

# MINUTES

## Ordinary Council Meeting

15 December 2020

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 15 December 2020 as an eMeeting.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

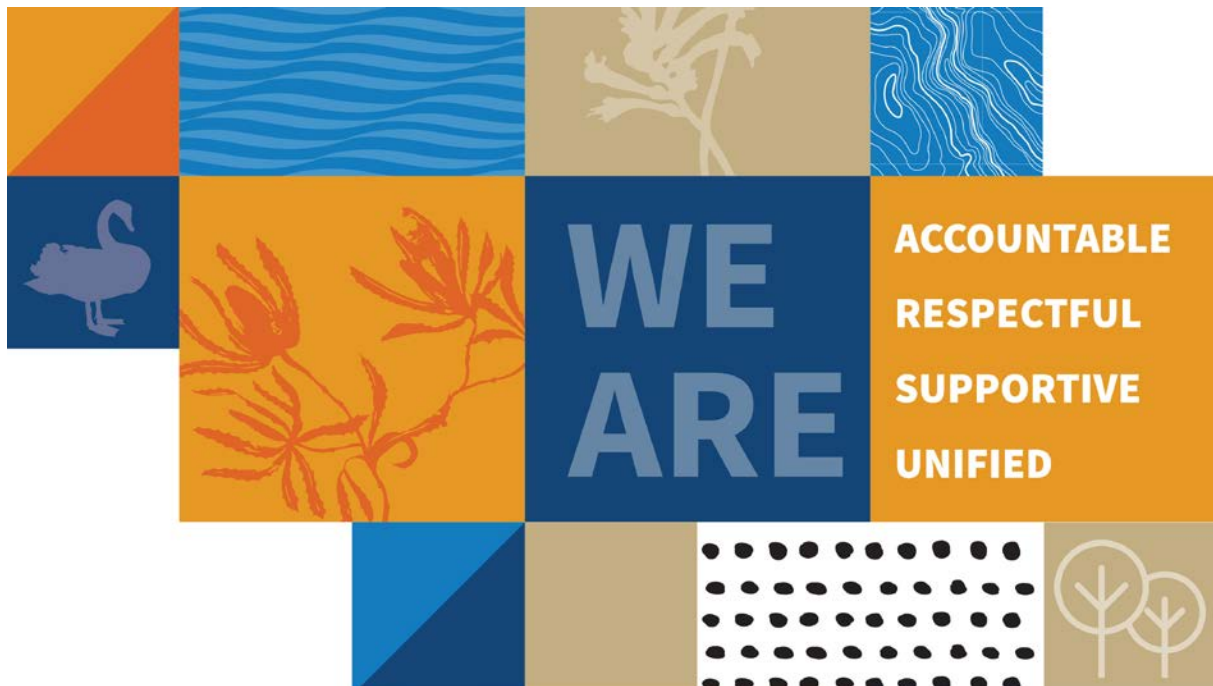
18 December 2020

# 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 - Minutes

Minutes of the Ordinary Council Meeting held as an eMeeting at 6.00pm on Tuesday 15 December 2020.

## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.01pm.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

*Councillor Glenn Cridland connected to the eMeeting at 6.02pm during Item 3.*

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Presiding Member advised that this Ordinary Council Meeting was being held electronically and attended remotely by Elected Members and Officers in accordance with Regulation 14E of the Local Government (Administration) Regulations 1996.

## 4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

### Councillors

Como Ward  
Como Ward

Manning Ward  
Manning Ward  
Moresby Ward  
Moresby Ward  
Mill Point Ward  
Mill Point Ward

Councillor Carl Celedin  
Councillor Glenn Cridland (from  
6.02pm)  
Councillor Blake D'Souza  
Councillor André Brender-A-Brandis  
Councillor Samantha Bradder  
Councillor Stephen Russell  
Councillor Mary Choy  
Councillor Ken Manolas

### Officers

Chief Executive Officer  
Director Corporate Services  
Director Development and Community Services  
Director Infrastructure Services  
Manager Community, Culture and Recreation  
Manager Development Services  
Manager Finance  
Manager Governance  
Manager Human Resources  
Manager Strategic Planning  
Governance Coordinator  
Communications Officer  
Governance Officer  
Strategic Urban Planner

Mr Geoff Glass  
Mr Colin Cameron  
Ms Vicki Lummer  
Mr Mark Taylor  
Mr Patrick Quigley  
Ms Fiona Mullen  
Mr Abrie Lacock  
Ms Bernadine Tucker  
Ms Pele McDonald  
Mr Warren Giddens  
Ms Toni Fry  
Ms Nicole Bailey  
Ms Mieke Wevers  
Ms Emily Salvisberg

## Gallery

There were approximately 15 members of the public connected to the eMeeting.

### **4.1 APOLOGIES**

Nil.

### **4.2 APPROVED LEAVE OF ABSENCE**

Councillor Mary Choy (13 December 2020 to 10 January 2021 inclusive)

## **5. DECLARATIONS OF INTEREST**

- Councillor Stephen Russell – Impartiality Interest in Item 10.1.1 as ‘The organiser(s) behind the petition is known to me through their relationship with the Karawara Action Group.’

## **6. PUBLIC QUESTION TIME**

### **6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

### **6.2 PUBLIC QUESTION TIME: 15 DECEMBER 2020**

The Presiding Member opened Public Question Time at 6.04pm.

Written questions were received prior to the meeting from:

- Mr George Watts of Yallabee Place, Karawara
- Mrs Carole Bruce of Melinga Court, Karawara
- Ms Jeanette Dolman of Pether Road, Manning

The questions and responses can be found in the **Appendix** of these Minutes.

There being no further questions, the Presiding Member closed Public Question Time at 6.15pm.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 24 November 2020

1220/196

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Blake D'Souza

**Seconded:** Councillor Ken Manolas

That the Minutes of the Ordinary Council Meeting held 24 November 2020 be taken as read and confirmed as a true and correct record.

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Council Agenda Briefing - 8 December 2020

Officers of the City presented background information and answered questions on Items to be considered at the 15 December 2020 Ordinary Council Meeting at the Council Agenda Briefing held 8 December 2020.

##### Attachments

7.2.1 (a): 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
9 November 2020	Long Term Financial Plan Briefing
	Differential Rating Strategy Briefing

1220/197

**Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Blake D'Souza  
**Seconded:** Councillor Stephen Russell

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

- 7.2.1 Council Agenda Briefing - 8 December 2020
- 7.2.2 Concept Briefings and Workshops

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

## 8. PRESENTATIONS

### 8.1 PETITIONS

Nil.

### 8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

- **2020 WA Architecture Awards – the Iwan Iwanoff Award for Small Project Architecture / Commendation in the WA Lighting Award category.**

In June, Iredale Pederson Hook architects, Place Laboratory and ETC won the Iwan Iwanoff Award for Small Project Architecture and a Commendation for Lighting at the WA Architecture Awards for Mindeerup and the Connect South project.

- **2020 Australian Institute of Landscape Architects Awards (AILA) – WA Awards – Tourism Award and Excellence in the Civic Landscape category – Connect South/Mindeerup Project.**

The Connect South/Mindeerup project won the 2020 AILA WA Award of Excellence for Civic Landscape and the Landscape Architecture Award for Tourism.

- **2020 Australian Institute of Landscape Architects (AILA) National Awards - Tourism category – Connect South/Mindeerup Project.**

Mindeerup received national recognition at the 2020 National Australian Institute of Landscape Architects (AILA) by taking out the award in the Tourism category. Landscape architect PLACE Laboratory was presented with the award at the annual awards ceremony, in partnership with IPH Architects and ETC.

In presenting the award, the judges said Mindeerup is an iconic gateway destination into the heart of South Perth and the piazza is a modern revitalisation of the riverfront.



- **2020 Architecture MasterPrize (AMP) International Awards - Installation & Structures category - Animal Canopies at Mindeerup.**

At the International Architecture MasterPrize (AMP) Awards 2020, the animal canopies at Mindeerup received an award for the Installation & Structure category.

The mission of the AMP is to advance the appreciation of quality architectural design worldwide. Celebrating creativity and innovation in the fields of architecture, landscape architecture, and interior design, the prize is open to submissions on a global level and accepts entries from architects all around the world.

Architect Iredale Pedersen Hook was presented with the award, in partnership with Place Laboratory and ETC. The team was proud to partner with the City to create the canopies that were judged 'Best of the Best' in this category, along with six other international projects from China, USA, Mexico, and Singapore.

- **2020 IAP2 National Core Values Award - Highly Commended Award in the Infrastructure (Planning and Design) category - Connect South/Mindeerup Project.**

The Connect South/Mindeerup project received a Highly Commended Award in the Infrastructure (Planning and Design) category at the 2020 IAP2 National Core Values Awards.

This is an excellent result for the City with the Connect South/Mindeerup project recognised nationally for providing a high level of stakeholder engagement over a two-year period. The City's commitment to involving community and stakeholder participation from the pre-concept stage to project completion enabled positive outcomes for a project in an area of high public interest with concerns surrounding views and height.

- **2020 Australian Institute of Project Management (AIPM) – WA Project Management Achievement Awards - Project Management for a Government Project and Overall Winner of WA Project of the Year – Connect South/Mindeerup Project.**

The Connect South/Mindeerup project won two awards at the Australian Institute of Project Management– WA 2020 Project Management Achievement Awards.

The Project Management Achievement Awards exist to recognise, honour and promote outstanding achievements in program and project leadership.

The City partnered with NS Group, as its Project Management Consultants for the Connect South Project, and were winners in the following categories:

- Project Management for a Government project
- Overall winner of WA Project of Year

- **2020 WA Football Commission (WAFC) AFL Ken Gannon Award for best Community Football Facility Project “Ernest Johnson Reserve Master Plan and Development”.**

To recognise the very best facilities projects (fully completed in 2020) and share best practice across our state, the West Australian Football Commission (WAFC) awards the WA Ken Gannon Award for the best Community Football Facility Project completed in 2020. The City’s Ernest Johnson Master Plan received this award and was highlighted as:

1. Maximising the carrying capacity of an existing venue and the quality / functionality of their supporting infrastructure
2. An inclusive and accessible facility that caters for the diversity of participants, particularly female participants, that wish to participate in our game
3. A venue to support the game’s complete talent pathway, umpiring, staff, landmark heritage sites and people working and volunteering within the game
4. A venue to enable planning and project partnerships to form with a range of government and nongovernment bodies to result in an improved quantity, quality and welcoming venue network for Australian football.

The Master Plan is now in the running to be the national winner as determined by the AFL National Facilities Panel.

- **Institute of Public Administration Australia WA 2020 Achievement Awards – Best Practice in Health and Wellbeing – Special Commendation.**

The City received a Special Commendation for its Health and Wellbeing Program at the Institute of Public Administration Australia WA 2020 Achievement Awards in the Department of Health’s category for Best Practice in Health and Wellbeing.

The Mayor acknowledged the excellent work of the staff across the breadth of areas recognised through the many recent awards received.

### 8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing of 8 December 2020.

Following approval by the Presiding Member, Mrs Cecilia Brooke addressed Council:

*“On behalf of City of South Perth Residents Association (COSPR), I would like to wish all members of Council and the Administration the very best for the Christmas Season and the New Year ahead.*

*We appreciate that COVID-19 has brought many challenges to the way in which the City Administration and Council has had to do business over this past year. The new circumstances have meant a new approach to conducting long standing meeting procedures which we believe have run as best they could, though not having the face-to-face meeting arrangements of the past has not been easy for all residents to come to terms with – especially those not comfortable with the latest technology.*

*We would like to thank the Administration staff and particularly the Directors for always making themselves available when requested to brief our Committee on the Budget and other matters of significance. To Paul Edwards, installation of the Optus 5G boxes are now complete and the work in Olive Lane which we have worked on with Paul and the contractor, Kordia, was completed about 6 months ago. When the Kordia staff were installing the box in Olive Lane, I went and asked a nearby resident, Mary to make sure she was happy with the placement of the equipment from a visual point of view, especially when she is exiting her driveway from her house, and she was. This was a good example of a great outcome with CoSPRA working with local residents, the City and Kordia which is much appreciated. Also thank you to Margaret King for facilitating the meeting between CoSPRA and the RAP Reference Group. We believe this document is a much better document now from the point of view of true reconciliation. To our CEO Geoff Glass we thank you for your good working relationship with CoSPRA and we take this opportunity to wish you all the very best for your future in whatever direction you take.*

*Congratulations to the City on winning 8 Awards which were announced by Mayor Milner tonight. To all the staff and others involved in these awards we say 'Thank You' because this is indeed a great achievement.*

*We hope to continue to have a good working relationship with council members and staff and trust that the coming year will bring an end to the scourge and disruption that COVID-19 has brought to the City and the world."*

#### **8.4 COUNCIL DELEGATES REPORTS**

Nil.

#### **8.5 CONFERENCE DELEGATES REPORTS**

Nil.

*Councillor Blake D'Souza left the eMeeting at 6.31pm and returned at 6.33pm.*

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 8 December 2020.

### ITEMS WITHDRAWN FOR DISCUSSION

- 10.0.1 Proposed Lease Agreement for the South Perth Learning Centre, Cnr Sandgate Street and South Terrace, South Perth
- 10.1.1 Karawara Pedestrian Access Way Petition
- 10.2.1 Request for eQuote 14/2020 Manning Hub Phase Two - Landscape Construction
- 10.3.2 Proposed Four Grouped Dwellings (Three Storeys Plus Roof Deck), Lot 888, No. 6 Hopetoun Street, South Perth
- 10.4.3 City of South Perth Annual Financial Report 2019/20
- 10.4.4 City of South Perth Annual Report 2019/20

The Presiding Member called for a motion to move the balance of reports by Exception Resolution.

**1220/198**

### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

- 10.1.2 Tender 09/2020 Provision of Supplementary Survey Services
- 10.1.3 Tender 15/2020 Provision of Electrical Services
- 10.3.1 Request for Quote 27/2020 Provision of Electricity Supply for City of South Perth Contestable Sites
- 10.4.1 Listing of Payments - November 2020
- 10.4.2 Monthly Financial Statements - November 2020
- 10.4.5 City of South Perth Public Places and Local Government Property Local Law Review
- 10.7.1 Chief Executive Officer's Key Performance Indicator Report

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

This Item was previously deferred at the Ordinary Council Meeting held 24 November 2020.

#### 10.0.1 Proposed Lease Agreement for the South Perth Learning Centre, Cnr Sandgate Street and South Terrace, South Perth

Location:	corner Sandgate Street and South Terrace, South Perth
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-20-91740
Meeting Date:	15 December 2020
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:	1.2 Community Infrastructure

#### Summary

This report seeks Council's approval to enter into a lease agreement for use of a portion of the South Perth Community Centre with the existing tenant, South Perth Learning Centre Inc., for a five year term with an option of renewal for a further five year term.

#### Officer Recommendation

**Moved:** Councillor Stephen Russell  
**Seconded:** Mayor Greg Milner

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and the South Perth Learning Centre Inc. for a portion of the South Perth Community Centre, at the corner of Sandgate Street and South Terrace, South Perth, subject to the following main terms and conditions:
  - a. A term of five years;
  - b. A further term of five years (renewal option);
  - c. An annual rental of \$1,100 per annum (inclusive of GST) reviewed each year; and
  - d. payment of all Centre outgoings and utility costs.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth

and the South Perth Learning Centre Inc. for their use of a portion of the South Perth Community Centre, at the corner of Sandgate Street and South Terrace, South Perth.

### Amended Motion

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Glenn Cridland

That 1 c. of the Officer's Recommendation be reworded as follows:

An annual peppercorn rental of \$1.00 where demanded.

**LOST (3/6)**

**For:** Councillors Samantha Bradder, Carl Celedin and Glenn Cridland.

**Against:** Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Stephen Russell.

### Reasons for Change

The South Perth Learning Centre has been in operation in the City since 1985. The Centre provides a variety of classes for the community benefit. There are currently 654 community members which take advantage of the Centre. Language classes, Computer Skills, Arts & Crafts etc. The Learning Centre has been struggling to make a profit as the majority of the outgoings are covered by the membership.

