

AGENDA.

Ordinary Council Meeting

23 February 2021

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 23 February 2021 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

19 February 2021

Acknowledgement of Country

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

- Councillor Stephen Russell – Impartiality Interest in Item 10.0.1 as ‘I hold shares in the Telco although less than \$10,000 worth’.
- Councillor Ken Manolas – Financial Interest in Item 10.0.1 as ‘I own Telstra Shares’.
- Councillor Blake D’Souza – Financial Interest in Item 10.0.1 as ‘I own Telstra Shares’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.0.1 as ‘My daughter holds Telstra shares’.
- Councillor André Brender-A-Brandis – Financial Interest in Item 10.0.1 as ‘I have an indirect financial interest through shareholdings in the superannuation fund in Telstra Corporate Limited’.
- Mayor Greg Milner – Impartiality Interest in Item 10.2.1 as ‘I have previously served on the board of Southcare Inc as a Board Trainee’.
- Councillor Mary Choy – Impartiality Interest in relation to Item 10.3.1 as ‘my children attend Wesley College located directly opposite this development’.
- Councillor Ken Manolas – Financial Interest in Item 10.3.2 as ‘I own Telstra Shares’.
- Councillor Blake D’Souza – Financial Interest in Item 10.3.2 as ‘I own shares in Telstra’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.3.2 as ‘My daughter holds Telstra shares’.
- Councillor Stephen Russell – Impartiality Interest in Item 10.3.2 as ‘I hold shares in the Telco although less than \$10,000 worth’.
- Mayor Greg Milner – Impartiality Interest in Item 15.1.1 as ‘My wife and I have attended the annual South Perth Hospital Christmas Dinner in previous years’.
- Councillor Ken Manolas – Impartiality Interest in Item 15.1.1 as ‘I attended a Christmas dinner from South Perth Community Hospital’.

- Councillor Mary Choy – Impartiality Interest in Item 15.1.1 as ‘A medical practitioner who consults at/around the nearby South Perth hospital is known to me’.
- Councillor Glenn Cridland – Impartiality Interest in Item 15.1.1 as ‘I have attended the South Perth Community Hospital annual Christmas dinner (along with my wife) on a few occasions over the last ten years’.
- Councillor Glenn Cridland – Impartiality Interest in Item 15.1.2 as ‘I am a member of the South Perth (& Victoria Park) RSL, I have attended the South Perth Senior Citizens annual Christmas lunch on a few occasions over the last ten years and My mother-in-law is a member of the South Perth Bridge Club and I once attended their Christmas lunch’.
- Mayor Greg Milner – Impartiality Interest in relation to Item 15.1.2 as ‘I have attended a number of lunches at the South Perth Senior Citizens Centre in my capacity as an Elected Member’.
- Councillor Mary Choy – Impartiality Interest in relation to Item 15.1.2 as ‘from time to time I have attended lunch and participated in activities at the Senior Citizens Centre (self-funded) and at least one of the volunteers at the Centre is known to me’.
- Councillor Carl Celedin – Impartiality Interest in relation to Item 15.1.2 as ‘I frequently have (and pay for myself) lunch at the South Perth Senior Citizens Centre’.
- Councillor Ken Manolas – Impartiality Interest in relation to Item 15.1.2 as ‘I have attended lunches at the Senior Citizens and paid for them myself’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 23 FEBRUARY 2021

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 15 December 2020

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 15 December 2020 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 16 February 2021

Officers of the City presented background information and answered questions on Items to be considered at the 23 February 2021 Ordinary Council Meeting at the Council Agenda Briefing held 16 February 2021.

Attachments

7.2.1 (a): Briefing Notes

7.2.2 Concept Briefings and Workshops

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

Date	Subject
1 December 2020	Economic Development Report Briefing
1 December 2020	Karawara Laneway Petition Workshop
1 February 2021	Civic Heart 7 Peninsula Buildings Road Closure and Construction Plan
2 February 2021	Integrated Transport Plan Briefing #2
2 February 2021	Local Planning Scheme 7

Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 16 February 2021
- 7.2.2 Concept Briefings and Workshops

8. PRESENTATIONS

8.1 PETITIONS

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

8.3 DEPUTATIONS

8.4 COUNCIL DELEGATES REPORTS

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

This item was deferred at the Council Meeting held 24 November 2020

10.0.1 Proposed Upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth

Location:	Various
Ward:	Manning Ward, Mill Point Ward and Moresby Ward
Applicant:	Urbis
File Reference:	D-21-11781
DA Lodgement Date:	2 July 2020
Meeting Date:	23 February 2021
Author(s):	Brendan Philipps, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for the upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth. The locations of the proposed signs can be found at **Attachment (a)**.

