either no predominant tree theme or the number of new trees to be planted exceeds the number of existing trees warranting consideration of a new theme*
- *Individual residential requests in streets with no predominant tree theme*
- *Street with inappropriate tree themes (i.e., Queensland Box Trees) that require determination of a new theme to carry out infill planting and replacements of dead trees*

CR CASTLE:

Motion 4 – Colvin Lane signage – no legal standing, info on the status of ROW in relation to speed limits and can they be implemented and enforced and what would the cost of signage be and could we install if we chose to?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

If gazetted, as Colvin Lane is, technically the speed limit it is 40 kph (see previous answer about LATZ's). However the road environment, such as the width of the Colvin Lane, the existing speed humps, signage and stencilling, the operating speed is far lower (as would be expected) and as per the previous answer. Under the Road Traffic Act the default speed limit in this area is 40 kph unless sign posted otherwise (such as Strathcona Streets which is 30 kph as part of the Safe Active Street). If the City were to request Colvin Lane (or any other ROW) to have lower speed limit it would require an application to Main Roads who would then do a speed assessment. That said, the criteria is generally about pedestrian and cyclist numbers, attractions (i.e. entertainment precincts) and traffic volumes. Colvin Lane is unlikely to meet any of these criteria and would not progress to an assessment.

CR CASTLE:

Motion 6 – Any estimate on cost of what is requested?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

High level estimate: \$30,000.

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CR HALLETT:

Drains at Beatty Park Reserve, how frequently are they cleared?

MANAGER ENGINEERING:

Over the years City of Vincent has invested in the drainage improvements to address concerns of residents who live adjacent Beatty Park Reserve. These measures have included installation of numerous double soak wells within the Beatty Park Car Park to capture and store more water runoff created from the car park prior to it overflowing onto the reserve, a low point area was created within the reserve to capture additional water as well as a small retaining wall and cyclone fence adjacent the reserve car park to again reduce runoff and capture leaf matter created from the reserve and car park. A series of soak wells and drainage was designed and constructed within the Reserve Car Park to the rear of the properties to capture more runoff

In addition to these measures The City undertakes drainage cleaning of priority low points on a yearly basis. The area surrounding Beatty Park, including the numerous double soak wells located in the Beatty Park Car Park are identified as a priority for these works. As an extra to the scheduled routine cleaning of gullies and soak wells in low points, The City undertook systematic cleaning of all drainage located, on the city owned road network, within an area bounded by Leake Street, Bourke Street, Loftus Street and Vincent Street as part of measure to alleviate the potential for flooding. In addition the City's road sweeper is deployed to sweep low points prior forecasted storm events.

Should any resident/owner within The City identify a need to clean out a gully or soak well they can contact The City who will place the request on the maintenance list and schedule with a contractor to undertake the required works.

Unfortunately, as much as we wish we could The City, nor any other council, can ever guarantee that any resident or business will not flood due to the severity of weather events and any unforeseen issue arising. However, we take all reasonable steps to help alleviate the potential for this to occur.

CR WALLACE:

Motion 6 – discussion about additional modelling for impacts of the rain event

MANAGER ENGINEERING:

Addressed in Proposed Amendment put forward by Mayor Cole.

CR WORNER:

Motion 4 – what is involved with redoing the painting that is on the ground? How much would it cost? BP reserve – booking numbers, how many people does that involve? Can the bookings be moved, and if so to where?

**EXECUTIVE DIRECTOR COMMUNITY AND BUSINESS SERVICES:
EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT**

Add to briefing notes – Provide details of the jigsaw effect of the allocations

CR ALEXANDER:

Motion 6 – in the Emerge report when 150K was allocated, what was that for and why was it removed? Who decided it wasn't needed? Can a consolidated list of concerns with Administrations responses?

EXECUTIVE DIRECTOR COMMUNITY AND BUSINESS SERVICES:

One of the mitigating strategies suggested at the time (2017) was to construct a landscaped compensating basin as per the attached. At the time the reserve was still being used for organised sport and the loss of area would have rendered it impractical to continue (with team sports) so that the basin option wasn't supported by the Administration (note: this was prior to the demolition of the Alfred Spencer Pavilion).

Some of the allocated funds were subsequently used to upgrade the downstream connection (choke point) of the Beatty Park drain into the Claisebrook Main Drain from 300 dia to 600 dia and the remainder of the funds returned to municipal funds as part of the budget process.

At 7:52 pm, Cr Ross Ioppolo left the meeting.

At 7.53pm Craig Wilson left the meeting and did not return.

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8.6 VINCENT UNDERGROUND POWER PROJECT (VUPP)

- Attachments:
1. Invitation to participate - Tranche 2 - NRUPP
 2. NRUPPT2 Presentation
 3. Memorandum of Understanding
 4. Project Summary

RECOMMENDATION:

That Council:

1. NOTES the invitation from Western Power for the City of Vincent to participate in Tranche 2 of the Network Renewal Underground Pilot Program (NRUPP) at Attachment 1.
2. NOTES the proposed project areas would underground power at 5,336 electricity service meters in 1) North Perth/Mount Lawley, 2) North Perth/Mount Hawthorn and 3) Perth/Highgate as per the boundaries identified in the maps contained in Attachment 2.
3. NOTES Western Power advice that the overhead network assets in these areas are coming to the end of their service life for replacement and renewal. The poles and wires would be replaced like for like with an expected serviceable life of 40-50 years in the event the City does not co-partner in an underground power project.
4. AUTHORISES the CEO to sign the Memorandum of Understanding at Attachment 3 to enable Western Power to commence detailed design of the project.
5. NOTES the project summary at Attachment 4 will be included as a new Strategic Project in the Corporate Business Plan 2023/24-2027/28.
6. REQUESTS Administration to prepare a preliminary business case on participation in NRUPP Tranche 2 as part of the preparation of the Annual Budget and update to the Corporate Business Plan (noting that the final business case would be finalised following 12 months of detailed design by Western Power which will confirm estimated costs for the project).
7. APPROVE utilisation of \$222,000 in the Underground Power Reserve to provide additional project management and community engagement resources to support this significant project.

MAYOR COLE:

Could more detailed maps and details on the funding be provided?

CHIEF EXECUTIVE OFFICER:

More detailed maps were circulated to Councillors and added to the City's webpage. Detailed funding is not yet available.

CR LODEN:

Proposal to release 220k for the underground power, is it possible to get details of what this would be for?

CHIEF EXECUTIVE OFFICER:

There is \$222,000 in the City's Underground Power Reserve.

We estimate resourcing for this project could entail up to two FTE covering 1) project management and 2) community consultation and engagement requiring a budget of up to \$220,000 for the first 12 months.

CR WALLACE:

Street lighting – overhead wires, what replacement is proposed? How would we pay for it?

EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT

Western Power will install LED Streetlights with potential for "Smart" PE cells in the future.

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8.7 INFORMATION BULLETIN

- Attachments:
1. Minutes of the Children and Young People Advisory Group (CYPAG) 19 January 2022
 2. Minutes of the Reconciliation Action Plan Working Group (RAPWG) 24 January 2022
 3. Minutes of the WALGA Central Metropolitan Zone Meeting held on 17 February 2022
 4. Minutes of the Tamala Park Regional Council Meeting held on 17 February 2022
 5. Unconfirmed Minutes of the Arts Advisory Group held on 23 February 2022
 6. Statistics for Development Services Applications as at the end of March 2022 - to follow
 7. Register of Legal Action and Prosecutions Monthly - Confidential
 8. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 18 March 2022
 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 - March 2022
 12. Register of Notices of Motion - Progress Report - March 2022
 13. Register of Reports to be Actioned - Progress Report - March 2022
 14. Council Workshop Items since 16 February 2022
 15. Council Meeting Statistics - March 2022
 16. Council Briefing Notes - 1 March 2022

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated March 2022.

NO QUESTIONS

Statistics of Development Services Applications now attached.

At 8:59 pm, Cr Ron Alexander left the meeting due to his proximity interest and did not return.

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9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

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

Nil

12 CLOSURE

There being no further business the meeting closed at 9.02pm

12.10 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 3 MAY 2022

- Attachments:**
1. **Audit Committee Minutes - 3 May 2022**  
 2. **Confidential Attachments to Audit Committee Meeting - 3 May 2022 - Confidential**

RECOMMENDATION:

That Council RECEIVES the minutes of the Audit Committee Meeting of 3 May 2022, as at Attachment 1 and NOTES the recommendations.

PURPOSE OF REPORT:

To report to Council the proceedings of the Audit Committee at its meeting held on 3 May 2022 in accordance with clause 2.21(1) of the City's Meeting Procedures Local Law 2008.

BACKGROUND:

The City's Audit Committee is a statutory committee of Council, established in accordance with Section 7.1A of the *Local Government Act 1995*. The role of the Audit Committee is to provide independent advice and assurance to Council over the City's risk management, internal controls, legislative compliance and financial management.

The Audit Committee meets approximately every two months and comprises of up to three external independent members (one of which is the Audit Committee Chair) and four Elected Members.

DETAILS:

The Audit Committee considered three agenda items as follows:

5.1 Lease Obligations for Leederville Oval

The report on the lease obligations was discussed. The Chief Audit Executive agreed to provide a further report containing more detailed risk information.

5.2 OAG Performance Audit and Other Audit/Best Practice Recommendations

Discussion took place around the four reports that were tabled. The reports generally concentrated on State Government and did not directly relate directly to the City.

5.3 Review of the City's Audit Log

The Audit log was discussed and proposed completion dates were approved, with an amendment to the proposed completion date of EA2021/12(1) Asset Renewal Funding Ratio not presented" from 30 June 2022 to 31 August 2022.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Clause 2.21 of the City's Meeting Procedures Local Law 2008 states that the report and minutes of a Committee meeting are to be provided to Council.

The Audit Committee Terms of Reference govern the functions, powers and membership of the Audit Committee.

RISK MANAGEMENT IMPLICATIONS:

Low: It is low risk for Council to consider the report and minutes of the Audit Committee meeting on 3 May 2022.

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.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

There are no implications to the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.



CITY OF VINCENT

MINUTES

Audit Committee

3 May 2022

AUDIT COMMITTEE MINUTES

3 MAY 2022

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MINUTES OF CITY OF VINCENT
AUDIT COMMITTEE
HELD AS E-MEETING AND AT THE
ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 3 MAY 2022 AT 4.00PM

PRESENT:	Mr Conley Manifis	Independent External Member (Chair)
		(electronically)
	Cr Ashley Wallace	South Ward
	Cr Susan Gontaszewski	South Ward (electronically)
	Cr Ron Alexander	North Ward
	Cr Ross Ioppolo	South Ward
IN ATTENDANCE:	Mr Olaf Goy	Independent External Member
	Mr George Araj	Independent External Member
	David MacLennan	Chief Executive Officer
	Virginia Miltrup	Executive Director Community and Business Services
	Peter Varris	Executive Manager Corporate Strategy and Governance / Chief Audit Executive
	Wendy Barnard	Council Liaison Officer

1 INTRODUCTION AND WELCOME

The Presiding Member, Conley Manifis, declared the meeting open at 4.33pm and read the following Acknowledgement of Country statement:

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

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Nil

3 DECLARATIONS OF INTEREST

Conley Manifis declared an impartiality interest. The extent of his interest is that his company is contracted by the Office of the Auditor General to complete external audits.

4 CONFIRMATION OF MINUTES

COMMITTEE DECISION

Moved: Cr Gontaszewski, **Seconded:** Mr Goy

That the minutes of the Audit Committee held on 16 March 2022 be confirmed.

CARRIED (7-0)

For: Mr Manifis, Cr Wallace, Cr Gontaszewski, Cr Alexander, Cr Ioppolo, Mr Goy and Mr Araj

Against: Nil

AUDIT COMMITTEE MINUTES3 MAY 2022

5 BUSINESS ARISING**5.1 LEASE OBLIGATIONS FOR LEEDERVILLE OVAL**

Attachments:

1. Leederville Oval - Division of outgoings - Confidential
2. Plan of Premises and Oval - Leederville Oval

RECOMMENDATION:

That the Audit Committee recommends to Council that it **NOTES** the obligations of Lessor and Lessees at Leederville Oval.

COMMITTEE DECISION ITEM 5.1

Moved: Cr Gontaszewski, **Seconded:** Mr Goy

That the recommendation be adopted.

CARRIED (7-0)

For: Mr Manifis, Cr Wallace, Cr Gontaszewski, Cr Alexander, Cr Ioppolo, Mr Goy and Mr Araj

Against: Nil

The Chief Audit Executive committed to providing a further report containing the following information:

- Overall risk
- Compliance risk and observations
- Financial risks and how they are being managed
- Insurance risks and how they are being managed
- Is the City meeting the obligations of the lease (particularly in respect to infrastructure maintenance and renewal)

AUDIT COMMITTEE MINUTES

3 MAY 2022



AUDIT COMMITTEE MINUTES**3 MAY 2022**

5.2 OAG PERFORMANCE AUDIT AND OTHER AUDIT / BEST PRACTICE RECOMMENDATIONS**Attachments:** Nil**RECOMMENDATION:**

That the Audit Committee recommends to Council that it NOTES the following reports from the Officer of the Auditor General:

- Audit Results Report – Annual 2020-2021 Financial Audits of State Government Entities 24 November 2021;
- Forensic Audit Report – Establishment Phase 8 December 2021;
- Viable Cycling in the Perth Area - 9 December 2021; and
- Information Systems Audit Report 2022- State Government Entities 31 March 2022.

COMMITTEE DECISION ITEM 5.2**Moved:** Cr Gontaszewski, **Seconded:** Mr Goy

That the recommendation be adopted.

CARRIED (7-0)**For:** Mr Manifis, Cr Wallace, Cr Gontaszewski, Cr Alexander, Cr Ioppolo, Mr Goy and Mr Araj**Against:** Nil

The Chief Executive Officer noted that there are examples of the City benchmarking itself against OAG reports where it relates to Local Governments.

AUDIT COMMITTEE MINUTES**3 MAY 2022**

5.3 REVIEW OF THE CITY'S AUDIT LOG

- Attachments:
1. Audit Log as at 3 May 2022
 2. Audit Log as at 3 May 2022 - Confidential

RECOMMENDATION:

That the Audit Committee recommends to Council that it:

1. NOTES the status of the City's Audit Log at Attachments 1 and 2, and
2. APPROVES proposed completion dates as specified at Attachments 1 and 2.

Moved: Cr Gontaszewski, Seconded: Cr Ioppolo

That the recommendation be adopted.

AMENDMENT

Moved: Cr Gontaszewski, Seconded: Mr Manifis

That Recommendation 2 be amended as follows:

2. APPROVES proposed completion dates as specified at Attachments 1 and 2 and NOTES the change to the proposed completion date for the significant risk "EA2021/12(1) Asset Renewal Funding Ratio not presented" from 30 June 2022 to 31 August 2022.

AMENDMENT CARRIED (7-0)

For: Mr Manifis, Cr Wallace, Cr Gontaszewski, Cr Alexander, Cr Ioppolo, Mr Goy and Mr Araj

Against: Nil

COMMITTEE DECISION ITEM 5.3

That the Audit Committee recommends to Council that it:

1. NOTES the status of the City's Audit Log at Attachments 1 and 2, and
2. APPROVES proposed completion dates as specified at Attachments 1 and 2 and NOTES the change to the proposed completion date for the significant risk "EA2021/12(1) Asset Renewal Funding Ratio not presented" from 30 June 2022 to 31 August 2022.

CARRIED (7-0)

For: Mr Manifis, Cr Wallace, Cr Gontaszewski, Cr Alexander, Cr Ioppolo, Mr Goy and Mr Araj

Against: Nil

AUDIT LOG



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Summary of open Confidential items (D21/61059)		
Office of the Auditor General Information Systems Audit:		
1. EA:2020/10 (12)		Moderate
2. EA:2020/10 (14)		Moderate

AUDIT COMMITTEE MINUTES

3 MAY 2022

AUDIT LOG



Audit Details	Action	Approved Completion Date	Status	Proposed Completion Date
Office of the Auditor General Information Systems Audit				
EA:2020/10 (12) (CONFIDENTIAL) Office of the Auditor General Information Systems Audit			April 2022 Complete	Complete
Risk Rating (prior to controls) Moderate				
Management Response Responsible Officer: Executive Manager Information and Communication Technology			April 2022 Complete	Complete
EA:2020/10 (14) (CONFIDENTIAL) Office of the Auditor General Information Systems Audit			April 2022 Complete	Complete
Risk Rating (prior to controls) Moderate				
Management Response Responsible Officer: Executive Manager Information and Communication Technology				
EA:2020/10 (19) Disaster Recovery Plan Office of the Auditor General Information Systems Audit – Disaster Recovery Plan	Administration will introduce managed backup and infrastructure services that include disaster recovery capability. Disaster recovery and information security continuity processes will then be formalised per the Information Security Program noted in OAG Finding 5. A formal plan will then be prepared for publication to staff and testing purposes.	August 2021	CoV update to OAG 2021: The City accepts that this finding was not completed during the audit period 2020/2021. Draft documents and procedures will be finalised and implemented into operations. The City has commissioned services to support a Business Impact Assessment review which will be used to guide sensible recovery objectives into the Disaster Recovery Plan.	February-2022
OAG Update 2021: Finding remains open as the City's disaster recovery plan is in draft.				
Finding We found that the City does not have an ICT disaster recovery plan (DRP).				
Implication Without an adequate DRP and appropriate testing, there is an increased risk that key business functions and processes may not be restored in a timely manner after a disruption, affecting the operations of the City.				
Recommendation The City should develop and test its DRP to confirm that systems can be recovered in accordance with business expectations and key staff should be familiar with the plan and their specific roles and responsibilities in a disaster situation. The results of testing should be recorded, and the relevant actions taken to improve the plan where necessary.				
Risk Rating (prior to controls) Moderate				
Risk Rating (with current controls) Moderate			April 2022 Complete	Complete
Management Response Responsible Officer: Executive Manager Information and Communication Technology				

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AUDIT COMMITTEE MINUTES

3 MAY 2022

AUDIT LOG



<i>Audit Details</i>	<i>Action</i>	<i>Approved Completion Date</i>	<i>Status</i>	<i>Proposed Completion Date</i>
<p>EA:2020/10 (20) Business Continuity Plan – Testing Office of the Auditor General Information Systems Audit – Business Continuity Plan – Testing</p> <p>OAG Update 2021: The City is conducting business impact assessments across the business teams and is working towards defining a business continuity testing schedule.</p> <p>Finding We found that appropriate tests of the business continuity plan (BCP) have not been undertaken. Due to the lack of testing, the effectiveness of the plans and the City's ability to execute them is unknown.</p> <p>Implication Without appropriate testing of the BCP there is an increased risk that key business functions and processes may not operate as expected during a major incident. In addition, the key business functions may not be appropriately recover following a major incident. This is likely to impact business operations and the delivery of key services.</p> <p>Recommendation The City should undertake appropriate tests to verify the effectiveness of the BCP. These tests should also verify that key staff are familiar with the plans and their specific roles and responsibilities in a disaster situation. The results of these tests should be recorded and the relevant actions taken to improve the plan where necessary.</p> <p>Risk Rating (prior to controls) Moderate</p> <p>Risk Rating (with current controls) Moderate</p> <p>Management Response Responsible Officer: Executive Manager Information and Communication Technology</p>	<p>There has been 0% interruption to non-library/recreational facility services throughout COVID-19 disruptions in Perth. COVID-19 has been a major incident and required significant change to how business functions operated.</p> <p>City staff who continue to work remotely are effectively testing part of the City's business continuity systems on a daily basis. Through improvements to data backup and infrastructure recovery noted in OAG Finding 20, Administration will expand business continuity testing to include system and infrastructure incidents as part of a managed services agreement.</p>	<p>August 2021</p>	<p>CoV update to OAG 2021: The City accepts that this finding was not completed during the audit period 2020/2021. Draft documents and procedures will be finalised and implemented into operations. All server backups are now copied to an offsite data centre service which is also being configured to provide a Disaster Recovery environment for computing systems – this will be tested to mitigate this finding.</p> <p>March 2022 Business Continuity plan is being drafted with Business Impact Analysis (currently in draft) being finalised for review with business teams.</p> <p>April 2022 Complete</p>	<p>February 2021</p> <p>April 2022</p> <p>Complete</p>

AUDIT LOG



Stanton Reg 5 & 17 Review

EA:2020/12 (8) Manual Timesheet

Stanton Reg 5 & 17 Review – Manual Timesheet

Finding

The City uses manual timesheets, predominately for those employees who work in the depot and recreational leisure centre.

Recommendation

The use of manual timesheets should be eliminated, it is worth noting that the City has already noted this as a finding within their own audit log.

Recommendation

Risk Rating (prior to controls)

Moderate

Risk Rating (with current controls)

Minor

Management Response

Responsible Officer:

Executive Manager Human Resources and Executive Manager Information and Communication Technology

The City requires a robust online time-sheeting system which is fit for purpose of a casual workforce (i.e. Beatty Park) that is flexible, easy to use and aligned to the relevant cost centres and employment.

Administration has determined that Civica's online time-sheeting module will be suitable for the City. The module however can only be implemented once work orders are activated as part of the Chart of Accounts project scheduled for completion in July 2021. Online time-sheeting will have a mobile option as well. The scoping of this project will be requested to commence in March next year with implementation in December 2021.

December 2021

Partially completed: Beatty Park are now partially using mobile application for rostering and time-sheeting. Further rollout subject to Beatty Park change management resourcing.

March-2022

In progress: for Depot staff with mobile application AND job costing requirements for time-sheeting, two solutions are being reviewed:

1. The City will help Civica test their new mobile time-sheeting (currently in development) in early 2022.
2. A CRM-based approach where jobs are electronically work-flowed to staff who can then update and complete the job using a mobile application.

March 2022

No further progress. Resources have not been available to progress the Beatty Park roll-out; Civica have not completed their new mobile time-sheet. CRM project in early phases.

Estimated August 2022

AUDIT LOG



Office of the Auditor General Audit for 2020/21

EA: 2021/12 (1) Asset Renewal Funding Ratio not presented
Office of the Auditor General Audit for 2020/21

Finding
Regulation 10(3)(e) of the Local Government (Audit) Regulations 1996 requires the auditor to provide an opinion whether the asset renewal funding ratio is supported by verifiable information and reasonable assumptions.

The City has not reported the Asset Renewal Funding Ratio for 2021 in the annual financial report as required by regulation 50(1)(c) of the Local Government (Financial Management) Regulations 1996, as the long-term financial plan is currently under review.

Rating: Significant

Implication
The annual financial report does not comply with regulation 50(1)(c) of the Local Government (Financial Management) Regulations 1996.

Recommendation
The City should ensure that their long-term financial plan is kept updated, to allow the asset renewal funding ratio to be calculated based on verifiable information and reasonable assumptions for inclusion in the annual financial report.

Responsible person
Chief Executive Officer

In October 2021, Council approved the City of Vincent Asset Management Sustainability Strategy (AMSS). The AMSS will guide the management, spending and efficiency of the City's assets over the next decade, ensuring the best use of resources for current and future generations.

The AMSS will assist the City to calculate an asset renewal funding ratio that is supported by verifiable information and reasonable assumptions and informed by the Vincent community.

The AMSS involved extensive community consultation to ensure our asset management strategy met community expectations. We have also explained to the community the financial challenges we face in maintaining our ageing assets and sought feedback on different funding models. Community consultation commenced in March 2021 and concluded in September 2021. [Refer: [Asset Management & Sustainability Strategy | The City of Vincent](#)]

Management will now develop a Rating Strategy and Long-Term Financial Plan (LTFP) to reflect the outcomes of the AMSS. The LTFP will be considered by the community and Council during the budget setting process for FY23 and will be approved by Council no later than June 2022.

30 June 2022

AUDIT LOG



EA: 2021/12 (2) Inadequate security over EFT payment folder

Office of the Auditor General Audit for 2020/21

Finding

We observed that EFT payment files (.aba) were stored in a network folder accessible by 17 users, comprising of:

- 6 Finance and Corporate Service staff,
- 5 internal Information Systems staff, and
- 6 External IT Managed Services staff.

Rating: Significant

Implication

Excessive user access to the EFT payment data, may increase the risk of unauthorised modifications of payment information and fraudulent payments occurring undetected.

Recommendation

Management should review the security of its EFT payment data with a view to restrict access to EFT payment files to processing staff only.

Responsible person

Executive Manager Financial Services

Management has reviewed the access to this folder and have made the following changes resulting in a reduction of access from 17 to 5 users:

1. Access for 6 External IT Managed Services staff removed.
2. Access for 6 Finance & Corporate Service staff reviewed and reduced to 2.
3. Access for 5 Internal Information Systems staff reviewed and reduced to 3.

April 2022
Complete

Complete

AUDIT LOG



<p>EA: 2021/12 (3) Certification of fortnightly pay authorisation list</p> <p>Office of the Auditor General Audit for 2020/21</p> <p>Finding The City's internal 'payroll process' procedure outlines that the 'pay authorisation list' is required to be certified by directors and/or managers to verify employee fortnightly pay.</p> <p>For the fortnightly pay ended 30 March 2021 (period 20), we identified 6 of 45 business unit 'pay authorisation lists' were not returned as certified by the business unit director or manager. We noted that no appropriate follow up procedures are implemented to manage unreturned certifications.</p> <p>This review acts as a mitigating control to the overall review performed by the payroll team. The business unit director or manager generally has a greater understanding of their employees and work patterns, enabling them to detect and identify potential errors in the payroll data prior to payment.</p> <p>Rating: Moderate</p> <p>Implication Without effective detective controls for payroll processing, there is a greater risk of payroll errors and invalid payments being made to employees.</p> <p>Recommendation Management should remind directors and managers of their fortnightly requirement to provide certification of payroll data, with timely follow up of errors performed. In addition, management should consider implementing a process to identify unreturned 'pay authorisation lists' and ensure these are followed up.</p> <p>Responsible person Executive Manager Human Resources</p>	<p>Human Resources/Payroll will implement the following:</p> <ol style="list-style-type: none">1. A confirmation schedule will be developed within Payroll when the Payroll Authorisation Reports are required to be sent out to Management for review and approval.2. A follow up email to Management and Executive Directors and CEO will be sent fortnightly for any outstanding Pay Authorisation Reports.3. This process will be reviewed again after 3 months to assess its effectiveness.	<p>31 March 2022</p>	<p>Process has been implemented.</p> <p>Payroll Services will continue to follow up with Management with outstanding Pay Authorisation Reports.</p>	<p>Complete</p>
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AUDIT LOG



EA: 2021/12 (4) Conflict of Interest Forms
Office of the Auditor General Audit for 2020/21

Finding
The City's policy manual and purchasing principles require any actual or perceived conflicts of interest to be identified, disclosed and appropriately managed through all stages of the purchasing process.

We tested two public tenders and were unable to verify the conflict of interest position of two tender panel members. We were advised by management that the declaration process was followed, however the conflict of interest statements was not appropriately archived and could not be provided on request.

Rating: Moderate

Implication
The risk of any undeclared conflict of interest not being identified and addressed in a timely manner increases when conflicts of interest are not declared and documented by the tender panel members. Undeclared conflicts of interest may lead to unfavourable procurement outcomes for the City.

Recommendation
Management should ensure its purchasing principles are followed and declarations of conflicts of interest by all tender committee members are documented and appropriately retained.

Responsible person
Coordinator Procurements and Contracts

The City has updated its process of recording and archiving conflict of interest documentation to strengthen controls mitigating the risk of further occurrences. This includes the following:

- Distributing conflict of interest forms for request for tenders to the evaluation panel who will be required to sign and return the form prior to accessing tender submissions.
- The use of a procurement checklist listing all key procurement documents that are required to be saved.

April 2022
Complete

Complete

AUDIT LOG



EA: 2021/12 (5) Assumptions used in provision for annual leave and long service leave
Office of the Auditor General Audit for 2020/21

Management will review all employee related provision assumptions on an annual basis to ensure all leave provision calculations are accurate and relevant.

30 June 2022

Finding
There was no supporting evidence for the assumptions used in the calculation of the leave liability reported in the financial report. This included salary inflation, employee on-costs (recruitment and training expenses), and omitted leave loading (the assumptions used were consistent with the prior year and do not present a material error).

Rating: Moderate

Implication
Applying inappropriate assumptions increases the risk of errors in determining annual leave and long service leave provisions. This may result in misstatements in the financial report.

Recommendation
Management should review the assumptions used in their employee related provisions calculations on a periodic basis to ensure these remain relevant, appropriate, verifiable and in accordance with the relevant accounting standards.

Responsible person
Executive Manager Financial Services

AUDIT LOG



EA: 2021/12 (6) Untimely write-off of fixed assets and reconciliation preparation
Office of the Auditor General Audit for 2020/21

Finding
We identified the untimely write-off of fixed assets comprising of park and reserve structures that were demolished in 2018-19. These assets remained on the fixed asset register and were written off (to a value of \$571k) in the current financial reporting period.

In addition, we identified that the fixed asset reconciliation for the period June 2021 was only prepared in September 2021.

Rating: Moderate

Implication
Delayed removal of fixed assets from the fixed asset register and recognition of write-offs in the incorrect accounting period could materially misstate the City’s financial performance and financial statements. Untimely reconciliations also increase the risk of errors or omissions remaining undetected.

Recommendation
Management should review their current reporting practices around fixed assets to ensure all relevant transactions are captured, recorded and reconciled in the correct accounting period.

Responsible person:
Coordinator Financial Services

Management has amended the monthly capitalisation email to project managers to include demolitions and asset write offs.

In addition, Management will review the timing of the fixed asset reconciliation process to ensure balances are reconciled on a timely basis.

April 2022
Complete

Complete

AUDIT LOG



<p>EA: 2021/12 (7) Bank Reconciliations Office of the Auditor General Audit for 2020/21</p> <p>Finding Bank reconciliations are a key control used to manage the accuracy and completeness of cash resources.</p> <p>We found the municipal bank account reconciliation for the period ended 30 June 2021 was not appropriately prepared and reviewed, which resulted in a \$2.17m understatement of cash and cash equivalents and trade payables. The correction journals were posted by management when this was identified through the audit process.</p> <p>A similar finding was raised in 2019-20, with the 2019-20 management comment included below:</p> <p>Finding 2020 During our audit, we identified that many of the key reconciliations are prepared prior to closing off the sub modules which led to variances between the reconciled balances within the trial balance used to prepare the financial statements.</p> <p>In addition, we noted a number of inappropriate reconciling items included within the municipal bank account reconciliation at 30 June 2020, these were subsequently corrected during the audit process.</p> <p>Rating: Moderate</p> <p>Implication Inappropriately prepared bank reconciliations increase the risk of errors, omissions or fraud remaining undetected.</p> <p>Recommendation Management should review the design of their bank reconciliation process to ensure balances are appropriately reconciled</p> <p>Responsible person Executive Manager Financial Services</p>	<p>Management will review the process and timing of the bank reconciliation to ensure balances are appropriately reconciled</p>	<p>April 2022 Complete</p>	<p>Complete</p>
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AUDIT COMMITTEE MINUTES**3 MAY 2022**

6 GENERAL BUSINESS**7 NEXT MEETING**

29 June 2022 – Cr Gontaszewski advised that she will be on leave of absence for this meeting.

8 CLOSURE

There being no further business the meeting closed at 4.57pm.

These Minutes were confirmed at the [date] meeting of the Audit Committee as a true record and accurate of the Audit Committee meeting held on 3 May 2022

Signed: Mr Conley Manifis

Dated

12.11 APPOINTMENT OF A CEO PERFORMANCE REVIEW CONSULTANT

- Attachments:**
1. Price Consulting Pty Ltd Quote - Confidential
 2. Mills Recruitment Quote - Confidential
 3. Summary of Consultant's Fees - Confidential

RECOMMENDATION:

That Council APPOINTS Ms Natalie Lincolne of Price Consulting Pty Ltd to assist Council with the Chief Executive Officer's Performance Reviews for 2021/22 and 2022/23 in accordance with Policy No. 4.2.16 – CEO Annual Performance Review.

PURPOSE OF REPORT:

To consider appointing a Human Resources Consultant to assist Council in conducting the Chief Executive Officer's (CEO's) annual performance reviews for the 2021/22 and 2022/23 periods.

BACKGROUND:

At its Council Meeting on 14 November 2017, Council adopted *Policy No: 4.2.16 – CEO Annual Performance Review* (the Policy). The Policy sets out that a CEO Performance Review Panel ('the Panel') will be established to oversee the CEO Annual Review Process and that the Panel shall comprise up to four members, including the Mayor as Chairperson and at least two other Council Members.

A revised version was approved for advertising at the Council Meeting on 5 April 2022.

Mayor Emma Cole, Cr Gontaszewski, Cr Alex Castle and Cr Ross Ioppolo were appointed to the Panel at the Council Meeting held on 16 November 2021 for a term expiring on 21 October 2023.

Section 1 of the Policy states:

"1. Performance Review Panel

- 1.1 *The Council shall establish a CEO Performance Review Panel (the Panel) to have carriage and oversight of the Annual Review Process.*
- 1.2 *The Panel shall be appointed by resolution of Council for a two year term ending on the date of the next ordinary local government election.*
- 1.3 *The Panel shall comprise up to four members, including the Mayor as Chairperson and at least two other Council Members.*
- 1.4 *The primary functions of the Panel are to:*
 - (a) *Subject to clause 2.4, determine the scope of work to engage a consultant to assist with the conduct of the review process;*
 - (b) *Review quotations received from consultants to assist with the conduct of the review process;*
 - (c) *Provide a recommendation to Council on the appointment of a suitable consultant to assist with the conduct of the review process;*
 - (d) *Manage the consultant appointed by Council;*
 - (e) *Review the results of the performance review process and remuneration review and provide a recommendation to Council on the same; and*
 - (f) *Discuss possible KPIs and measurements with the CEO for reporting to Council arising from the performance review process."*

The Policy also states that, unless otherwise determined by Council, the selected consultant shall be appointed for a two year term to coincide with the membership term of the Panel.

DETAILS:

A formal request for quotations to conduct the CEO's 2021/22 and 2022/23 Annual Performance Reviews was sent to four (4) suitably qualified human resources consultants on 3 May 2022. Each consultant was provided with identical information and was requested to describe their experience and recommended methodology for conducting the performance review in relation to the requirements under the Policy.

Two consultants declined to participate.

A total of two (2) quotations were received from Mills Recruitment and Price Consulting Pty Ltd. As part of the CEO Performance Review Panel assessment, the following was considered in making a determination:

1. Proposed methodology of the CEO review and level of engagement with Mayor, Councillors, CEO and staff;
2. Proposed services fit with the requirements of the Policy;
3. Relevant experience to undertake such a review;
4. Proposed cost.

The submission from Price Consulting Pty Ltd was well considered, thorough and provided an appropriate methodology for sound engagement with Council Members, CEO and members of staff to ensure an accurate review of the CEO's performance. The price submitted from Price Consulting Pty Ltd also reflects good value for money for the level of engagement proposed.

Price Consulting Pty Ltd also has extensive CEO review experience and has provided a positive experience in working with the Council and CEO in the past.

The CEO has been consulted and is supportive of the appointment of Price Consulting Pty Ltd.

A copy of each confidential quotation submissions is included as **Confidential Attachments 1 and 2** and the summary of consultant fees and is included as **Confidential Attachment 3**.

The CEO Performance Review Panel considered the two (2) quotations on Thursday 12 May 2022 and confirmed that Price Consulting Pty Ltd was its preferred submission.

CONSULTATION/ADVERTISING:

The CEO was consulted and is supportive of the recommendation to Council.

LEGAL/POLICY:

Annual performance reviews are mandated by section 5.38 of the *Local Government Act 1995*:

"5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment."

Also guiding the process of the CEO performance review are the *Model standards for CEO recruitment, performance and termination* adopted by Council at its meeting held 23 March 2021. The Model standards reflect the minimum requirements specified under regulation.

City of Vincent *Policy No: 4.2.16 – CEO Annual Performance Review* sets out that a CEO Performance Review Panel will be established to oversee the CEO Annual Review Process and outlines the primary functions of the Panel in carrying out the review.

RISK MANAGEMENT IMPLICATIONS:

Low: It is low risk to appoint a consultant to conduct the CEO Performance Review.

STRATEGIC IMPLICATIONS:

The review of the CEO's performance is an important opportunity for Council to evaluate the CEO and the City's performance against Council priorities in the City's Strategic Community Plan, the Corporate Business Plan and the agreed Key Performance Indicators for the review year. It is important to engage in constructive dialogue with the CEO about past performance and the future direction of the organisation as well as to define Council's future priorities, expectations and Key Performance Indicators for the position of CEO.

SUSTAINABILITY IMPLICATIONS:

Nil

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The financial value of the two quotations received to conduct the CEO's Performance Reviews is included in the Summary of Consultant's Fees at **Confidential Attachments 3**, given the commercial-in-confidence nature of the information.

There is budget provided to engage a consultant to conduct the CEO's annual performance review and the estimated cost of the recommended consultant is within budget.

COMMENTS:

An annual CEO performance review is a legal requirement under the *Local Government Act 1995* and is a critical organisational review process that will be used to inform future organisational direction, priorities and revised Key Performance Indicators for the CEO.

The CEO Performance Review Panel has reviewed the submissions and Ms Natalie Lincolne from Price Consulting Pty Ltd is considered to be the preferred and recommended consultant to carry out the CEO performance reviews over the two year term.

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

16 URGENT BUSINESS

Nil

17 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

17.1 APPOINTMENT OF THE DESIGN REVIEW PANEL

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

Local Government Act 1995 - Section 5.23(2):

- (b) the personal affairs of any person
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

18 CLOSURE