I believe the peppercorn lease in this instance makes sense given the hard times financially that the South Perth Learning Centre has endured over the past few years. I appreciate that the proposed rent is more in line with other community groups, but I feel as though this Centre is more aligned with the Senior Citizen centres, which not only have a peppercorn lease, but also have help through funding of the centres' coordinator positions.

**1220/199**

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Stephen Russell

**Seconded:** Mayor Greg Milner

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and the South Perth Learning Centre Inc. for a portion of the South Perth Community Centre, at the corner of Sandgate Street and South Terrace, South Perth, subject to the following main terms and conditions:
  - a. A term of five years;
  - b. A further term of five years (renewal option);
  - c. An annual rental of \$1,100 per annum (inclusive of GST) reviewed each year; and
  - d. payment of all Centre outgoings and utility costs.

2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth and the South Perth Learning Centre Inc. for their use of a portion of the South Perth Community Centre, at the corner of Sandgate Street and South Terrace, South Perth.

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

The South Perth Learning Centre has been operating from the lower section of the South Perth Community Centre since January 2011. The Centre is situated on the corner of Sandgate Street and South Terrace, South Perth; which is located within Lot 3 on Plan 14563 being land owned freehold by the City. The City has the power to lease the land or use it as required.

A current lease agreement is in place between the Learning Centre and the City, which is due to expire on 6 February 2021 and the Learning Centre has recently expressed its desire to continue occupation of the premises under a new lease arrangement.

### Comment

The Learning Centre is an acceptable tenant as it facilitates a diverse range of leisure courses and programs for the local community, including in the following categories: photography, painting, arts and crafts, language, computer, gardening, and health and wellness.

The proposed terms for the new lease agreement have been negotiated based on the following considerations that the Learning Centre:

- has a long history of providing courses and programs for the local community, and is willing and able to continue this role;
- operates on a moderate annual operating budget and contributes annually to the following operational costs at the Centre: staffing, advertising/marketing, cleaning, consumables, depreciation, insurance, minor repairs, telephone/computer, utilities;
- has moderate income generation ability achieved through charging enrolment fees for courses/programs, room hire and membership fees; and
- has agreed to payment of all outgoings and utility costs.

The site plan for the proposed lease of the South Perth Learning Centre is highlighted in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (2020).

The South Perth Learning Centre has a current membership of 654 people.

### Consultation

The City has been in consultation with the Learning Centre over a new lease agreement and they have agreed to the majority of the proposed terms and conditions, except payment of rent.

### Policy and Legislative Implications

Under Section 3.58 of the *Local Government Act 1995* (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an ‘exempt’ disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. As the South Perth Learning Centre is an incorporated Association and is seeking use of local government property for cultural/educational/recreational purposes, the intended use of the land is exempt from section 3.58 of the Act.

Under Policy P609 Management of City Property, leases for Not for Profit Community Associations/Government bodies, Committees and Associations are to be negotiated consistently with the following principles:

1. Leases will be granted for a period of 5 years with a 5 year option; and
2. Leases are to be for an annual rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum.
3. The City may by resolution of Council grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the local community.



### Financial Implications

The majority of the operating costs associated with the Learning Centre are covered by the Association. In particular, for the 2019/20 financial year, the Association spent \$185,140 on its operational costs (including cost of sales). It was also able to generate \$190,520 in revenue, which resulted in a net profit to the Association of \$5,380. In comparison, the City spent approximately \$30,000 on the Learning Centre during 2019/20, resulting from building maintenance, grounds maintenance, building insurance, rubbish servicing and depreciation.

The Association is financially viable/sustainable, which is evidenced by the amount of total assets compared to the total liabilities listed on their balance sheet. The Association's current financial position is attached as **Confidential Attachment (a)**.

Any cost recovered from the Learning Centre during the proposed lease period will offset the City's operational costs. Under the proposed new lease agreement, the City will receive annual rental income of \$1,100 per annum (inclusive of GST), plus reimbursement of utility costs.

The Learning Centre has provided a financial hardship submission in relation to the proposed rent, which is attached as **Confidential Attachment (b)**. In particular, the Learning Centre's submission states that it has experienced financial hardship over the last two years, so it would be unable to afford rent. Furthermore, the Learning Centre claim that 57% of other community centres around Western Australia are the recipients of financial aid through a peppercorn rental arrangement with their respective landlords and some of those centres also receive further aid through funding of the centre coordinator position, which is not the case in South Perth.

The City has recently introduced financial hardship assistance for eligible ratepayers, residents, businesses, community groups and clubs experiencing financial hardship, mainly to lessen the financial impact of the COVID-19 pandemic. Financial hardship means that a person or organisation is experiencing difficulty in meeting their financial obligations. Financial hardship assistance is available for debts owed to the City including (but not limited to) leases, licences and rentals. Temporary financial hardship assistance measures may include: a reduction in debt repayment amounts; deferring payments for a specified time; a reduction or elimination of penalty interest for a specified time; and/or the suspension of the debt recovery process. The City's financial hardship assistance program is not intended to replace the requirement for lessee's to meet their lease agreement obligations. In any case, the application process for the financial hardship assistance program is outlined on the City's website, so the South Perth Learning Centre has the opportunity to submit an application and be assessed by the City's Financial Services through the established process, rather than through the Property Committee/Council.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community.  
Outcome: Community infrastructure  
Strategy: Manage the use and development of the City's properties, assets and facilities

### Attachments

- 10.0.1 (a): Financial Position - South Perth Learning Centre - September 2020 (*Confidential*)
- 10.0.1 (b): Financial Hardship Submission - South Perth Learning Centre - October 2020 (*Confidential*)

## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

*Councillor Stephen Russell disclosed an Impartiality Interest in Item 10.1.1.*

### 10.1.1 Karawara Pedestrian Access Way Petition

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-20-59528
Meeting Date:	15 December 2020
Author(s):	Emily Salvisberg, Strategic Urban Planner 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:	1.3 Community Safety & Health

#### Summary

In July 2020, Council received a petition in support of a Pedestrian Access Way (PAW) closure in Karawara, the reasons for which included concerns of anti-social behaviour, break-ins and thefts. Concurrently two anonymous community submissions were received recognising the importance of the access provided and that the closure should not take place without a more holistic review of connectivity for the area. The renewed interest in the PAW closure is coupled with recent events around community safety. This has led to the City undertaking an audit of the adopted Karawara Public Open Space Master Plan and Collaborative Action Plan 2013 (the 'Master Plan').

To complement physical infrastructure works in Karawara, a number of community development initiatives have been implemented, including the formation of HOME Karawara, a community development project that provides support programs to local residents.

In 2016 the City investigated the closure of PAWs in Karawara, which was not supported by Council. This petition provides little new planning justification for the closure of the PAWs. It is recommended that Council resolve not to close the PAWs in Karawara at this time and prioritise its efforts on continuing community support programs and initiatives in Karawara with more targeted interventions to deter anti-social behaviour.

**Alternative Motion**

**Moved:** Councillor Blake D'Souza

**Seconded:** Councillor Carl Celedin

That Council:

1. Notes and supports the work being undertaken by HOME Karawara to improve community safety and well-being;
2. Supports the City continuing to advocate with the State Government's Department of Communities (Housing) for a reduction in the percentage of social housing in Karawara;
3. Notes the progress report on the City's implementation of the Karawara Public Open Space Master Plan and Collaborative Action Plan 2013;
4. Notes the petition received in relation to the Karawara Greenways Pedestrian Access Ways;
5. Resolves to:
  - a) Not support any requirement for 100% consent of adjoining landowners, as regards the closure of the Karawara Pedestrian Access Ways;
  - b) Authorise the CEO to initiate the process for the permanent closure of the Pedestrian Access Way between Yallambee Place and Koolunda Court, and report back to Council on progress at the April 2021 Ordinary Council Meeting;
  - c) In addition to the above, authorise the CEO to approach the Western Australian Planning Commission and the Department of Communities to seek the State Government's assistance to join with the Council to reduce the excessive number of Public Access Ways in Karawara, recognising the opportunities these Public Access Ways create for anti-social behaviour.
6. Notes the City will inform the petition signatories about the above pedestrian access ways decision; and
7. Considers the allocation of \$40,000 in the 2021/22 Budget to enable the City to continue to facilitate Pedestrian Access Way closures and community development projects in Karawara, with a particular focus on optimising community safety, transport/pedestrian movement and health and wellbeing needs of Karawara residents.

**Reasons for Change:**

1. One of the main suggestions to come from the work/consultation commissioned by the City since 2006 (to address crime issues with regard to the physical layout of Karawara) was the closure of the Karawara Pedestrian Access Ways (PAW's/laneways).
2. Overall, 82% of Karawara residents surveyed favoured this approach – a substantial majority (28<sup>th</sup> August 2012 Council Meeting Minutes, page 66).

3. The unique 'Radburn Design' of Karawara as a suburb includes back to back cul-de-sacs with numerous PAW's between them. This has exacerbated local crime by providing numerous entry/exit points into private property.
4. As per the officer report, it is noted the Radburn Design is no longer considered best practice planning design for Karawara.
5. Closure of laneways is one planning solution that council can implement in mitigating localized crime in Karawara.
6. A 100% consent requirement of adjoining landowners is not supported as it is not required – all that is needed is for 100% of the land within a laneway be disposed of. Further, such a requirement is an unreasonable barrier to laneway closure when an overwhelming majority of residents favour such an action.
7. Feedback from local residents indicate the suburban design of Karawara lends itself to easy escape by criminals. This is proven by the personal experiences of Karawara residents in the deputations made to Council at the Agenda Briefing on the 8<sup>th</sup> December 2020.
8. The laneways pose difficulty for police access in apprehending suspects.
9. At the Karawara Community Forum (7<sup>th</sup> June 2020) many residents expressed strong support for laneway closures as one possible crime mitigation measure.
10. This has been a long-standing priority of council. From 2006, the Karawara laneways were slated for review in context of the Town Planning Scheme provisions (Item 10.3.1, 28<sup>th</sup> August 2012 Minutes, page 62).
11. There is clear and overwhelming community support for laneway closure. Page 66 of the August 2012 Minutes (overview of Attachment 10.3.1(a) - Summary of 2012 Closures Consultation) finds there was 82% support overall for closure among Karawara residents.
12. While the Crime Statistics in Attachment A (Figure 2) show a decline in offences since 2015, there has been a recent uptick since 2018-19.
13. These statistics also show that offences in Karawara are also markedly higher than Manning and Waterford, despite Karawara having a smaller population. This equates to a far higher 'per resident' crime rate in Karawara.
14. A closure scheme is already provided in a map on page 22 of the Attachments of the February 2016 Meeting Minutes.
15. Once disposed, a laneway is no longer a City asset, and thus would likely result in cost savings for maintenance and upkeep.
16. Lessons learned from closing the Yallambee/Koolunda PAW can inform a methodology for future closure of other Karawara PAW's – thereby facilitating an iterative and incremental process going forward.

**1220/200****COUNCIL DECISION**

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor Ken Manolas

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Blake D'Souza be granted an additional five minutes to speak.

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

**1220/201****Alternative Motion AND COUNCIL DECISION**

**Moved:** Councillor Blake D'Souza  
**Seconded:** Councillor Carl Celedin

That Council:

1. Notes and supports the work being undertaken by HOME Karawara to improve community safety and well-being;
2. Supports the City continuing to advocate with the State Government's Department of Communities (Housing) for a reduction in the percentage of social housing in Karawara;
3. Notes the progress report on the City's implementation of the Karawara Public Open Space Master Plan and Collaborative Action Plan 2013;
4. Notes the petition received in relation to the Karawara Greenways Pedestrian Access Ways;
5. Resolves to:
  - a) Not support any requirement for 100% consent of adjoining landowners, as regards the closure of the Karawara Pedestrian Access Ways;
  - b) Authorise the CEO to initiate the process for the permanent closure of the Pedestrian Access Way between Yallambee Place and Koolunda Court, and report back to Council on progress at the April 2021 Ordinary Council Meeting;
  - c) In addition to the above, authorise the CEO to approach the Western Australian Planning Commission and the Department of Communities to seek the State Government's assistance to join with the Council to reduce the excessive number of Public Access Ways in Karawara, recognising the opportunities these Public Access Ways create for anti-social behaviour.

6. Notes the City will inform the petition signatories about the above pedestrian access ways decision; and
7. Considers the allocation of \$40,000 in the 2021/22 Budget to enable the City to continue to facilitate Pedestrian Access Way closures and community development projects in Karawara, with a particular focus on optimising community safety, transport/pedestrian movement and health and wellbeing needs of Karawara residents.

**CARRIED (8/1)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas.

**Against:** Councillor Stephen Russell.

**Reasons for Change:**

1. One of the main suggestions to come from the work/consultation commissioned by the City since 2006 (to address crime issues with regard to the physical layout of Karawara) was the closure of the Karawara Pedestrian Access Ways (PAW's/laneways).
2. Overall, 82% of Karawara residents surveyed favoured this approach – a substantial majority (28<sup>th</sup> August 2012 Council Meeting Minutes, page 66).
3. The unique 'Radburn Design' of Karawara as a suburb includes back to back cul-de-sacs with numerous PAW's between them. This has exacerbated local crime by providing numerous entry/exit points into private property.
4. As per the officer report, it is noted the Radburn Design is no longer considered best practice planning design for Karawara.
5. Closure of laneways is one planning solution that council can implement in mitigating localized crime in Karawara.
6. A 100% consent requirement of adjoining landowners is not supported as it is not required – all that is needed is for 100% of the land within a laneway be disposed of. Further, such a requirement is an unreasonable barrier to laneway closure when an overwhelming majority of residents favour such an action.
7. Feedback from local residents indicate the suburban design of Karawara lends itself to easy escape by criminals. This is proven by the personal experiences of Karawara residents in the deputations made to Council at the Agenda Briefing on the 8<sup>th</sup> December 2020.
8. The laneways pose difficulty for police access in apprehending suspects.
9. At the Karawara Community Forum (7<sup>th</sup> June 2020) many residents expressed strong support for laneway closures as one possible crime mitigation measure.
10. This has been a long-standing priority of council. From 2006, the Karawara laneways were slated for review in context of the Town Planning Scheme provisions (Item 10.3.1, 28<sup>th</sup> August 2012 Minutes, page 62).
11. There is clear and overwhelming community support for laneway closure. Page 66 of the August 2012 Minutes (overview of Attachment 10.3.1(a) - Summary of 2012 Closures Consultation) finds there was 82% support overall for closure among Karawara residents.

12. While the Crime Statistics in Attachment A (Figure 2) show a decline in offences since 2015, there has been a recent uptick since 2018-19.
13. These statistics also show that offences in Karawara are also markedly higher than Manning and Waterford, despite Karawara having a smaller population. This equates to a far higher 'per resident' crime rate in Karawara.
14. A closure scheme is already provided in a map on page 22 of the Attachments of the February 2016 Meeting Minutes.
15. Once disposed, a laneway is no longer a City asset, and thus would likely result in cost savings for maintenance and upkeep.
16. Lessons learned from closing the Yallabee/Koolunda PAW can inform a methodology for future closure of other Karawara PAW's – thereby facilitating an iterative and incremental process going forward.

### Officer Recommendation

That Council:

1. Notes and supports the work being undertaken by HOME Karawara to improve community safety and well-being;
2. Supports the City continuing to advocate with the State Government's Department of Communities (Housing) for a reduction in the percentage of social housing in Karawara;
3. Notes the progress report on the City's implementation of the Karawara Public Open Space Master Plan and Collaborative Action Plan 2013;
4. Notes the petition received in relation to the Karawara Greenways Pedestrian Access Ways;
5. Resolves to not support the closure of the pedestrian access ways at this time, until further investigation is undertaken to review Pedestrian Access Way closures in a more holistic manner;
6. Notes the City will inform the petition signatories about the above pedestrian access ways decision; and
7. Considers the allocation of \$40,000 in the 2021/22 Budget to enable the City to continue to facilitate community development projects in Karawara, with a particular focus on optimising community safety, transport/pedestrian movement and health and wellbeing needs of Karawara residents.