The item is referred to Council as there is no specific delegation established to allow officers to determine an application of this nature.

It is considered that the proposed development would not adversely impact the amenity of the public realm, and the proposal is supported having considered the City's planning provisions relating to signage.

It is recommended that the application be approved, subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for the upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.

2. The illuminance of the signs shall be in accordance with Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting (AS4282), to the satisfaction of the City. Within 30 days of practical completion of the development, the applicant shall supply a report to the City, completed by a suitably qualified consultant, demonstrating that the illuminance of the signs meets the requirements of AS4282, to the satisfaction of the City.
3. The signage shall not flash, pulsate, strobe, chase or be animated in its form, to the satisfaction of the City.
4. The third party signage shall not exceed a maximum display of more than six advertisements per minute and shall be limited to the display of static images only with no animated images. The third party advertising is limited to the rear panel of the payphones only.
5. All structures, ground coverings and treatments within the City road reservation are to be modified or reinstated to meet the provisions of the City's Verge Street Guidelines, to the satisfaction of the City.
6. Prior to commencement of works, the applicant is to enter into a memorandum of understanding with the City to establish the use of the front signage panel for occasional advertising of City of South Perth content including, but not limited to, community events and services, to the satisfaction of the City.

Specific Advice Note:

1. The payphone on Moresby Street shall achieve compliance with Western Power clearances from power pole facilities.

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

(a) Background

In July 2020, the City received an application for the upgrading of five payphones (Telstra Smart City Payphones) across various locations in the City of South Perth. Some minor modifications are also proposed to the location and orientation of certain payphones, with associated verge works to accommodate the reconfiguration.

The application was signed by the Minister for Lands as the work is proposed within the road reservation, which is Crown land. The delegation for the City to sign as landowner under section 55 of the *Land Administration Act 1997* is limited to proposals that are 'consistent with the use of the land as a road'.

Development approval is required for third party advertisements and the upgraded payphone cabinets as prescribed by the City's Town Planning Scheme No. 6 and Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

In November 2020, in the case of *Telstra Corporation Limited v Melbourne City Council* [2020] FCA 305, the Federal Court of Australia (FCA) ordered that the Telstra Smart City Payphones shall not be classified as 'low impact facilities' in accordance with the *Telecommunications Act 1997 (Cth)*.

The effect of this decision is that the payphone cabinets are not exempt from the need to obtain development approval. To this end, both the digital signs and the cabinet structures are assessed as part of this application.

(b) Description of Sites

The locations of the three digital signs are shown below and are proposed to be located in the suburbs of Kensington and Manning.

TELSTRA SMART CITY PAYPHONES: CITY OF SOUTH PERTH SITE LIST				
CabID	Address	Latitude	Longitude	Local Zone
08936726X2	47 GEORGE ST, KENSINGTON	-31.983002	115.888437	Local Road
08936735X2	7 MORESBY ST, KENSINGTON	-31.988351	115.880236	Local Road
08931303X2	59 LEY ST, MANNING	-32.012359	115.864008	Local Road

Figure 1: List of proposed signage additions to Telstra Payphones

The signs are proposed to be located in close proximity to commercial properties.

(c) Description of the Proposal

The proposal involves the upgrading of existing payphones as part of the national rollout of the Telstra Smart City Payphones. The upgraded payphone facilities will include a digital signage panel on the rear of the payphones and a smaller panel on the front. The dimensions of the rear signage panel are to be 1.6m in height and 0.9m in width. The third party advertising is only proposed for the rear signage panel.

The signs are to be illuminated and will display third party advertising content. The nature of the content displayed is not specified as part of this development application and is instead governed by advertising codes of conduct, principally those established by the Outdoor Media Association.

(d) Signage

The City's Town Planning Scheme No. 6 (TPS6) and Policy P308 Signs outline criteria to be considered as part of assessing an application for signage. The following clause of TPS6 is of relevance:

6.12 (6) When determining an application for development approval for an advertisement, the local government shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.

The proposed signs are considered to address these provisions, as well as the objectives of P308, in the following ways:

- The signs are comparable in nature to that of digital signage at bus stops, and of a reasonable scale relative to the payphone booth. There are also examples of street furniture which exhibit third party advertising.

- The surrounding areas adjacent to the proposed signs are predominantly commercial and therefore signage is considered to be more compatible in these locations. In all three of the locations, there is a reasonable offset from the signs toward residential properties.
- The signage is not considered to significantly contribute to visual clutter or driver distraction in the area, noting the orientation of the signs are directed toward the footpaths for pedestrian viewing.
- Conditions have been recommended to further assist with minimising potential driver distraction.

The applicant has indicated there is potential scope to allow for City of South Perth content to be displayed on the signs, such as notification of upcoming community events. It is worth noting that similar arrangements have been established for such signs in other local governments in the greater Perth metropolitan area.

A condition has been recommended to allow for this provision to occur. It is considered this capability would provide a community benefit and is supported on this basis.

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

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

The proposed development is considered satisfactory in relation to all of these matters.

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

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

It is considered that the proposal satisfies the relevant matters of clause 67.

Consultation

(g) Neighbour Consultation

Neighbour consultation was not undertaken for this proposal, as it is not a requirement of the City's Consultation Policy P301. Telstra undertakes independent consultation with surrounding landowners in close proximity to the upgraded payphone facilities.

(h) Internal Administration

Comments were provided by the City's Urban Design Coordinator regarding the impact of the signage in the public realm as well as the proposed relocation of payphones. Overall the City's Urban Design Coordinator is supportive of the three signs and cabinets in the nominated locations.

(i) Western Power

A referral was conducted to Western Power due to the proximity of the relocated payphone facility to a power pole on Moresby Street. Western Power provided feedback on the distance from the payphone facility to the power pole, and amended plans have since been provided by the applicant to meet these requirements.

Policy and Legislative Implications

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

Financial Implications

This determination has minimal financial implications. The City will not receive revenue from the display of the third party advertising.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

It is considered that the proposed development would not adversely impact the amenity of the public realm, and the application is supported having considered the City's planning provisions relating to signage. The proposed three locations are deemed to be contextually appropriate for such signs, noting the predominant commercial setting and streetscape. Conditions of approval have been recommended to mitigate any potential adverse impacts relating to the digital signs, in particular ensuring compliance with Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting. For these reasons, it is recommended that the application is conditionally approved.

Attachments

10.0.1 (a):	Amended Plans dated 14 September 2020
10.0.1 (b):	Applicant's Report

10.2 STRATEGIC DIRECTION 2: ECONOMY

10.2.1 Proposed Change Of Use (Use Not Listed - Temporary Sales Office). Lot 10, No. 19 Pether Road, Manning.

Location:	Lot 10, No. 19 Pether Road, Manning
Ward:	Manning Ward
Applicant:	Total Project Management (WA) Pty Ltd
File Reference:	D-21-12327
DA Lodgement Date:	29 October 2020
Meeting Date:	23 February 2021
Author(s):	Cameron Howell, Senior Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for a change of use for a temporary sales office (Use Not Listed) within part of an existing building, on Lot 10, No. 19 Pether Road, Manning.

This item is referred to Council as the proposal involves a Use Not Listed.

The proposal is considered to meet the relevant Scheme and Council policy provisions and does not pose any adverse amenity impacts to the locality.

It is recommended the proposal be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for change of use for a Use Not Listed 'temporary sales office' on Lot 10, No. 19 Pether Road, Manning **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. This approval pertains only to a temporary 'sales office' associated with the sale of future Aged & Dependent Persons' Dwellings on the subject property.
3. The operation hours of the 'sales office' shall be limited to:
 - Wednesday: 6pm – 7pm.
 - Saturday – Sunday: 10am – 3pm.
 - At other times: By prior appointment only.
4. This approval expires on 28 February 2022.

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

Development Site Details

The development site details are as follows:

Zoning	Private Institution
Density coding	R40
Lot area	3332 sq. metres
Building height limit	7.0 metres
Development potential	Residential and non-residential land uses
Plot ratio limit	0.60 (TPS6 Table 3)

Comment

(a) Background

In October 2020, the City received an application for a change of use for a temporary sales office within part of an existing building on Lot 10, No. 19 Pether Road, Manning. The rest of this building can continue to function as normal. During the course of the application, the applicant submitted a revised floor plan, which just changed the room in this building that the sales office will be located within.

(b) Existing Development on the Subject Site

The subject site forms part of the Southcare complex straddling the Bickley Crescent cul-de-sac. The room identified to be occupied by the sales office has previously been used as a food store.

(c) Description of the Surrounding Locality

The site has a frontage to Bickley Crescent to the west, Manning Road to the south, Pether Road to the north and is located adjacent to Single House and Grouped Dwelling residential development to the east, as seen in **Figure 1** below:



Figure 1: Site Aerial Photograph (September 2020)

(d) Description of the Proposal

The proposal involves a change of use for a temporary period of time, to use a room within the southernmost building on the site as a sales office. The location of the sales office is indicated in **Figure 2** below:



Figure 2: Location of Sales Office

The sales office would be open during nominated hours and by appointment outside of these hours. The nominated opening hours listed by the applicant in their development application are 6pm-7pm on Wednesdays and 10am-3pm on Saturdays and Sundays. The applicant had advised there will be one sales agent on site and is not expecting more than five visitors per opening time on average.

The sales office is for a proposed Aged and Dependent Person's Dwellings development on the subject site.

The applicant's report and the plans of the development are contained in **Attachment (a)**.

The following components of the proposed development require a discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) and Council Policy requirements:

- (i) Land Use; and

(ii) Car parking; and

The proposal is considered to meet the relevant Scheme and Council policies provisions.

(e) Land Use

The proposed land use of Sales Office is a Use Not Listed.

The nature of the sales office land use is considered to pose minimal amenity impacts to the surrounding locality, as a sales office is a low impact activity. The building containing the proposed sales office is already used for various non-residential functions. Additionally, it is surrounded by other non-residential uses on the subject site and the western side of Bickley Crescent.

The land use is considered to meet the relevant Scheme provisions and is supported. An expiry timeframe condition is recommended to enforce the temporary nature of this use.

(f) Car Parking

TPS6 does not list specific car parking requirements for Uses Not Listed. Accordingly, the provision should be sufficient based upon likely demand.

The existing development is provided with on-site car parking, including an immediately adjacent car park containing approximately 10 bays. Additionally, many on-street parking spaces are provided on the Bickley Crescent cul-de-sac.

The car parking demand for the sales office is expected to be low, with not more than a few car bays needed at any time. The existing car parking on site and the bays available in close proximity to the proposed sales office are considered to be sufficient for this purpose.

The provision of car parking is considered to meet the relevant Scheme provisions and is supported.

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

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

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

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

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

Consultation

(i) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos. 47, 49, 50A, 51 and 53 Bickley Crescent, Nos. 113, 114, 115, 115A and 116 Manning Road, Nos. 16A, 16B, 18, 21, 21A, 23 and 25 Pether Road and Nos. 1 and 2 Welwyn Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period. The advertising period was extended to accommodate the period of time that this application was not visible on the City's website. Submitters were notified of the extension and the receipt of the amended floor plans.

During the advertising period, a total of 27 consultation notices were sent and seven submissions were received, all against the proposal. The comments from the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
The sales office should not be supported as the development approval for the Aged & Dependent Persons Dwellings development has expired.	<p>The sales office application now being considered is an independent application to the Aged & Dependent Persons Dwellings development. The granting of an approval of this sales office is not reliant on the main development being approved or having a valid approval.</p> <p>Notwithstanding, the Aged & Dependent Persons Dwellings development approval is valid, as advised by the City at the 15 December 2020 Ordinary Council Meeting.</p> <p>The comment is NOT UPHELD.</p>
The sales office should not be supported as the planning and building requirements for the Aged & Dependent Persons Dwellings development have changed since the 2018 approval was granted and the approved development does not meet these requirements e.g. new State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments.	<p>This is not a relevant consideration for the sales office development application.</p> <p>Notwithstanding, the development approval is valid and the plans do not need to be amended to address the current planning requirements. The building permit application will need to meet the requirements that will be applicable at the time that application is processed.</p> <p>The comment is NOT UPHELD.</p>

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Sustainability Implications

The proposal has no sustainability implications.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, and it will not have a detrimental impact on adjoining residential neighbours and streetscape. The proposed change of use will be accommodated within an existing building on site, with sufficient car bays available for this temporary sales office. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.2.1 (a):** Applicant's Letter & Development Plans - Temporary Sales Office - Lot 10, No. 19 Pether Road, Manning - 11.2020.396.1
- 10.2.1 (b):** Photographs - Temporary Sales Office - Lot 10, No. 19 Pether Road, Manning - 11.2020.396.1

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed 4 x Two Storey Grouped Dwellings with undercroft level and roof terrace at Lot 3, No. 29 Coode Street, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Giorgi Group
File Reference:	D-21-12328
DA Lodgement Date:	8 October 2020
Meeting Date:	23 February 2021
Author(s):	Brendan Philipps, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for 4 x Two Storey Grouped Dwellings with undercroft level and roof terrace at Lot 3, No 29 Coode Street, South Perth.

This item is referred to Council as the application is assessed in accordance with clause 6.2A (Pre-Scheme Developments) of Town Planning Scheme No.6. Any application assessed against this clause requires determination by Council in accordance with the City's Delegation.

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

It is recommended that the application be approved, subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for 4 x Two Storey Grouped Dwellings with undercroft level and roof terrace at Lot 3, No 29 Coode Street, South Perth **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.

4. Prior to the submission of a building permit, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
5. The existing crossovers on Swan Street and Coode Street shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
6. Prior to the submission of a building permit application, the applicant is required to make payment for the cost of removing and replacing the existing verge trees fronting the development site on Swan Street and Coode Street, to the satisfaction of the City.
7. Prior to the submission of a building permit application, the applicant shall relocate the street sign that is in conflict with the proposed crossover on Coode Street, to the satisfaction of the City and at the expense of the applicant.
8. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
9. Prior to occupation of the dwellings, all major openings and/or active habitable spaces, as shown on the approved plans, shall comply with the visual privacy requirements of the Residential Design Codes of WA Volume 1. The structure(s) shall be installed and remain in place permanently.
10. Prior to occupation of the dwellings, landscaping areas shall be implemented in accordance with the approved landscaping plan by Plan E Landscape Architects (ref. 2014001). All landscaping areas shall be maintained thereafter to the satisfaction of the City.
11. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the buildings so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
12. External clothes drying facilities shall be provided for each dwelling and shall be screened from view from all streets or any other public place.
13. All vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
14. The roof terraces shall remain unenclosed and open-framed structures.
15. Prior to the submission of a building permit application, the applicant is to submit a final materials, colours and finishes schedule to the satisfaction of the City of South Perth on advice from the City's Design Review Panel. The endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City of South Perth.
16. The height of any wall, fence or other structure, shall be no higher than 0.75m within 1.5m of where any driveway meets any public street, to the satisfaction of the City.

Development Site

The development site details are as follows:

Zoning	Residential
Density coding	R15/R50
Lot area	837m ²
Building height limit	7.0 metres
Development potential	At R50 Coding – 4 Grouped Dwellings
Plot ratio limit	N/A

(a) Background

In October 2020, the City received an application for 4 x Two Storey Grouped Dwellings with undercroft level and roof terrace. The existing site area of 837m² does not meet the minimum (580m² per dwelling) and average (666m² per dwelling) lot size requirements to accommodate four Grouped Dwellings on a R15 coded site, as prescribed in the Residential Design Codes (Volume 1) (**R-Codes**). The application has been considered against special provisions for Pre-Scheme Development in accordance with Clause 6.2A of the City's Town Planning Scheme No. 6 (**Scheme**). The current development on site is a two storey Multiple Dwelling (apartment) building comprising 6 dwellings held in single ownership.

(b) Description of the Surrounding Locality

The site is a corner lot with frontages to Swan and Coode Streets.



Figure 1: Aerial image of subject site

(c) Description of the Proposal

The application proposes 4 x Two Storey Grouped Dwellings with undercroft level and roof terrace on the subject site, as depicted in the amended plans at **Attachment (a)**. The current land use in the proposal is Grouped Dwellings, given that the (parent) lot has not been formally subdivided as of yet. