

# AGENDA.

## Ordinary Council Meeting

26 November 2019

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 26 November 2019 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

22 November 2019

# Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

## Our Guiding Values



## Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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# Ordinary Council Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

Councillor Stephen Russell

### 4.2 APPROVED LEAVE OF ABSENCE

## 5. DECLARATIONS OF INTEREST

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Responses to questions taken on notice at the October Ordinary Council Meeting can be found in the Appendix of this Agenda.

### 6.2 PUBLIC QUESTION TIME: 26 NOVEMBER 2019

## 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 15 October 2019

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 15 October 2019 be taken as read and confirmed as a true and correct record.

#### 7.1.2 Special Council Meeting Held: 22 October 2019

##### Officer Recommendation

That the Minutes of the Special Council Meeting held 22 October 2019 be taken as read and confirmed as a true and correct record.

## 7.2 CONCEPT BRIEFINGS

### 7.2.1 Council Agenda Briefing - 19 November 2019

Officers of the City presented background information and answered questions on Items to be considered at the 26 November 2019 Ordinary Council Meeting at the Council Agenda Briefing held 19 November 2019.

#### Attachments

7.2.1 (a): Council Agenda Briefing Notes

### 7.2.2 Concept Briefings and Workshops

Officers of the City and/or Consultants provided Councillors with an overview of the following matters at Concept Briefings and Workshops:

Date	Subject
28 October 2019	Office of the CEO Directorate Induction
	Development and Community Services Directorate Induction
29 October 2019	Councillor Induction with Neil Douglas (McLeods) on Governance Matters
	Councillor Induction with Andrew Roberts (McLeods) on Town Planning Matters
5 November 2019	Corporate Services Directorate Induction
	Infrastructure Directorate Induction
30 October 2019	South Perth Activity Centre Plan – Update following public consultation (Briefing 1 of 2)
6 November 2019	South Perth Activity Centre Plan – Update following public consultation (Briefing 2 of 2)
11 November 2019	Legal Briefing – Update on Current Legal Matters
	Financial Briefing
	Reconciliation Action Plan Briefing
12 November 2019	Meeting Procedures Training
	Collier Park Golf Course Business Plan (Mini Golf) Public Comments Briefing

#### Officer Recommendation

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Council Agenda Briefing - 19 November 2019
- 7.2.2 Concept Briefings and Workshops

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

### **8.3 DEPUTATIONS**

*Deputations were heard at the Council Agenda Briefing held 19 November 2019.*

### **8.4 COUNCIL DELEGATES REPORTS**

### **8.5 CONFERENCE DELEGATES REPORTS**

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 City of South Perth Public Art Advisory Group – 2018/19 Annual Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100421
Meeting Date:	26 November 2019
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

The City facilitates a Public Art Advisory Group comprised of elected members, community industry specialists and City Officers who advise and guide the selection of local public art projects.

As per City Policy P112 Community Advisory Groups, the City is to provide an annual report for each Community Advisory Group.

This report presents the 2018/19 Annual Report of the City's Public Art Advisory Group in fulfilment of this policy commitment.

#### Officer Recommendation

That Council receives the 2018/19 Annual Report of the City's Public Art Advisory Group, which is shown as **Attachment (a)**.

#### Background

The City of South Perth Public Art Advisory Group was established in February 2015 in alignment with a key initiative of the City of South Perth Public Art Strategy.

The role of the Public Art Advisory Group is to provide public art recommendations to Council and contribute to the ongoing development and implementation of the City's Public Art Strategy.

The Public Art Advisory Group is comprised of Elected Members, Community Industry Specialists and City Officers who advise and guide the selection of large-scale public art projects.

The Public Art Advisory Group operates in alignment with City Policy P112 – Community Advisory Groups. In accordance with this Policy, the 2018/19 Annual Report of the City's Public Art Advisory Group is provided to Council which is included as **Attachment (a)**.



### Comment

The Annual Report includes a summary of the Meeting Schedule, Memberships, Projects Completed, New Business and Project Forecasts for next financial year.

Of note was the completion of five public art projects during the year that were reviewed by the Public Art Advisory Group, namely:

1. Artwork titled 'Aurelian Modulations' by Artist Jon Tarry on the Aurelia Building at 96 Mill Point Road, South Perth;
2. Untitled artwork by Artist Eveline Kotai on the Southstone Apartments at 1 Stone Street, South Perth;
3. Artwork titled '100 Years Even – L'art pour l'art' by Artists Paul Caporn and Ahmad Abas on the Quest Apartments at 21 Mends Street, South Perth;
4. Artwork titled 'Cohesion' by Artist Stuart Green on the Reva Apartments at 5-7 Harper Terrace, South Perth; and
5. Artwork titled 'Anatomy of a Banksia' by Artists Mark Datodi and Steve Tepper at Meath Care Retirement Village at 3 Jackson Road, Como.

### Consultation

The Public Art Advisory Group was consulted during the development of the attached 2018/19 Annual Report and provided endorsement at their meeting held on 8 August 2019.

### Policy and Legislative Implications

Policy P112 Community Advisory Groups

Policy P101 Public Art

Policy P316 Developer Contribution to Public Art and Public Art Spaces

### Financial Implications

Nil.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and community
Strategy:	Facilitate and create opportunities for social, cultural and physical activity in the City

### Attachments

**10.1.1 (a):** City of South Perth - Public Art Advisory Group - 2018-19 Annual Report

### 10.1.2 City of South Perth Volunteer of the Year Awards Program - Assessment and Recommendations for 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100426
Meeting Date:	26 November 2019
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

This report seeks Council's consideration of the eligible nominations submitted for the 2019 City of South Perth Volunteer of the Year Award Program.

#### Officer Recommendation

That Council approves the Award recipients for the City of South Perth Volunteer of the Year Award Program for 2019 as shown in **Confidential Attachment (a)** in the categories:

- a. 'Adult Volunteer';
- b. 'Youth Volunteer'; and
- c. 'Junior Volunteer'.

#### Background

In December each year International Volunteer Day is celebrated around the world to recognise the important role that volunteers play in building healthy and vibrant communities.

Local governments are encouraged to acknowledge and reward those individuals who volunteer their time and expertise in their communities.

The City facilitates an annual 'Thank a Volunteer Day Celebration' in December to acknowledge and celebrate the contributions of volunteers who service the community. As part of this event, City of South Perth Volunteer of the Year Awards are presented to recognise outstanding individual volunteering contributions in the community.

There are three Volunteer of the Year Award categories, as follows:

1. *City of South Perth – Adult Volunteer of the Year Award*

This award is open to individuals who reside or volunteer within the City of South Perth and are aged over 25 years.

2. *City of South Perth - Youth Volunteer of the Year Award*

This award is open to individuals who reside or volunteer within the City of South Perth and are aged between 18 and 25 years.

3. *City of South Perth - Junior Volunteer of the Year Award*

This award is open to individuals who reside or volunteer within the City of South Perth and are aged under 18 years.

Nominations were assessed by a panel comprising the City's Manager Community, Culture and Recreation, Community Development Coordinator and Community Development Officer, against three selection criteria, namely:

1. The level of involvement of the volunteer;
2. The significance of the volunteering contribution to the local community; and
3. The inspiring impact of the volunteering activity to enhance community life.

Presentation of the Awards will be made at the Thank a Volunteer Day Celebration event on 5 December 2019. The winner of each category will be recognised with a certificate and trophy. All other eligible nominees will receive a certificate and public acknowledgement of their volunteering contributions at the event. The Award winners are kept confidential until this event.

### Comment

This year the City received a total of 93 nominations comprising:

- 58 Adult Volunteer of the Year nominations;
- 6 Youth Volunteer of the Year nomination; and
- 29 Junior Volunteer of the Year nominations.

A summary of the nominations and the City's assessment scores is attached as **Confidential Attachment (a)**.

The assessment panel found that the standard of nominations this year was exceptionally high and there were a number of outstanding individuals who scored very strongly. All eligible nominations were considered meritorious, as they demonstrated the variety of ways that volunteers make significant contributions to the local community. For this reason, a letter will be sent to all nominees to thank them for their outstanding volunteering contributions and inviting them to attend the Thank a Volunteer Day event being held in December 2019.

### Consultation

The City commenced promotion of the Volunteer of the Year Award Program in August 2019. Emails were sent to community groups, sporting clubs, schools and volunteer organisations listed in the City's Community Information Directory. The Award Program was also advertised in the City Update and on the City's website. Nominations closed on 30 September 2019.

### Policy and Legislative Implications

This report relates to Policy P104 'Community Awards', whereby the City recognises the important contribution that local individuals make to society.

### Financial Implications

Funds are allocated in the City's 2019/20 Operating Budget for costs associated with the Volunteer of the Year Award Program.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and Community
Strategy:	Facilitate and create opportunities for social, cultural and physical activity in the City

### Attachments

10.1.2 (a): Nomination Summary and Assessment (*Confidential*)

### 10.1.3 Auspire Community Citizen of the Year Awards 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100427
Meeting Date:	26 November 2019
Author(s):	Rene Polletta, Community Development Officer (Youth & Children)
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

This report seeks to advise Council of the nominations submitted for the Auspire Community Citizen of the Year Awards for 2019; and for Council to determine the recipients under the nominated categories in accordance with the Australia Day Council of WA's eligibility criteria and selection guidelines.

#### Officer Recommendation

That Council approves the Award recipients for the Auspire Community Citizen of the Year Awards for 2019, in the following categories as shown in **Confidential Attachment (a)**:

- a. 'Adult';
- b. 'Senior';
- c. 'Youth'; and
- d. 'Community Group or Event'.

#### Background

The Auspire Community Citizen of the Year Awards is a statewide initiative run by the Australia Day Council of WA. Each local government authority is responsible for promoting the award and selecting winners for their area.

Nominations are encouraged of residents and/or ratepayers of the City of South Perth who have made a community contribution by improving, developing and nurturing the quality of life within the City and for its residents.

There are four categories for nominations:

1. Community Citizen of the Year Award (Adult) - this is open to adult individuals who reside or work primarily within the City of South Perth.
2. Community Citizen of the Year Award (Youth) – this is open to individuals who reside or work primarily within the City of South Perth and are under 25 years old.
3. Community Citizen of the Year Award (Seniors) - this is open to individuals who reside or work primarily within the City of South Perth and are aged 65 years and over.

4. Active Citizenship Award (Community Group or Event) - this is open to community groups that are based or work primarily within the City of South Perth and/or groups who have produced a local event.

Presentations for the awards are made at the City's annual Australia Day Event morning Citizenship Ceremony. The winner of each category is recognised with a framed certificate and all other eligible nominees receive a certificate of appreciation from the City of South Perth.

Nominations were assessed by a panel comprising the City's Manager Community, Culture and Recreation, Community Development Coordinator and Youth and Children's Officer, against four selection criteria, namely:

1. Significant contribution to the local community;
2. Demonstrated leadership on a community issue resulting in the enhancement of community life;
3. Significant initiative which has brought about positive change and added value to community life; and
4. Demonstrated inspiring qualities as a role model for the community.

### Comment

This year the City received a total of 19 nominations comprising:

- 9 x Community Citizen of the Year (Adult) nominations
- 6 x Community Citizen of the Year (Youth) nominations
- 2 x Community Citizen of the Year (Seniors) nominations
- 2 x Active Citizenship (Community Group or Event) nominations.

A summary of the nominations and the City's assessment scores are attached as **Confidential Attachment (a)**.

All nominations received were considered to be of the highest quality, demonstrating the different ways that individuals and groups make significant contributions in the local community, enhancing life opportunities for others and being positive role models in the City of South Perth.

### Consultation

The City commenced promotion of the Community Citizen of the Year Award Program in September 2019. Emails and nomination forms were sent to community groups, sporting clubs, schools and volunteer organisations listed in the City's Community Information Directory. The Award Program was also advertised on the City's website and through a statewide campaign by the Australia Day WA Council. Nominations closed on 31 October 2019.

### Policy and Legislative Implications

This report relates to Policy P104 Community Awards, whereby the City recognises the important contribution that local individuals make to society.

**Financial Implications**

Funds are allocated in the City's 2019/20 Operating Budget for costs associated with the Community Citizen of the Year Awards Program.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and Community
Strategy:	Facilitate and create opportunities for social, cultural and physical activity in the City

**Attachments**

- 10.1.3 (a):** Auspire Community Citizen of the Year Award 2019 - Nominations and Assessment (*Confidential*)

## 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

### 10.3.1 Proposed Fencing and Signage Additions to Private Institution on Lot 481 (No. 91) Ley Street, Como

Location:	Lot 481 (No. 91) Ley Street, Como
Ward:	Como Ward
Applicant:	St Pius X School
File Reference:	D-19-100428
DA Lodgement Date:	12 September 2019
Meeting Date:	26 November 2019
Author(s):	Kevin Tang, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for proposed fencing and signage additions to Private Institution on Lot 481 (No. 91) Ley Street, Como. Council is being asked to exercise discretion in relation to the following:

- Over-height fencing (above 1.8m)

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, and will not detrimentally impact the amenity of adjoining residential neighbours and streetscape. The fencing is considered to offer improved visual protection for an existing children's playground whilst still maintaining mutual surveillance between the street and subject site. Additionally, the proposal is considered to have a positive impact on the visual amenity of the site as it represents an improvement to the existing cyclone fence and school pylon sign. It is therefore recommended that the application be approved, subject to conditions.

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for proposed fencing and signage additions to Private Institution on Lot 481 (No. 91) Ley Street, Como, **be approved** subject to the following conditions:

1. The development is to be in accordance with the approved plans unless otherwise authorised by the City.
2. The fencing hereby approved is to be fully contained on the subject site.
3. The proposed sign shall not be illuminated without the prior approval of the City.



### Comment

#### (a) Background

In September 2019, the City received an application for proposed fencing and signage additions to Private Institution (St Pius X School) on Lot 481 (No. 91) Ley Street, Como (the site).

The existing development on the site features a storage building, covered playground and small park. The current fencing bordering the property on the southern and western boundaries is constructed of a wire mesh material and is 1.8m in height.

#### (b) Description of the Surrounding Locality

The St Pius X School occupies three separate lots: Lots 482, 483 and 481 (the site). The site has a frontage to Cloister Avenue to the south and Mount Henry Road to the west, as seen in **Figure 1** below:



**Figure 1:** Aerial image of subject site

#### (c) Description of the Proposal

The proposal involves the removal of existing street fencing along the south western lot boundary and the construction of proposed fencing and signage additions to Private Institution (St Pius X School) as depicted in the submitted plans at **Attachment (a)**.

The proposed fencing ranges in height from 1.8 metres to 2.1 metres and is of masonry construction and open grille panels with a school sign to be affixed onto the middle section of the fence. The proposal is intended to provide visual protection from a busy roundabout at the intersection of Mount Henry Road and Cloister Avenue for the nature playground located behind the existing cyclone fence, and the proposed signage will replace the existing metal school signage.

**(e) Fencing Height**

The proposal is supported due to the following reasons:

- The proposed fence ranges from 1.8m to 2.1m primarily due to topographic change along Mount Henry Road from north to south. It is consistent with the existing wire mesh fence in height;
- The proposed fence will enable adequate visual protection for the existing nature playground behind the fence from a busy roundabout at the intersection of Mount Henry Road and Cloister Avenue; whilst maintaining mutual surveillance between the street and private property; and
- The proposal is considered to have a positive impact on the visual amenity of the site as it represents an improvement to the existing cyclone fence and school pylon sign.

**(f) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**(g) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval, the local government is to have due regard to the matters listed in Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

It is considered that the proposal satisfies the relevant sections of Clause 67.

**Consultation****(h) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 Community Engagement in Planning Proposals. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 44 consultation notices were sent and no submissions were received.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

**Financial Implications**

Nil.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods  
Outcome: Sustainable built form  
Strategy: Promote and facilitate contemporary sustainable buildings and land use

### Sustainability Implications

Nil.

### Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. The fencing is considered to offer improved visual protection for an existing children's playground and maintain mutual surveillance between the street and subject site. Additionally, the proposed fence is considered to have a positive impact on the visual amenity of the site as it is an improvement to the existing cyclone fence and school pylon sign. On this basis, it is recommended that the application should be conditionally approved.

### Attachments

10.3.1 (a): Development Plans

### 10.3.2 Local Government Greener Perth Grant Program

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100429
Meeting Date:	26 November 2019
Author(s):	Geoff Colgan, Parks Operations Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

#### Summary

This report seeks the City's support for the introduction of a Local Government Greener Perth Grant Program to be funded by the State Government.

#### Officer Recommendation

That Council supports the Town of Victoria Park's request for the State Government to establish a 'Local Government Greener Perth' grant program.

#### Background

The Town of Victoria Park (the Town) has written to the City advising that at its Ordinary Council Meeting held 18 June 2019, their Council resolved to seek support from metropolitan local governments and the Western Australian Local Government Association (WALGA) for the introduction of a 'Local Government Greener Perth' grant program to be funded by the State Government.

#### Comment

The rate of urban deforestation across the Perth metropolitan area has been increasing, with a loss of tree canopy impacting on the quality of health and amenity enjoyed by the community. In response, local governments have been developing and implementing urban forest strategies (and similar initiatives) aimed at reducing the loss of trees, as well as increasing tree canopy cover.

The Town is seeking to advocate to the State Government for financial assistance to help Perth metropolitan local governments deliver their urban forest strategies through a dedicated grants program similar to the 'Five Million Trees for Greater Sydney' grants program which exists in New South Wales. The grant is to enhance urban tree canopy by co-funding tree planting projects in public spaces such as streets, parks and plazas.

The Town plans to request that the State Government establishes a 'Local Government Greener Perth' grant program allocating \$10 - \$20 million annually, for Perth metropolitan local governments to grow and maintain their urban forests. They are seeking the City of South Perth's support for this proposal.

**Consultation**

Nil.

**Policy and Legislative Implications**

City of South Perth Urban Forest Strategy 2018-2023

**Financial Implications**

Nil.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods.
Outcome:	Resource management and climate change
Strategy:	Promote and implement sustainable water, waste, land and energy management practices

**Attachments**

10.3.2 (a): Letter from the Town of Victoria Park

### 10.3.3 Tender 10/2019 Various Minor Concrete Works and Kerbing

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100430
Meeting Date:	26 November 2019
Author(s):	Len Dalton, Works and Services Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

This report considers submissions received from the advertising of Tender 10/2019 for Various Minor Concrete Works and Kerbing.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

#### Officer Recommendation

That Council:

1. Accepts the tender submitted by Axiis Contracting for the Various Minor Concrete Works and Kerbing in accordance with Tender Number 10/2019 for the period of three years with an option to extend for a further two years at the City's discretion;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

#### Background

A Request for Tender (RFT) 10/2019 for the Various Minor Concrete Works and Kerbing contract was advertised in The West Australian newspaper on Saturday 24 August 2019 and closed at 2.00pm on Tuesday 10 September 2019.

The RFT will facilitate the implementation of small scale concrete footpath, vehicle crossing, road kerb construction and maintenance activities.

Tenders were invited as a Schedule of Rates contract.

The contract is for the period of three years with an option to extend for a further two years at the City's absolute discretion.

### Comment

At the close of the tender advertising period four submissions had been received as listed in Table A below:

TABLE A – Tender Submission

Tender Submission
1. Dowsing Concrete
2. Axiis Concreting
3. Uniplex Pty Ltd
4. Cobblestone Concrete

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below:

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	40%
2. Key Personnel, Skills & Resources	20%
3. Demonstrated Understanding	20%
4. Price	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 10/2019 Various Minor Concrete Works and Kerbing, it is recommended that the tender submission from Axiis Contracting be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

### Consultation

Public tenders were invited in accordance with the *Local Government Act 1995* (the Act).

### Policy and Legislative Implications

Section 3.57 of the Act requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

### Financial Implications

Works to the approximate value of \$340,000 are typically implemented each year in association with minor concrete construction works, repairs and road kerb installation. Funding to facilitate the delivery of the tendered works for 2019/2020 is included in the Annual Budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (built and natural)
Aspiration:	Sustainable urban neighbourhoods.
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

### Attachments

**10.3.3 (a):** Recommendation Report (*Confidential*)



## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - October 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100431
Meeting Date:	26 November 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 October 2019 and 31 October 2019 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(502)	\$5,653,509.44
Cheque Payment to Creditors	(5)	\$9,031.67
<b>Total Monthly Payments to Creditors</b>	<b>(507)</b>	<b>\$5,662,541.11</b>
EFT Payments to Non-Creditors	(94)	\$123,213.97
Cheque Payments to Non-Creditors	(27)	\$328,270.47
<b>Total EFT &amp; Cheque Payments</b>	<b>(628)</b>	<b>\$6,114,025.55</b>
Credit Card Payments (October 2019)	(6)	\$17,736.32
<b>Total October Payments</b>	<b>(634)</b>	<b>\$6,131,761.87</b>

#### Officer Recommendation

That the Council receives the Listing of Payments for the month of October 2019 as detailed in **Attachment (a)**.

#### Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment. These controls are documented in Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

After an invoice has been matched to a correct Goods Receipt Note in the financial system, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

### Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. The payment listing for October 2019 is included at **Attachment (a)**.

It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability.

In accordance with the Council resolution on 26 March 2019, the attached report includes a "Description" for each payment. Officers provide a public disclaimer in that the information contained within the "Description" is unlikely to accurately describe the full nature of each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

### Consultation

Nil.

### Policy and Legislative Implications

Regulation 11 of the Local Government (Financial Management) Regulations 1996.  
Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

**10.4.1 (a):** Listing of Payments - October 2019

## 10.4.2 Monthly Financial Statements - October 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100432
Meeting Date:	26 November 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

The monthly Financial Statements are provided within the **Attachments (a)–(i)**, with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated. Report refinement is an ongoing task.

### Officer Recommendation

That Council notes the interim Financial Statements and report for the month ended 31 October 2019.

### Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2019/20 budget adopted by Council on 25 June 2019, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains the Original Budget and Revised (Adjusted) Budget, allowing a quick comparison between the adopted budget and any budget adjustments approved by Council.

### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently, report refinement is an ongoing task. This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments, with nil effect on the closing position, will be presented for Council approval at a future meeting.

Actual income from operating activities for October year-to-date (YTD) is \$49.75m in comparison to budget of \$49.26m. Actual expenditure from operating activities for October is \$19.89m in comparison to budget of \$21.11m. The October Operating Net Operating Position was \$1.716m favourable. Typically October YTD represent lagging expenditure and activity engagement at the start of the financial year.

Actual Capital Revenue YTD is \$0.459m in comparison to the budget of \$1.832m. Actual Capital Expenditure YTD is \$4.147m in comparison to the budget of \$6.419m. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there are a number of capital projects that will require a budget adjustment as they were not re-budgeted for in 2019/20.

Cash and Investments balance is \$68.405m. Traditionally, the October cash balance is higher following the collection of rates revenue for the 2019/2020 year. Consistent with previous monthly reports, this information is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 38.88% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors (S&P) for each of the institutions.

### **Consultation**

Nil.

### **Policy and Legislative Implications**

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

### **Financial Implications**

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

### Attachments

10.4.2 (a):	Statement of Financial Position
10.4.2 (b):	Statement of Change in Equity
10.4.2 (c):	Statement of Financial Activity
10.4.2 (d):	Operating Revenue & Expenditure
10.4.2 (e):	Significant Variance Analysis
10.4.2 (f):	Capital Revenue & Expenditure
10.4.2 (g):	Statement of Council Funds
10.4.2 (h):	Summary of Cash Investments
10.4.2 (i):	Statement of Major Debtor Categories

### 10.4.3 Live Streaming of Council Meetings

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100433
Meeting Date:	26 November 2019
Author(s):	Jeff Jones, Manager Information Systems
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.1 Engaged Community

#### Summary

This report responds to the Notice of Motion submitted and provides information on what is required to undertake live streaming of meetings.

#### Officer Recommendation

That live streaming of Council meetings is considered as part of the 2020/21 budget deliberations.

#### Background

At its meeting held 24 September 2019, Council resolved as follows:

*'The Council requests the Chief Executive Officer to investigate the requirements and potential costs of accommodating live audio and visual media streaming of all public and open Council meetings. A report is to be provided to the Council which outlines these requirements of live media streaming on the City's website as well as social media platforms prior to the Ordinary Meeting of Council of December 2019.'*

The motion came from a Notice of Motion submitted by former Councillor Travis Burrows and the reasons given for the Notice of Motion were as follows:

- *The Council works hard in committing in being an accessible and transparent local government. Transparency is a cornerstone of good governance.*
- *More people than ever are connected to the Internet than ever, and reaching people where they are is a good way to increase their engagement.*
- *It creates a strong direct link between constituents and their audience*

This report focuses on the technical capability of the live streaming of Council meetings. McLeods Barristers & Solicitors published an article advocating against live stream of council meetings which has been attached to this report for councillors' information as **Attachment (a)**. The experience of those WA Councils that have introduced live streaming has not been researched and therefore no recommendation has been included in relation to the merits or otherwise of live streaming.

### Comment

In 2015 the City received an NBN Technology Grant, part of the grant was used to have cameras installed in the Council Chamber to allow Elected Members to attend meetings remotely if they were travelling. These cameras have the capability to be used for live streaming, however the software to control the cameras, push the streaming to the Web and build an interface to the City's website was not implemented at the time as it was out of scope.

The camera and related equipment reach their end of life around May 2020. If Council resolved to proceed with live streaming of Council Meetings, it is likely the existing cameras would need to be replaced in the near future. The City has not renewed the annual maintenance for the current camera equipment as part of a cost saving initiative and therefore this would also need to be revisited. In addition, the hydraulic extracting and retracting of the cameras have been problematic and therefore fixed cameras would be recommended.

The main costs associated with introducing live streaming to the Web are:

**1. Cost of hardware and software, installation and configuration**

An estimate for the technology equipment and software in the Chamber is likely to be in the order of \$40,000 to install a camera system, fully integrated into the existing agenda and audio discussion system.

**2. Annual maintenance of hardware and software**

In addition to the upfront implementation cost, the annual software and hardware maintenance cost is likely to be in the order of \$9,000 per annum.

**3. Human Resource cost to run equipment during meetings**

The introduction of live streaming may require a separate employee to operate the equipment, to adjust the cameras and start/stop recordings during confidential items and potentially during public question time/deputations etc.

**4. Cost of building the streaming interface into the City's website**

Estimates from other local governments indicate a cost between \$15,000 and \$30,000, plus 20% annual maintenance.

**5. Internet Bandwidth**

As Council meetings take place outside of the standard work day, the current bandwidth is likely to be sufficient to stream meetings, being shared with the City's libraries. If live streaming required a guaranteed internet service the cost is likely to be \$12,000 annually.

If Council wish to consider the live streaming of Council meetings, it is recommended this be considered as part of the 2020/21 Annual Budget deliberations.



**Consultation**

Nil.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

The financial implications are included above under the Comment section.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

**10.4.3 (a):** McLeods Barristers & Solicitors Article on Live Streaming

#### 10.4.4 Collier Park Golf Course Business Plan

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100435
Meeting Date:	26 November 2019
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

At its meet held 24 September 2019, Council resolved to give statewide public notice of the Collier Park Golf Course Business Plan seeking public comment. The six week public comment period has closed, with the City receiving one submission. Council must give consideration to this submission prior to deciding to proceed, or not to proceed with the Business Plan.

#### Officer Recommendation

That Council:

1. Notes the one submission received;
2. In consideration of the submission received, proceeds with the Collier Park Golf Course Business Plan as advertised;
3. Authorises the addition of \$2,000,000 to the 2019/20 Capital Budget, for the acquisition of the Collier Park Golf Course Mini Golf facility, to be funded from the Major Community Facilities Reserve;
4. Notes that when the Collier Park Golf Course Mini Golf commences operations, the revenue derived will be placed in the Major Community Facilities Reserve, until the capital cost has been repaid; and
5. Authorises the Chief Executive Officer to finalise the contract with Clublinks Pty Ltd for the construction and operation of Collier Park Golf Course Mini Golf, in accordance with information contained within the Collier Park Golf Course Business Plan in **Attachment (a)**.

**Absolute Majority required**

#### Background

At its meeting held 24 September 2019, Council resolved to:

1. *In accordance with s3.59 of the Local Government Act 1995, to give statewide public notice of the Collier Park Golf Course Business Plan in Attachment (a); and*
2. *Notes that following the statewide public notice period, a report considering submissions made will be presented to a future meeting of Council, where it may be determined to proceed with implementing the Business Plan.*

An advertisement was placed in the West Australian on Thursday 26 September 2019, and on the City's website and noticeboards, inviting submissions to be made through Your Say South Perth.

One submission was received by the close, 5pm 11 November 2019. In accordance with the resolution of 24 September 2019, this submission is presented for Council's consideration, in determining whether to proceed or not to proceed with the advertised Business Plan.

### Comment

A confidential report was considered by Council at the Ordinary Council Meeting on 24 September 2019. The confidential report and attachment has been provided to the new Council, under a separate cover, to provide background to the previous Council deliberations. In accordance with the *Local Government Act 1995* (the Act), the report was considered on a confidential basis as it considered information relating to a potential contract.

The Business Plan was based on analysis of the most relevant Perth example, being the Wembley Golf Course that offers both traditional golf and Mini Golf. In preparing the Business Plan, a conservative approach was taken in relation to estimates, such as including a high capital construction cost (\$2.0m max) and a low net revenue estimate (price, mix and volume). The conservative approach (highest cost, lowest revenue) is considered prudent, with the actual results likely to be significantly better than estimated, therefore a shorter payback period and increase in the annual net operating benefit. The conservative estimate of increased cash of \$350k per annum is equivalent to just under a 1% of rates. In September 2019 Council resolved to advertise the Collier Park Golf Course (CPGC) Business Plan for a 6 week period.

In accordance with the Act, Council must give consideration to public submissions prior to a Business Plan commencement / implementation. Only one submission was received at the close of the public submission period. The only comment provided by this anonymous respondent was "I think this plan will be amazing and it will really connect South Perth".

The Business Plan **Attachment (a)** describes the proposal for the mini golf facility within the CPGC. Council receive regular briefings on the CPGC, most recently on the 12 November 2019 to provide information on the Business Plan and the submission received. In addition, the briefing provided the history of CPGC and the context of the business planning process, in accordance with the Act and regulations.

This report should be read in conjunction with the attached Business Plan. In summary, the Business Plan, once adopted, will facilitate Clublinks Pty Ltd to design and construct a mini golf facility at the CPGC to a maximum of \$2 million, to be funded from the Major Community Facilities Reserve. Clublinks Pty Ltd will operate that mini golf facility until their current agreement expires (2023). The City will receive 60% of the mini golf revenue which will be used to repay the Major Community Facilities Reserve. The City retains ownership of the mini golf facility, and together with the whole CPGC, will be subject to a tender process during 2022/2023 to award a CPGC manager/operator.

The Business Plan articulates all the requirements of section 3.59 of the Act and regulations, including alignment to the City's Strategic Community Plan. The Business Plan considers the financial implications, as does this report (below).

In considering the public submission, it is recommended Council proceed with the Business Plan, as advertised and authorise the Chief Executive Officer to finalise the contractual arrangements.

### **Consultation**

Public comment was sought by statewide advertising in accordance with the Act and the Local Government (Functions & General) Regulations 1996 during the period from 26 September to 11 November 2019. As described in the Business Plan, copies were available at the City Administration and libraries as well as available on the City's website. One submission was received and is presented to Council for consideration.

### **Policy and Legislative Implications**

Policy P607 Tenders and Expression of Interests.  
*Local Government Act 1995* - sections 3.57 and 3.59.  
Local Government (Functions & General) Regulations 1996.

### **Financial Implications**

If Council decide to proceed with implementing the business plan then the following describes the financial implications.

#### ***Existing Collier Park Golf Course (CPGC)***

The existing GCPG Annual Operating Revenue and Expenditure is included in the Annual Budget each year, contained within the statutory reports and detailed in the management budget. For the 2019/20 Annual Budget the Operating Revenue budget (\$3.06 million) is represented on page 3.2 and the Operating Expenditure budget (\$2.54 million) is represented on page 3.4.

#### ***Mini Golf Facility***

The acquisition of the mini golf facility, being the construction and subsequent operation by Clublinks Pty Ltd, will impact on all three of the main statutory financial statements, these being the Comprehensive Income (Profit & Loss), the Statement of Financial Position (Balance Sheet) and the Statement of Cash Flows. In addition, this information will be detailed in the Management section of the budget and monthly financial management reports.

In terms of the Balance Sheet, the acquisition (on commissioning) will result in an increase in the non-current assets and a reduction in the non-current assets (cash) or increase in current and non-current liabilities, should the City choose to rely on a loan (or partial loan) through WA Treasury Corporation.

Once operations commence, the Non-Current Asset will reduce over time, represented by the Accumulated Depreciation, as well as possible revaluations, in accordance with Australian Accounting Standards, the Act and relevant regulations.

In terms of the Profit and Loss, there will be operating revenue and operating expenditure in relation to the use of the facility each year. These amounts will be included in the Annual Budget of the City, approved by Council. A summary of the actual transactions are reported in the Monthly Financial Statements to the Ordinary Council Meetings, as well as reported in the Annual Financial Statements, audited by the WA Auditor General.

Annually, it is expected the Net Operating Benefit (Operating Revenue less Operating Expenditure) is likely to be approximately \$250,000 per annum, depending on the final design and success of the facility operation. The Net Operating Benefit includes a Depreciation Expense of \$100,000 per annum, therefore the annual cash improvement would be approximately \$350,000 per annum. The payback is expected to be approximately six years. The Net Present Value, over 20 years at 6% is approximately \$4.5 million.

On this basis, if Council were to approve the business plan, the mini golf facility will have a positive effect on the City's financial health, described as the Financial Health Indicator (FHI), for the City over the life of the facility.

In terms of financing the Capital component, there are three separate options described below, the forth being a combination of these three options. These options have assumed the Capital cost is \$2 million.

- A- Municipal Funds** – these funds held by the City are available for all purposes, as determined by Council through the adoption of the Annual Budget or a Budget Adjustment. The use of Municipal Funds reduces the cash balance which is invested, therefore interest revenue will reduce until payback has occurred (around 6 years, interest at say 2% equates to approximately \$130,000).
- B- Reserve Funds** – these Funds are held by the City for a specific purpose, as described in the Annual Budget and Annual Report. If Council wish to use a Reserve for a different purpose, before doing so the Council would need to advertise (locally) this change. As in option A, the use of Reserve Funds reduces the cash balance which is invested, therefore interest revenue will reduce until payback has occurred (around 6 years, interest at say 2% equates to approximately \$130,000).
- C- Loan** – the City has the ability to borrow funds, with the WA Treasury Corporation providing the best possible rates, these are able to be fixed for up to 20 years. Rates are very low, presently less than 3% and therefore an attractive option. Borrowing attracts interest expense. To provide a comparison, in relation to Option A and B, a 6 year loan at 3% would result in an interest expense of approximately \$193,000. A 20 year loan result in an interest expense of approximately \$670,000. As a loan was not included in the budget, the City would need to advertise the intention to borrow for a period of 1 month, prior to drawing down the loan.
- D- Combination** – the City has the ability to utilise any or all of Options A, B and C.

In terms of the four options, officers recommend Option B, to be funded from the Major Community Facilities Reserve and once mini golf is operational, the revenue derived be applied to the same reserve, until the actual capital cost has been repaid. This is a simple option, with no impact on the Current Ratio. In terms of the other options, Option A, the use of Municipal cash would be the simplest option, however this may impact negatively on the Current Ratio until payback occurs. Option C, the use of loan funds is also attractive with interest rates falling further in recent times, however other initiatives, such as underground power and a possible Recreation and Aquatic Facility, are better suited to a loan facility.

#### ***Expansion of the Driving Range***

As previously described, the business plan references an expansion of the driving range, however no financial analysis has been undertaken as it is not possible without first considering the precise location of the facility. Whilst there is an existing driving range facility, an expanded facility may or may not be constructed at that same location. This analysis may be undertaken once the location of the proposed RAF has been determined. This may or may not require an additional business plan to be prepared.

#### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Maximise and diversify non-rate income

#### **Attachments**

10.4.4 (a):	Collier Park Golf Course Business Plan
10.4.4 (b):	Memo ( <i>Confidential</i> )

### 10.4.5 City of South Perth Health Amendment Local Law 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100436
Meeting Date:	26 November 2019
Author(s):	Christine Lovett, Senior Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report proposes that the Council, in accordance with section 3.12(4) of the *Local Government Act 1995*, makes the City of South Perth Health Amendment Local Law 2019 which will amend the City of South Perth Health Local Law 2002.

#### Officer Recommendation

That Council, pursuant to section 3.12 of the *Local Government Act 1995*, make the City of South Perth Health Amendment Local Law 2019 as contained in **Attachment (a)** which provides a statutory means to effectively control issues that have the ability to adversely impact on the health and well-being of the community.

**Absolute Majority required**

#### Background

In accordance with section 3.16 of the *Local Government Act 1995* (the Act), local governments are required, within a period of eight years, to review their local laws to determine whether or not it considers the local law should be repealed or amended. The Health Local Law 2002 was published in the Government Gazette on 22 November 2002 and commenced on 6 December 2002. This local law had one review in 2012 where Council resolved not to pursue the review until the Public Health Act was proclaimed. The Public Health Act was subsequently proclaimed in 2016.

In accordance with the Act, a review was completed that identified amendments to the local law were necessary. Some provisions of the local law were superseded with the introduction of the *Public Health Act 2016* and the *Cat Act 2011*. Therefore, to ensure the City of South Perth Health Local Law 2002 was in keeping with current legislation and administrative requirements, minor amendments were required.

Suggested amendments to the Health Local Law 2002 were made and presented to Council on 25 June 2019. Council then resolved pursuant to section 3.12 of the Act, to give statewide public notice that it intended to adopt the City of South Perth Health Amendment Local Law 2019.

### Comment

In accordance with the Council resolution from 25 June 2019 and section 3.12(3) of the Act, statewide public notice of the City's intention to make the local law was advertised in the West Australian newspaper on 10 July 2019, the Southern Gazette on 11 July 2019 and the City's website with the closing date for public submissions being 30 August 2019. A copy was provided to the Minister for Local Government; Heritage; Culture and the Arts and to the Deputy Premier; Minister for Health; Mental Health in accordance with sections 3.12(3)(a) and 3.12(3)(b) respectively.

The City received only one submission in relation to the proposed local law, that being from the Department of Local Government, Sport and Cultural Industries (the Department) suggesting formatting improvements. The Department recommended:

#### 1. Consolidated amendments

The local law makes a number of amendments involving the replacement of "Manager, Environmental Health & Regulatory Services" with "City" and the insertion of "*(Miscellaneous Provisions)*" after the word "*Health*". This uses up considerable space and will contribute to unnecessary publishing costs. The City may wish to collate these amendments into a table to save space and money.

#### 2. Principal local law

In line with best drafting principles, it is suggested that clause 3 be redrafted as follows:

##### 3. Principal local law amended

This local law amends the City of South Perth Health Local Laws 2002 as published in the Government Gazette on 22 November 2002.

#### 3. Renumbering clauses and paragraphs

When State legislation is amended by Parliament, the remaining clauses are usually not renumbered. This avoids the need to update existing cross references which may end up inaccurate if the numbering has changed. While renumbering may be desirable in some circumstances, it is not legally necessary. The City has the option of retaining the current numbering in the principal local law.

#### Clause 4 reformatted

It is suggested that clause 4 be reformatted as follows:

##### 4. Clause 3(1) amended

Clause 3(1) is amended as follows:

- (a) in the definition of "Act" after "*Health*" insert "*(Miscellaneous Provisions)*";
- (b) in the definition of "approved" delete "Manager, Environmental Health & Regulatory Services" and insert "City"; and
- (c) delete the definition of "Manager, Environmental Health & Regulatory Services".

Similar formatting should also be used for other clauses throughout the draft local law.



Officers identified the following further improvement:

Although the Health Amendment Local Law proposed to change the words “Manager, Environmental Health & Regulatory Services” to “City” as it appeared throughout the local law, there is no definition of “City” provided in clause 3(1) of the local law. Therefore, it is proposed that the words “Manager, Environmental Health & Regulatory Services” be replaced with “local government” as this is defined as being the City of South Perth.

The changes suggested by the Department and officers do not significantly change the local law.

In accordance with section 3.12(4) of the Act, after the last day for public submissions in relation to a local law, the local government is to consider any submissions received and may resolve, through an absolute majority, to either make the local law as proposed or to make a local law that is not significantly different from what was proposed.

The proposed local law has been amended to reflect the feedback from the Department and officers. Council may now resolve, through an absolute majority decision, to make the local law in **Attachment (a)**.

Should Council resolve to make the City of South Perth Health Amendment Local Law 2019 as proposed, the City would be required to publish the local law in the Government Gazette, provide a copy to the Minister for Local Government; Heritage; Culture and the Arts and to the Deputy Premier; Minister for Health; Mental Health, and to give local public notice that the local law has been made. In addition, the City would be required to provide a copy of the local law and an explanatory memorandum prepared in accordance with the Minister’s Local Laws Explanatory Memoranda Directions 2010 to the State Government’s Joint Standing Committee on Delegated Legislation.

### **Consultation**

Public consultation has been sought on the proposed amendments.

### **Policy and Legislative Implications**

Section 3.12 of the *Local Government Act 1995* which outlines the procedure for making local laws.

### **Financial Implications**

Advertising costs and other associated costs relating to the adoption of the local law are contained within the City’s 2019/20 operating budget.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government.  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

**10.4.5 (a):** City of South Perth Health Amendment Local Law 2019

#### 10.4.6 City of South Perth Annual Report 2018/19

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-100438
Meeting Date:	26 November 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report recommends that Council adopt the 2018/19 Annual Report.

#### Officer Recommendation

That Council accepts the City of South Perth Annual Report for the year 2018/19.

**Absolute Majority required**

#### Background

Each year Council is required to adopt the City of South Perth Annual Report. Once accepted by Council, the Annual Report is to be presented to an Electors' General Meeting. The City of South Perth Annual Report will also be available on the City's website, in hard copy format at the City's Administration Centre and both City Libraries.

#### Comment

The City of South Perth Annual Report 2018/19 provides a comprehensive account of the City's activities throughout the financial year and showcases the City's progress towards the strategic objectives in the City's Strategic Community Plan 2017-2027. The Annual Report also contains information on the City's achievements and challenges and key targets for the year ahead.

There may still be some minor formatting or graphic content changes needed to the Annual Report prior to publishing. However, the content will remain unchanged.

The financial statements will be presented as a separate report for Council's adoption.

#### Consultation

There is no legislative requirement for the City to consult on the Annual Report. However, the *Local Government Act 1995* requires the Annual Report to be made available to members of the public prior to the General Electors' Meeting.

### Policy and Legislative Implications

Section 5.53 of the *Local Government Act 1995* requires a local government to prepare an Annual Report each financial year.

Section 5.54 of the *Local Government Act 1995* requires the Annual Report to be accepted by the local government no later than 31 December after that financial year.

### Financial Implications

The costs associated with the Annual Report are contained within the City's 2019/20 Operating Budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government.
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

### Attachments

10.4.6 (a): 2018/19 Annual Report

#### 10.4.7 Revised Monthly Financial Statements - June 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-95276
Meeting Date:	26 November 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

At the Ordinary Council Meeting of 27 August 2019 Council resolved that the revised 30 June 2019 Monthly Financial Statements should be presented to Council at the same time as the Annual Financial Report. The Revised Monthly Financial Statements included in the 27 August 2019 Council resolution have now been completed (**Attachments (a)–(d)**). A high level analysis is contained in the comments of this report. The attached statements replace the specified June Interim reports, in that all the year-end accounting transactions and reconciliations has been undertaken.