### Background

On 21 July 2020, a petition was submitted to the City of South Perth to request the City close the pedestrian access way (PAW) at the rear of the dwellings between Yallabee Place and Koolunda Court in Karawara. The petition contained 10 unverified signatures of local residents and it recommended the PAW be subdivided and sold to adjacent landowners, who would absorb the land into their property and costed to the landowners. At the Ordinary Council Meeting held on 28 July 2020, Council subsequently resolved to receive the petition and for it to be forwarded to the relevant City Director for consideration.



There are a number of projects and issues associated with the petition to close the PAW in Karawara, namely the initial development of the Karawara Estate in accordance with 'Radburn' design principles; previous Council decisions regarding the Karawara PAWs; Karawara Public Open Space Master Plan and Collaborative Action Plan 2013; Community Safety and Crime Prevention Plan 2019 – 2021; percentage of social housing in Karawara; and the community's perceptions of anti-social/ community safety issues in Karawara. These projects and issues are discussed in greater detail below.

#### Karawara Estate 'Radburn' Design

The Karawara estate was developed in the early 1970s based on 'Radburn' design principles, which includes Public Open Space (POS) for community use located at the rear of dwellings and connected to the road network by PAWs. The POS at the rear of dwellings was intended to encourage community interaction and walkability, by separating active uses from car traffic.

Houses were oriented towards the open space to provide passive surveillance with no fencing or visually permeable fencing. However, over time the desire for residents to maintain the privacy and security of their rear gardens has led to the installation of high solid fencing along the edge of the POS. As a result the communal greenway areas in the estate have minimal passive surveillance, which has provided the opportunity for crime and anti-social behaviour to occur out of sight and in areas that are difficult for police to access.

The 'Radburn' design principles applied within Karawara are no longer considered to be good urban design practice, due to the associated anti-social/community issues it can create.

#### Previous Council Decisions regarding the Karawara Public Access Ways (PAWs)

In 2009, the Council engaged Creating Communities and Development Planning Strategies to investigate opportunities for physical improvements to Karawara. The engagement of a consultant culminated in a plan that proposed the closure of PAWs, which received 74% general community support during stakeholder engagement. Rather than progressing with the closures at the time, the Council resolved to further engage consultants to undertake a comprehensive master planning exercise with local stakeholders and residents to comprehensively understand issues and concerns within the area, adopting a consultative approach to foster social capital. CoDesign and UDLA consultants were engaged to lead the development of the Karawara Public Open Space Master Plan and Collaborative Action Plan 2013 (the Master Plan).

The resulting Master Plan is Council's endorsed action plan for Karawara, providing 14 priority projects for the realisation of infrastructure assets and community development initiatives. Notably, Project 10 of the Master Plan sought to test and evaluate the closure of one laneway, using No. 6 Yallambee Place as a test property for valuation purposes. A trial of the physical closure of the PAW located between Koolunda Circuit and Yallambee Close in 2015 was intended to be followed by the subdivision and sale of land to adjacent landowners.

Due to the sewer easement that transverses through the PAW investigated, the market value was determined in 2015 for a 50sqm portion to be between \$2,000 and \$5,000. Little advantage was found for landowners to obtain extra land in terms of development potential and cost of the easement for the sewer. The timeframe of implementation was another constraint considered, as the finalisation of the process is dependent upon the discretion of the Minister for Lands. Subsequently, at its 23 February, 2016 meeting Council resolved:

1. *Not to close the Pedestrian Access Ways (PAWs) in Karawara;*
2. *That the City will focus on alternative measures to improve the environment of Karawara, including the Pedestrian Access Ways (PAWs), as set out in the Karawara Public Open Space Master Plan and Collaborative Action Plan (2013);*
3. *That the City inform affected residents of the above decision by mail.*

#### Social Housing in Karawara

According to the last Census in 2016, 112 households out of a total of 594 households (which equates to 23.98%) were categorised as 'social housing' tenure in Karawara, compared to 3.1% across the greater Perth area. Karawara has the highest percentage of social housing in Western Australia and the City is advocating with the State Government to achieve a reduction. Whilst Local government may assist in the delivery of some housing project components at the local/ community level; overall housing remains the responsibility of the State Government's Department of Communities (Housing).

The rental market and housing prices remain out of reach for many people in Western Australia. Consequently, the State Government has identified an enduring demand for affordable housing and is committed to explore further options beyond just social housing. The Department has developed an Affordable Housing Action Plan that includes a range of initiatives across the housing continuum. The term affordable housing encompasses all types of tenure, not just social housing. The aim of the Plan is to provide homes for all. In particular, the Plan includes actions to implement initiatives that build personal capacity and provide viable pathways and transitions from social housing. For example, the State Government is identifying workable models to help bridge the gap between social housing and market rentals, such as:

- investigating leasing more homes from private landlords as an alternative to social housing for people with time-limited need;
- pursuing innovative ideas to reinvigorate under-used housing types that would increase choice and assist more people on low incomes (e.g. shared facility accommodation, micro homes, park homes, laneway housing, garage apartments, granny flats); and
- assisting eligible people to transition from social housing into home ownership (via shared equity and low deposit home loan schemes).

### Community Perception of Anti-Social Behaviour and Community Safety Issues in Karawara

Karawara's PAWs have been the subject of a number of community engagement projects and reports to Council since 2006 due to some community perceptions about the levels of crime and anti-social behaviour. In general the crime statistics from the WA Police indicate that there has been a reduction in crime within Karawara over the last five years, refer Figure 1 **Attachment (a)**. The statistics display that crime occurring in public areas have reduced by 31% since 2015/16 and domestic crimes have reduced by 37% respectively over the same period. When compared with adjoining suburbs of Waterford and Manning, refer Figure 2 **Attachment (a)**, Karawara's crime statistics are comparable, with a mostly downward trend in crime over a five year period.

A review of development applications for Karawara over the past five years provides insight about how property owners are making investments in their homes. The review indicates that 55 homeowners across the suburb have made alterations and additions to their properties over the period, which is a good sign of a flourishing area. Only three applications were received to install higher fences along the rear property boundary adjoining the central POS. This indicates that not all property owners are concerned with raising the height of their rear fences to increase security of their land.

The City's Community Safety and Crime Prevention Plan 2019 – 2021 (the Plan) is Council's endorsed response to safety issues within the local area. It includes actions and strategies across five priority areas of: home safety, anti-social behaviour, theft of possessions from motor vehicles, places and spaces and road safety. The Plan identifies the City's role and potential involvement in helping to plan, support, partner, coordinate and provide for local community safety programs and services. Oversight of the Plan is undertaken by the City's Community Safety Group that includes representatives from the City of South Perth, WA Police, State Government agencies and key stakeholder group representatives. Importantly, the City's Community Safety Group includes managerial representation from the Department of Communities (Housing Division), so the State Government is kept up-to-date on local community safety issues, including any issues relating to social housing in Karawara.

The stakeholder engagement survey which informed the Plan's preparation, identified that from the 129 responses received the community's top three safety concerns across the City were:

1. Burglaries and home intrusion (24.5% of respondents)
2. Anti-social behaviour (14.5% of respondents)
3. Theft of possessions from motor vehicles (13.5% of respondents).

City officers are proactively working across the five focus areas and actions of the Plan since its implementation, with the following actions specific to Karawara:

- *Increase awareness of home safety to ensure community members of all ages, backgrounds and abilities can feel safe in their home within their local community.*

Response: Formation of and consultation with HOME Karawara.

- *Installation of CCTV cameras in anti-social hotspots as identified by the City's CCTV Strategy.*

Response: CCTV installation and lighting around the central playground and links to Waterford Plaza. Additionally, the City installs its mobile CCTV trailer within Karawara to assist in determining anti-social behaviour, as required.

- *Build neighbourhood community safety and crime prevention capacity to reduce the level of antisocial behaviours through people building street networks.*

Response: facilitation of Streets Meets Program that helps residents plan and hold safe neighbourhood events in their street.

- *Continue to work closely with Kensington Police Station with the 'Gone in Less than 60 Seconds' vehicle at hotspots.*

Response: Display vehicle to educate the community how quickly theft can occur in cars.

- *Continue to facilitate and support place and space activations in the community, with a focus on areas where there are higher crime statistics or a higher perception of crime.*

- Response: Facilitation of safe places, Streets Meets and road safety programs.

### Comment

The petition's request for closure of the PAW is the key matter that this report seeks to address. The request is outlined, along with the City's position on laneway closure; current progress on the Master Plan; current and ongoing social capacity work undertaken; and upcoming movement and mobility considerations for Karawara, which have informed this report's recommendation.

### Resident Petition

On 16 July 2020, Council received a petition with ten signatures, requesting the closure of the PAW at the rear of the dwellings between Yallambee Place and Koolunda Court, Karawara. The petition seeks the closure, amalgamation and sale of the PAW to adjacent landowners, at their own cost. The petition states the following reasons for closure:

*The rear pedestrian laneways have been long identified as a source of anti-social behaviour and access points for break-ins and thefts. Community engagement projects and reports to Council since 2006 have all raised the recommendation to close the rear pedestrian access ways. The PAW that is the subject of this petition was utilised as a test of the process to close the PAWs of this type in the Karawara area- this was attempted by the Council in November 2014.*

*This attempt was unsuccessful due to the requirements imposed upon the process for 100% agreement of all affected adjoining landowners. This Clause in the process was flawed from the start as 100% agreement was not needed as the absorption of the land could accommodate the non-participation of 1 (or more) landowners in most instances.*

*We request that the process be attempted again, without the requirement of 100% agreement of adjoining landowners – with the closure utilised as a model to develop the methodology to proceed with the closure of all other previously identified PAWs at the rear of dwellings in Karawara.*

Council has also received two email submissions from separate objectors who requested to remain anonymous. These submissions identify their support for Karawara's PAWs to remain open on the following grounds:

- The importance of the PAWs in the local mobility network, providing access to important facilities such as bus stops
- Removal of the PAWs will not deter crime in the area
- There is a need for more thorough consultation to occur before a decision to close the connections is made.

The City has investigated the current planning process required for closing the subject PAW. Correspondence with the Department of Planning, Lands and Heritage (DPLH) indicates that to progress closure the City must:

- Signpost the area
- Advertise in a local newspaper
- Canvass the affected residents
- Consult with the affected Services
- Obtain consent from the Western Australian Planning Commission

Provide DPLH with the following: Council's resolution; reasons for requesting the disposal; submissions justifying a reduced purchase price; details of the level of public consultation undertaken; consultation results; and submissions of general commitment to purchase from the adjoining landowners.

- A sketch depicting the proposed disposals.

It was advised that the market value would be based on highest and best use, a reduced purchase price may be supported on a case-by-case basis, and any revenue generated should support a State Government objective, priority or public benefit. Despite the City's efforts to undertake this process the final decision of closure and sale of land process rests with the Minister for Lands.

The new request and petition has provided little planning justification as to why the City should change its position, but has acknowledged growing social concerns and anti-social behaviour as the key reasons for this new request. Therefore, City's position not to close the PAW remains consistent with its resolution when the matter was presented at the 2016 Council meeting.

#### Master Plan – Progress Update

In line with the Master Plan, the City has undertaken an audit of all 14 projects that resulted in 66 separate actions. The Master Plan has been delivered across three of the City's business units: Strategic Planning; Infrastructure Services; and Community, Culture and Recreation.

A review of all 14 Projects has identified that 61 out of the 66 actions (92%) were implemented; whereas only 5 actions (8%) remain unresolved. An opportunity remains for the City to realise the unresolved actions and to fulfil investigations of all prescribed actions within the Master Plan.

The City has spent/allocated approximately \$1,377,033 to implement the Master Plan projects, which is inclusive of \$230,560 for additional CCTV and lighting upgrades around the central playground area that is included in the current budget. **Attachment (b)** provides a full list of projects and approximate expenditure. Some line items have been bundled within the same budget allocation, and therefore project expenditure should be referred to as a guide only.

Table 1 below provides an overview of completed actions in the Master Plan and those that remain unresolved. **Attachment (c)** to this report provides a spatial plan of where these projects are located within Karawara.

**Table 1 – Karawara Master Plan (Project Progress Report)**

Project Name	Intent	Implemented	Unresolved
1 - Greenway Improvement	Improve greenways to provide space for resting, contemplation and basic infrastructure.	<ul style="list-style-type: none"> <li>✓ Seating, drink fountains and bin facilities</li> <li>✓ Pop-up community games</li> <li>✓ Patrolling to reduce motorbikes</li> </ul>	Wayfinding markers project (a recent grant application submitted but was unsuccessful, so the City will attempt to source alternate funding if it becomes available)
2 - Central Playground	Improve the central playground to create a central meeting and multi-use area.	<ul style="list-style-type: none"> <li>✓ New playground established</li> <li>✓ Renewal of existing pathways</li> <li>✓ Installation of new pathways</li> <li>✓ CCTV and lighting upgrades</li> </ul>	Nil
3 - Community Initiatives	Foster community initiatives.	<ul style="list-style-type: none"> <li>✓ HOME Karawara facilitates community support programs e.g. Community dinners</li> <li>✓ Herb garden</li> </ul>	Nil
4 - Pedestrian Experience	Improve the pedestrian experience between Karawara and Waterford Plaza.	<ul style="list-style-type: none"> <li>✓ Shared use zone on Walanna Drive</li> <li>✓ Improved underpass connection</li> </ul>	Nil

Project Name	Intent	Implemented	Unresolved
5 - Connectivity	Increase connection between student residences, Curtin University and Karawara.	<ul style="list-style-type: none"> <li>✓ HOME Karawara</li> <li>✓ Curtin University student projects</li> </ul>	Nil
6 - Wayfinding	Improve wayfinding strategy (signage), heritage interpretation and Noongar naming.	<ul style="list-style-type: none"> <li>✓ Temporary</li> <li>✓ Updated park signage</li> </ul>	Develop wayfinding and heritage interpretation strategy
7 - Habitats	Increase native habitats.	<ul style="list-style-type: none"> <li>✓ Native planting day: 72 new trees</li> <li>✓ CCTV installation</li> </ul>	Nil
8 - Amenity	Improve amenity at secondary hubs at: Curtin underpass and 'gateways' into greenways.	<ul style="list-style-type: none"> <li>✓ Design review of area</li> <li>✓ Nature play incorporated into playground</li> </ul>	Nil
9 - Aboriginal Recognition	Recognise the aboriginal community and heritage in Karawara.	<ul style="list-style-type: none"> <li>✓ HOME Karawara has assisted to foster a healthy, connected community in Karawara, including through Aboriginal recognition.</li> </ul>	Nil
10 - Test Laneway Closure	Test the closure of pedestrian access from Gillion Street and Jackson Road through temporary fencing.	<ul style="list-style-type: none"> <li>✓ Test closure of PAW</li> <li>✓ Encourage ownership of greenways through planting</li> </ul>	Nil
11 - Permeable Fencing	Investigate the opportunity to incorporate permeable fencing.	<ul style="list-style-type: none"> <li>✓ Edge treatment developed along edges including low planting</li> </ul>	Test permeable fencing along rear property boundaries
12 - Karawara Underpass	Improve the Karawara underpasses. First priority in the underpass near Waterford Plaza.	<ul style="list-style-type: none"> <li>✓ Upgrade occurred</li> </ul>	Nil

Project Name	Intent	Implemented	Unresolved
13 - Community Garden	Develop a community garden.	✓ Herb garden realised	Nil
14 - Karawara Walking Network	Improve Karawara walking network including pedestrian experience, safety, connection to surrounding suburbs, transport links etc.	✓ Pathway and lighting upgrades	Define a walking circuit / wayfinding strategy

#### Building Social Capital

The City has been actively promoting and facilitating community development initiatives to provide support services to local residents. In the early implementation of the Master Plan, the City held a series of small scale events for community members to gather as a neighbourhood, including: sausage sizzles, children's activities, live acoustic music and naming the park outside the Gowrie Community Centre.

From 2016 onwards, further and larger scale events and activities were facilitated by the City. These have included:

- Tree planting day, where residents planted trees supplied by the City in one of the Karawara laneways
- Picnic and play event to mark the delivery and opening of the new Kwel Court (central) Playground
- Native garden planting activity, with resident involvement in the planting of a native garden at the entrance to a laneway on Gillon Street between Yallambee Close and Beenan Street
- Summer splash event involving a water fight through the Karawara greenways with local families, WA Police, the local fire brigade, and St John Ambulance.

In addition to these initiatives, one of the most important measures has been the establishment of the Hope, Opportunity and Mutual Empowerment (HOME) Karawara project in 2017. The goal of the project is to build a healthy, connected community in the suburb of Karawara. The initiative is a collaboration between the City of South Perth, Waterford Plaza, Southcare, Moorditj Keila, Lifestreams Christian Church, Marr Mooditj and the Department of Housing.

HOME Karawara is about meeting people where they are, building relationships with key people in the community and supporting them to make a difference in a way that is meaningful to them. The project team is involved in a wide range of community activities including arts and culture, employment and training opportunities, community-driven projects, family and community events, food assistance and regular social opportunities.

In collaboration with the City's Community Safety Group, there is an opportunity to further foster the work of HOME Karawara to provide further support programs.



### Connectivity and Mobility

Connectivity and the need for improved wayfinding is identified in the Master Plan as an issue that needs to be addressed. This will improve the mobility of local residents, visitors, and facilitate passive surveillance with better movement connections to surrounding services and through Karawara generally.

The City is currently preparing an Integrated Transport Plan, with an intent to encourage a greater transport modal share, in particular active transport including walking and cycling. Karawara has an extensive network of cycling and pedestrian paths through its greenway areas, separated from cars. This network provides a unique opportunity to review axial north-south and east-west connection corridors through Karawara and surrounding land uses, including developments described below and illustrated in **Attachment (d)**.

- *The proposed South Perth Recreation and Aquatic Facility (RAF):* A proposed premier health, fitness, wellness and recreation hub attracting local and regional visitors. Increased visitation to the area provides an opportunity to strengthen access routes, in particular active transport links to the surrounding network. Should the facility be successful in securing funding, it is anticipated to be operational by early 2024.
- *Abjornson Street, Manning - Street Calming:* As part of the City's street quietening program, there will be a renewal of the existing raised safety plateau on Abjornson Street, near Curtin Primary School's basketball courts. This crossing is located at the western edge of the Karawara Greenway, and will be an improvement to the pedestrian connection and crossing to Karawara.
- *George Burnett Recreation Precinct:* An important parkland facility, located south of Karawara. Council engaged Dave Lanfear Consulting to prepare Master Plan options for redevelopment which include improvements to existing facilities (e.g. playing pitches, public toilet facilities and lighting). Once complete, improvements are expected to increase patronage of the parkland, which will require review of movement connections from the facility to adjacent residential areas.
- *Curtin University Master Plan 2014 – 2031:* Campus forecasts include an additional 762,000m<sup>2</sup> floor space and generate around 73,000 daily visitors. The Master Plan prioritises people and public transport movement over cars, seeking to improve the walkability of its streets and connection to its greater neighbourhood and region. Notably, the University has a number of student residences located at Karawara's eastern edge. It will be important to continue conversations with the university to ensure network improvements extend to Karawara.
- *Waterford Plaza Shopping Centre:* An established shopping destination for Karawara and neighbourhood centre for surrounding suburbs. Any future development occurring at the shopping centre, it will be important to strengthen stakeholder relationships within the site as well as external local mobility connections into surrounding suburbs.

### Policy and Legislative Implications

Nil.

### Financial Implications

The report recommends that Council allocates \$40,000 in the City's 2021/22 Budget to enable the City to continue to facilitate community development projects in Karawara, with a particular focus on optimising community safety, transport/pedestrian movement and health and wellbeing of Karawara residents.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community  
Outcome: Community safety and health  
Strategy: Facilitate and foster a healthy, connected and safe community

### Attachments

- 10.1.1 (a): Karawara Crime Statistics
- 10.1.1 (b): Karawara Master Plan Project Expenditure 2014 - 2020
- 10.1.1 (c): Location of Karawara Master Plan Projects
- 10.1.1 (d): Surrounding Development Projects

## 10.1.2 Tender 09/2020 Provision of Supplementary Survey Services

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-20-90365
Meeting Date:	15 December 2020
Author(s):	Rodney Markotis, Engineering Technical Officer
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

### Summary

This report considers submissions received from the advertising of Tender 09/2020 for the Provision of Supplementary Survey Services.

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.

### 1220/202

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

That Council:

1. Accepts the tender submitted by Bushtrek Pty Ltd trading as JBA Surveys for the Provision of Supplementary Survey Services in accordance with Tender Number 09/2020 for a period of three years with the option to extend for a further two years at the City's absolute discretion;
2. Accepts the tender price of \$517,880 excluding GST as included in **Confidential Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

### Background

A Request for Tender (RFT) 09/2020 for the Provision of Supplementary Survey Services was advertised in the West Australian on Friday 16 May 2020 and closed at 4.00pm on Friday 5 June 2020.

Tenders were invited as a Schedule of Rates.

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

### Comment

At the close of the tender advertising period, 10 submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submissions
1. AAM Pty Ltd
2. BCE Surveying Pty Ltd
3. Brook & Marsh Pty Ltd
4. CADDIS Group Pty Ltd (t/as CADDIS Surveying)
5. CK Maloney Family Trust (t/as CK Maloney Surveying Pty Ltd)
6. Horizon Surveys Pty Ltd
7. Bushtrek Pty Ltd (t/as JBA Surveys)
8. Land Surveys No Problems Just Solutions Pty Ltd (t/as Land Surveys)
9. RM Surveys Pty Ltd
10. Veris Australia Pty Ltd

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. Demonstrated experience in completing similar relevant projects	40%
2. Respondents resources, skills and experience of key personnel	20%
3. Demonstrated understanding of the general requirements and technical specifications	40%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received, it is recommended that the tender submission from Bushtreak Pty Ltd trading as JBA Surveys 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*.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* - tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

The following City Policies also apply:

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

### Financial Implications

The full cost of the works is included in the 2020/21 budget and will be considered in future budgets as required.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community  
Outcome: Community infrastructure  
Strategy: Manage the provision, use and development of the City's properties, assets and facilities

### Attachments

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

### 10.1.3 Tender 15/2020 Provision of Electrical Services

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-20-87053
Meeting Date:	15 December 2020
Author(s):	Shirley King Ching, Building and Assets Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report considers submissions received from the advertising of Tender 15/2020 for the Provision of Electrical Services.

This report outlines the assessment process used and recommends approval of the tender that provides the best value for money and level of service to the City.

#### 1220/203

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

That Council:

1. Accepts the tender submitted by Surun Services Pty Ltd for the Provision of Electrical Services in accordance with Tender Number 15/2020 for a period of three years with an option to extend for a further two years at the City's absolute discretion;
2. Accepts the tender price of \$1,450,000 excluding GST as included in **Confidential Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### Background

A Request for Tender (RFT) 15/2020 for the Provision of Electrical Services was advertised in The West Australian on 19 September 2020 and closed at 2.00pm on 20 October 2020.

Tenders were invited as a Schedule of Rates Contract. RFT 15/2020 is for electrical services to City owned buildings, public lighting, Christmas lighting and park barbeques, excluding Collier Park Village assets. The services are for ongoing compliance, preventative and reactive electrical maintenance works but may include capital and special project installations at the City's discretion.

Funding to accommodate electrical services is provided within the City's Infrastructure Operations budget. The City typically incurs costs to the approximate value of \$300,000 annually in association with the procurement of these electrical services. The estimated value of the contract over a three-year period is \$900,000 and therefore requires the establishment of a service supply contract via public tender in compliance with the *Local Government Act 1995* (the Act).

### Comment

At the close of the tender advertising period, 19 submissions were received and these are tabled below:

TABLE A – Tender Submissions

Organisations
1. AE Hoskins
2. AICA Energy
3. AMEK Engineering
4. AWB Building Co
5. Citylights Holdings
6. Downer EDI Works
7. EOS Electrical
8. Fredon Industries
9. Greenlite Electrical Contractors
10. Harrison Electrics
11. Lightspeed Communications Australia
12. Midwest Electrical Services
13. MMJ Electrical
14. Oasis Electrical Engineering
15. Pearmans Electrical & Mechanical Services
16. Ready Resources
17. Surun Services Pty Ltd
18. Techworks Electrical
19. TRI Tech Group

Tender submissions were reviewed by an evaluation panel and assessed according to the criteria detailed in the RFT, which are described in Table B below.

TABLE B - Assessment Criteria

Assessment Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel Skills and Resources	30%
3. Demonstrated Understanding	15%
4. Quality Management and Occupational Health & Safety System	15%
5. Price	10%
TOTAL	100 %

Based on the assessment of all submissions received for Tender 15/2020, it is recommended that the tender submission from Surun Services Pty Ltd be accepted by Council as the most advantageous.

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 - tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

The following City Policies also apply:

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

### Financial Implications

The full cost of the works is included in the 2020/21 budget and will be considered in future budgets.



**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community  
Outcome: Community infrastructure  
Strategy: Manage the provision, use and development of the City's properties, assets and facilities

**Attachments**

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

## 10.2 STRATEGIC DIRECTION 2: ECONOMY

### 10.2.1 Request for eQuote 14/2020 Manning Hub Phase Two - Landscape Construction

Location:	23 Welwyn Avenue, Manning
Ward:	Manning Ward
Applicant:	Not Applicable
File Reference:	D-20-92950
Meeting Date:	15 December 2020
Author(s):	Naomi Kavanagh, Strategic Projects Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

#### Summary

This report considers submissions received from the WALGA Preferred Supplier Panels for Request for eQuote 14/2020 Manning Hub Phase Two – Landscape Construction.

This report outlines the assessment process used during evaluation of the quotations received and recommends approval of the quotation that provides the best value for money and level of service to the City.

The report will also outline suggested funding reallocation from the Capital Works Programme for the Manning Hub Phase Two project to enable awarding of the works.

#### 1220/204

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Blake D'Souza

**Seconded:** Councillor Ken Manolas

That Council:

1. Accepts the quotation submitted by Bos Civil Pty Ltd for Request for eQuote 14/2020 Manning Hub Phase Two – Landscape Construction, for the period of supply up to December 2021 inclusive;
2. Accepts the quotation price of \$572,390 excluding GST as included in **Confidential Attachment (a)**; and
3. Adopts an increase in the Manning Hub Budget of \$120,000, with a corresponding reduction in the Downey Drive - Ley to Welwyn Budget.

**CARRIED BY ABSOLUTE MAJORITY (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

### Background

The scope of this project is to undertake implementation of key elements of the Manning Hub Master Plan to implement the Manning Hub Phase Two project.

Phase Two of the project focuses on integrating the new facilities with the original shops along Welwyn Avenue, through development of a laneway through the former Deli shop to connect the 'pedestrian street' space with the shops, and upgrade the shop streetscape with the new design palette of the wider Community precinct.

eQuote 14/2020 was sought via the relevant WALGA Preferred Supplier Panel online portal on 4 November 2020 and closed at 2.00pm on 17 November 2020.

The eQuote is for the Landscape Construction associated with Manning Hub Phase Two, which includes civil and streetscape improvements to connect the shops along Welwyn Avenue via pedestrian access to the wider community infrastructure within the Hub. eQuotes were invited as a Lump Sum Contract with options, based on a schedule of rates.

The contract is for a period of 12 months.

### Comment

At the close of the eQuote response period, two submissions had been received and these are tabled below:

TABLE A –eQuote Submissions

eQuote Submissions
BOS Civil Pty Ltd
MG Group WA

The quotations were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the quotation request documents, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	20
2. Key Personnel, Skills and Resources	10
3. Demonstrated Understanding	20
4. Price	50
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for eQuote 14/2020 Manning Hub Phase Two - Landscape Construction, it is recommended that the quotation from BOS Civil be accepted by Council.

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

### Consultation

Nil.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* – requires a local government to call tenders when the expected value is likely to exceed \$250,000. Part 4 Division 2 of the Local Government (Functions and General) Regulations 1996 sets regulations on when tenders do not have to be publicly invited, regulation 11.2b detailing – *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Panel.*

The following Council Policy also applies:

- Policy P605 – Purchasing

### Financial Implications

As Council is aware, via information provided in Councillor Bulletins 33/2020 and 38/2020, the City had previously tendered for this project however the prices received were significantly in excess of the budget and the pre-tender estimate provided by the landscape consultant. The tender was subsequently cancelled under Delegation DC607B.

The project was restructured to reduce risk (by separating the demolition component from the rest of the works) and to allow more flexibility in decision making in respect to scope. Unfortunately, the eQuote prices received are still in excess of what was originally expected, albeit to a lesser extent than the original tender submissions.

To construct the project under a reduced scope would significantly compromise the original intent of the project and therefore not deliver what has been expected by the local community. To that end, additional budget of \$120,000 is recommended to be re-allocated to the project to enable its completion. The savings to cover the additional capital budget request are surplus funds which have been identified from the Downey Drive road project, which is now complete.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	Activated places
Strategy:	Facilitate activity centres and neighbourhood hubs that offer a diverse, viable and attractive mix of uses

### Attachments

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

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

### 10.3.1 Request for Quote 27/2020 Provision of Electricity Supply for City of South Perth Contestable Sites

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-20-88640
Meeting Date:	15 December 2020
Author(s):	Shirley King Ching, Building and Assets 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 considers the submissions received from the Request for Quote (RFQ) 27/2020 for Provision of Electricity Supply to the City of South Perth Contestable Sites under the Department of Finance- Common Use Agreement CUA ELC 2012.

This report outlines the assessment process used and recommends a preferred supplier.

#### 1220/205

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

That Council:

1. Accepts the quotation submitted by Alinta Energy for the Provision of Electricity Supply to City of South Perth Contestable Sites under CUA ELC2012 in accordance with Request for Quote 27/2020 for a period of two years with an option of a further year at the City's absolute discretion;
2. Accepts the quotation price of \$1,701,219 including GST as included in **Confidential Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### Background

As per the Economic Regulatory Authority, any consumers within the area supplied by the South West Interconnected System (SWIS) contestable sites may choose its own electricity retailer. Contestable sites are sites that consume more than 50 MWH of electricity per year. The City of South Perth has 14 contestable sites.

RFQ 27/2020 utilised the Department of Finance- Common Use Agreement for the Supply of Retail Electricity to Government Agencies- SWIS (CUA ELC 2012) pre-qualified electricity retailers for quotations. RFQ 27/2020 for the Provision of Electricity Supply to City of South Perth Contestable Sites was released to three pre-qualified service providers of the CUA ELC 2012 on 23 October 2020 and closed at 2.00pm on 10 November 2020.

Responses to the RFQ were invited as a Schedule of Rates contract. The contract is for a period of two years with an option to extend for one year at the City's discretion.

### Comment

At the close of the RFQ period three submissions had been received and these are tabled below:

TABLE A – RFQ Submissions

RFQ Submissions
Alinta Energy
Perth Energy
Synergy

The responses were reviewed by an Evaluation Panel and assessed at 100% Cost weighted. The Department of Finance- CUA ELC 2012 pre-qualified service providers have been subject to the Department's qualitative and compliance criteria.

Based on the assessment of all submissions received for RFQ 27/2020 Provision of Electricity Supply to City of South Perth Contestable Sites, it is recommended that the submission from Alinta Energy be accepted by Council.

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

### Consultation

Nil.

### 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 \$250,000.

Part 4 Division 2 of the Local Government (Functions and General) Regulations 1996 sets regulations on when tenders do not have to be publicly invited, regulation 11.2e detailing - *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.*

The following Council Policies also apply:

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

### Financial Implications

Funding to supply electricity to City facilities is provided within the Infrastructure Operations budget. The full cost of electricity supply is included in the 2020/21 budget and will be considered as an operational expense in future budgets.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

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

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

### 10.3.2 Proposed Four Grouped Dwellings (Three Storeys Plus Roof Deck), Lot 888, No. 6 Hopetoun Street, South Perth

Location:	Lot 888, No. 6 Hopetoun Street, South Perth
Ward:	Mill Point Ward
Applicant:	Planning Horizons
File Reference:	D-20-87411
DA Lodgement Date:	6 May 2020
Meeting Date:	15 December 2020
Author(s):	Victoria Madigan, 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

This report seeks Council's consideration of a development application to grant approval for Four Grouped Dwellings (three storeys plus roof deck) on Lot 888, No. 6 Hopetoun Street, South Perth.

This item is referred to Council as the building height exceeds 9.0 metres and therefore falls outside of the delegation to officers. The building height of the proposed development complies with the maximum height prescribed by the City of South Perth Town Planning Scheme No. 6.

It is considered that the proposed development achieves compliance with all of the discretionary considerations and does not pose any adverse amenity impacts to the future occupants, neighbouring properties or the locality.

It is recommended the proposal be approved subject to conditions.

#### 1220/206

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Greg Milner

**Seconded:** Councillor Blake D'Souza

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 Four Grouped Dwellings (three storeys plus roof deck) at Lot 888, No. 6 Hopetoun Street, South Perth **be approved** subject to the following conditions and advice notes:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, pursuant to Section 195 of the Land Administration Act 1997, a right of carriageway easement permitting vehicular access to the right of way, to the benefit of proposed units 1 and 2 to be lodged on the certificate of title of the proposed lots at the full expense of the landowner/applicant.



3. Prior to the submission of a building permit application, a Detailed Material Schedule for all external finishes to the development must be submitted to, and approved in writing by, the City. The approved Schedule shall be incorporated into all relevant building permit applications and prior to the submission of the occupancy permit application, these materials shall have been used and installed in the development.
4. Prior to occupation of the dwelling, the surface of the boundary wall to the family and dining room visible from the street, on the eastern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
5. Prior to occupation of the dwelling, the surface of the boundary wall to the porch and entry visible from the street, on the western side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
6. Prior to the submission of a building permit, details of the surface of the boundary walls to the bedroom 2 and garage, not visible from the street and on the western side of the lot shall be provided and the surface finish is to match the external walls of the neighbour's dwelling, unless the owners of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City, to the satisfaction of the City.
7. Walls built to lot boundaries shall be finished in a clean material to the same standard as the rest of the development prior to the developments occupation.
8. Prior to occupation of the dwelling, all fencing, visual privacy screens and obscure glazing, to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes of WA*. The structures shall be installed and remain in place permanently, to the satisfaction of the City.
9. Prior to the submission of a building permit, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
10. Prior to the submission of a building permit, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.
11. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by, the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
12. Prior to the submission of a building permit application, the finalised Landscaping Plan for the development site and the street verge, consisting of Hardscape and Softscape (Planting) Plans, must be submitted to, and approved in writing by, the City.

13. Prior to the submission of an occupancy permit application, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
14. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
15. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
16. Prior to the submission of a building permit application, a tree protection zone shall be indicated on the plans for each verge tree and implemented during construction until occupancy stage, to protect each verge tree at all times, to the satisfaction of the City.
17. Prior to the submission of an occupancy permit application, the owner/applicant shall remove all existing crossovers, reinstate the verge and kerbing and construct the new crossovers / vehicle access ways between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
18. Prior to occupation of the dwelling, external clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
19. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
20. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.
21. Property line levels and footpath levels are to remain unaltered.

**Note:** City officers will include relevant advice notes in the determination notice.

**CARRIED (6/3)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza.

**Against:** Councillors André Brender-A-Brandis, Ken Manolas and Stephen Russell.

### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R60
<b>Lot area</b>	1214 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	8 dwellings

### Comment

#### (a) Background

In May 2020, the City received an application proposing four, three-storey Grouped Dwellings with roof terraces on Lots 1, 2, 3 and 4, No. 6 Hopetoun Street, South Perth (the site).

A subdivision application was also received in November 2019, proposing to subdivide the parent lot (No. 6 Hopetoun Street) into four green title lots. The subdivision application was subsequently approved by the Western Australian Planning Commission on 5 February 2020.

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

The site has a frontage to Hopetoun Street to the north, access to a private Right of Way via Onslow Street, a grouped dwelling to the south and is located adjacent to a single house to the west and a single house and grouped dwellings to the east, as seen in **Figure 1 below**:



**Figure 1: Site Aerial**

#### (c) Description of the Proposal

The application proposes four, three-storey Grouped Dwellings with roof terraces on the subject site, with vehicle access proposed via the private Right of Way (ROW) located at the rear of the site, as depicted in the submitted plans at **Attachment (a)**. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (b)**. The applicant's report can be found in **Attachment (c)**.

The following components of the proposed development requires discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6), the Residential Design Codes of WA 2019 Volume 1 (R-Codes) and/or Council Policy requirements:

- (i) Lot boundary setbacks (east and west);

10.3.2 Proposed Four Grouped Dwellings (Three Storeys Plus Roof Deck), Lot 888, No. 6 Hopetoun Street, South Perth

- (ii) Boundary walls (east and west);
- (iii) Open space;
- (iv) Outdoor living areas;
- (v) Visual privacy; and
- (vi) External fixtures, utilities and facilities.

The proposal is considered to meet the relevant design principles or discretionary criteria of the Scheme, Residential Design Codes (R-Codes) and relevant Council policies.

(d) Lot boundary setbacks (east and west)

Element	Deemed-to-comply	Proposed
<b>Unit 1 – Eastern lot boundary setbacks</b>		
Ground floor: Bedroom 4 wall	1.8 metres	1.6 metres
First floor: Ensuite wall	1.3 metres	1.0 metre
First floor: Study wall	3.5 metres	3.2 metres
<b>Unit 4 – Western lot boundary setbacks</b>		
First floor: Kitchen wall	1.3 metres	0.9 metres
First floor: Scullery wall	1.5 metres	1.2 metres
First floor: Balcony wall	2.0 metres	1.5 metres
First floor: Hallway wall	3.3 metres	3.0 metres

These lot boundary setback variations are considered to satisfy the relevant design principles 5.1.3 P3.1 of the R-Codes for the following reasons:

Eastern lot boundary setbacks (Unit 1)

- Varying setbacks have been provided on each level of Unit 1 together with articulation and sufficient separation distance between the neighbouring dwelling to the east, to ensure there is no perceived scale and bulk impacts, as viewed from the neighbouring property.
- It is noted that the setback of the building’s main walls parallel to the eastern boundary are compliant.
- Setback variations contain minor openings and do not result in any loss of privacy or overlooking to the adjoining property.
- Due to the orientation of the site, there will be no impact on access to direct sun, ventilation and shadow cast to the adjoining property, as a result of the proposed setback variations.

Western lot boundary setbacks (Unit 4)

- Varying setbacks have been provided on each level of Unit 4 together with articulation and sufficient separation distance between the neighbouring dwelling to the west, to ensure there is no perceived scale and bulk impacts, as viewed from the neighbouring property.
- The walls impinging on the required setback space do not contribute to a sense of confinement or intrusion to the western adjoining lot, given the minor nature of the variation.
- Setback variations contain minor openings and do not result in any loss of privacy or overlooking to the adjoining property

- Due to the orientation of the site, there will be no impact on access to direct sun, ventilation and shadow cast to the adjoining property, as a result of the proposed setback variations.

(e) **Boundary walls (east and west)**

Element	Deemed-to-comply	Proposed
<b>Unit 1 - Eastern boundary wall</b>		
Family and dining room	Maximum height – 3.5 metres Average height – 3.0 metres Maximum length – 25.4 metres Street setback – 2.0 metres	Maximum height – 4.5 metres Average height – 4.45 metres Maximum length – 9.8metres Street setback – 3.31 metres
<b>Unit 4 – Western boundary walls</b>		
Entry to porch	Maximum height – 3.5 metres Average height – 3.0 metres	Maximum height – 3.9 metres Average height – 3.85 metres Maximum length – 4.43 metres
Bed 2	Maximum length - 25.4 metres	Maximum height – 3.9 metres Average height – 3.9 metres Maximum length – 4.46 metres
Garage		Maximum height – 3.3 metres Average height – 3.2 metres Maximum length – 6.32 metres

The variations are considered to satisfy the relevant design principles 5.1.3 P3.2 of the R-Codes and clause 2 of Council Policy P350.2 for the following reasons:

Eastern boundary wall (Unit 1)

- The proposed Family – Dining boundary wall abuts the driveway and an existing garage boundary wall at No. 8 Hopetoun Street and is therefore not considered to have a significant building bulk impact.
- This boundary wall does not result in any shadow cast to the adjoining neighbours’ outdoor living area or major openings. The two storey dwelling at No. 8 Hopetoun Street is setback 2.8m from the proposed shared boundary, which allows for sufficient ventilation and direct sun access to the dwelling.
- There are no visual privacy concerns raised, as there are no major openings proposed along this boundary.
- The boundary wall is behind the street setback line being setback approximately 2.46 metres from Hopetoun Street and the proposed boundary wall is compatible with the existing streetscape.
- The focus area is characterised by several properties with boundary walls to garages. The proposed boundary wall will not have a detrimental impact on the character of the street.

Western boundary walls (Unit 4)

Entry to Porch

- The proposed Entry to Porch boundary wall abuts dense vegetation and portion of the front outdoor courtyard area at No. 2 Hopetoun Street. The length of the wall at this location being 4.4 metres is not considered to have bulk impact.

- Due to the orientation of the lot, the boundary walls do not result in any shadow cast on to the adjoining neighbours dwelling. The two storey dwelling at No. 2 Hopetoun Street is setback 3 metres from the common boundary, which allows for sufficient ventilation and direct sunlight to the dwelling.
- There are no visual privacy concerns as a result of the boundary walls, as there are no major openings proposed along this boundary.
- The Entry to Porch boundary wall with a 6.7m setback is located well behind the street setback line and therefore contributes to minimising the impact of the wall on the prevailing streetscape.
- In addition, the focus area is characterised by several properties with boundary walls to garages. The proposed boundary wall will not have a detrimental impact on the character of the street.

#### Bed 2 and Garage

- Proposed Bed 2 and Garage boundary walls abut dense vegetation at the rear backyard of the adjoining property.
- Due to the orientation of the lot, the boundary walls do not result in any shadow cast to the adjoining neighbours dwelling. The two storey dwelling at No. 2 Hopetoun Street is setback 3 metres from the common boundary, which allows for sufficient ventilation and direct sunlight to the dwelling.
- There are no visual privacy concerns as a result of the boundary walls, as there are no major openings proposed along this boundary.
- The boundary walls are situated towards the rear of the property and are not visible from the Street.

#### (f) Open space (Unit 3)

Element	Deemed-to-comply	Provided
Open Space	40% of each lot - Unit 3 (122m <sup>2</sup> )	<u>Proposed</u> • Unit 3 (89m <sup>2</sup> = 31%)

The variations are considered to satisfy the relevant design principles 5.1.4 P4 of the R-Codes for the following reasons:

- There are multiple areas of open space pockets accessible for use from unit 3 including a roof deck, and first floor balcony which also addresses the street.
- Solar access meets the deemed-to-comply requirements of the R-Codes.
- The outdoor living areas and light wells have access to northern sunlight and are well ventilated.
- The external fixtures and facilities of the dwelling are concealed appropriately and will not detract from the streetscape.
- The dwelling is within 250 metres of Sir James Mitchell Park and the South Perth foreshore. These parks are readily available for the access and use of residents occupying the dwellings.

## (g) Outdoor living areas

Element	Deemed-to-comply	Proposed
Outdoor Living Area (OLA)	<p>OLA to be provided:</p> <ul style="list-style-type: none"> <li>• In accordance with Table 1 (16m<sup>2</sup>);</li> <li>• Behind street setback area;</li> <li>• Directly accessible from a habitable room of the dwelling;</li> <li>• Minimum length and width dimension of 4m;</li> <li>• At least two- thirds of the required area without permanent roof cover (10.6m<sup>2</sup>).</li> </ul>	<p><u>Unit 1</u></p> <ul style="list-style-type: none"> <li>• 37m<sup>2</sup> collectively (ground floor).</li> <li>• 33m<sup>2</sup> collectively uncovered.</li> <li>• Minimum dimensions met.</li> <li>• Not directly accessible from a habitable room.</li> </ul> <p><u>Unit 2</u></p> <ul style="list-style-type: none"> <li>• 30m<sup>2</sup> collectively.</li> <li>• 23m<sup>2</sup> collectively uncovered.</li> <li>• Minimum dimensions met.</li> <li>• Not directly accessible from a habitable room.</li> </ul> <p><u>Unit 3</u></p> <ul style="list-style-type: none"> <li>• 40m<sup>2</sup> collectively.</li> <li>• 27m<sup>2</sup> collectively uncovered.</li> <li>• Minimum dimensions met.</li> <li>• Not directly accessible from a habitable room.</li> </ul> <p><u>Unit 4</u></p> <ul style="list-style-type: none"> <li>• 35m<sup>2</sup> collectively.</li> <li>• 26m<sup>2</sup> collectively uncovered.</li> <li>• Minimum dimensions met.</li> <li>• Not directly accessible from a habitable room.</li> </ul>

The applicant is seeking to vary the outdoor living area requirements for each unit, by proposing roof terraces for each dwelling as the designated outdoor living area. The variations are considered to satisfy the relevant design principles 5.3.1 P1.1 of the R-Codes for the following reasons:

- Each roof top terrace is easily accessible via a lift or stairs and are a minimum of 30sqm with a maximum of 40sqm, which collectively exceed the minimum outdoor living area required for each dwelling by approximately 20sqm.
- The roof terraces are north orientated, portions of the deck are uncovered and are therefore open to winter sun and ventilation.
- Multiple additional outdoor living spaces have been provided within each dwelling that are capable of use in conjunction with a habitable room. These areas include central courtyard areas on the ground floor and street facing courtyards & balconies.
- It is also noted that the subject site is within 250 metres of Sir James Mitchell Park and the South Perth foreshore, which are readily available for access and use by residents.

(h) Visual privacy

Element	Deemed-to-comply	Provided
Unit 1 – Eastern boundary: Roof Deck	6 metres	1.7 metres
Unit 4 – Western boundary: Roof deck	6 metres	1.3 metres

The proposed visual privacy variations to the east and west boundaries are considered to satisfy the relevant design principles of Clause 5.4.1 P1.1 of the R-Codes for the following reasons:

- There is a portion of overlooking from the balconies on the first floor and the roof deck of units 1 and 4 onto the adjoining properties behind the street setback area. These portions do not overlook any habitable rooms, outdoor living areas or sensitive spaces.
- The outdoor living area of the neighbouring property to the eastern boundary (No. 8 Hopetoun Street) is adjacent to a driveway and portion of garage partially located within the street setback area therefore there are no sensitive areas being overlooked.
- The outdoor living area of the neighbouring property to the western boundary (No. 2 Hopetoun Street) is adjacent to dense vegetation and is not currently visible from the street due to existing solid fencing. There are no habitable rooms, or outdoor living areas being overlooked.

(i) External fixtures, utilities and facilities

Element	Deemed-to-comply	Provided
Store room: Units 2, 3 and 4	An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum of 1.5m when provided external to a garage and 1m when provided within a garage and an internal area of at least 4m <sup>2</sup> , for each grouped dwelling	Accessible internally from the dwelling.

The variations are considered to satisfy the relevant design principles 5.4.4 P4.2 of the R-Codes for the following reasons:

- The store rooms are considered accessible in conjunction with the dwelling and are situated with the garage space, which allows entry through the large garage door.
- The storerooms meet the minimum width and area as prescribed by the R-Codes.
- The storerooms are screened from public view and are able to be secured and managed by the occupant.

(j) 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.



**(k) Clause 67 Matters to be considered by Local Government – Planning and Development (Local Planning Schemes) Regulations 2015**

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****(l) 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, a total of 54 consultation/information notices were sent, with relevant property owners, occupiers and/or strata bodies being invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, five submissions were received. The comments from the submitters together with an officer response are provided in the table below. The applicant's responses can be found at **Attachment (d)** of this report.

Submitters' Comments	Officer's Responses
<b>Building Height</b>	<ul style="list-style-type: none"> <li>The proposed complies with the permitted Building Height Limit of 10.5 metres.</li> </ul>
<b>Boundary Walls</b> <ul style="list-style-type: none"> <li>Limited information of finishes and textures to boundary walls</li> <li>Boundary fencing height on eastern side (unit 1)</li> </ul>	<ul style="list-style-type: none"> <li>For the reasons outlined in the report, the boundary walls are considered to satisfy the applicable design principles in respect to building bulk.</li> <li>A material schedule has been included as a condition of this report.</li> <li>In accordance with City's Street Walls and Fences Policy P350.07 the boundary fencing is measured at 1.8 metres in height from the higher ground level between both adjoining properties.</li> </ul>
<b>Visual Privacy</b> <ul style="list-style-type: none"> <li>U1 Eastern window first floor lobby</li> <li>Roof decks</li> <li>U3 and U4 Master bedrooms</li> </ul>	<ul style="list-style-type: none"> <li>The walkway adjacent to the stairs on the first floor is not considered a major opening and therefore visual privacy constraints do not apply. However, the applicant has amended the plans to provide obscure glazing to address this concern.</li> <li>The applicant has amended plans to incorporate screening to the east and western boundaries of units 1 and 4 to meet deemed to comply requirements of the R-Codes.</li> <li>There is a small portion of overlooking situated behind the street setback line however this is considered to meet the design principles of section 5.4.1 of the R-Codes, as noted in section (h) of this report.</li> </ul>

<b>Over Development of Site</b>	<ul style="list-style-type: none"> <li>The development is proposed at a density which is appropriate to the City's TPS6 and R-Codes.</li> <li>As discussed earlier in the report, the open space and outdoor living variations are considered to satisfy the applicable design principles.</li> </ul>
<b>Overshadowing Impact</b>	<ul style="list-style-type: none"> <li>The proposed development complies with the overshadowing requirements of the R-Codes.</li> </ul>
<b>Traffic Impact</b> Increased traffic along the Right of Way and limited street parking	<ul style="list-style-type: none"> <li>The proposed development complies with the car parking requirements of the R-Codes and City's Local Policy P350.03.</li> <li>The vehicular access and subsequent traffic generated to the right of way is considered acceptable. The development enables forward egress for vehicles exiting the internal laneway.</li> <li>Further to the above general planning principles state preference for primary vehicular access to be serviced via a private laneway, in lieu of a public street.</li> </ul>

**(m) City of South Perth Design Review Panel Comments**

The proposal was referred to the City of South Perth Design Review Panel (DRP) as a formal application in June and September 2020 and subsequently October 2020. The applicant incorporated many suggested improvements through amended plans, which were supported by the City's DRP. The minutes from the Design Review Panel meeting are contained in **Attachment (d)** of this report.

It is acknowledged the applicant sought to achieve Liveable Housing Australia Silver accreditation for each unit **Attachment (c)** whereby units could promote aging in place. Although not a requirement for this proposal the applicant was able to achieve the silver accreditation for 3 of the 4 units proposed.

**(n) Assets and Design**

Infrastructure Services were invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. Accordingly, planning conditions and important notes are recommended to address issues raised by this business unit.

**(o) Urban Design**

The City's Urban Design Officer provided comments with respect to the proposed landscaping plans. Landscaping advice was provided to the applicant in this respect and an approval has been recommended with conditions.

**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

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of approval, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

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

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun, whilst adequately meeting relevant sustainability provisions. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours and streetscape. Notwithstanding the number of areas of the development seeking discretion, it is considered that the applicant has adequately addressed a number of variations including open space, setbacks, visual privacy by amended plans and relevant justification. Additionally, the site is being developed to a density compliant with the City's Town Planning Scheme No. 6 and R-Codes. Accordingly, it is recommended that the application should be conditionally approved.

### Attachments

- 10.3.2 (a): Amended Development Plans
- 10.3.2 (b): Site Photographs
- 10.3.2 (c): Applicant Report, Summary of Neighbour Submissions and Liveable Housing Report
- 10.3.2 (d): Amended Design Review Panel Minutes

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - November 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-92703
Meeting Date:	15 December 2020
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 November 2020 and 30 November 2020 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(463)	\$3,459,088.57
Cheque Payment to Creditors	(6)	\$1,843.65
<b>Total Monthly Payments to Creditors</b>	<b>(469)</b>	<b>\$3,460,932.22</b>
EFT Payments to Non-Creditors	(88)	\$107,069.79
Cheque Payments to Non-Creditors	(20)	\$16,515.37
<b>Total EFT &amp; Cheque Payments</b>	<b>(577)</b>	<b>\$3,584,517.38</b>
Credit Card Payments	(8)	\$20,290.39
<b>Total Payments</b>	<b>(585)</b>	<b>\$3,604,807.77</b>

1220/207

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

That Council receives the Listing of Payments for the month of November 2020 as detailed in **Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### 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 is made and the transaction completed 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 November 2020 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.

10.4.1 Listing of Payments - November 2020

**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 2020-2030](#):

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

**Attachments**

10.4.1 (a): Listing of Payments November 2020

## 10.4.2 Monthly Financial Statements - November 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-92709
Meeting Date:	15 December 2020
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 **Attachments (a)–(i)**, with high level analysis contained in the comments of this report.

**1220/208**

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

That Council notes the Financial Statements and report for the month ended 30 November 2020.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

### 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 2020/21 budget adopted by Council on 7 July 2020, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains only the Original Budget. A Revised (adjusted) Budget has not been presented as no budget adjustments have been presented to Council for approval.

### 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.

On 11 March 2020, the World Health Organisation declared COVID-19 a pandemic, first and foremost a global health crisis, followed by a world economic crisis, with Australia now being regarded as officially coming out of recession. Council adopted a range of measures to support the community at its Special Council Meeting on 21 April 2020, as well as those contained within the Annual Budget 2020/21, adopted 7 July 2020. The full extent of the 2020/21 financial impact remains unclear. The State Government extended the emergency period and it is now 30 March 2020 to 28 March 2021, concerns regarding a second wave are still present, with interstate travel restrictions cautiously eased.

Actual income from operating activities for November year-to-date (YTD) is \$50.83m in comparison to budget of \$49.72m, favourable to budget by 2.2% or \$1.10m. Actual expenditure from operating activities for November is \$24.83m in comparison to budget of \$25.90m, favourable to budget by 4.1% or \$1.06m. Slower activity in the first half of the financial year are common, as the year progresses this variance will reduce. The November Net Operating Position of \$25.99m was \$2.16m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.22m in comparison to the budget of \$1.32m. Actual Capital Expenditure YTD is \$2.34m in comparison to the budget of \$5.80m. Timing variations are mainly responsible for the variances included in the above, spending typically accelerates in the second half of the year, as projects move from the design and procurement phase to construction. 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 may be a number of Capital projects that may require a Budget adjustment during the midyear review process.

Cash and Cash Equivalents amounted \$68.63m. Effectively the same level as the prior year comparative period. Payment trends are similar to previous years, with spending being sluggish in the first half of the year. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.43% for investments under 12 months. 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 Investment of Surplus Funds being met. Currently the City holds 23.87% 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 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 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 2020-2030](#):

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

### 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 City of South Perth Annual Financial Report 2019/20

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-66727
Meeting Date:	15 December 2020
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 Council adopt the 2019/20 Annual Financial Report, accept the Independent Auditor's Report and the Office of the Auditor General Exit Brief.

#### 1220/209

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor André Brender-A-Brandis

That Council:

1. Adopts the Annual Financial Report shown at **Attachment (a)**;
2. Accepts the Independent Auditor's Report on the 2019/20 Annual Financial Report presented by the WA Auditor General included in the Annual Financial Report **Attachment (a)**;
3. Accepts the WA Auditor General Annual Financial Audit Exit Brief **Confidential Attachment (b)**; and
4. Requests the Mayor write to the Minister and Director General of the Department of Local Government, Sport and Cultural Industries outlining the City's displeasure at the poor practice of late and retrospective amendments to Financial Management Regulations.

**CARRIED BY ABSOLUTE MAJORITY (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### Background

The City's usual practice is to provide the Annual Financial Report, Independent Auditor's Report and the Audit Exit Brief to the Audit, Risk and Governance Committee (ARGC) to consider prior to presenting these to the Agenda Briefing, then the Ordinary Council Meeting (OCM). Although not a legislative requirement, this practice accords with the Department of Local Government, Sport and Cultural

Industries (DLGSCI) Operational Guidelines Number 9, recommending the CEO submit the external audit and Financial Report to the ARGC for review.

Due to delay in the gazettal of Financial Management Regulation amendments, the City was unable to follow the usual sequence and as such the ARGC will meet on 14 December 2020, the day prior to the December OCM and six days after the Agenda Briefing.

The WA Auditor General has conducted the external audit for the past three financial years, with the City of South Perth being one of the first (of three) councils in WA. As in previous years, attached are the Annual Financial Report (commonly referred to as the Annual Financial Statements) which this year encloses the Independent Auditor's Report (previously a separate attachment) and the Confidential Annual Financial Audit Exit Brief. The Annual Financial Audit Exit Brief at Part 3 titled "Issues Identified during the Audit" references two items reported to the ARGC on 8 September 2020 as part of the Interim Audit Report. It also describes that the additional Information Systems Audit is not yet finalised, therefore it will be submitted to the following ARGC meeting. The WA Auditor General is satisfied that the outcome of the Information Systems Audit does not alter the Annual Financial Report audit opinion.

Part 5 of the Exit Brief describes unadjusted errors and misstatements, these being immaterial and do not have an impact on the City's Annual Financial Report. The WA Auditor General has once again issued an unqualified opinion in the Independent Auditor's Report.

As briefly described above, in relation to meeting sequencing, amendments to the Local Government (Financial Management) Regulations 1996 were gazetted on the 6 November 2020, which is unusual in that the changes were retrospective being effective from 1 July 2019. These amendments affected the valuation of local government owned assets and modified the application of Australian Accounting Standards Board (AASB) 16 Leases, issued in February 2016, becoming effective for reporting periods commencing on or after 1 January 2019.

AASB 16 and the amendments to the Regulations impacts how local governments report on leases and the associated right of use assets (assets controlled but not owned), which includes vested land and infrastructure on the vested land. Examples applicable to the City are the Collier Park and Royal Perth Golf Courses. Where there is inconsistency between the AASB and Regulations, the Regulations take precedence, therefore the amendments to figures and notes contained within the Annual Financial Report required modification.

The gazettal of the amendments 17 months after the adoption of the 2019/20 Annual Budget resulted in the City, as well as every other WA Local Government, preparing Annual Financial Statements with significant uncertainty and undue delay. The City prepared the Annual Financial Statements assuming gazettal of the Financial Management Regulations, amending Regulations 16 and 17, however also undertook work to consider how the Financial Report would be altered if the gazettal did not occur. Further, the WA Auditor General was not able to issue an opinion nor attend various WA Council's Audit Committees.

These circumstances placed staff, both City and WA Auditor General, under significant undue pressure requiring additional preparation and audit work. Further, it made it more difficult to arrange the ARGC meeting to ensure the WA Auditor General was available to present their report. The disappointing feature

was that it was entirely preventable. The WA Auditor General brought this to the attention of the Department over a year ago.

In addition, changes to the mandatory introduction of Accounting Standards occur with a long lead-time provided by the Australian Accounting Standards Board.

Unfortunately, the poor administration of Financial Management Regulation changes has occurred for some time. On 26 June 2018, four days before the commencement of the new financial year, Financial Management Regulations amendments excluded assets with a fair value below \$5,000 at the date of acquisition. The City's draft Annual Budget 2018/19 was finalised in early June, well before the change, with budget adoption occurring on the same day as gazettal. This change had a significant impact on the Annual Budget and the Annual Financial Report during 2018/19, requiring a considerable amount of work to quantify accurately and to report on the resulting variances against the adopted original budget.

The DLGSCI's poor administration of Financial Management Regulation changes, together with the retrospective nature, requires attention. Therefore, officers recommend that the Mayor write to the Minister and DLGSCI outlining the City's displeasure at the poor administration of Financial Management Regulation changes, requesting gazettal three months prior to commencement of the financial year to which they relate. That WALGA and Local Government Professionals WA be included in the correspondence, requesting they commence lobbying to ensure a meaningful dialogue prior to any amendments.

Officers recommend that Council accept the Annual Financial Report, for presentation to the Electors' General Meeting as part of the Annual Report.

### Comment

The 2019/20 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 Annual Budget 2019/20 as the short term plan informed by the vision and strategic objectives outlined in the City's Strategic Community Plan 2020-2030.

Included in the Annual Financial Report **Attachment (a)** pages 2 and 3, is the Independent Auditor's Report on the 30 June 2020 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 (b)**.

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 Electors' General Meeting, scheduled for 6.00pm Monday 8 February 2021.

### 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 Act 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 2020-2030](#):

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): Annual Financial Report for the year ended 30 June 2020  
10.4.3 (b): Annual Financial Audit Exit Brief (*Confidential*)

#### 10.4.4 City of South Perth Annual Report 2019/20

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-85754
Meeting Date:	15 December 2020
Author(s):	Lisa Williams, Communications and Marketing 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

This report recommends that Council accept the 2019/20 Annual Report and hold the Electors' General Meeting on Monday 8 February 2021.

#### 1220/210

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor Blake D'Souza

That Council:

1. Accepts the City of South Perth Annual Report for the year 2019/20; and
2. Endorses the 2020 Electors' General Meeting to be held Monday 8 February 2021.

**CARRIED BY ABSOLUTE MAJORITY (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### Background

Each year Council is required to accept the City of South Perth Annual Report. Once accepted by Council, the Annual Report is to be published on the City's official website within 14 days and presented to an Electors' General Meeting within 56 days of Council accepting the report. The City of South Perth Annual Report will also be available in hard copy format at the City's Administration Centre and both City Libraries.

#### Comment

The City of South Perth Annual Report 2019/20 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 2020-2030. The Annual Report also contains information on the City's achievements and challenges and key targets for the year ahead.

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

Once the Annual Report and annual financial statements are accepted by Council it is proposed to hold the Electors' General Meeting on Monday 8 February 2021.

### 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.

Section 5.27 of the *Local Government Act 1995* requires an Electors' General Meeting to be held once every financial year on a day selected by the local government but not more than 56 days after the local government accepts the annual report.

### Financial Implications

The costs associated with the Annual Report and holding the Electors' General Meeting are contained within the City's 2020/21 Operating Budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

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

### Attachments

**10.4.4 (a):** Annual Report 2019/20

## 10.4.5 City of South Perth Public Places and Local Government Property Local Law Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-90060
Meeting Date:	15 December 2020
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 responds to Council's resolution made at the October 2020 Council meeting that the proposed City of South Perth Public Places and Local Government Property Local Law be further amended to allow for swings on verge trees.

### 1220/211

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin  
**Seconded:** Councillor Mary Choy

That Council gives Statewide and local public notice stating that it proposes to amend the City of South Perth Public Places and Local Government Property Local Law 2011 as contained in **Attachment (c)**.

#### CARRIED BY EXCEPTION RESOLUTION (9/0)

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

### 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 Public Places and Local Government Property Local Law 2011 was published in the Government Gazette on 18 October 2011 and commenced on 1 November 2011. The Local Law deals with the use of property under the City's care, control and management such as reserves, libraries, halls etc.

Not long after Gazettal, the Delegated Legislation Committee wrote to the City advising that clause 4.7 of the Local Law needed to be deleted as it was invalid on the grounds of unreasonableness. A small typographical error was also identified that needed amending.



In December 2011, the City gave the Delegated Legislation Committee a written undertaking to make the amendments as advised. In March 2012 the City resolved to make the changes and an amendment local law was gazetted on 26 March 2012. The renumbering of affected clauses was not considered during this amendment.

In 2016, an amendment was proposed to the Local Law to regulate the operation of drones from City property. However, Council resolved in November 2016 not to progress with the amendment as drones are generally governed by Federal Government legislation and the Civil Aviation Safety Authority.

At the Ordinary Council meeting held 15 October 2019, Council endorsed the City commencing the process of reviewing the City of South Perth Public Places and Local Government Property Local Law 2011. On 14 November 2019, the City gave statewide and local public notice that it proposed to amend the local law. The submission period for public consultation closed on 3 January 2020 and no submissions were received at that time. A short time later, it was identified that further minor amendments may be needed. Therefore, it was decided to recommence the local law making process and re-invite submissions from the public.

It was also determined that the other minor amendments were not necessary and that following advice given by the Department of Local Government, Sport and Cultural Industries on another local law, it was decided that the renumbering of clauses as proposed to the 15 October 2019 Council Meeting was not necessary either. Therefore, the proposed City of South Perth Public Places and Local Government Property Local Law 2011 **Attachment (b)** was presented to the Council Meeting held 27 October 2020 for adoption.

At that meeting, Council resolved as follows:

*That the proposed City of South Perth Public Places and Local Government Property Local Law be further amended to allow for swings on verge trees.*

### Comment

To allow for swings on verge trees, the most appropriate section of the City of South Perth Public Places and Local Government Property Local Law 2011 (local law) to govern this would be Part 6.

Part 6 of the local law deals with activities in 'streets' (including verges). Clause 6.1 sets out general prohibitions, one of which is that a person must not –

*(e) unless at the direction of the CEO or an authorised person, damage, remove or interfere with any part of a street, or any structure erected on a street, by the Local Government or a person acting under the authority of a written law.*

Placing or erecting swings on verge trees may constitute an interference with any part of a street. That is, being a tree growing on a verge which is deemed to be part of a street. On that basis, it would be prohibited 'unless at the direction of the CEO or an authorised person'. However, the City has received legal advice, which detailed in general terms, that the exception in clause 6.1(e) would not cover a situation where approval was being sought for a swing to be erected or placed on a verge tree.

The advice further stated that, if Council wished to allow swings on verge trees adjacent to people's properties, then the local law would need to be further amended to reflect this.

To consider the approach taken by other Councils, the City has undertaken a review of a number of metropolitan local governments. This review has highlighted that a number of local governments permit swings on verge trees, for example, the City of Cockburn, the Town of Cottesloe, the Town of Cambridge and the Town of Vincent, although they have all approached the management of them in a different manner. In addition, some local governments have also allowed for other street tree attachments such as rope ladders, tree houses, decorations and lighting.

When the City of Vincent considered the issue of swings on verge trees, they sought comment from Western Power to ensure that street tree attachments did not compromise any of their infrastructure. Western Power suggested a number of guidelines including that:

- Street tree attachments must be setback and provide clear access to any infrastructure/service located on the verge
- Street tree attachments should be fitted to tree branches of safe and suitable dimensions
- Street tree attachments must be constructed of durable material, securely installed and so that annual pruning requirements are able to be undertaken when required
- Street tree attachments must provide a minimum 0.5 metre setback from the face of the kerb
- Street tree attachments shall not swing or protrude into and must not be able to swing or protrude into the space immediately above any road carriageway or path for pedestrians or cyclists.

To allow swings on verge trees, other local governments also considered liability and insurance implications. The City has also considered this issue and previously in 2019, wrote to LGISWA (our insurers) requesting advice in relation to play equipment on street trees. LGISWA then provided a copy of their article from the June 2018 edition of Risk Matters (**Attachment (a)**) in which they embraced verge activation and provided a number of considerations. This included:

- What treatments were being proposed (e.g. swings, gardens, other play equipment) and how would this impact on the area?
- Would appropriate lines of sight and set back distances be impacted?
- What impact would verge activation have on disability access?
- How will local governments ensure that structures are compliant?

This information was provided to the City with the advice that if we were to accept play equipment on trees, the City needed to have some formal guidelines and a policy detailing the City's requirements to mitigate any risks.

In November 2020, the City again wrote to LGISWA regarding street tree swings requesting further advice. LGISWA advised that:

*There would appear to be 3 options currently available to Council at this point as follows:*

*Leave things as they are.*

*Aside from issues of public safety, particularly relating to children, if matters are left as is and an incident arises that gives rise to a claim against Council (for a personal injury for example), any attempts to legally defend a claim could be compromised as detailed above.*

*Remove all structures.*

*This is an option. It is noted that Council will only exercise this option if there has been a complaint by a member of the public.*

*Implement a permit system.*

*The Local Law does make provision for a permit to be requested from Council to install verge treatments.*

LGISWA advised that by leaving things as they are, without invoking our statutory powers in managing local government property, the City (inevitably) would have some difficulty in relying on any defence provisions should a public liability claim be made. The significance is a potential increase in claim frequency, severity, investigation and defence costs to the City. This could affect the City's overall claims history and negatively deteriorate our rating resulting in increased liability contributions.

The second option is to remove all structures if a complaint has been made by a member of the public. This is the City's current position.

The third option for Council to consider is implementing a permit system. Officers then contacted the City's solicitor who has advised that the way the City's local law was currently worded, it did not allow for a permit to be issued for street tree swings under the verge treatment provisions. Therefore, changes would need to be made to the local law to permit this activity.

Therefore, to permit swings on verge trees requires paragraph (e) of clause 6.1 of the local law to be reworded to the following:

A person must not –

- (e) damage, remove or interfere with any part of a street, or any structure erected on a street by the Local Government or a person acting under the authority of a written law, unless –
  - (i) at the direction of the CEO or an authorised person; or
  - (ii) in the case of a swing on a street tree, with the written approval of the CEO or an authorised person

The suggested change to clause 6.1(e) would not allow other attachments to street trees such as tree houses.

Making the suggested amendments to this clause would then allow for a policy to be developed, as suggested by LGISWA, that can stipulate certain conditions (such as those suggested by Western Power above).

To change clause 6.1(e) as suggested, the City would be required to commence the local law making process again. This is a simple process and would bring the local law into compliance with the *Local Government Act 1995*, the *Public Health Act 2016*, and allow for street tree swings.

The purpose and effect of the proposed local law would be as follows:

**Purpose:** to make amendments to the City of South Perth Public Places and Local Government Property Local Law 2011 which regulates the care, control and management of property of and under the care, control and management of the City.

**Effect:** Some City of South Perth property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on City property.

To commence the local law making process again, it will be necessary for the City to give further Statewide and local public notice of its intent to amend the City of South Perth Public Places and Local Government Property Local Law 2011 and invite submissions on the proposed amendments for a period of no less than six weeks after the notice is given. Following this community consultation process, the proposed local law will be presented back to Council for further consideration before it can be adopted.

#### **Consultation**

Further public consultation will be required to consider the amendments to allow swings on verge trees.

#### **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 2020/21 operating budget.

#### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

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

#### **Attachments**

<b>10.4.5 (a):</b>	LGIS article - Risk Matters
<b>10.4.5 (b):</b>	Previous amendments present to Council 27 October 2020
<b>10.4.5 (c):</b>	Proposed Public Places and Local Government Property Amendment Local Law

## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 Chief Executive Officer's Key Performance Indicator Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-92912
Meeting Date:	15 December 2020
Author(s):	Pele McDonald, Manager Human Resources
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 seeks the CEO Evaluation Committee's consideration of the Chief Executive Officer's Key Performance Indicator Report, November 2020.

#### 1220/212

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Mary Choy

That the CEO Evaluation Committee recommends to Council that it receive the Chief Executive Officer's Key Performance Indicator Report, November 2020.

#### CARRIED BY EXCEPTION RESOLUTION (9/0)

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### Background

In June 2019, Council endorsed the Chief Executive Officer Performance Evaluation Process for the 2019/20 period. Part of this process involved the consideration of the Chief Executive Officer's Key Performance Indicator Report by the CEO Evaluation Committee. It was agreed between the Mayor and Chief Executive Officer in early 2020 that the performance evaluation meeting would be delayed due to the global health pandemic and the extension of the Chief Executive Officer's contract.

#### Comment

The Chief Executive Officer has prepared a Key Performance Indicator Report, for the period ending 30 November 2020 shown at **Confidential Attachment (a)**.

The CEO will speak to the Report and present observations that draw from the fulfilment of his tenure of the contract period. The presentation contained in **Confidential Attachment (b)** reflects observations made at the commencement of the CEO's employment and is distributed as background material.

### Consultation

This report has been prepared in consultation with the City's Leadership Team.

### Policy and Legislative Implications

The Local Government (Administration) Regulations 1996 provides:

18D. Performance review of CEO, local government's duties

*A local government is to consider each review on the performance of the CEO carried out under s5.38 and is to accept the review, with or without modification, or to reject the review.*

Clause 5.38 and 5.39 (3) of the *Local Government Act 1995* provides that there must be specified contract performance criteria for the purpose of reviewing the performance of the Chief Executive Officer at least once in relation to every year of employment.

### Financial Implications

Nil.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Continue to build a high performance leadership culture to deliver community priorities

### Attachments

- 10.7.1 (a):** Key Performance Indicator Report for the period ending 30 November 2020 (*Confidential*)
- 10.7.1 (b):** Presentation (*Confidential*)

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 24 December 2020 to 31 December 2020 inclusive, 9 January 2021 to 30 January 2021 inclusive and 16 February 2021 to 20 February 2021 inclusive.
- Councillor André Brender-A-Brandis for the period 24 December 2020 to 1 January 2021 inclusive.
- Councillor Stephen Russell for the period 24 December 2020 to 1 January 2021 inclusive.
- Councillor Samantha Bradder for the period 24 December 2020 to 10 January 2021 inclusive.

**1220/213**

### **COUNCIL DECISION**

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Mary Choy

That Council approves the Leave of Absence applications received from:

- Councillor Glenn Cridland for the period 24 December 2020 to 31 December 2020 inclusive, 9 January 2021 to 30 January 2021 inclusive and 16 February 2021 to 20 February 2021 inclusive.
- Councillor André Brender-A-Brandis for the period 24 December 2020 to 1 January 2021 inclusive.
- Councillor Stephen Russell for the period 24 December 2020 to 1 January 2021 inclusive.
- Councillor Samantha Bradder for the period 24 December 2020 to 10 January 2021 inclusive.

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

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

### 12.1 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - INVESTIGATION OF THE CITY'S PROPERTY PORTFOLIO

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-95030
Meeting Date:	15 December 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

Councillor Ken Manolas submitted the following Notice of Motion prior to the Council Agenda Briefing held 8 December 2020.

1220/214

#### COUNCIL DECISION

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Mary Choy

That the City undertake an investigation of its property portfolio to identify potential opportunities to optimise community usage and financial sustainability of its property assets and that a future report be presented to Council through the Property Committee.

**CARRIED (9/0)**

**For:** Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

#### Background

Prior to the Council Agenda Briefing of 8 December 2020, Councillor Ken Manolas submitted a Notice of Motion that requested the City to investigate its property portfolio to identify potential opportunities to optimise community usage and financial sustainability of its property assets and that a future report be presented to Council through the Property Committee. The reason given for the Notice of Motion was that the investigation may identify additional potential partnering opportunities to be considered within the proposed Recreation and Aquatic Facility (RAF) prior to the project transitioning from the concept design phase to detailed design.



**Comment**

If Council approves the Notice of Motion, Officers will undertake an investigation of its property portfolio as requested and a report will be submitted to the Property Committee Meeting scheduled to be held 9 February 2021.

**Consultation**

Nil.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected and safe and engaged community
Outcome:	Community infrastructure
Strategy:	Manage the provision, use and development of the City’s properties, assets and facilities

**Attachments**

Nil

## 12.2 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - RENAMING OF THE "BLACK SWAN HABITAT"

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-94509
Meeting Date:	15 December 2020
Author(s):	Councillor Stephen Russell
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

### Summary

Councillor Stephen Russell has submitted the following Notice of Motion.

### Notice of Motion

I move that:

1. The Council requests the CEO to ensure that the "Black Swan Habitat" project be referred to and be named as the "Black Swan Habitat", rather than the "Waterbird Refuge" or any other reference and / or name.
2. To ensure no delay to the award and the works under Tender 13/2020 "Provision of Waterbird Refuge" or any other contracts prior, then Item 1 is not applicable to such.

### Reasons for the Motion:

As background, asked why the reason for the name change the City advised "The reason for the name change was at the request of the DBCA (Department of Biodiversity, Conservation and Attractions), who wanted the project to better reflect what it will be used for – as a refuge for all waterbirds and not just the Black Swan". The City has noted that it is its intention to update the name to "Waterbird Refuge" at the mid-year CAPEX review.

I strongly disagree with this name change for the following reasons:

1. The origin of the Black Swan Habitat project was a year 2000 study report titled "Bringing Back the Swans" which was commissioned by the State Government at that time, through the Water & Rivers Commission and the Swan River Trust. The primary objectives of this study were to establish, where viable, Black Swan nesting, feeding and roosting sites on the Swan River and to encourage human appreciation and interaction with the Black Swan. The report does state that the fulfilment of these primary objectives represents an initial step to restoring the river as a habitat for all waterbirds in general. However, this should be considered as a beneficial by-product in meeting the key objective of "Bringing Back the Swan". For the DBCA to now request and for the City to endorse the renaming of the "Black Swan Habitat" to the "Waterbird Refuge" is inconsistent with the primary objectives of this study.

2. This study report was referenced and its principals to bring back the swan, were presented to Council at an internal workshop and subsequently discussed at length with the DBCA during a site visit. On this basis Council made an informed decision to commit to \$850k capital works in the 20/21 budget for the “Black Swan Habitat” project. For the DBCA to now request and for the City to endorse the renaming of the “Black Swan Habitat” to the “Waterbird Refuge” without any Council consultation, is in my opinion treating the Council’s decision making and therefore the Council with indifference.

In conclusion, Council in partnership with the State Government, has committed approximately \$1.5M to this project to meet the objectives of the year 2000 “Bringing Back the Swan” study. The objective of this investment is not “Bringing Back the Cormorant” or “Bringing Back the Australian Pied Oystercatcher”, or “Bringing Back the Red-Capped Plover”. No matter how lovely these or indeed any other waterbirds may be, it is the Black Swans we are investing in to ensure their lasting significance to the Swan River. Hence, in my opinion to rename the “Black Swan Habitat” to the “Waterbird Refuge” misrepresents the Council’s decision making in committing to its capital investment and indeed over time a name change will distort the reasons for this project.

**Officer Comment:**

An officer’s report addressing the Notice of Motion will form part of the February Council Agenda Briefing Agenda to allow Councillors to make an informed decision.

**Attachments**

Nil

### 12.3 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND - TRANSPARENCY, ACCOUNTABILITY AND BETTER PUBLIC REPORTING ON ELECTED MEMBERS

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-95017
Meeting Date:	15 December 2020
Author(s):	Councillor Glenn Cridland
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

Councillor Glenn Cridland has submitted the following Notice of Motion.

#### Notice of Motion

That Council requests the Chief Executive Officer to arrange for:

1. The Administration to prepare a report (“the report”) of agenda and ad hoc briefings, Committee and Council meetings, workshops, site visits and like events (“Council events”) from the Council election of 2019 forward that the City facilitates or organises and to which elected members are invited;
2. The report to record the names of attendees at the Council events between the 2019 Council election and the date of this meeting to the extent that this information exists and is available to the administration;
3. The attendance and Council events information to be recorded from the date of this meeting forward so that attendee information can be recorded in the report and be publicly available;
4. The remaining audio recordings of the Council Meetings since the October 2019 Council election to be uploaded and publicly available, and
5. The invitations sent to the Mayor since the last Council meeting requesting his attendance at functions in his capacity as Mayor / elected member be recorded in an annex to the minutes of each Ordinary Council Meeting along with the record of whether the Mayor or some other identified elected member attended in his place.

#### Reasons for the Motion

The Council has been less readily available to in-person attendance by members of the public since the COVID-19 pandemic. As a result the Council is less readily / easily subject to scrutiny of the public and electors.

In that same period since the last Council election there has been an unusually large number of very significant matters come before Council in both formal meetings as well as less formal events - and even events closed to the public. The electors and stakeholders (and public generally) are very interested in the outcome of these significant matters / issues.

Those significant matters include the Local Planning Strategy, Budget workshops, the development of the Collier Park Mini Golf development and scrutiny of its

**Notice of Motion – Councillor Glenn Cridland – Transparency, Accountability and Better Public Reporting on Elected Members**

financials, recruitment of a new CEO, the Recreation and Aquatic Facility, the Council's COVID-19 responses, Swan Habitat foreshore works, proposals to significantly change the rating framework, review of the Canning Bridge Activity Centre Plan, the South Perth Activity Centre Plan and proposed town planning scheme amendment for the Preston Street neighbourhood area.

The public want to know what has occurred at open meetings and which of their elected members have participated in these matters by at least attending the relevant events. That information is not currently easily available (if it is available at all) to the public and interested stakeholders. It should be available.

In the period since the COVID-19 pandemic was declared, the City / Council has made recordings of some Ordinary Council Meetings publicly available. It makes sense for the recordings of all open Council Meetings since the last election to be available.

Historically the Mayor's events and attendances have been publicly available. This is both good governance and provides the public with an insight into -

- a. just how many functions the Mayor does get invited to,
- b. the great variety of events and functions the Mayor gets invited to – including the width of issues involved, and
- c. the considerable extent of his workload.

**Officer Comment:**

An officer's report addressing the Notice of Motion will form part of the February Council Agenda Briefing Agenda to allow Councillors to make an informed decision.

**Attachments**

Nil

## 13. QUESTIONS FROM MEMBERS

### 13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

### 13.2 QUESTIONS FROM MEMBERS

- Councillor Stephen Russell
- Councillor Mary Choy
- Councillor Glenn Cridland

The questions and responses can be found in the **Appendix** of these Minutes.

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

Nil.

## 15. MEETING CLOSED TO THE PUBLIC

Nil.

## 16. CLOSURE

Prior to the closure of the meeting, Mayor Greg Milner thanked the Chief Executive Officer Geoff Glass for his service to the City as follows:

*“ Tonight is the last OCM for 2020. It’s also the last OCM where we will have the privilege and pleasure of having CEO Geoff Glass with us.*

*Geoff joined the City of South Perth as CEO in October 2015 from the WA Football Commission. The Council of the day asked Geoff to refresh and re-invigorate the organisation. I think all of us would agree that the work Geoff has done has been transformational. The City of South Perth is a local government that well and truly “punches above its weight” and one that is well-regarded for its professionalism, service culture and record of achievement. I think that Geoff Glass has played a very, very big part in achieving those outcomes.*

*In his time with the City, Geoff has overseen a number of major projects including:*

- *the upgrade of Ernest Johnson Reserve, including the development of the John McGrath Pavilion and Hall;*
- *the upgrades to Millers Pool and the Old Mill; and*
- *the finalisation and opening of the Manning Hub project which won a number of prestigious awards.*

*Geoff was instrumental in securing \$2.5 million of Federal Government funding for the Connect South/Mindeerup project on the South Perth Foreshore. This project has created a new gateway to the City, providing a destination for visitors and residents alike, as well as providing support for local businesses. As we have seen from the number of awards that we are still receiving a year later, there is some sterling work done there and Geoff can take a lot of the credit for that.*

*Geoff also secured \$20 million in Federal Government funding for the proposed Recreation and Aquatic Facility project, which I believe is the single largest government grant that the City has ever received for a single project.*

*Geoff has also led the City of South Perth administration during the COVID-19 pandemic. This has been a period of great challenge and uncertainty, particularly during the months of March, April and May. Geoff's leadership during this time was exemplary and assisted in safeguarding the well-being of residents, staff and the wider community.*

*Being a local government CEO is an undeniably tough role. Despite this, Geoff is well regarded by Elected Members, staff and the local community. His leadership, integrity, management and dedication to our community has added an enormous amount of value to this City. On a personal note, I have very much enjoyed working with Geoff during my time on Council.*

*Geoff, on behalf of this Council, the staff and the community we serve, I would like to thank you for your excellent work during your time in this City. You have made a tremendous contribution to this district, and the City has been greatly improved by your service and by your presence. The structures and processes you have put in place will, I am sure, set a very, very solid foundation upon which this City will thrive in the years to come.*

*When you leave us at the end of January, you will go with the very best wishes of the Council, the staff, our residents and the community. Thank you."*

Chief Executive Officer Mr Geoff Glass thanked the Mayor and Councillors, the staff and the community for their support as follows:

*"Thank you Greg, Councillors and members of the public, I genuinely appreciate the sentiments you have expressed. You referred to the privilege of my attendance at the beginning of your words and I return the sentiment. For me personally, it has and remains a privilege to serve both the Council and the community of South Perth.*

*For those who have had the experience of working in the various levels of government and in the not-for-profit sector, all will say that working in local government is the most satisfying. While it is simply said that we are the closest level of government to the people, it is actually that closeness that makes it the most rewarding. As we know and as you will testify as councillors, working in local government is not merely a job, we know that what we do makes an enormous difference to the lives of people in this community. To do it well, you have to have a passion and a conviction to serve the public interest. That means going about our work without fear or favour and sometimes not all might agree with the recommendations or the actions that we might take. I do trust however that the Council that appointed me will be well satisfied and as will I, on what we have been able to achieve. You referred to the words earlier that we as a City "punch above our weight" and the recollection of some of those awards that we have won just recently is a testament to that.*

*I particularly thank yourself Greg as the current Mayor and I also make reference to the former Mayor Sue Doherty, as the two mayors of the last five years that I have had a lot of close and positive working relationships with. In this role you share a lot of conversations and a lot of experiences and it has been very enjoyable.*

*The same is said to you as councillors as well. We spent a lot of time together, probably more than what you thought you might – various forums, workshops, briefings and at these meetings. We do become colleagues over that time.*

*I would also like to publicly acknowledge the Executive Management Team. I think the City is extremely well served by a very good Leadership Team in Vicki Lummer, Mark Taylor and Colin Cameron who I think have provided stable and high quality leadership for the City. Supporting them of course are the people who actually do the work, the most important people, and that is the staff of the City. I acknowledge them and I know from the interviews that I conduct with them that they take great pride (and many of them by the way are actually citizens of the City as well) in the service that they offer this community in all of the various programs and activities that we have.*

*I believe and I think you would agree that I will leave the City in good shape, we have very capable people and I think with the assistance of yourself as a good elected Council we can continue to deliver in the best interests of the district.*

*The new CEO has inherited a great team and with yourselves I am sure will continue to build a city with a reputation of active places and beautiful spaces.*

*Finally being a CEO is like running a marathon and a sprint at the same time. You are extremely busy and there is always the next issue and yet at the same time you have to keep focus and keep your eye on that strategic, long-term goal. It certainly makes a deep impression on you, the South Perth community has made a deep impression on me and I will leave it with many lifelong memories.*

*It has been an absolute pleasure and a privilege. So to you Greg, the Councillors and the members of the South Perth community, a very sincere thank you.”*

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.57pm.



## APPENDIX

### 6.2 PUBLIC QUESTION TIME

<p>1. Mr George Watts, 10 Yallambee Place, Karawara Received: 11 December 2020</p>	<p>Responses provided by: Vicki Lummer – Director Development and Community Services</p>
<p><i>[Preamble] Regarding the Western Australian Planning Commission’s October 2009 – Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways: Planning Guidelines - The objectives of the guideline are :</i></p> <p><i>To provide a brief overview of the problems associated with pedestrian access ways.</i></p> <p><i>To provide a tool for use by local government in assessing and responding to crime risks associated with pedestrian access ways.</i></p> <p><i>To outline general design out crime guidance for pedestrian access ways.</i></p> <p><i>1.3 of this guideline states</i></p> <p><i>“Who should use the guidelines - The guidelines are designed to be used by state and local government decision-makers both as a tool in the decision-making process in the risk evaluation and management of pedestrian access ways and, in the case of the most intractable pedestrian access ways, in decision-making about potential temporary or permanent closure.”</i></p>	
<p>1. Given the very specific nature of this guideline, and how closely it relates to the petition, why was this not consulted or referred to in the Officer’s Recommendations?</p>	<p>The intent of the <i>Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways</i> guideline are to demonstrate that all reasonable management options have been explored. Hence the officer’s report provides a detailed progress update on the implementation of the Karawara Public Open Space Master Plan and Collaborative Action Plan’s projects and a recommendation to Council on the matters contained in the petition. Any actions arising will be subsequent work .</p>

<p>2. Can the Council Administration please undertake a “Design out crime pedestrian access way assessment” of the laneway in question, coupled with the “Socio-economic vulnerability assessment” that is detailed in the guideline – for the laneway that is the subject of the petition? This process is not arduous and should be achievable for the Council Administration to report the results of this assessment prior to the 15th December 2020 meeting.</p>	<p>Should Council resolve to undertake closure of the PAW, the reducing crime and anti-social behaviour assessments would subsequently be undertaken. It is the City’s preference that the PAW closure be carried out following consideration of the mobility network for the area in an holistic manner, particularly with regard to connections to regional attractors; the Recreational Aquatic Facility, Curtin University and George Burnett Park. These attractors are important considerations in determining how ‘essential’ the PAW is within the area - a judgement required to inform PAW management.</p>
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<p><b>2. Mrs Carole Bruce, 24 Melinga Court, Karawara</b> <b>Received: 14 December 2020</b></p>	<p><b>Responses provided by: Vicki Lummer - Director Development and Community Services</b></p>
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*[Preamble] Following on from the briefing meeting last Tuesday 8th December.*

<p>1. What actually was meant by the statement by one of the Council officers that he didn’t want the issue of laneway closure to go to the Planning Minister and fail? Can we please have this explained because it might be approved</p>	<p>The statement was made in the context of the City’s recommendation that a holistic study of movement networks through Karawara should be undertaken, before progressing with any Pedestrian Access Way (PAW) closure.</p> <p>Should the City progress with closure without undertaking a movement study, or consideration of other possible obstacles, such as utility access, there is a greater likelihood the closure may not be supported by State government.</p>
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<p>2. With each of the deputations against the council officer's recommendation not to close, isn't this a resounding indication from Karawara community?</p>	<p>The deputations received for this item, represent the views of the individuals who issued them, and therefore not necessarily representative of the wider Karawara community. If Council resolves to begin the closure process, mandatory wider community consultation will be undertaken in accordance with the WAPC guidelines for PAW closure.</p>
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<p><b>3. Ms Jeanette Dolman, 21 Pether Road Manning</b> <b>Received: 14 December 2020</b></p>	<p><b>Response provided by: Vicki Lummer – Director Development and Community Services</b></p>
<p><i>The Metro Central Joint Development Assessment Panel (JDAP) gave approval for Southcare’s development application at its meeting of 4th April 2018, as identified in the minutes of that meeting. As per Advice Note No. 13 of the minutes “If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect”. There has been no substantial development. The CoSP has received no application for extension to the date at which the development approval will lapse. The CoSP received legal advice that the development approval has lapsed. On the 8th April 2020, the Minister for Planning, through a Notice of Exemption made under Clause 78H during the State of Emergency, granted an additional two years in which a development may commence, provided the development approval was still current as of 8th April 2020.</i></p>	
<p>1. Is it correct that the Southcare development approval has lapsed?</p>	<p>Earlier this year, the City provided advice that the development approval in relation to the Southcare development at 17 &amp; 19 Pether Road and 49-53 Bickley Crescent had lapsed, this view being based on legal advice the City received. The applicant was accordingly advised that the approval lapsed at 11.59pm on 3rd April 2020 (that being the date by which the development must have substantially commenced).</p> <p>Notwithstanding this advice, the applicant sought a decision on the matter from the Director General of the Department of Planning, Lands and Heritage, who has determined that the date from which substantial commencement is taken is the date on which the applicant received the written notification of the decision from the JDAP via email, which in this case was 16th April 2018. This means that the approval was current up to 15th April 2020.</p> <p>Officers are aware that if the determination of the Director General is not accepted by the City, the applicant may request the intervention of the Minister for Planning.</p>

Based on the decision by the Director General, the development approval now benefits from the Minister for Planning's Notice of Exemption made under Clause 78H during the State of Emergency, which grants an additional two years in which a development may commence, provided the development approval was still current as of 8th April 2020.

Under the provisions of Clause 78H, the date by which development may commence is extended until 11.59pm on 15th April 2022 and therefore remains current and has not lapsed.

## 13.2 QUESTIONS FROM MEMBERS

Councillor Stephen Russell	Responses provided by: Mark Taylor – Director Infrastructure Services
<p>1. Could the City please confirm or otherwise that the 2016 survey connection fee of average \$6,800 per single residential property is still valid?</p>	<p>The average cost per resident will be the same as the original 2016 survey cost of \$5,810 for Manning and \$6,800 for Collier. (This was advised in the financial implications section of Item 10.3.1 State Underground Power Program - Collier and Manning Projects in the 22 September 2020 Council Minutes). These are now listed on the City’s website.</p>
<p>2. Could the City please advise when Council can make a decision on the cost model and therefore final costings for property owners?</p>	<p>This will occur when Council adopts the Annual Budget 2021/22. This will include the underground power charging model, repayment options and City loan options to finance the project over the period determined by Council. These matters will be the subject of a Council Concept Briefing prior to the annual budget being considered by Council.</p>
<p>3. Could the City please advise the % discount on the SUPP connection fee if a property owner already has an underground pillar to meter box connection?</p>	<p>The Connection Charge is capped at \$750 and will be discounted depending on the type of existing connection to each household. The detail of charges and discounts to be applied for underground power will be presented and discussed with Councillors during the development of the 2020/2021 budget.” (This question was answered in response to a question taken on Notice from Councillor André Brender-A-Brandis at the Agenda Briefing 15 September 2020 for Item 10.3.1 State Underground Power Program - Collier and Manning Projects).</p>

<p>4. Could the City please advise that if a property owner is a pensioner or senior who receives a rebate on Council rates then will the property owner receive a rebate on the SUPP connection fee and if so how much?</p>	<p>The same eligibility criteria applies as it does with rates. Seniors (holder of a WA Seniors Card) are entitled to up to a \$100 rebate but it only applies once (the first year). Pensioners (holder of a Pension Concession Card or WA Seniors Card and a Commonwealth Health Seniors Card) may be entitled to maximum 50% rebate on the whole charge. Eligible Pensioner deferment arrangements may also apply (similar to rates), but no rebates will apply if deferment is elected.</p>
<p>5. Could the City please advise when property owners will receive the SUPP connection fee invoice and what are the payment options?</p>	<p>The 2020/2021 Annual Budget will include the underground power charging model, repayment options and City loan options to finance the project. As such it is envisaged that notices may be issued at the same time as the rates notice.</p>

<p><b>Councillor Mary Choy</b></p>	<p><b>Response provided by: Mark Taylor – Director Infrastructure Services</b></p>
<p>1. Does the City have any further updates regarding the RUPP for the Hurlingham precinct?</p>	<p>The City has been in further discussions with Western Power however is not in a position to provide an update at this stage.</p>

<p><b>Councillor Glenn Cridland</b></p>	
<p>1. Has any consideration been given to making the minutes of committee meetings publicly available?</p>	<p>Taken on notice.</p>
<p>2. Is it possible to have a basic live streaming facility available (that involves no cost) for future Council meetings held in the Council Chamber?</p>	<p>Taken on notice.</p>

## DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting held:  
Tuesday 23 February 2021.

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed.