

# AGENDA.

## Ordinary Council Meeting

26 May 2020

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 26 May 2020 as an eMeeting commencing at 6.00pm.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

22 May 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 - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

## 5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in relation to Item 10.1.1 as he has previously been employed by a law firm that acted for one of the tenderers (Jako Industries). He does not have any ongoing relationship with Jako Industries.
- Mayor Greg Milner – Financial Interest in relation to Item 10.3.1 as Nick Tana contributed to his election campaign in 2019. He understands that:
  - Mr Tana is a unitholder in the Como Property Trust (CPT);
  - the CPT owns the Cygnet Cinema site (together with other associates of Australian Property Collective (APC)); and
  - Mr Tana does not hold a controlling interest, and has no day-to-day involvement in the management process of APC.
- Councillor Stephen Russell – Impartiality Interest in relation to Item 10.3.1 as a person who has a business within the Preston Street Neighbourhood Centre is known to him.

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

### 6.2 PUBLIC QUESTION TIME: 26 MAY 2020

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 28 April 2020

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 28 April 2020 be taken as read and confirmed as a true and correct record.

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Council Agenda Briefing - 19 May 2020

Officers of the City presented background information and answered questions on Items to be considered at the 26 May 2020 Ordinary Council Meeting at the Council Agenda Briefing held 19 May 2020.

##### Attachments

7.2.1 (a): Council Agenda Briefing 19 May 2020 - 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
4 May 2020	Plan drives Budget – Workshop 3
5 May 2020	COVID-19 Briefing
	Business Unit Briefing – Programs Delivery
12 May 2020	Concept Briefing – Amendment 63 – Preston Street
18 May 2020	Baptist Church Redevelopment
23 May 2020	Swan Habitat Project Site Visit

##### Attachments

Nil

##### Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 19 May 2020
- 7.2.2 Concept Briefings and Workshops

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

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

### **8.3 DEPUTATIONS**

Deputations were heard at the Council Agenda Briefing held 19 May 2020.

### **8.4 COUNCIL DELEGATES REPORTS**

### **8.5 CONFERENCE DELEGATES REPORTS**

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

### **15.1.1 CHIEF EXECUTIVE OFFICER'S EMPLOYMENT**

Item 15.1.1 Chief Executive Officer's Employment is a new report and was not presented to the Council Agenda Briefing held 19 May 2020. This new report has been included at the request of the Mayor.

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Tender 3/2020 - Provision of Civic Administration Centre (AC 2 & 3) Air Conditioning Upgrade

Location:	Civic Centre Administration Building
Ward:	Como
Applicant:	Not Applicable
File Reference:	D-20-37010
Meeting Date:	26 May 2020
Author(s):	Shirley King Ching, Building and Assets Coordinator Steve Atwell, Manager Programs Delivery
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 3/2020 for the Provision of Civic Administration Air Conditioning (AC 2 & 3) Upgrade.

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

#### Officer Recommendation

That Council:

1. Accepts the tender submitted by ENGIE Services for the Provision of Civic Administration Air Conditioning (AC 2 & 3) Upgrade in accordance with Tender Number 3/2020;
2. Accepts the tender price included in **Confidential Attachment (a)**;
3. Approves the inclusion of \$60,000 in the 2020/2021 Capital Works Program to facilitate the completion of the Civic Administration Air Conditioning (AC 2 & 3) Upgrade;
4. In accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996, delegates authority to the Chief Executive Officer to negotiate minor variations with ENGIE Services, prior to entering into a contract to clarify aspects of their pricing for this project; and
5. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

**Absolute Majority required**



### Background

The City has identified two of the air conditioning units at the Civic Centre Administration as requiring replacement. Installed in 1988, Air Conditioning Unit (AC 2) services the ground floor finance, procurement and customer service areas of the building and AC 3 services the Council reception areas.

AC 2 is currently not coping with elevated ambient temperatures within the Civic Centre. AC 3 is currently over capacity compared to the requirements of the area it services resulting the rooms being often too cold or hot. Both AC 2 & 3 utilise the phased out refrigerant R22. R22 is not environmentally friendly (Ozone depleting) and expensive to source if the units leak or fail.

The scope of the RFT is to decommission AC 2 & 3, then supply and install new air conditioning units. AC 2 & 3 are specified to be replaced with multiple Variable Refrigerant Volume / Flow (VRV/VRF) equipment. They will feature external condensers with heat rejection/exchange installed outside of the enclosed plant area on the roof. The new units have been designed to more closely match the expected internal heat load.

A Request for Tender (RFT 3/2020) for the Provision of Civic Administration Air Conditioning (AC 2 & 3) Upgrade was advertised in The West Australian Newspaper on 15 February 2020 and closed at 2.00 pm AWST on 10 March 2020. The tender is a Lump Sum Contract with an agreed maximum installation period of 18 weeks.

### Comment

At the close of the tender advertising period nine submissions had been received, refer Table A below:

TABLE A – Tender Submissions

Tender Submissions	
1.	Amek Engineering
2.	AMS Group
3.	Apex Technical Services Pty Ltd
4.	Australian HVAC Services Pty Ltd
5.	DE Air Conditioning Pty Limited
6.	ENGIE Services
7.	Integrated Air
8.	Jako Industries
9.	National Refrigeration Solutions (NRS)

The tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, refer Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	40%
2. Key Personnel, Skills and Resources Including Safety, Quality, and Sustainability Systems	30%
3. Demonstrated Understanding and Availability	30%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 3/2020 Provision of Civic Administration Air Conditioning (AC 2 & 3) Upgrade, it is recommended that the tender submission from ENGIE Services be accepted by Council.

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

The tender specification requires that much of the work is to be completed out of work hours to reduce adverse impacts on staff. Due to the current COVID-19 health pandemic, a significant number of staff are working remotely from the administration office.

Further to the above there may be an opportunity to negotiate with the successful tenderer, post the tender award, to vary the contract to facilitate some of the works to be completed during office hours. This should logically reduce costs for the contractor and therefore the City. It is recommended Council delegate authority to the Chief Executive Officer to pursue this opportunity as provided for by Regulation 20 of the Local Government (Functions and General) Regulations 1996 (the Regulations).

### Consultation

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

### Policy and Legislative Implications

Section 3.57 of the Act requires a local government to call tenders. Part 4 of the Regulations requires a local government to call tenders when the expected value is likely to exceed \$250,000. The Regulations also prescribe how tenders must be called and accepted.

Regulation 20 of the Regulations - Variations of Requirement before entering into Contract, states:

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

The following Council Policies also apply:

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

### Financial Implications

The allocated budget in the 2019/2020 Capital Works Program has \$170,000 available for the construction component of this project. The submitted prices identify a funding gap which needs to be addressed if the City is to proceed to award the contract.

The additional cost is due to the necessity for contractors to hire heavy crane equipment to dismantle and remove the existing air conditioning units. This was not anticipated when the budget was originally scoped.

It is recommended that Council approve additional funding of \$60,000 in the 2020/2021 Capital Works program to enable the project to be completed.

### Strategic Implications

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

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

### Attachments

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

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

### 10.3.1 Outcomes of consultation and final recommendation on Scheme Amendment No. 63 - Preston Street Neighbourhood Centre

Location:	Not Applicable
Ward:	Como Ward
Applicant:	Not Applicable
File Ref:	D-20-37012
Meeting Date:	26 May 2020
Author(s):	Aaron Augustson, Senior Strategic 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

In October 2019 Council resolved to initiate an amendment to Town Planning Scheme No. 6 (the Scheme) relating to the land within the Preston Street Neighbourhood Centre.

Public consultation on the amendment was carried out between 16 January and 16 March 2020, following certification of the amendment for consultation by the Department of Planning, Lands and Heritage (DPLH) in December 2019.

During the public consultation period the City received 270 submissions on the amendment, including submissions from State government agencies. 70 submissions indicated support for the amendment, while 181 submissions indicated they did not support the amendment. A further 19 submissions were neither supportive nor not supportive. A 'Consultation Outcomes Report' is available for download at:

[https://yoursay.southperth.wa.gov.au/Amendment\\_No\\_63](https://yoursay.southperth.wa.gov.au/Amendment_No_63).

Matters raised during the consultation primarily related to loss of local character, building height, increased traffic and parking demand and loss of amenity arising from overshadowing, loss of views or loss of privacy. Supporting submissions expressed the potential for the amendment to revitalise or improve the area.

In response to the submissions received, a number of modifications are recommended to:

1. Modify the maximum building height of Site 'S' from 13 storeys and 47 metres to 8 storeys and 29 metres
2. Extend the amendment area boundary for Site 'R' to include No. 17 Preston Street, immediately west of the current amendment boundary
3. Add additional requirements that ensure improved protection of light access, views and outlook from adjoining properties
4. Clarify the distribution of buildings up to 8 storeys in height on Site 'S'.

A number of minor corrections/modifications are also recommended, as set out in **Attachment (c)**.

It is recommended that Council recommend to the Minister for Planning that the amendment be supported, subject to the above modifications.

### Officer Recommendation

That Council:

- a. Notes the submissions received as detailed in the Schedule of Submissions included in the Consultation Outcomes Report.
- b. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support Amendment No. 63 to the City of South Perth Town Planning Scheme No.6 as contained in **Attachment (a)**, subject to the modifications set out in **Attachment (b)**.
- c. Authorise the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation and affix the common seal of the City of South Perth to the documentation.
- d. Request the Minister for Planning grant final consent to the proposed Amendment No. 63 to the City of South Perth Town Planning Scheme No. 6 as referred in (b) above.

### Background

In June 2019 the City of South Perth received a request for a Town Planning Scheme amendment. The proposed amendment requested modifications to the density and development controls contained within Town Planning Scheme No. 6 (the Scheme).



Figure 1: Map of amendment area and Site 'S' and Site 'R'.

The amendment area consists of a Site 'R' and Site 'S' (depicted on **Figure 1** in red) as well as the remainder of land within the street block bound by Mary Street, Eric Street, Labouchere Road and Preston Street, Como (shown in blue). The proposed amendment was submitted on behalf of the landowners of the majority (but not the entirety) of Site 'R' and Site 'S'.

Site 'R' relates to two lots (51 & 80) on the southern side of Preston Street that includes the existing 'Como Centre' development (Karalee Tavern, Como IGA, Better Choice Service Station and appurtenant car parking area). Site 'S' relates to 16 lots (Lot 410, 411 Eric Street, Lot 4 and 18 Labouchere Road, Lot 1, 2, 3, 9, 10, 299, 414, 415, 416, 417 Preston Street, Lot 12 and 13 Mary Street) that includes the existing Cygnet Theatre. The amendment area comprises approximately 28,177sqm (2.82 hectares) of land in total.

*Amendment inception & applicant's preliminary engagement ('Preston Street Revival').*

Planning for the proposed amendment commenced in October 2018 in the form of a series of preliminary consultation activities referred to as the 'Preston Street Revival' project. The Preston Street Revival project was led entirely by the amendment proponents and sought to identify community attitudes towards future development outcomes in the Preston Street area. The project involved a series of community engagement activities including workshops, stakeholder conversations and a local business forum. The process was used to inform the development of a 'Place Blueprint' for the Preston Street area.

The Place Blueprint identified a range of 'key principles' that are summarised in the officer's report on this amendment dated 15 October 2019 (refer Item 10.3.2). The key principles were used to inform the proposals of this amendment.

*Proposed amendment.*

The amendment provides specific development provisions and increases the building height limit of lots within the amendment area. The development provisions will be implemented through the introduction of specific site requirements under clause 5.4 - 'Development Requirements for Certain Sites' of the Scheme.

In summary, the amendment proposes:

- Recoding of Site 'R' (broadly the 'Como Centre') to allow for re-development of the site up to a maximum height of 29 metres (8 storeys)
- Recoding of Site 'S' (broadly the land around the Cygnet Theatre) to allow for re-development of the site up to a maximum height of up to 47 metres (13 storeys), subject to specific development criteria relating to setbacks, public benefits and solar access
- Increase the maximum building height limit for 'Other Sites' (broadly land on Mary and Eric Streets) from 10.5 metres to 14 metres (generally 4 storeys)
- Introduce requirements for Site 'R' and Site 'S' to make provision for/or payment towards upgrading of the public realm along Preston Street and the conservation of the Cygnet Theatre building
- Additional permitted land uses (such as apartments, shops and offices) specific to Site 'R' and Site 'S' and modifications to parking requirements.

The Scheme Amendment documents are included at **Attachment (a)** of this report.

*Council initiation of amendment.*

At its meeting of 15 October 2019, Council resolved to adopt amendment No. 63 for the purpose of carrying out public consultation. The Council resolution included a number of modifications to the amendment relating to the following:

- Modifying the minimum lot boundary setback for the podium on Site 'S' from 2 metres to 6 metres, from the boundary that divides No. 171 (Lot 4) Labouchere Road and the Cygnet Theatre site
- Inclusion of an additional provision relating to the public benefits that ensure the Cygnet Theatre is sympathetically preserved/restored as part of any future development on Site 'S'.

**Comment**

Matters arising from public consultation and response to submissions

During the public consultation period the City received 270 submissions on the amendment, including submissions from State government agencies. 70 submissions indicated support for the amendment, while 181 submissions indicated they did not support the amendment. 19 submissions were unqualified, indicating neither support nor objection to the proposed amendment.

Further information regarding the outcomes of the consultation is detailed in the 'Consultation' section of this report. The key matters raised during public consultation are outlined below and officer comments are provided in response to these matters. A detailed analysis of the submissions is included in the Consultation Outcomes Report available for download via:

[https://yoursay.southperth.wa.gov.au/Amendment\\_No\\_63](https://yoursay.southperth.wa.gov.au/Amendment_No_63)

1. Character

*1(a) Building height and scale inconsistent with character, 1(b) Loss of areas' character & 1(c) Amendment will revitalise area.*

The majority of submissions received raised concerns about the impact buildings of the scale and heights contemplated by the amendment would have on the character of Preston Street; and, in some instances, Como as a suburb. The submissions raised matters of building height and scale as relevant to the character of the area, generally summarised as follows:

- The resulting buildings would be inappropriate in size and scale. It represents over-development of the area
- The 'village' feel of the Preston Street/Como Beach area would be changed/lost
- The relaxed atmosphere of the area will be altered, becoming more urban and busy.

Conversely, almost all of the submissions in support of the amendment expressed that the amendment would revitalise the area. Overall, the supporting submissions that considered the amendment would revitalise the area concluded that:

- Improvement was needed and the area was not living up to its potential
- The amendment offered a way to improve the built-form, functioning and level of activity in Preston Street
- New residents and visitors would improve the viability/quality of businesses in the area.

There is clearly a need to recognise that there is a clear, well-liked sense of character that exists in the Preston Street area, while also acknowledging that redevelopment of land in the area could improve it over time.

A number of modifications to the amendment are proposed. Central to these modifications is a reduction in the maximum height permitted on Site 'S' to 8 storeys and 29m. This modification is discussed below and is intended to achieve a balanced response to this consultation outcome.

## 2. Transport

*2(a) Area already congested and will get worse, unsafe.*

Submissions raised concern about the existing traffic situation in the area and the likelihood that development under the amendment would make this situation worse.

The amendment is supported by a Traffic Analysis Report, prepared by Shawmac consultants. This report was updated on 15 April 2020 in response to a submission received from Main Roads Western Australia (MRWA) (see **Attachment (c)**). The MRWA submission is described in the schedule of submissions included in the Consultation Summary Report. Further clarification of traffic generation and movement assumptions were provided in this report.

As identified in the Shawmac Report, the area immediately surrounding Preston Street functions with considerable capacity. However traffic on the nearby regional network is already congested. This congestion is caused by regional traffic demand and results in congestion on surrounding (local) streets, such as Thelma Street.

Congestion will increase over time as metropolitan Perth grows. The City's Draft Local Planning Strategy, recommends directing growth towards key transport nodes and activity centres (such as Preston Street), where people will be able to use alternative transport to the car to access jobs, services and entertainment.

The updated report confirms that:

- The existing roundabout at Labouchere Road and Preston Street has sufficient capacity to accommodate the traffic generated by the amendment
- The intersection at Canning Highway and Thelma Street is already congested due to regional traffic flows along Canning Highway, but that the traffic generated by the amendment, relative to the regional traffic flow, would have minimal/negligible impact on its operation. The amendment would cause an additional 8 second delay at this intersection in morning peak and 8.1 second delay in afternoon peak.

The updated Traffic Analysis Report (included in **Attachment (c)**) was referred to MRWA who advised that they are satisfied the revised report provides an accurate assessment of traffic generation and movement arising from the amendment.



The findings of the Traffic Analysis Report are sufficient to support the amendment. The analysis of traffic impact is based upon assumptions of future land use (i.e. the size of a future supermarket) that will be analysed in detail as part of future development applications.

*2(b) Insufficient parking provided/to be provided.*

The amendment contains provisions at 5.4(16)(b)(iii) and 5.4(17)(b)(iii) that require future developments provide sufficient vehicle parking. These provisions are supported by a further provision at (iii)(C) that enables the provision of parking to be based upon a Parking Needs Assessment. This will ensure that parking is provided to support any future land use.

Parking in the Preston Street area is highly fragmented, with a large private parking area on Site 'R' (supporting the IGA) and approximately 120 further bays spread across the remaining sites in the area (mainly on Site 'S'). The amendment presents an opportunity for land to be developed in a way that provides consolidated, centralised parking areas.

*2(c) Area not a designated transport hub.*

Under State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2), Preston Street is identified as a neighbourhood centre. SPP4.2 notes that such centres should be supported by bus services, either as a prominent stopping or transfer point. The level of public transport connectivity available in Preston Street is lower than the nearby Canning Bridge and South Perth activity centres. Notwithstanding, the level of growth provided under the amendment is consistent with how SPP4.2 describes the functions of a neighbourhood centre in respect to the commercial uses, density and level of accessibility. The overall level of growth expected in Preston Street is considerably lower than the Canning Bridge and South Perth activity centres.

3. Managing growth

*3(a) Level of growth in this area not supported & 3(d) Inconsistent with strategic framework.*

SPP4.2 specifies a 'desirable' dwelling density for a neighbourhood centre is 25 dwellings per gross hectare. The Draft Local Planning Strategy (Strategy) recommends the City adopt a 'managed growth strategy' that directs the majority of future forecast growth towards key activity centres and urban corridors (such as Preston Street). Preston Street is estimated to have a current (2016) density of 17.4 dwellings per gross hectare. The Strategy identifies that approximately 222 additional dwellings should be planned for within and around the Preston Street Neighbourhood Centre by 2031. This would increase dwelling density to approximately 21.9 per hectare. The Amendment Report indicates that the majority, if not all of the dwelling growth anticipated by 2031 would be provided on Site 'R' and Site 'S'.

The amendment is supported by a Retail Needs Assessment that recommends expansion of the existing restaurant/café and retail offering at Preston Street to support a growing population catchment.

*3(b) Increased pressure on (non-road) infrastructure.*

Non-road infrastructure potentially affected by the amendment includes utilities (water, electricity etc.), services (e.g. schools) and public open space. The amendment is supported by an Infrastructure Capacity report that concludes that infrastructure capacity (water, electricity etc.) is unlikely to pose a consequential constraint on development in the area.

Servicing agencies (such as Western Power and the Water Corporation) did not object to the amendment. The Department of Education noted that the nearby Como Primary School was operating at capacity, with school capacity in the South Perth and Como areas requiring expansion in the future.

The Strategy notes that there is limited open space in the suburb of Como already (approximately 5.4% of the suburb, the lowest in the City of South Perth) and that this will further decrease (per person) to 2031. The amendment provides for the provision of new and upgraded public spaces (plazas) along Preston Street and within both Site 'S' and Site 'R'. While not natural or recreational open space, the spaces will provide for enhanced outdoor public gathering in the Preston Street area and in Como more generally.

*3(c) Growth will improve the area and limit change in the rest of the neighbourhood.*

The amendment could result in development that concentrates the majority of growth anticipated under the Strategy solely in Preston Street. This would limit pressure for other areas of Como, surrounding Preston Street, to accommodate additional growth.

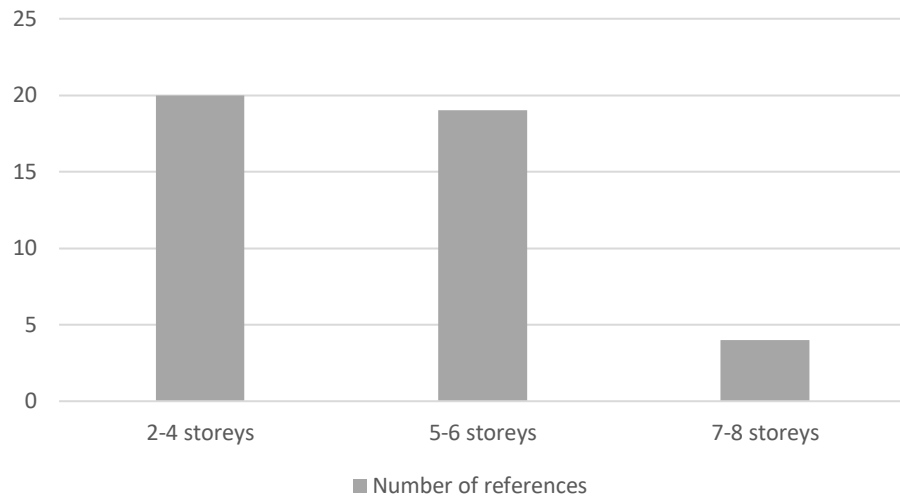
*3(e) Impact on local businesses.*

The ability for new development to impact on local businesses, especially during construction of a building, is noted. However should any form of development proceed (irrespective of this amendment) this is a necessary, albeit short-term, impact.

4. Building height

*4(a) Height limits should be modified.*

There were 45 instances where submissions recommended the maximum building heights under the amendment be modified. In almost all instances, these preferences were stated in general terms (i.e. not specific to one site or location, but the overall area) and often as a range (i.e. 2-4 storeys). The figure below sets out the number of references identified relating to height modifications:



Buildings in the Preston Street area are mostly 2-4 storeys in height. The existing height limits under the Scheme allow for buildings between 3-4 storeys in height. Any building above 4 storeys (up to the proposed maximum of 13) are likely to have similar impacts on the surrounding area in terms of loss of outlook/views (discussed further below) and infrastructure. Mitigation of visual privacy and solar access impacts is also considered in the same manner irrespective of the maximum height of the building.

It was identified through the consultation that height limits more akin to the existing height limits, or one-or-two storeys above (up to 6 storeys), were preferred.

The applicant asserts in the Amendment Report (refer pages 32-33 of the amendment report) that the building heights is:

- Required to facilitate the community benefits provided by the amendment
- Allows for an acceptable urban design outcome to the surrounding streets while also providing for revitalisation of the precinct.

This report recommends modifying the maximum building height on Site 'S' from 13 storeys (47m) to 8 storeys (29m). This limit is preferred, as opposed to a 5-6 storey limit, for the following reasons:

- Greater height offers the ability to provide for a taller and slimmer development form, limiting impacts to views, outlook, light access and privacy, as well as reduced building bulk. A lower limit of 5-6 storeys would likely result in a wider, bulkier building with greater impacts on views and outlook
- As buildings are required to be setback to ensure light access to the southern side of Preston Street, a lower height limit would considerably reduce the setback required to Preston Street; from approximately 23-24m to 11m-12m
- An 8 storey building could suitably integrate into the existing and future surrounding built-form, which will range in height between 1-4 storeys with some elements up to 5 storeys
- A height only marginally above the existing limits would erode the ability for new development to provide the suite of community benefits included in the amendment.

*4(b) 13 storey height limit not supported & 4(c) 8 storey height limit not supported.*

As identified earlier, most submissions objected to the overall maximum height limits permitted in the amendment area. These objections largely related to the loss of local character that would result. It is recommended that the height limit of Site 'S' be modified from a maximum of 13 storeys (47m) to a maximum of 8 storeys (29m), in part responding to the outcomes of consultation. This recommendation is discussed further in this report.

*4(d) Building heights appropriate/supported.*

Significantly fewer submissions raised support for the proposed height limits (21), compared to those raising some form of direct or specific objection to the height limits on either Site 'R' or Site 'S' (58). It is noted that there were 96 references to the possible building heights as being inconsistent with the character of the area. As discussed above, it is recommended that the height limits applicable to Site 'S' be modified.

#### 5. Amenity

*5(a) Development will overshadow properties.*

The amendment includes provisions that protect light access to the southern side of Preston Street (refer clause 5.4(17)(b)(K)). Moreover, the R-Codes Vol 2 include provisions that consider light access to adjoining properties (refer Design Element 3.2 - Orientation). These provisions work together to ensure both public and private land have acceptable levels of light access in mid-winter. The southern boundary of Site 'R' adjoins single and two storey dwellings (fronting Labouchere Road and Ednah Street). Notwithstanding the provisions of the R-Codes, a modification is recommended to give greater certainty that the properties adjoining Site 'R' will have sufficient access to light.

*5(b) Loss of views/outlook.*

Significant views of the Swan River are present in the Preston Street area. Buildings up to the existing BHL of 10.5m on Site 'S' have the potential to block views up to approximately a level of 26.5m AHD. This level is present along a ridge at Coode Street (25-29m AHD) between Eric Street and Preston Street, approximately 250m east of the amendment site. The 'view-shed' of the Swan River from this location is likely to be considerable. Buildings above the 10.5m BHL will interrupt these views, most likely as a nominal proportion of the overall view across the horizon. The City's P350.09 – Significant Views, permits increases to setbacks and limits to floor size and roof forms to assist in retaining significant views.

Sites closer to or within the amendment area (namely the existing apartments at No. 171 Labouchere Road) will be considerably more affected by a loss of views/outlook; but would also likely be impacted by development up to the existing 7.0-10.5m BHL. A modification to the amendment is recommended to ensure due regard is given to the appropriate orientation of buildings to assist in preserving views and outlook from adjoining sites.

*5(c) Loss of visual privacy.*

Future development will be required to address the Element Objectives of the R-Codes Vol 2 (Apartment Codes) and State Planning Policy 7 - Design of the Built Environment. These performance based codes will ensure that significant adverse loss of visual privacy to adjoining properties does not occur. The R-Codes balance the need for outlook from new dwellings and privacy of adjoining sites.

It is noted that, with the exception of the southern boundary of Site 'R', the amendment area is adjoined by non-residential properties or public roads.

6. Community benefits*6(a) Community benefits supported & 6(b) Restoration of Cygnet Theatre important.*

Development under the amendment would be required to provide community benefit. Development on Site 'S' requires the conservation of the Cygnet Theatre, the upgrade of part of Preston Street and the Cygnet Theatre forecourt to a public plaza, achievement of a 5 Star Green-Star rating and delivery of accessible housing under the Liveable Housing Design Guidelines. Similarly development on Site 'R' is required to provide a public plaza internal to the development site and also contribute to the upgrade of Preston Street.

It is noted that the State Heritage Office raised no objections to the provisions of the amendment seeking to conserve the culturally heritage significant Cygnet Theatre building and the buildings curtilage.

Recommended modifications

As noted in response to the outcomes of consultation (above), a number of modifications to the amendment are recommended. These modifications are set out in **Attachment (b)** of this report.

*Modifications to overall building height on Site 'S'.*

The amendment allows for buildings up to a maximum of 13 storeys and 47 metres on parts of Site 'S'. The applicant's amendment report suggests that Site 'S' has the potential to provide for up to 110 dwellings. The report suggests a further 125 dwellings could be developed on Site 'R'. The applicant submits that the proposed development height is appropriate insofar as:

- It enables the protection and restoration (re-use) of the Cygnet Theatre building
- Despite the overall height, it limits buildings to a three storey height to Preston Street, with greater height setback from the boundary
- It is accompanied by provisions that ensure winter sunlight penetration to Preston Street
- It supports the provision of more density and housing in the Preston Street Neighbourhood Centre, providing a variety in bulk, form and articulation in building height and limiting the need to provide greater density in the residential streets surrounding the centre.

Notwithstanding, it is recommended that the building height limit for Site 'S' be modified to a maximum of 8 storeys (29 metres) for the same reasons recommended in the officer's report on this amendment dated 15 October 2019 (refer item 10.3.2), summarised as follows:

- Buildings up to 13 storeys in height would be inconsistent with the surrounding context and character of the Preston Street Neighbourhood Centre
- There are surrounding, contemporary developments that limit the ability for development to appropriately transition between the height of existing buildings and the heights proposed in the amendment for Site 'S'
- The height of development at 13 storeys is more akin to development provided for in the South Perth and Canning Bridge Activity Centres, which have higher levels of activity and accessibility which are planned to accommodate greater height
- It is unnecessary to facilitate a built-form that accounts for all of the anticipated residential and non-residential growth/development in the short-medium term on a limited number of lots.

*Inclusion of No. 17 Preston Street in the amendment area for Site 'R'.*

Site 'R' includes Lot 51 Preston Street, being the existing Como Centre site (IGA, Karalee Tavern etc.) as well as Lot 80 (No. 19) Preston Street, being a smaller building currently occupied by a chiropractic business. The remaining properties on the southern side of Preston Street (between Mary Street and Labouchere Road) consist of Lot 52 (No. 9-11), the 'Como Corporate Centre' and a dwelling at No. 17 Preston Street.

The Como Corporate Centre (Lot 52) is a strata-titled, multi-storey office/business development. The likelihood of this site undergoing redevelopment in the near future is considered to be low.

Submissions were received during the consultation from the owners of Site 'R' requesting the inclusion of No. 17 Preston Street in the amendment. Further, a number of submissions were received from owners within the Como Corporate Centre requesting the amendment be extended all the way to Mary Street.

It is recommended the area of Site 'R' (and therefore the amendment area overall) be extended to include No. 17 Preston Street for the following reasons:

- Inclusion presents an opportunity to comprehensively redevelop land on both sides of Preston Street, including the important area in front of and opposite the Cygnet Theatre
- Inclusion would ensure the site does not become 'land locked' between two more substantial developments (that on the existing Site 'R' and the Como Corporate Centre. The sites limited size and frontage (approximately 16.0m) means it would be more difficult to develop in isolation of the adjoining land
- Inclusion presents an opportunity for vehicle access to No. 17 Preston Street to be coordinated with the balance of Site 'R', thereby reducing the need for vehicle access directly from Preston Street.

Inclusion of the Como Corporate Centre (9-11 Preston Street) within the amendment area is not recommended given the substantial size (+5,000m<sup>2</sup>) of the site and the potential for redevelopment of that land to introduce additional amenity, access and character considerations to this amendment. The zoning of the Como Corporate Centre will be investigated as part of the preparation of the City's next town planning scheme.

*Additional provision relating to building orientation and siting to protect light access and outlook.*

Considerable concerns were raised during the consultation relating to the impact buildings of the scale contemplated under the amendment would have in terms of views, outlook and access to light. The R-Codes contain a range of generic provisions that ensure buildings are oriented to minimise these impacts.

The amendment includes provisions that the applicant submits are specific to the characteristics of the site and surrounding area. Given this, and the extent of change that could result under the amendment, it is reasonable to expect matters such as views, outlook and light access would be dealt with in a site specific way.

Two additional provisions are recommended to be added to address these matters:

- That development comply with the Acceptable Outcomes of the R-Codes in respect to building orientation, which deals with light access to adjoining buildings and solar collectors. Owing to the orientation of the amendment sites, this provision would be applicable to Site 'R' only
- That portions of building above 10.5 metres shall be oriented and sited to minimise any potential impact on significant views and outlook from existing adjoining dwellings.

*Distribution of additional height (8 storeys) on Site 'S'.*

The amendment currently contains the following provision:

*'(D) Buildings above 4 storeys and 14 metres up to a maximum of 8 storeys and 29 metres shall be setback a minimum of 20 metres from the Eric Street boundary.'*

The purpose of the above provision is to enable buildings up to 8 storeys on the remainder of Site 'S', on those portions not able to build up to 13 storeys (that is, Lots 410 and 411 Eric Street). The current wording could be interpreted to apply to land fronting other streets (such as Mary Street), so long as the building is at least 20m from the Eric Street boundary. It is recommended the amendment be modified to ensure the provision clearly identifies the additional height being applicable to Lots 410 and 411 Eric Street only.

It is noted that a submission from a landowner on Mary Street specifically requested that this element of the amendment was supported and remain unchanged.

Minor modifications

A number of minor modifications are also recommended:

- Update terms used related to land use involving student housing, to reflect the most recent Ministerial changes in Amendment 60 – Waterford Triangle; and
- Minor grammatical corrections.

**Re-advertising the amendment**

Noting the recommended modifications above, should Council resolve to modify the amendment in a 'significant' way, it may resolve to re-advertise the amendment for a period of not less than 42 days. The modifications recommended as part of this report are in response to the outcomes of consultation and for that reason, are not considered significant.

**Consultation**

The proposed amendment was advertised for a period of 60 days, between 16 January 2020 and 16 March 2020 in accordance with the Regulations (which requires a minimum 60 day period) and local planning policy P301. This consultation included:

- Two notices in the Southern Gazette newspaper, appearing in the 16 January 2020 and 6 February 2020 editions
- Three 'drop-in' sessions, one on Preston Street and two at the City's Administration Centre. These sessions were attended by approximately 47, 55 and 38 (~140 total) people
- Three advertising signs erected in locations around the amendment area including both sides of Preston Street and one sign to Eric Street. The signs were maintained throughout the entirety of the consultation period
- Notice and copies of the amendment documentation being published on 'Your Say South Perth' for the duration of the consultation period. This included a comprehensive 'Summary Document' setting out and explaining the key elements of the amendment
- Hard copy notices and copies of the proposed amendment being available at the City's Civic Centre and libraries for the duration of the consultation period
- Mail notices being sent to property owners and occupiers within the amendment area and approximately 150 metres surrounding the amendment area (approximately 1,200 notices in total).

At the conclusion of the consultation period a total of 270 submissions were received. The positions expressed in the submissions are summarised as follows:

- 181 submissions objected to the proposed amendment
- 70 submissions supported the proposed amendment
- 19 submissions were unqualified, indicating neither support nor objection to the proposed amendment.

**Policy and Legislative Implications**

The Council has undertaken public consultation as required by the Regulations, the Scheme and local planning policy P301, and must now consider whether to recommend to the Minister for Planning to approve the proposed Amendment No. 63, with or without modifications, or not approve it. The City must indicate its recommendation on the proposed amendment by no later than 14 June 2020 (being 90 days following the conclusion of the consultation period). The recommendation is to support the proposed amendment subject to modifications.



### Outcomes of consultation and final recommendation on Scheme Amendment No. 63 - Preston Street Neighbourhood Centre

Should the Minister approve proposed Amendment No. 63, the City will arrange for notice of the Minister's approval to be published in the Government Gazette. The amendment provisions will then become operative as part of Town Planning Scheme No. 6.

The statutory scheme amendment process is set out below, together with a date for each stage. The stages which have been completed are shown shaded:

Amendment Stage	Estimated Time
Council resolution to adopt amendment for the purpose of carrying out consultation.	October 2019.
Referral of amendment to EPA for environmental assessment and WAPC for preliminary assessment.	November 2019.
Public consultation period of not less than 60 days.	January-March 2020.
<b>Council consideration of Report on Submissions and resolution on whether or not to support the amendment.</b>	<b>May 2020.</b>
Referral to WAPC and Minister for Planning for consideration, including: <ul style="list-style-type: none"> <li>- Schedule of Submissions;</li> <li>- Council's recommendation on the amendment inclusive of this report; and,</li> <li>- Three signed and sealed copies of the amendment document (as modified) for final approval.</li> </ul>	May 2020.
Minister's final determination of amendment and publication in the Government Gazette.	Late 2020.

### Financial Implications

There will be costs associated with the gazettal of the amendment should the Minister approve it. These costs are proposed to be included in the 2020/2021 budget.

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	(A) Develop a local planning framework to meet current and future needs and legislative requirements.

### Attachments

<b>10.3.1 (a):</b>	Amendment documents as advertised
<b>10.3.1 (b):</b>	Schedule of modifications
<b>10.3.1 (c):</b>	Updated Traffic Analysis Report

### 10.3.2 Final adoption of P351.20 - Design Guidelines for Student Accommodation Facility on Site 'P' - Waterford

Location:	Area bound by Garvey Street, Keaney Place, McKay Street and Curtin University
Ward:	Manning
Applicant:	Not Applicable
File Ref:	D-20-37013
Meeting Date:	26 May 2020
Author(s):	Matthew Andrews, Strategic Planning Officer
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 considers the outcomes of consultation on Local Planning Policy P351.20 Design Guidelines for Student Accommodation Facility on Site 'P'. These design guidelines provide guidance on matters relating to design and function that are not appropriate to be contained in the Scheme, or are not appropriately addressed by the R-Codes, given the unique nature of the future development.

The design guidelines for a 'student accommodation facility' were prepared to support the built form and land use provisions contained in Scheme Amendment No. 60 relating to the same site. Scheme Amendment No. 60 was gazetted on 8 May 2020.

The draft design guidelines were advertised concurrently with Scheme Amendment No. 60 for a period of 64 days between 22 January and 26 March 2019. During this time 11 submissions were received. Based on the comments received, internal review, and the introduction of the R-Codes Volume 2 – Apartments, a number of minor modifications are proposed to improve the policy.

The proposed modifications seek to improve the design guidelines by aligning the objectives and provisions with those contained in the new R-Codes, and requiring that matters such as waste, landscaping, noise generation, parking and operation of the facility are all properly considered.

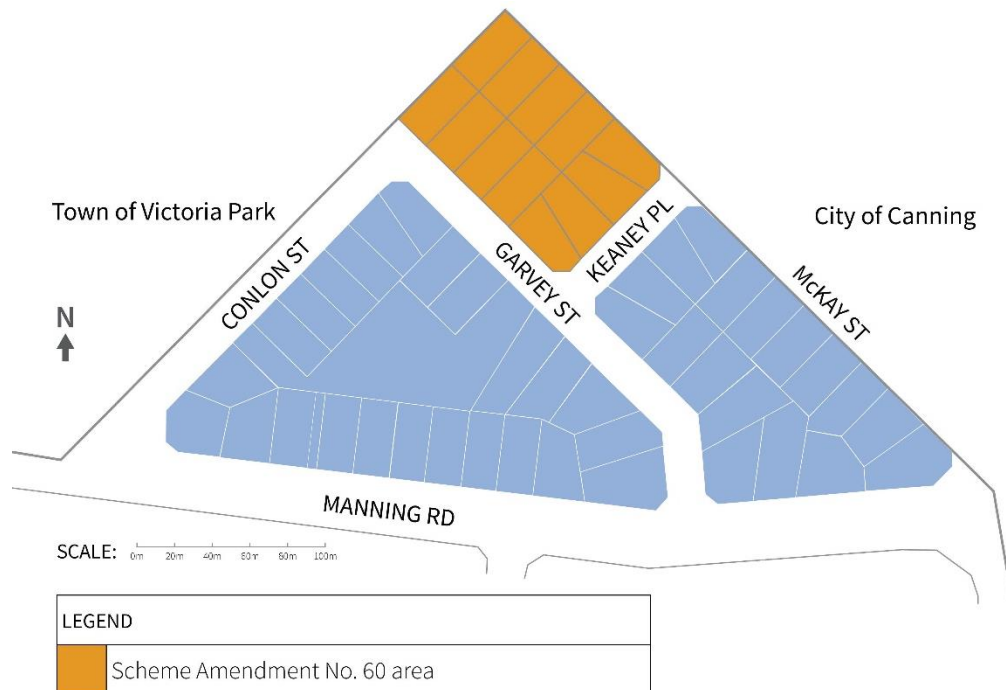
#### Officer Recommendation

That Council, in accordance with Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015;

1. Resolves to adopt Local Planning Policy P351.20 Design Guidelines for Student Accommodation Facility on Site 'P' with modifications as included at **Attachment (a)**; and
2. Publishes a notice of adoption of Local Planning Policy P351.20 Design Guidelines for Student Accommodation Facility on Site 'P' in the Southern Gazette.

### Background

Draft Local Planning Policy P351.20 Design Guidelines for Student Accommodation Facility on Site 'P' was prepared in conjunction with Scheme Amendment No. 60. The guidelines will apply to any future student accommodation development within the Amendment No. 60 area, being the area bounded by Garvey Street, Keaney Place, McKay Street and Curtin University, as outlined in Figure 1.



**Figure 1:** Scheme Amendment No. 60 area

The design guidelines aim to ensure that the future development is consistent with the vision set out in the Waterford Triangle Urban Design Study (2010) and is of an appropriate scale and design relative to both the existing residential development and the desired future density and character for the area. The design guidelines outline a number of overall policy objectives that need to be considered when assessing a development application and set specific objectives and policy provisions relating to:

- Site planning and streetscape
- Built form
- Vehicle access and parking
- Services
- Landscaping
- Sustainability

The design guidelines relate to matters that are not appropriate to be addressed through the town planning scheme such as safety, functionality, design features, use of colours and materials, roof form, vehicle access and parking locations, pick up/drop off facilities, landscaping provisions, deep-soil planting and sustainability measures. These provisions help to provide certainty that any future student accommodation facility development will be of a high quality and that consideration has been given to key matters that will potentially affect the amenity of neighbouring properties and the general locality, and the liveability of the development itself.

A Local Planning Policy is necessary and appropriate for a 'student accommodation facility' as State policies and the Scheme are lacking in built form and design criteria for this type of development. Any future application for a student accommodation facility will be assessed with due regard to the policy.

The R-Codes will apply to any 'student accommodation facility' however additional criteria are considered necessary to address those matters unique to this situation. Additionally, as the development site is located within an existing residential area it is crucial that controls are in place to ensure that the building is of a high quality design, positively contributes to the desired streetscape and appropriately considers the potential impacts on amenity in the area, and the amenity of those living there.

The draft design guidelines and the Scheme Amendment No. 60 were both endorsed by Council for the purpose of public advertising in October 2018. Amendment 60 was recently gazetted.

A Local Planning Policy is adopted by Council and does not require approval from the WAPC or the Minister. The Design Guidelines Policy needs to be formally adopted so that development on this site can proceed.

### **Comment**

The City has reviewed the draft design guidelines (as advertised), including giving consideration to the outcomes of consultation and the introduction of new R-Codes Volume 2 - Apartments since advertising was undertaken in early 2019. From this review a number of modifications are recommended, as discussed below.

#### *Outcomes of Consultation*

The draft design guidelines and Scheme Amendment No. 60 were advertised concurrently and feedback received related to both the amendment and the design guidelines. The outcomes of consultation are discussed in detail in the report on Amendment No. 60 (June Ordinary Council Meeting 2019 Item 10.3.1).

Only one submission provided comment specifically on the design guidelines; however feedback was received more generally on a number of matters, some of which are subsequently addressed by the draft design guidelines. Key matters raised include:

- Lack of detail around on street parking
- Overall impact of the development on traffic and parking
- Building height
- Built form transition
- Impact on existing low density residential character
- Oversupply of student accommodation.

The above matters were previously considered at the time of advertising and have been addressed in the report presented to Council on Amendment No. 60 (June Ordinary Council Meeting 2019 item 10.3.1)

Those comments that were provided specifically on the draft design guidelines were considered at this same meeting. Those comments and the responses are provided below.

Officer summary of key issue	Officer response
<p>Given the objectives and design standards in SPP7.3 will provide a more comprehensive guide for development than the local planning policy, any variation from SPP7.3 should be minimised and instead the local planning policy should augment SPP7.3.</p>	<p>R-Codes Volume 2 – Apartments was adopted in May 2019. All criteria in the amendment have been reviewed having regard to SPP7.3 and modifications are proposed to align with SPP7.3 where appropriate. SPP7.3 does not strictly apply to a Student Accommodation Facility development; the criteria only applies to ‘dwellings’ involving permanent occupation by residents and not uses involving shorter-term or temporary occupation such as student accommodation. However the potential impacts, resident needs and design considerations between a Student Accommodation Facility and a typical apartment development are considered similar. To reflect this, it is recommended the criteria of the local planning policy be reviewed so that regard can be given to the relevant matters set out in SPP7.3 and that the policy requires that all relevant matters of SPP7.3 are given due regard.</p>
<p>On-street parking has not been addressed by the draft amendment or local planning policy. The amendment or policy should allow for on street visitor parking within the road pavement or embayed in the verge to protect the streetscape.</p>	<p>Council resolved to progress infrastructure upgrades within the area at the December 2017 Council Meeting (refer item 10.3.2). These upgrades include narrowing of the existing road reserves of most roads (to allow for formal on-street parking) and resurfacing of these roads. The City may undertake a parking management strategy in the future if required/necessary. Additionally, the design guidelines require a parking needs study be undertaken. This will help to manage the impact of a future student accommodation facility development on parking in the area.</p>

<p>The local planning policy does not adequately address the transition between different forms and scale of development and the impacts that a potential multi-storey Student Accommodation Facility adjacent to a single storey dwelling will have on the streetscape.</p>	<p>Setback provisions and criteria relating to building design are considered to be the most appropriate way to address impacts of transition. The setback provisions of the amendment have been reviewed having regard to the provisions contained in SPP7.3 and modifications are recommended to align the lot boundary setbacks and building separation requirements to improve the transition between multi-storey and existing single storey dwellings in the surrounding area.</p>
<p>The importance and design of communal open spaces and accessibility to the public realm is not addressed in the local planning policy.</p>	<p>The scheme amendment requires that for all developments on sites greater than 3,000m<sup>2</sup> a minimum of 25% of the site is retained for communal open space. The overall functionality and design of these spaces will be assessed against the relevant requirements in the R-Codes and due consideration given to the comments of the Design Review Panel.</p>
<p>The principles of Crime Prevention Through Environmental Design should be incorporated into the local planning policy, in particular the surveillance of communal areas.</p>	<p>Elements of crime prevention are addressed by draft policy P351.20 including illumination of shared spaces, passive/active surveillance of the street and communal open space, and design and location of on-site visitor car parking, disabled parking and bicycle bays.</p>
<p>The local planning policy should require the preparation of a detailed Management Plan to address matters such as noise, security and car parking management.</p>	<p>No provisions currently exist in the scheme amendment or P351.20 regarding the ongoing management of a future purpose built student accommodation. Proper management of a future Student Accommodation Facility development is important to ensure that the surrounding residential area is not unduly impacted on. A modification to P351.20 is proposed to require an Operation Management Plan to support any proposed development.</p>

Sustainability considerations should be addressed through the requirements of a sustainability strategy and implementation plan in the local planning policy given the proximity to Curtin University who have sustainability and innovation at the forefront of all its planning and design.	The sustainability of future buildings is addressed in P351.20. A minimum 4 star green star rating, or equivalent, is required as well as the incorporation of a number of other sustainability measures.
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Based on the feedback that was received during advertising, a number of modifications to the draft design guidelines are proposed, as shown in **Attachment (a)** and outlined below:

- Additional wording added under the 'Policy Status' section requiring that any development application shall have due regard to the Element Objectives and Design Guidance for all elements of the R-Codes Volume 2 - Apartments where reasonably applicable to a 'Student Accommodation Facility' except where varied by the Scheme or the design guidelines
- Modification to the wording of clause 6.2(a) to specifically reference the City of South Perth Local Planning Policy P350.01 Environmentally Sustainable Building Design, which requires a 4 star Green Star rating, or equivalent
- New 'Supporting Documentation' section added that requires that the following plans are provided as supporting documentation with any development application:
  - o Operational Management Plan
  - o Noise Management Plan
  - o Waste Management Plan (also addressed by Scheme Amendment No. 60)
  - o Parking Management Plan
  - o Landscape Management Strategy (as outlined in clause 5.2(f) of the draft design guidelines)

#### *Changes in the planning framework*

In May 2019 the new R-Codes Volume 2 – Apartments was gazetted. The new R-Codes are a significant change to the previous R-Codes, with a greater focus on improving design outcomes for apartments. Significantly more guidance is now provided on achieving good design outcomes with additional design elements being considered.

Some matters addressed in the draft design guidelines (as advertised) are now redundant as they are addressed through the R-Codes Volume 2. This includes a number of objectives and provisions. Additionally other matters have been given greater emphasis when achieving good design.

The two tables below outline:

- those objectives from the design guidelines policy that are recommended to be replaced with the objective of the Apartment Codes that addresses the same matter or are recommended to be added to the design guidelines policy given their importance; and
- those provisions from the design guidelines policy that are recommended to be deleted as they are addressed by an acceptable outcome contained in the Apartment Codes.

Design Guidelines Objectives to be replaced

Clause	Design Guidelines Objective to be removed	Apartment Code Objectives to be inserted
1.1(c)	New development should enhance pedestrian safety and amenity both within the site and in the adjacent public realm.	O3.6.2 Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.
1.1(d)	Main entrances to all buildings should be visible and legible from the adjacent public realm.	O3.7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.
1.1(e)	Vehicle access points and parking should be located and designed to ensure an attractive interface between buildings and the adjacent streets.	O3.8.2 Vehicle access points are designed and located to reduce visual impact on the streetscape.
2.1(e)	The use of materials and colours should contribute to a high quality of architectural design with a clearly defined character. Consideration should be given to the interpretation of materials and colours in the surrounding area that contribute positively to the local sense of place.	O4.10.1 Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.
3.1(a)	New development should minimise the visual impact of vehicle parking when viewed from the street.	O3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.
4.1(a)	The design of buildings should minimise the visual impact of mechanical plant, utilities and service areas on adjacent streets and other public areas.	O4.18.3 Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage.
N/A	N/A	O 3.3.1 Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees.
N/A	N/A	O3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.



N/A	N/A	O3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.
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Design Guidelines Requirements to be deleted

Clause	Design Guidelines Provision to be removed	Relevant Apartment Code Acceptable Outcome
1.2(e)	Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.	A4.1.2 Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.
2.2(b)	Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.	A3.6.5 Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.
2.2(f)	All habitable areas shall maintain a minimum ceiling height of 2.7m above finished floor level.	A4.3.3 Measured from the finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> <li>- Habitable rooms – 2.7m</li> <li>- Non-habitable rooms – 2.4m</li> </ul> All other ceilings meet or exceed the requirements of the NCC.
3.2(f)	No car parking shall be located in the street setback area	A3.9.5 Car parking areas are not located within the street setback and are not visually prominent from the street.
3.2(g)	All car parking shall comply with the relevant Australian Standards provisions	A3.9.4 Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.

*Proposed Modifications*

**Attachment (a)** shows the recommended modifications to draft Local Planning Policy P351.20 Design Guidelines for Student Accommodation Facility on Site 'P' as advertised in early-2019. These modifications include those highlighted above, as well as number of other minor changes to terminology and wording to improve readability and clarity.

### Consultation

At its meeting held 30 October 2018 (refer Item 10.3.2) Council resolved to carry out consultation on the proposed Amendment No. 60 and the associated design guidelines.

The amendment and design guidelines were advertised for a period of 64 days between 22 January and 26 March 2019, exceeding the minimum requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and Local Planning Policy P301 – Community Engagement in Planning Proposals.

During the public consultation period the City received 11 submissions. Response to these submissions was provided at the June 2019 Ordinary Council Meeting at the time Amendment No. 60 was adopted by Council. Those comments relevant to the design guidelines are addressed in the 'Comment' section of this report.

### Policy and Legislative Implications

The Council has undertaken public consultation as required by the Regulations, the Scheme and local planning policy P301, and must now consider whether to adopt the local planning policy, with or without modifications, or not approve it. The recommendation is to adopt the local planning policy subject to modifications.

The process of preparing and adopting a local planning policy set out in Part 2, Division 2 of the Deemed Provisions.

### Financial Implications

Nil

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	Develop a local planning framework to meet current and future community needs and legislative requirements

### Attachments

**10.3.2 (a):** P351.20 Design Guidelines for Student Accommodation Facility on 'Site P' - Waterford (tracked changes)

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - April 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-37014
Meeting Date:	26 May 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 April 2020 and 30 April 2020 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(585)	\$5,016,710.40
Cheque Payment to Creditors	(0)	\$0.00
<b>Total Monthly Payments to Creditors</b>	<b>(585)</b>	<b>\$5,016,710.40</b>
EFT Payments to Non-Creditors	(148)	\$92,749.35
Cheque Payments to Non-Creditors	(59)	\$356,723.96
<b>Total EFT &amp; Cheque Payments</b>	<b>(792)</b>	<b>\$5,466,183.71</b>
Credit Card Payments	(8)	\$19,455.72
<b>Total Payments</b>	<b>(800)</b>	<b>\$5,485,639.43</b>

#### Officer Recommendation

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

#### Background

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

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

### Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. The payment listing for April 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.

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

**Strategic Implications**

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

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

**Attachments**

**10.4.1 (a):** Listing of Payments April 2020

## 10.4.2 Monthly Financial Statements - April 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-37017
Meeting Date:	26 May 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 the **Attachments (a)–(i)**, with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated. Report refinement is an ongoing task.

### Officer Recommendation

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

### Background

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

### Comment

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

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently, report refinement is an ongoing task.

This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments (with nil effect) along with other budget review adjustments, was approved by Council at the Ordinary Council Meeting held 25 February 2020. The Budget Review entries have been processed, phasing was also revised during this process. In certain instances the reallocation of actual expenditure was also required, review and reallocation where appropriate is an ongoing task.

Actual income from operating activities for April year-to-date (YTD) is \$55.43m in comparison to budget of \$55.83m. Actual expenditure from operating activities for April is \$49.49m in comparison to budget of \$50.78m. The April Net Operating Position of \$5.94m was \$0.89m favourable in comparison to budget. The budget adjustment resulting from the COVID-19 measures 1 April 2020 to 30 June 2020 adopted by Council at its Special Meeting held 21 April 2020 has been processed. The impact of COVID-19 is becoming more evident in the Revenue variances in Operating Revenue, however the full financial repercussions of COVID-19 will become more evident over the next few months.

Actual Capital Revenue YTD is \$1.39m in comparison to the budget of \$2m. Actual Capital Expenditure YTD is \$9.34m in comparison to the budget of \$11.16m.

Cash and Investments balance is \$53.64m. This balance is reducing more noticeably as we are moving closer to the end of the financial year because the greater part of cash collection of rates revenue occurs at the beginning of the financial year and project spending peak toward the end of the financial year. COVID-19 is anticipated to impact the Cash and Investments balance more in the coming months as debtors delay payments to the City and City spending continues. Consistent with previous monthly reports, Cash and Investment balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. Currently the City holds 30.91% 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 regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996.

### Financial Implications

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

### Strategic Implications

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

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

### Attachments

10.4.2 (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 National Redress Scheme (Participation of WA Local Governments)

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-37018
Meeting Date:	26 May 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:	4.1 Engaged Community

#### Summary

This report considers the City participation in the National Redress Scheme for Institutional Child Sexual Abuse stemming from the Royal Commission into Institutional Responses to Child Sexual Abuse.

#### Officer Recommendation

That Council:

1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries regarding the National Redress Scheme and the participation of WA local governments.
2. Notes that the City will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the City makes a specific and formal decision to be included.
3. Endorses the participation of the City in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
4. Grants authority to the Manager Community, Culture and Recreation to execute a service agreement with the State, if a Redress application is received.
5. Notes that a confidential report will be provided to Council if a Redress application is received by the City.

#### Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the City) will be required to consider leading practice approaches to child safeguarding separately in the future.

#### National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

At its meeting held 28 May 2019, Council endorsed the following recommendations contained within the WALGA National Redress and Local Government Directions Paper:

1. That local governments join the National Redress Scheme;
2. That local government is responsible for sourcing and providing records within prescribed timeframes;
3. That local government is responsible to deliver a Direct Personal Response in the requested manner, supported by the State Governments Redress Coordination Unit; and
4. That the State Government is responsible for financial compensation of claims.

### Comment

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration including the coordination of requests for information (RFI) and record keeping in accordance with the *State Records Act 2000*; and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of local governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the City's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the City formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration. The City will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the City to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the City formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the City include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the City having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City.

#### Considerations

Detailed below is a list of considerations for the City to participate in the Scheme:

##### 1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the City will receive a Redress application. A Service Agreement will only be executed if the City receives a Redress application.

The City needs to give authority to an appropriate position to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

##### 2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

##### 3. Application Processing / Staffing and Confidentiality

Administratively the City will determine:

- Which position will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

##### 4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including local governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The City's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records.

These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit from the Department of Justice is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in the Act.

#### 5. Redress Decisions

The City should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by independent decision makers, based on the information received by the applicant and any RFI responses. The State Government and the City do not have any influence on the decision made and there is no right of appeal.

#### 6. Implications for the City

DLGSC have advised that the National Redress Scheme is applicable to an offence that had occurred in properties that were owned and operated by the City, or leased or hired by the City. The City would be responsible, either wholly or in part (split responsibility), for the costs of the redress.

### **Consultation**

The State, through the DLGSC, consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;

- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

### Policy and Legislative Implications

The City in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

### Financial Implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

### Strategic Implications

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

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government.  
Outcome: Engaged community  
Strategy: Be agile to stakeholder, community and customer needs

### Attachments

10.4.3 (a): National Redress Scheme- DLGSC Information Paper



#### 10.4.4 Strategic Community Plan - Minor and Major Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-37020
Meeting Date:	26 May 2020
Author(s):	Leah Horton, Business Improvement Coordinator
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 purpose of this report is to provide an overview of the minor review conducted of the City's Strategic Community Plan (SCP) 2017-2027 and gain endorsement of the changes made to adopt the new Strategic Community Plan 2020-2030.

The past two Council elections resulted in seven new Councillors being elected, therefore only two Councillors were involved in the SCP. During the two Concept Briefings undertaken to discuss the minor review, Councillors expressed a strong desire to commence a major review. Therefore this report also details a proposed timeline to commence a Strategic Community Plan major review, for Council consideration during 2021.

##### Officer Recommendation

1. That Council adopts the revisions to the Strategic Community Plan 2017-2027 as contained in **Attachment (a)**.
2. That Council confirms the minor review is complete.
3. That Council agrees for a major review of the Strategic Community Plan to commence during the first quarter of 2020/2021.

**Absolute Majority required**

##### Background

The first Strategic Community Plan (SCP) 2013-2023 major review was undertaken during 2016/17 and resulted in the adoption of the Strategic Community Plan 2017-2027 during the 2017/18 financial year. In accordance with the *Local Government Act 1995* (the Act) and the Local Government (Administration) Regulations 1996, the City completed a minor review during 2019/20, which is presenting for Council adoption.

It is a requirement of the Act that the City undertake a minor review every two years, with a major review every four years. The Department of Local Government, Sport and Cultural Industries (DLGSC) [Integrated Planning and Reporting Framework and Guidelines](#) defines a minor review as being predominantly a desktop exercise that focuses on resetting the Corporate Business Plan (CBP) with consequential amendments to the core informing strategies as required. The City completed a minor review of the SCP and has made minor changes. This report recommends for Council to adopt the minor review.

The past two Council elections resulted in seven new Councillors being elected, therefore only two Councillors were involved in the SCP. During the two Concept Briefings undertaken to discuss the minor review, Councillors expressed a strong desire to commence a major review. Therefore this report also details a proposed timeline to commence a Strategic Community Plan major review, for Council consideration during 2021.

### Comment

A Strategic Community Plan (SCP) is the starting point of the Integrated Planning and Reporting Framework (IPRF). It is a long term, overarching strategy document that outlines the community's aspirations and priorities for the future and sets out the key strategies required to achieve these.

Once the SCP is adopted, a Corporate Business Plan (CBP) should be developed and adopted that articulates how and when things will be undertaken to deliver on the Community Vision as articulated in the SCP. The CBP outlines in detail the projects, services, actions, operations and performance measurements required to ensure delivery of the SCP.

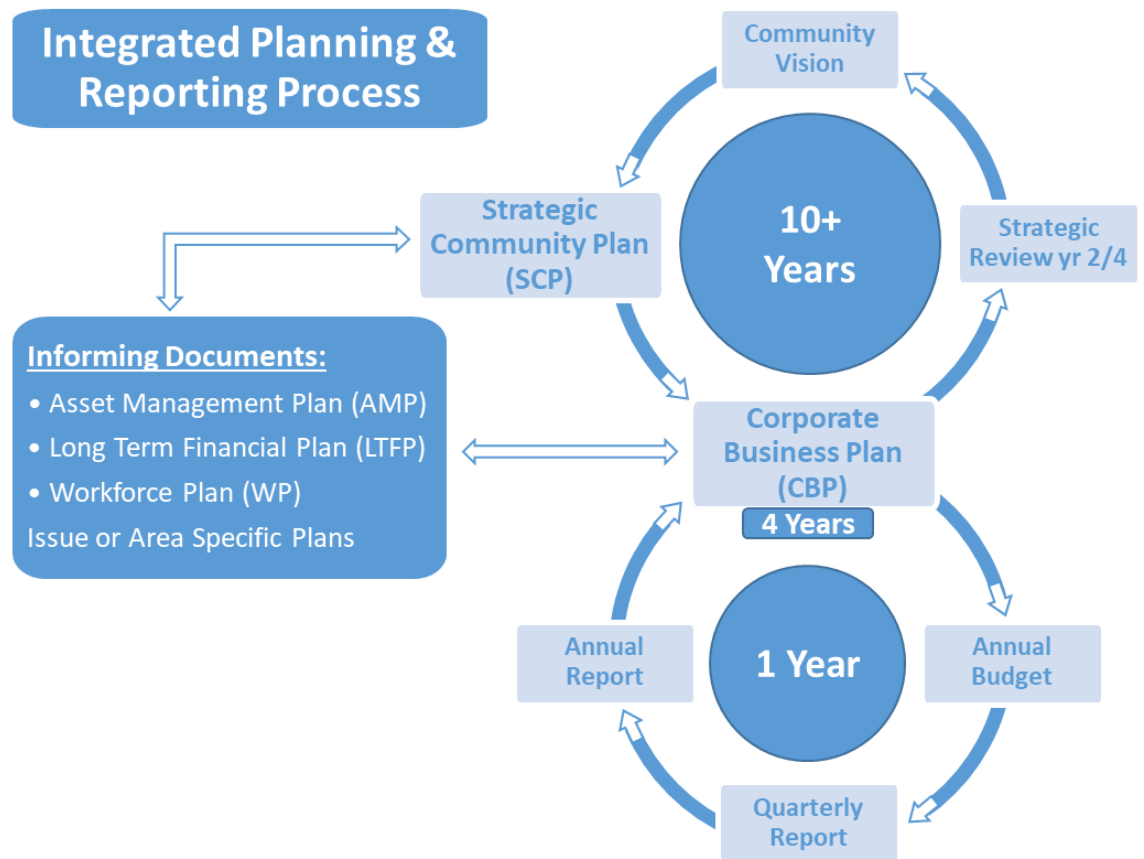
The IPRF is the overarching framework that encompasses both the SCP and CBP and the suite of strategic and operational informing documents that the City is required by legislation to prepare with the involvement of the community.

Informing plans include the:

- Asset Management Plans (AMP):
- Workforce Plan (WP):
- Long Term Financial Plan (LTFP):

Ideally, the first year of the LTFP informs the Annual Budget adoption, with financial reporting monthly to Council and quarterly reporting of progress against the CBP. The Annual Report then provides both commentary and financial information to describe the annual progress relating to the CBP in response to the SCP.

The diagram below shows how all of the elements of the IPRF fit together to deliver and report on Council priorities which are informed by the community vision and aspirations.



The comment section is divided into two sections, *Minor Review* and *Major Review*.

### *Minor Review*

The City is required to review its Strategic Community Plan two years after adoption in accordance with the State Government's IPRF Council adopted the 2017-2027 Strategic Community Plan in September 2017 and the minor review of this plan was initiated in late 2019.

This review was completed through phased sessions with the City's Leadership Team and Council to identify changes required to the 2017-2027 Plan.

The activities were held across three stages.

- **Stage One:** one Strategy Session with the City's Executive Management Team (facilitated by MODIS)
- **Stage Two:** three Leadership Workshops with the City's Leadership Team (facilitated by MODIS)
- **Stage Three:** two Council Briefing Workshops with the City's Elected Members.

The review identified minor changes to update demographic & statistical information, a message from the new Mayor, updated dates throughout plus some minor grammatical text changes. More significantly the review recognised the need to modify multiple strategies (including removals and additions of strategies) and introduce a new numbering structure.

The main changes to the 2017-2027 Strategic Community Plan as a result of the minor review are tabled below.

Page	Page heading	Change made
Page 3	Message from the Mayor	Updated with message from new Mayor
Page 5	Our City	Updated demographic and statistical information
Page 6	Our Services	Updated services list to align to Annual Report format
Page 9	How the City uses and interprets the IPR	Updated process image
Page 11	How we developed our plan	Wording changes to include specifics of the minor review and summarise the previous major review as historical
Page 13	Our strategic direction	Dates updated
Page 14	Our plan at a glance	Dates updated and snapshot of all Strategic Directions linked to Outcomes and Strategies to remove the need for a separate summary document
Page 17	Community	Updated strategy numbering Wording and grammatical changes (1.1.1, 1.2.1, 1.2.2 & 1.3.1) New strategies introduced (1.1.5 & 1.3.2)
Page 19	Economy	Updated strategy numbering New strategy introduced (2.1.3) Moved strategy from 2.1 to 2.2 (2.2.1)
Page 21	Environment (Built and natural)	Updated strategy numbering Wording and grammatical changes (3.1.3, 3.2.1, 3.3.2 & 3.4.2) Removal of strategies which have become redundant due to wording and grammatical changes of others (3.1.2 & 3.2.2)
Page 23	Leadership	Updated strategy numbering Wording and grammatical changes (4.3.1 & 4.3.2)
Page 25	Reviewing the plan and monitoring progress	Dates updated

The changes proposed are minimal, predominantly being cosmetic or grammatical and the removal of strategies is proposed mainly due to the identification of duplication, rendering redundancy. The DLGSC guidelines state 'assuming there are no major changes proposed, community engagement is discretionary'. As the City had significant community input during the 2017 major review and no major changes were made during this review process, the need to engage was limited to internal (Executive, Leadership and Council).

The proposed changes to the SCP strategies will now be filtered into the review and amendment of the City's Corporate Business Plan (CBP), which is to be presented to Council in June 2020. The changes will also flow through to the applicable informing plans and reporting documents, including the quarterly progress report and annual report.

**Major Review**

Following the completion of the minor review, a major review would be completed two years later. Given the significant change in Councillors over the past two elections, it is prudent to commence a major review sooner than required by the Act. The planned approach to the major review has considered the impacts COVID-19 may have on undertaking an effective community consultation process, inherent in finalising a SCP.

The significant difference between a major and a minor review is that to satisfy the advisory standards set out in the DLGSC's IPR Framework and Guidelines, significant community engagement is required to formulate the plan. At a minimum, community engagement needs to involve at least 500 people or 10% of community members, whichever is fewer, and needs to be conducted by at least 2 documented mechanisms. The process needs to be planned with consideration of timeframes and the various other engagements being conducted by the City to ensure that the community does not experience fatigue.

In consideration of the COVID-19 implications, the change in Councillors and the significant community engagement required, the following process is proposed:

Timeframe	Audience	Planned activity
Sep/Nov 2020	Council	Stage One: Workshops/briefings with Council
Jan 2021	Public	Communication commences for the SCP review
Feb/Mar 2021	Community	Stage Two: Stakeholder engagement feedback period (TBC, may include survey & workshops)
Apr 2021		Stage Three: Analysis of feedback and draft report developed
Apr/May 2021	Council	Stage Four: Council briefings & workshops
May 2021	Public	Stage Five: Draft SCP released for further stakeholder engagement
Jun/Jul 2021	Council	Stage Six: Final Strategic Community Plan 2021-2031 presented to Council for adoption

The proposed process to complete the SCP major review will be formally documented through plans detailing the requirements for resourcing, marketing, stakeholder engagement and project management. It is expected that the above planned activity schedule will inform such plans.

**Consultation**

Nil.

**Policy and Legislative Implications**

*Local Government Act 1995*

Local Government (Administration) Regulations 1996

### Financial Implications

In completing the minor review, officer time as well some minor printing charges is required, which is in accordance with the adopted Budget.

The major review will require an Annual Budget allocation to enable the appropriate level of community engagement required to satisfy meeting the advisory standards set out in the DLGSC's IPR Framework and Guidelines. An initial request of \$60,000 for the 2020/21 budget is estimated to cover the major review requirements, specifically relating to Consultants for various workshop facilitation, advertisement costs, printing costs and data analysis. It is envisioned that the bulk of the work will be completed in house therefore utilising existing salary budgets.

The updated SCP will help guide the City's financial planning, including the LTFP and annual budgets.

### Strategic Implications

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

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

### Attachments

**10.4.4 (a):** Strategic Community Plan 2020-2030 - Minor Strategic Review

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

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

### 12.1 NOTICE OF MOTION - COUNCILLOR CARL CELEDIN - SUPPORT FOR THE FEDERAL GOVERNMENT'S COVIDSAFE APP

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-37022
Meeting Date:	26 May 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:	1.3 Community Safety & Health

#### Summary

Councillor Carl Celedin submitted the following Notice of Motion prior to the Council Agenda Briefing held 19 May 2020.

#### Notice of Motion Recommendation

That the administration initiate the following in support of the Government's COVIDSafe App:

- sharing the Federal Department of Health's social media posts about the app;
- posting social media content about the app on our social media channels; and
- adding information about the app to our website and Peninsula.

#### Background

Councillor Carl Celedin has submitted a Notice of Motion regarding the Federal Government's COVIDSafe app. The reasons given are:

*The COVIDSafe app is key part of the Commonwealth's efforts to slow the spread of Covid-19, and to ease restrictions whilst keeping Australians safe. By downloading the COVIDSafe App, our residents can help contain the spread of an outbreak. We want our residents to feel safer within our libraries, community centres and shared spaces and to know that if someone they have come into close contact with tests positive for the COVID-19 virus, then they will be quickly informed. This will reduce the chance that we unknowingly pass the virus onto our loved ones.*

**Comment**

There is a large amount of COVID information available to the community through a wide range of sources. During the pandemic the City has tried to ensure that a balanced level of communication is maintained about the virus whilst also informing the community of City related information.

A link is currently provided to the COVIDSafe app on the Useful Resources section of the COVID page on the City’s website. Throughout all of the City’s communications, the community is directed to this page of the website. This ensures that the community are aware of the wide range of information that is available to them including health resources, business and community support as well as the COVIDSafe app.

The City will continue to inform the community about the range of information available including the app in all its communications related to the COVID pandemic.

It should be noted that the app is voluntary and as such, the City can provide information about the app but should not impose an opinion as to whether people download it or not.

For the above reasons, officers consider this Notice of Motion is not required.

**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 2017-2027](#):

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

**Attachments**

Nil



## 13. QUESTIONS FROM MEMBERS

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

## 15. MEETING CLOSED TO THE PUBLIC

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

### Officer Recommendation

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

- Item 15.1.1 Chief Executive Officer's Employment

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

Item 15.1.1 Chief Executive Officer's Employment is a new report and was not presented to the Council Agenda Briefing 19 May 2020. This new report has been included at the request of the Mayor.

#### 15.1.1 Chief Executive Officer's Employment

*This item is considered **confidential** in accordance with section 5.23(2)(a) of the Local Government Act 1995 as it contains information relating to "a matter affecting an employee or employees".*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-34684
Meeting Date:	26 May 2020
Author(s):	Pele McDonald, Manager Human Resources
Reporting Officer(s):	Pele McDonald, Manager Human Resources
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

## 16. CLOSURE