#### Officer Recommendation

That Council notes the Revised Financial Statements and Report for the month ended 30 June 2019.

#### Background

Each year the June Monthly Financial Statements are presented at the July round of meetings, being considered as Interim in that year end processes are yet to be undertaken. Once year end transactions and reconciliations are performed and the Annual Financial Report is audited, it is presented to Council and then the Electors General Meeting. The Annual Financial Report is included in this Agenda, as well as the WA Auditor General's Opinion.

At the Ordinary Council Meeting of 27 August 2019 Council considered the issue of updating the June Monthly Management Reports once the Annual Financial Report was completed and resolved:

*That the Chief Executive Officer, at the same time as the Annual Financial Statements are presented to Council, provide the revised 30 June 2019 Monthly Financial Statements, these being the:*

- (a) Statement of Financial Activity;*
- (b) Statement of Operating Revenue & Expenditure;*
- (c) Capital Summary; and*
- (d) Significant Variance Analysis by Business Unit.*

The statements attached update the June Interim reports, include all year-end accounting transactions, reconciled to the 2018/19 Annual Financial Report.

### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Regulations. This Financial Report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding. The Statement of Financial Activity has commentary provided on variances in accordance with the Regulations.

During the Audit, Risk and Governance Committee meeting on 18 November 2019, officers described many of the issues below, when the Committee considered the Annual Financial Report and therefore it may be helpful to read these two items together. There are some adjustments that have an impact within the construction of the Monthly reports, however do not alter the net position in Annual Financial Report as these are prepared at an organisational level.

The Interim June Monthly Financial Statements included the variation of Budget to Actual. This report was requested to consider the difference between the Interim and Final June Monthly Financial Statements and therefore the focus of this commentary relates to the comparison of Actual Interim to Actual Final.

The actual income from operating activities for June year-to-date (YTD) is \$59.0m (Final) compared to \$58.79m (Interim). The net increase (\$0.210m) is mainly attributable to the recognition of Rates received in advance (\$0.412m). In addition, a reduction of revenue was processed for the Collier Park Golf Course (\$0.306m) relating to the capital loan repayment. This entry had no impact on the City's net overall financial position as it related to an internal revenue and expense item. The remaining variance (\$0.106m) relates to the recognition of developer contributions (\$0.072m), as well as maintenance fees (\$0.036m) received for Collier Park Village. All of the above entries are typical year end entries and adjustments.

In terms of expenditure from operating activities for June is \$62.30m (actual) in comparison to \$61.44m (Interim). The increase (\$0.860m) mainly relates to the expensing of assets costing less than \$5,000 (\$0.289m), the recognition of prior year's insurance expenditure (\$0.129m), the recording of employee entitlements (\$0.443m), a doubtful debt allowance (\$0.065m), accrual of invoices received after the Interim reporting date 8 July 2019 (\$0.223m) and other minor items (\$0.017m). In addition, as described above under Revenue, the Collier Park Golf Course expense (\$0.306m) was reduced. Likewise these are typical year end entries and adjustments.

As previously described in the 2016/17 Annual Report and during each Annual Budget and half year review, the Operating Surplus Ratio is below the benchmark. The Operating Surplus Ratio contributes 21% of the Financial Health Indicator (FHI) score. Significant effort has been undertaken to increase Operating Revenue in comparison to Operating Expenses. Whilst good progress has been made, the 1System (\$2.524m, expensed rather than capitalised), together with changes to Regulations (expensing assets below \$5,000) has and will continue to cause challenges over the next few years.

Actual Capital Revenue YTD is \$2.781m (Final) compared to \$2.155m (Interim). The increase (\$0.626m) mainly relate to the recognition of a grant (\$0.625m) received for the Connect South Project.

Actual Capital Expenditure YTD is \$12.001m (Final) compared to \$11.267m (Interim). The increase (\$0.734m) relates to invoices received after 8 July 2019 (Interim reporting date), predominately for the Connect South Project that was under construction. As previously stated, these are typical year end entries.

In relation to the Actual Capital Expenditure, compared to budget the 1System project design and implementation costs that was initially budgeted as capital expenditure were expensed. In addition, the expensing of assets below an initial cost of \$5,000 totalled \$0.289m. Some capital projects were planned to come in well under budget and were re-budgeted in 2019/20 accordingly.

### Consultation

Nil.

### Policy and Legislative Implications

This report is in accordance with the requirements of Section 6.4 of the *Local Government Act 1995* and Regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996.

### Financial Implications

The preparation of the monthly Financial Reports occurs from the resources provided in the Annual Budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

### Attachments

10.4.7 (a):	Statement of Financial Activity
10.4.7 (b):	Operating Revenue & Expenditure
10.4.7 (c):	Significant Variance Analysis
10.4.7 (d):	Capital Revenue & Expenditure

## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 2018/19 Annual Financial Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99857
Meeting Date:	26 November 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report recommends that the Audit, Risk and Governance Committee recommend that Council adopt the 2018/19 Annual Financial Report, accept the Independent Auditor's Report and the Office of the Auditor General Exit Brief.

#### Officer and Committee Recommendation

That the Audit, Risk and Governance Committee recommend to Council that it:

1. Adopt the Annual Financial Report shown at **Attachment (a)**;
2. Accepts the Independent Auditor's Report on the 2018/2019 Annual Financial Report presented by the WA Auditor General **Attachment (b)**; and
3. Accepts the WA Auditor General Annual Financial Audit Exit Brief **Confidential Attachment (c)**.

#### Background

The Department of Local Government Operational Guidelines Number 9 describe that the CEO is responsible to ensure the external audit (financial) report is provided to the Audit Committee and recommending the Audit Committee review the Annual Financial Report. This is the second year that the external audit has been conducted by the WA Auditor General. The City of South Perth was one of the first (of three) Councils where the WA Auditor General conducted the external audit. The number of Councils has been increased to over twenty for 2019/20.

As in previous years, the Annual Financial Report, commonly referred to as the Annual Financial Statements, the draft Independent Auditor's Report and the Annual Financial Audit Exit Brief (Confidential) are attached for the Audit, Risk and Governance Committee (ARGC) to review. The Annual Financial Audit Exit Brief makes reference to "Information System Control Issues" identified at Part 3 titled "Issues Identified During the Audit" and the "Information systems Maturity model at Part 6. The manner in which Annual Financial Audit Exit Brief Part 3 and 6 are described provides challenges as they are provided out of context, with no Management Response, as usual is the case. Therefore the detailed findings identified during their Information Systems Audit have been included in confidential Attachment to a separate report to the ARGC.



The other issues referenced at Part 3 were all reported to the ARGC at its meeting on the 9 September 2019 when the Interim Audit Report was tabled.

The ARGC may make recommendations to Council, with Council required to accept the Annual Report, including the Annual Financial Report, for presentation to the Annual Electors General Meeting.

### Comment

The 2018/19 Annual Financial Report shown at **Attachment (a)** provides the community with an open and accountable insight into how the City has performed against the adopted 2018/19 Budget as the short term plan informed by the City's vision and strategic objectives outlined in our Strategic Community Plan 2017-2027.

**Attachment (b)** is the Independent Auditor's Report on the 30 June 2019 Annual Financial Report presented by the City's external auditors, the WA Auditor General.

The WA Auditor General has presented their findings in the Annual Financial Audit Exit Brief which is provided at confidential **Attachment (c)**.

Although the Annual Financial Report and Independent Auditor's Report are essentially complete, there may be minor layout and textual amendments to the Annual Financial Report prior to it being presented to the Elector's General Meeting, scheduled for 7.00pm Monday 9 December 2019.

### Consultation

Nil.

### Policy and Legislative Implications

Section 5.53(1) of the *Local Government Act 1995* requires a local government to prepare an annual report for each financial year. Section 5.53(2) of the *Local Government Act 1995* specifies that the Annual Report is to contain the financial report and auditor's statement for that financial year.

### Financial Implications

Nil.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#).

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

### Attachments

10.7.1 (a):	Annual Financial Report Year Ended 30 June 2019
10.7.1 (b):	Draft Independent Auditor's Report
10.7.1 (c):	Annual Financial Audit Exit Brief ( <i>Confidential</i> )

## 10.7.2 Terms of Reference - Audit, Risk and Governance Committee

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99851
Meeting Date:	26 November 2019
Author(s):	Toni Fry, Governance Coordinator
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

Terms of Reference for the Audit, Risk and Governance Committee have been developed and are now presented for consideration by the Committee and referral to Council for adoption.

### Officer and Committee Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it adopts the Audit, Risk and Governance Committee Terms of Reference as contained in **Attachment (a)**.

### Background

The Audit, Risk and Governance Committee have not had Terms of Reference to refer to in the past. In line with best practice and good governance the Terms of Reference have been developed as per **Attachment (a)** for consideration and adoption by Council.

### Comment

The Terms of Reference will provide:

- Officers with guidance on the type of reports that are eligible to be submitted to this particular Committee; and
- The Committee with its objectives, areas of responsibility and structure.

The Terms of Reference are to be reviewed in line with the appointment of Elected Members to the Committee following the local government elections.

The Audit, Risk and Governance Committee is responsible for advising Council on all matters relating to:

- The City's Annual Financial Statements;
- The Audit Register and implementation of findings;
- The City's Risk Management Framework;
- Internal and external audits; and
- Compliance with legal and statutory requirements.

## 10.7.2 Terms of Reference - Audit, Risk and Governance Committee

Matters relating to legal and statutory requirements includes items such as delegations, policies, local laws and other governance requirements.

### Consultation

Nil.

### Policy and Legislative Implications

Section 7.1A of the *Local Government Act 1995* refers to the establishment of an Audit Committee.

### Financial Implications

Nil.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

### Attachments

10.7.2 (a): Audit, Risk and Governance Terms of Reference

### 10.7.3 Appointment of Authorised Persons - Building Act 2011

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99852
Meeting Date:	26 November 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report is to appoint authorised persons under the *Building Act 2011* in relation to enforcement proceedings for buildings and incidental structures located, or proposed to be located, in the district of the local government.

#### Officer and Committee Recommendation

That the Audit, Risk and Governance Committee recommends to Council that the following classes of persons be appointed for the purpose of section 96(3) of the *Building Act 2011*:

- Manager Development Services
- Urban Planning Coordinator
- Senior Urban Planner
- Urban Planner
- Compliance Officer
- Senior Building Surveyor

#### Background

The *Building Act 2011* (Act) formally came into effect on 2 April 2012. The Act substantially replaced those provisions in the *Local Government (Miscellaneous Provisions) Act 1960* which were concerned with the regulation of building and associated activities. When the Act came into effect, those provisions in the *Local Government (Miscellaneous Provisions) Act 1960* ceased to have effect.

Delegations and authorisations were subsequently amended to align with the Act and the Building Regulations 2012, however an authorisation for section 96(3) of the Act was never requested. This report seeks to correct this position.

#### Comment

Section 96(3) of the Act relates to enforcement proceedings for buildings and incidental structures located, or proposed to be located, in the district of the local government. Accordingly, Council must designate the persons (or classes of persons) to be authorised to undertake these enforcement proceedings.

It is recommended that the following classes of persons be appointed under section 96(3) of the Act:

- Manager Development Services
- Urban Planning Coordinator
- Senior Urban Planner
- Urban Planner
- Compliance Officer
- Senior Building Surveyor

#### **Consultation**

Nil.

#### **Policy and Legislative Implications**

Section 127 of the Act provides Council with the ability to delegate powers and duties to its CEO and section 96(3) of the Act provides Council with the ability to delegate the designation of authorised persons.

#### **Financial Implications**

Nil

#### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

#### **Attachments**

Nil

## 10.7.4 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99854
Meeting Date:	26 November 2019
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all (open) audit findings that have previously been accepted by the Committee. It is recommended the Committee review and accept the Audit Register Progress Report.

### Officer and Committee Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it:

- Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**;
- Approves the seven items marked as Completed (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

### Background

The confidential Audit Register lists Internal and External audit findings, describes progress of implementing improvements and percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

### Comment

A summary of the Audit Register, included below, illustrates the trend of actions that have been added, progressed and completed. The row (blue) represents items added by this Committee. New Audit findings presented to the current meeting are included at the following meeting.

Status of actions	ARGC - Meeting Date							Total
	6/6/18	11/9/18	12/11/18	11/3/19	17/6/19	9/9/19	18/11/19	
New actions added by ARGC	10	24	0	24	0	0	0	58
Not yet commenced =>10%	10	0	0	4	1	0	0	
Progressed = 10% to 95%	0	32	13	18	9	10	3	
Completed = 100%	0	2	19	15	12	0	7	
Total (0% to 100%)	10	34	32	37	22	10	10	
Closed by ARGC	0	2	19	15	12	0	0	48
Total cum. closed by ARGC	0	2	21	36	48	48	48	
Open Actions	10	32	13	22	10	10	10	

#### 10.7.4 Audit Register - Progress Report

It is requested the Committee note the progress and Officer comments. In addition, it is recommended all seven Completed (100%) items in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings. The closed items are available for the Internal and External Auditors and Committee/Council to review.

It is requested to note that the Audit Register in **Confidential Attachment (a)**.

#### Consultation

No external consultation has occurred.

#### Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 7 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

#### Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2019/20 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. Staff effort to undertake the improvements and report on progress has not been estimated.

The External Audit function (WA Auditor General) has a budget of \$55,000 for the audit of the 2018/19 Financial Statements.

#### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

#### Attachments

10.7.4 (a): Audit Register November 2019 (*Confidential*)



### 10.7.5 Internal Audit - Environmental Health Services

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99856
Meeting Date:	26 November 2019
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report tables the Internal Audit report relating to the Environmental Health Services, in accordance with the Strategic Internal Audit Plan.

This was the first review undertaken of Environmental Services and the report contains Paxon's detailed findings in Section 5, commencing on page 11, listing three recommendations and associated management comments.

The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments. It is recommended that each issue (three) be accepted, added to the City's Audit Register, with commentary on the progress of the resolution of issues to be reported at each Committee Meeting.

#### Officer and Committee Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the Environmental Health Services report contained in **Confidential Attachment (a)**, and
2. Accepts all three recommendations contained in Section 5 of the Internal Audit – Environmental Health Services be added to the Audit Register.

#### Background

An expanded background has been included to describe the recent history to assist the new Audit, Risk and Governance Committee (ARGC).

The City identified a need to have an Internal Audit function to undertake compliance and performance Audits. Previously, the City relied on the work undertaken by the then External Auditor (Marci Partners) when undertaking their review of the Annual financial Statements. This provided some level of assurance, however officers recommended an Internal Audit function be created and form part of the City's continuous improvement process.

A Request for Quotation (RFQ) for the "Provision of Internal Audit services" was undertaken in July 2017, with a report to the ARGC in August 2017, recommending Paxon Group be appointed as the City's internal auditors. In October 2017, prior to the formal adoption of a Strategic Internal Audit Plan (SIAP), Paxon and the Executive Management Team undertook a desktop exercise and identified the following priority areas of Procurement, Rates and Payroll.

The Internal Audits completed by Paxon to date are:

- Rates (ARGC meeting 6 June 2018)
- Procurement (ARGC meeting 11 September 2018)
- Payroll (ARGC meeting 11 September 2018)
- Review of Purchasing Transactions (ARGC meeting 11 March 2019)

Following the recommendation of the ARGC on 6 June 2018 a five year SIAP was adopted by Council. The SIAP was reviewed and subsequently updated following the ARGC meeting on 11 March 2019, as shown in **Confidential Attachment (b)**. This report has been prepared for the Committee to consider the next Internal Audit completed (Environmental Health Services), with a Facilities Management Internal Audit currently being completed.

For each Internal Audit completed, the reports are presented to the ARGC and then Council for acceptance of recommendations. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management respond to Paxon's recommendations, in relation to their findings, and these are each listed on the Audit Register. The Audit Register is presented to each ARGC meeting, illustrating the progress of implementing these improvements, with recommendations that completed items are closed by the ARGC. A Closed item is no longer reported to the ARGC, however is available for both Internal and External Audit review.

In addition to the Internal Audit function (Paxon), the City also completes Annual External Audits, these being the Audit of the Annual Financial Statements. The 2017/18 Annual Financial Statements review completed by the WA Auditor General, being one of first (of three) Councils in WA. These External Audits comprise an Interim Audit, conducted in May/June each year and the final Audit of the Annual Financial Statements, concluding in November each year. Similarly to the Internal Audits, these findings are reported to the ARGC and added to the Audit Register, following the same process described above. The External Audits completed to date are:

- Interim Audit – 2017/18 Financial Statements (ARGC meeting 11 September 2018)
- Final Audit – 2017/18 Financial Statements (ARGC meeting 11 March 2019)
- Interim Audit – 2018/19 Financial Statements (ARGC meeting 9 September 2019)
- Final Audit – 2018/19 Financial Statements (to be presented)

The WA Auditor General also has a mandate to undertake what they describe as performance audits or focus area audits, an audit that the City would consider similar to an Internal Audit. The City will only be involved in some of these performance audits, however the City seeks to benefit from this work by including these within an upcoming Internal Audit, or where the Internal Audit is not scheduled, forwarding to the relevant Business Unit Manager to consider in relation to their existing processes. An example being the WA Auditor General Report – Local Government Procurement (11 October 2018) formed part of the Paxon Review of Purchasing Transactions (ARGC meeting 11 March 2019). The City was involved in the Information Systems Audit, one of ten Councils, with the results to be reported to a future ARGC meeting once complete.

Other opportunities for improvement include the Annual Compliance Audit Return, presented to the ARGC in March each year, in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The 1System project, over four phases, is transforming the business and is reported to the ARGC at each meeting for the duration of the project.

This report has been prepared for the Committee's consideration and recommendation to Council.

### **Comment**

The Internal Audit Report – Environmental Health Services is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

As has been previously described, Internal Audit is an essential component of our continuous improvement process and findings are welcome. As many areas have never been audited before, it is likely that each Internal Audit may contain many findings. This is the first Internal Audit of the Environmental Health Services business unit which resulted in three findings, each rated as low. It is recommended that the ARGC accept each of these findings and that these are included in the Audit Register.

All items included in the Audit Register will be reported at each subsequent ARGC meeting, including information relating to the progress of implementing the Agreed Management Actions, a percentage complete indicator and Officer Comments. As these issues are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the Committee, but will be accessible by the Internal and External Auditors to review compliance.

### **Consultation**

No external consultation has been undertaken.

### **Policy and Legislative Implications**

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and regulation 7 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

### **Financial Implications**

The Internal Audit function has a budget of \$40,000 for the 2019/20 financial year and it is anticipated that a budget of a similar amount is to be adopted each year.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

- 10.7.5 (a):** Internal Audit Report - Environmental Health Services  
*(Confidential)*
- 10.7.5 (b):** Strategic Internal Audit Plan *(Confidential)*

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Mary Choy (6 December 2019 to 3 January 2020 inclusive)

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 12.1 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - PAID PARKING IN THE MILL POINT WARD

Location:	Various
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-19-100437
Meeting Date:	26 November 2019
Author(s):	Chris Jansen, Manager Assets and Design Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services Geoff Glass, Chief Executive Officer
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

Councillor Ken Manolas submitted a Notice of Motion prior to the Council Agenda Briefing to be held 19 November 2019.

#### Notice of Motion Recommendation (Suggested Alternative Recommendation page 68)

1. That the paid parking not proceed and not be installed in Ray Street, Darley Street, Coode Street, and Douglas Avenue and that;
2. No further paid parking be installed in the Mill Point Ward until a new Parking Management Plan is undertaken.

#### Background

Councillor Ken Manolas has submitted a Notice of Motion regarding paid parking in the Mill Point Ward. The reasons given were:

1. *The parking in Ray street and Darley Street is the only 2 hour unpaid parking in Mends Street or nearby streets. The 2 hour parking unpaid opposite the Post Office was removed 12 months ago.*

*To have lunch, a coffee and shop, 1 hour is not sufficient. The businesses in Mends Street have suffered financially over the past 18 months with the construction of Connect South and the loss of car bays.*

*Angelo street has unpaid 2 hour parking in the Coles Carpark, the Council carpark and, and the north side of Angelo Street near the Butcher. The businesses in Mends Street require some 2 hour unpaid parking.*

## 12.1 Notice of Motion – Councillor Ken Manolas – Paid Parking in the Mill Point Ward

2. *The parking should be unpaid in Coode Street and Douglas Avenue as it is used by parents dropping off and picking up their children at the Wesley Junior School. Parents should not have to pay for dropping off and picking up their children to school. There is always a bank up of motor vehicles entering Wesley College Junior School carpark. The Bookshop Café would be seriously affected by paid parking in Douglas Avenue.*
3. *The Cardno “Parking Management Plan forms a baseline recommendation for the management of parking resources within the South Perth Station Precinct. However, given the dynamic changes underway within this area, there will be an ongoing requirement to review and modify parking management.”*

*As the current Parking Management Plan is being implemented, it is causing problems throughout the Mill Point Ward. I am continually receiving complaints and the community is unaware of the changes that the Cardo Parking Management Plan has recommended each year. It seems almost every month, I have a motion regarding parking changes as the plan is implemented. There are too many complaints from the community regarding the changes taking place in the Parking Management Plan and a new plan should be undertaken before any more changes in parking have taken place. I believe more than a review is required.*

In 2016, Luxmore Parking and Safety (a Division of the ARRB Group) were commissioned by the City to develop a Parking Strategy (Strategy) for the City with the following key objectives:

1. To provide a strategic city-wide parking framework for the short (0-3 years), medium (4-7 years) and longer terms (+8 years);
2. To assist in achieving the City’s goals in relation to travel demand management and sustainable modes of transport;
3. To support the aims and objectives of other City strategies and policies and aid in achieving the outcomes identified in various town planning documents; and
4. To identify a comprehensive action plan (including priorities and order of costs) to assist in the future preparation of Parking Control Area (PCA) management plans.

The Strategy was presented to Council for adoption at the May 2016 meeting. The key strategic recommendations contained in the Council report identified the following:

- Develop Parking Management Action Plans (PMAP’s) for 14 Parking Control Areas (PCA’s) to enable the staff to review specific parking requirements on a “localised” basis;
- Manage demand to promote parking for specific users and land use types, using timing restrictions and fee payment schedules;
- Simplification of time restrictions and fees will result in greater compliance and increased churn of bays;

## 12.1 Notice of Motion – Councillor Ken Manolas – Paid Parking in the Mill Point Ward

- More effective enforcement technology and resources will assist in the management of parking.

To achieve the objectives of the Strategy, Council was advised that the delivery of any operational plans to deal with the issue of public parking supply and associated costs / restrictions needed to be completed in close consultation with community representatives.

Following Council's adoption of the Strategy, a PMAP was prepared for PCA1. This is essentially the South Perth Station Precinct within Mill Point Ward, which was considered to be the highest priority. During the development of the PMAP a number of community workshops and briefings to Council were held. The Community Advisory Group met formally on six separate occasions and their input and local experience assisted in the development of the PMAP for PCA1.

The PMAP discussed the following principles in respect to paid parking:

*..in the absence of robust and consistent parking management, parking availability tends to be distributed unequally across land uses and geographically across PCA1. This leads to artificial scarcity and can impact the economic viability of commercial and residential development.*

In respect to paid parking the report states:

*Parking pricing is an effective tool to redistribute parking demand such that high-value bays can be retained for commercial uses, and when combined with duration restrictions, can be used to maximise the efficiency of parking throughout the area.*

The PMAP for the South Perth Station Precinct (PCA1) was subsequently adopted by Council in October 2017. Following the endorsement of Council, implementation of the PMAP for PCA1 commenced.

### September 2018

At the September 2018 Council meeting, officers presented a report to Council to introduce paid parking along the Perth Zoo's Onslow and Angelo Street boundaries for the primary purpose of Zoo employee parking. This was in accordance with the PMAP. In response, an alternative motion was presented by Councillor Manolas, and subsequently resolved by Council:

1. *That Council defers this motion until the November Council meeting to enable an integrated parking strategy for the broader area to be considered including community consultation together with a letter drop to nearby residents.*
2. *That a Councillors' workshop be convened to discuss the suggestions from the community.*

### October 2018

In response to the resolution of Council, the City organised a Councillor workshop, which was held on Monday 8 October 2018. That workshop was facilitated by the consultant engaged to develop the City's Parking Strategy (Luxmore Parking and Safety). In response to feedback from the October 2018 workshop, the City amended its original recommendation and presented an updated report to Council at the October meeting. Council subsequently resolved to implement paid parking near the Perth Zoo.

February 2019

In February 2019, Councillor Manolas raised a Notice of Motion regarding parking restrictions in Stone, Stirling and Scott Streets South Perth wanting a “starting 1 July 2019” sign placed on the parking signs which had recently been installed. At that meeting, Council resolved to defer the item to the March Council meeting to allow a further report to be submitted detailing the costs of installing new parking restriction signs.

March 2019

A further report was presented to the March Council Meeting with officers recommending that the existing parking restrictions remain in place. Council resolved to again defer the item, this time to the April 2019 meeting, to allow for further consideration. At that same meeting, Councillor Manolas moved two further Notices of Motion in relation to parking in PCA1. These were:

1. *That the City reports and reviews at the May Ordinary Council Meeting on how the current Parking Management Plan can be improved before implementation in the South Perth Station Precinct; and*
2. *The period designated for Paid Parking at the end of Mends Street for SPE3 and SPE4 Carparks be changed to 8am - 6 pm Monday to Sunday, in-lieu of 24 hours 7days a week, which currently exists starting as soon as practical.*

April 2019

At the April 2019 Council meeting, a report was presented on the parking restrictions in Stone, Stirling and Scott Streets. At this meeting, Council resolved that the parking restrictions were to remain in place until the PMAP had been reviewed and considered by Council at the May 2019 meeting.

In response to the Notice of Motion by Councillor Manolas on reviewing the PMAP, Council resolved that the PMAP be presented to the May Ordinary Council meeting. Council also resolved to implement the changes to the Mends Street carparks SPE3 and SPE4 as suggested.

May 2019

In response to Council’s resolution from the March 2019 meeting on the PMAP for PCA1, a further report was presented to Council in May 2019 recommending the City undertakes an annual review of the PMAP for the South Perth Station Precinct (PCA1) and reports on the outcomes to Council as required. Council subsequently endorsed this recommendation.

At the same meeting, a second report was presented officers recommending a number of amendments to paid parking in streets and car parks within the City in line with recommendations of the PMAP for PCA1 and for two sites outside of PCA1. Council adopted an amended version of the officer’s recommendation and removed the paid parking in Carpark 15, Coode Street and the South Perth foreshore on weekends.

June 2019

In June 2019, Council adopted the 2019/20 Annual Budget that incorporated anticipated revenue and included a Fees and Charges Schedule that detailed the parking fees to be charged in particular locations. This was taken from the May 2019 resolution on parking.



August 2019

At the August meeting, Council resolved to accept the tender submitted by Australian Parking and Revenue Control Pty Ltd (APARC) for the provision of ticket machines and parking sensors to implement the resolved paid parking changes.

Based on Council's decision, a contract has been entered into with APARC, ticket machines and sensors ordered, and the products have begun to be delivered. Purchasing these products aligned with the Parking Strategy and the PMAP endorsed by Council and were intended to be installed in the Jet Ski Carpark, Millers Pool Carpark, Coode Street Boat Shed Carpark, Melville Parade, Darley Street and Douglas Avenue. In addition replacement ticket machines were ordered for Angelo Street, Onslow Street and the Coode Street Boat Ramp.

October 2019

In October 2019, Councillor Manolas raised a Notice of Motion in relation to parking at Carpark 15, Coode Street and the South Perth foreshore, wanting to re-implement paid parking for cars parking in the boat ramp area and other parking amendments. The Notice of Motion amended the Council resolution of May 2019 and was subsequently endorsed by Council.

At the same Meeting, Councillor Manolas submitted another Notice of Motion regarding the Angelo Street shopping precinct parking and requested that the "30 Minutes At All Times" restrictions be modified. This was endorsed by Council.

Further, another Notice of Motion submitted by Councillor Manolas at this meeting requested to increase the one hour parking restriction in Angelo Street, between Rose Avenue and Coode Street, to two hours. This was also endorsed by Council.

November 2019

This report now considers the following Notice of Motion by Councillor Manolas:

1. *That the paid parking not proceed and not be installed in Ray Street, Darley Street, Coode Street, and Douglas Avenue and that;*
2. *No further paid parking be installed in the Mill Point Ward until a new Parking Management Plan is undertaken.*

**Comment**

The latest notice of motion from Councillor Manolas is the ninth Councillor requested amendment to parking management in Mill Point Ward since February 2019.

The City is required to communicate any changes to parking restrictions to the community. In order to explain the number of changes that have been implemented over the past few years, the City has been producing a parking map, which incorporates the South Perth Station Precinct area as well as Angelo Street and Coode Street.

To date there have been at least six different versions of this map, all of which could potentially still be in circulation, which would be causing a considerable amount of confusion within the community. The task of updating the map to clearly demonstrate the variations in parking rules each time an amendment is made is becoming more complex and placing an additional burden on staff resources. It is increasingly difficult to clearly explain the rationale behind the changes as they are not identified nor justified within the Parking Strategy or PMAP for PCA1.

Due to recent changes, the parking map is also now difficult to interpret. The latest parking map can be found at **Attachment (a)**. The parking restrictions are no longer consistent throughout the area with different regulations in place for different streets. This does not accord with national and international parking management protocols or the intent of Council's adopted Parking Strategy.

In addition, the City is receiving negative criticism on social media as community members are confused with the constant parking changes. This is causing misinformation to be circulated as the community do not understand why changes are constantly being made.

### Consultation

A Councillor workshop on parking with was held on 14 May 2019.

The Community Advisory Group was integral to the development of the Parking Management Action Plan.

In addition, numerous media statements have been provided and community feedback is sought for initiatives the City implements.

### Policy and Legislative Implications

- City of South Perth Parking Local Law 2017
- City of South Perth Parking Strategy 2016
- Parking Management Action Plan for the South Perth Station Precinct (PCA1) 2017

### Financial Implications

The 2018/19 budget was adopted with anticipated parking management revenue of \$3,247,000. Due to changes resolved by Council during that financial year this figure was adjusted downward at the budget review by \$520,000 to \$2,727,000 (a reduction of approximately 16%). In spite of the downward budget adjustment, the actual parking management revenue for the year ending 30 June 2019 was \$2,397,537. This was \$329,463 (or 12%) lower than the already downward adjusted budget.

Parking management is an important source of revenue for the City, comprising approximately 4% of the City's total Operating Revenue for the 2018/19 financial year. It is approximately 21% of an adjusted Operating Revenue figure, being the revenue received by the City after removal of rates, waste management, interest and the Financial Assistance Grant. The adjusted Operating Revenue calculation referred to above has been provided to illustrate the significance of parking management revenue to the City.

## 12.1 Notice of Motion – Councillor Ken Manolas – Paid Parking in the Mill Point Ward

The City has purchased parking equipment to the value of \$44,180 since September 2019 to facilitate implementation of paid parking arrangements.

### Conclusion

The changes that have been made since Council resolved to approve the paid parking fees and restrictions for 2019/2020 are essentially reactions to negative feedback from sections of the community, as Cr Manolas has indicated.

Unfortunately, decisions made reactively often have unintended consequences, which can exacerbate parking problems. Examples include:

- Council’s decision to change the parking arrangements at Coode Street car park resulted in boat trailer parking being left out. This had to be fixed by a further Council resolution at a subsequent meeting;
- Council’s decision to remove paid parking on the South Perth foreshore on weekends has resulted in there being no restrictions in place on weekends. As a result, it is possible to park all day on the foreshore on weekends with no consequences. This is not a good outcome for visitors or business.

Council resolved (in May 2019) to review the PMAP for PCA1 on an annual basis, which was always the intent of the document. It was anticipated the City would brief Council on the PMAP for consideration at the May 2020 meeting, leading into adoption of the 2020/2021 budget in June.

If Council is not satisfied with the paid parking arrangements that were approved in May 2019 and then have been amended on an ad-hoc basis, a review of the PMAP for PCA1 is recommended to occur as soon as possible. This should:

1. Eliminate ad-hoc and reactive decision making;
2. Provide greater clarity of Council’s direction for the City in terms of parking management and budget expenditure; and
3. Afford the community greater understanding what is happening with parking in the Mill Point Ward.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

### **Suggested Alternative Recommendation**

That:

1. A briefing session be held with Council on the Parking Management Action Plan for PCA1 as soon as practicable; and
2. If amendments are required to the Parking Management Action Plan, then it be the subject of a report to a future Council meeting.

### Reason for Alternative Recommendation

The recent parking changes have been implemented on an ad-hoc basis without reference to any strategic direction. A briefing will provide Councillors with an understanding of parking management strategies and the current parking issues needing to be addressed. With this information, Councillors will be better informed when making a decision in relation to parking.

### **Attachments**

12.1 (a): Parking Map

## 12.2 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND – SOUTH PERTH STREETS

Location:	Sir James Mitchell Park
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-19-99719
Meeting Date:	26 November 2019
Author(s):	Geoff Glass, Chief Executive Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Environment (Built and Natural): sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

### Summary

Councillor Glenn Cridland submitted the following Notice of Motion prior to the Council Meeting held 26 November 2019.

### Notice of Motion Recommendation

Noting that liquor licences are not approved by the City, the council requests the CEO arrange for the City to do all things to assist and support the continuation of the service of alcohol at South Perth StrEATS for the remainder of the food van season.

#### Reasons for the Motion:

To assist and support the continuation of the service of alcohol at South Perth StrEATS.

### Background

South Perth StrEATS commenced operating at Sir James Mitchell Park in South Perth in December 2014 on a trial basis. It has since operated on an annual basis during the summer and autumn periods.

For the first 5 years South Perth StrEATS comprised temporary mobile food vans (up to 10 pop up food trucks). It is understood that in 2018/19 a pop up bar selling liquor was also included as part of South Perth StrEATS season.

On 24 May 2019, the City received a booking application from the Coordinator of the South Perth StrEATS to hire Zone 7 of the Sir James Mitchell Park to facilitate South Perth StrEATS season for the period 30 October 2019 to 2 May 2020. The application was for 10 pop up food trucks. The Coordinator responded 'No' to the question 'do you wish to sell alcohol?' and circled 'BYO' in response to the question 'do you wish to consume alcohol?'. The description of the use was for 'food trucks to provide food to patrons'. Vehicle access for 10 cars and trailers to Sir James Mitchell Park was also sought.

Once the application was received it triggered a number of processes and approvals that are required from the City and other State Government agencies.

### **Minister for Lands approval**

The first approval required is from the Minister for Lands as the land is classified as Crown land. Approval can only be given for an activity listed in the corresponding Management Order. The Management Order for this portion of Sir James Mitchell Park (Reserve 34565), was originally for 'Recreation'. However, on 6 March 2019 the Department of Planning, Lands and Heritage amended the Management Order to 'Recreation and Temporary Food and Beverage and other Entertainment Events'.

The application for the use of Reserve 34565 by South Perth StrEATS was submitted to and subsequently approved by the Minister.

### **City Licence**

Once Ministerial approval is obtained the City issues a Mobile Food and Beverage Vehicles Licence (Licence) which is considered a contract between the City and South Perth StrEATS. The Licence was issued to the Coordinator of South Perth StrEATS outlining the terms and conditions relating to the operation of South Perth StrEATS for the 2019/20 season. The Licence provided approval for South Perth StrEATS to operate on a particular section of Reserve 34565 comprising up to ten mobile food vehicles (Wednesday to Sunday evenings only); and one mobile liquor vehicle (Friday to Sunday evenings only) that was to be subject to final approval by the Director of Liquor Licensing.

Furthermore, the Licence included terms and conditions relating to the sale and consumption of alcohol at South Perth StrEATS. They included:

- The Licensee will not without the City's prior written consent (which may be granted or withheld at the City's absolute discretion), apply for a Liquor Licence in respect to the Licensed Area.
- The Licensee accepts/confirms that the sale of liquor will be ancillary to the main activity.
- The Department of Local Government, Sport and Cultural Industries has a 'Temporary Bars' Policy outlining the approval process for 'pop up bars'; which the Licensee will be required to comply with.

It is acknowledged that the Licence included provision for capacity for the sale of alcohol subject to the approval of the Director of Liquor Licence. However, no prior written consent was ever obtained from the City to apply for a liquor licence. This process was required first before the other conditions, such as complying with the Temporary Bars Policy, could take effect.

### **Liquor Licence**

On 13 September 2019, an Occasional Liquor Licence application was submitted to the Department of Local Government, Sport and Cultural Industries (Local Government, Liquor and Gambling Division) by the owner/operator of the 'Little Wheel Bar O' to trade at South Perth StrEATS for a three week period from 1-17 November 2019. This Occasional Liquor Licence application was subsequently approved by the Department on 1 November 2019. It is understood that the City's Licence was provided as evidence of the City's permission to sell alcohol on Reserve 34565.

An Occasional Liquor Licence applies to a person for an occasional licence to sell or supply liquor from a temporary (pop up) bar at an event. A temporary bar operates to provide liquor at short term events and an approval for a temporary bar is not a means for a person to sell or supply liquor on an ongoing basis. The Policy refers to the Director approving applications to permit the sale or supply of liquor at a temporary bar, which must be ancillary to an event, for up to a maximum period of 3 weeks.

Only in exceptional circumstances would the Director consider exceeding 3 weeks and the applicant must demonstrate that exceptional circumstances apply. Furthermore, the Director may require a public interest assessment and public advertising of the application.

Based on an assessment of the intent of an Occasional Liquor Licence, coupled with the State Governments Temporary Bar Policy and the failure to obtain the City's consent for a liquor licence at that location, the City sent correspondence to South Perth StrEATS advising them that following the expiry of their current liquor licence, the City would not be in a position to support any further alcohol sales for their 2019/20 program.

### **City Permit**

The City also issues a permit under the Public Places and Local Government Property Local Law 2011 (Local Law). That permit is for the hire of a reserve and use of the reserve.

That Reserve Permit sets the fees and charges, outlines the site plan and portion of the reserve to which the application applies and other relevant conditions. Based on the information provided with the application it permits up to 800 people a week and allows those attending to consume BYO alcohol.

### **Trading Permits**

The City, under the *Food Act 2008*, also issues trading permits to food trucks to enable them to operate for a fee subject to them meeting their obligations under that Act. That trading permit also applies to any pop up bar.

### **Comment**

South Perth StrEATS is a medium scale operation that attracts several hundred people per evening with patrons being adults, children and families. It is very popular and an appropriate use of an outstanding part of the City's foreshore. It is noted there have been no reports of anti-social behaviour and promoting social activity in an outdoor setting in the warmer months aligns with a number of strategies in the City's Strategic Community Plan 2017-2027.

In terms of the ability of those attending South Perth StrEATS liquor consumption is permitted through BYO as applied for by the Coordinator in his application.

With respect to liquor sales, given the nature of the event, it is considered that the State Governments Temporary Bar Policy is the applicable guide. That, as stated previously, refers to such bars operating for a maximum period of three weeks.

Other liquor licences that might apply could be an Extended Trading Permit, an Occasional Liquor Licence, or a Special Facility Licence.

The liquor licence that applied at StrEATs in 2018/19 was operated by Crafted Events WA, who held a Special Facility Licence as a caterer. A Special Facility Licence can be issued under the *Liquor Control Act 1988* for a number of prescribed purposes, one of which is ‘Catering’. The relevant Regulations state that ‘A special facility licence may be granted for the purpose of allowing at a function the sale, by the caterer, of liquor supplied at premises ... for consumption by persons at that premises’. This licence can only apply if the function has less than 200 people attending.

Whilst not being aware of the operations of the liquor licence for the 2018/19 StrEATs season, it is acknowledged that it did not result in objections during the operation of that licence.

However, it appears that the use of a Special Facility Licence for some extended period (in this case approximately 6 months) appears to be at odds with the State Government Policy ‘Temporary Bars’ introduced in July 2018 which allows for a duration of no more than three weeks with a particular function or event.

The purpose of the City’s recent correspondence to South Perth StrEATs to not support any further alcohol sales for their 2019/20 program is based on the view that the operator had not sought the City’s permission to apply for a liquor licence, had not disclosed the sale of liquor in his application and that their liquor licence had been used and was now expired.

The City believes this advice to the operator is consistent with the spirit and intent of the Director of Liquor Licencing’s Temporary Bars Policy whereby the onus rests with the applicant to demonstrate to the Director why there are exceptional circumstances and that an extension should be given.

It is also noted that in March 2019 a Guide was distributed to local governments titled ‘Managing Alcohol in our Communities’, which was developed in partnership between the Mental Health Commission, Public Health Advocacy Institute of Western Australia and WALGA. This Guide outlines a number of strategies to reduce alcohol-related harm in the community. One of the suggested strategies is for local government to restrict and regulate alcohol consumption in public places such as parks. The City’s recent decision to not support any further liquor licences or alcohol sales at South Perth StrEATs is consistent with this Guide.

### **Consultation**

Various City officers have been consulted during the development of this report from the following business units: Community, Culture and Recreation; Governance; and Environmental Health.



### Policy and Legislative Implications

The following are relevant for this report:

- City of South Perth Policy 106 Use of City Reserves and Facilities
- City of South Perth Public Places and Local Government Property Local Law 2011
- *Liquor Control Act 1988*
- *Food Act 2008*
- Department of Local Government, Sport and Cultural Industries 'Temporary Bars' Policy.

### Financial Implications

Nil.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods.
Outcome:	Enhanced environment and open spaces
Strategy:	Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

### Attachments

Nil

### 13. QUESTIONS FROM MEMBERS

### 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

### 15. MEETING CLOSED TO THE PUBLIC

*The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.*

#### Officer Recommendation

That the following Agenda Items be considered in closed session, in accordance with s5.23(2) of the Local Government Act 1995:

- 15.1.1 Recognition Award Nomination
- 15.1.2 Information Systems Audit (External) Report

#### 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

##### 15.1.1 Recognition Award Nomination

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99853
Meeting Date:	26 November 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.2 Advocacy

### 15.1.2 Information Systems Audit (External) Report

*This item is considered **confidential** in accordance with section 5.23(2)(f)(ii) of the Local Government Act 1995 as it contains information relating to "a matter that if disclosed, could be reasonably expected to endanger the security of the local governments property"*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-99858
Meeting Date:	26 November 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

## 16. CLOSURE

## APPENDIX

### PUBLIC QUESTIONS TAKEN ON NOTICE AT THE ORDINARY COUNCIL MEETING HELD 15 OCTOBER 2019

<b>1. Ms Karen Grimstead of Salter Point Parade, Salter Point. Received: 15 October 2019</b>	<b>Responses provided by: Fiona Mullen, Manager Development Services</b>
1. Will Council confirm to me that no glare and light-spill shall affect my property? (a tamperable dimmer is unacceptable)	The applicant is required to comply with Australian Standards which relate to the lighting of the actual basketball court and light spill and/or obtrusive light in relation to neighbouring properties. The responsibility for complying with the conditions of the approval, and the Australian Standards rests with the applicant.
2. Will Council assure me that the basketball court and noise will not exceed two hours per day?	Under the Environmental Protection (Noise) Regulations 1997, bouncing of a ball shall not occur for more than a <i>combined total</i> of 2hrs in any given day. Whilst the City does not have sufficient resources to proactively monitor the hours of operation, City officers will respond to any complaints received.
3. Prior to approving: will Council visit my property at night once the lights are modified to ensure we have no glare and light-spill?	A condition of the development approval requires the applicant to comply with Australian Standards in relation to lighting. The onus is therefore on the applicant to comply with the condition, and as such, City officers will not visit the property, but will address any issues that arise.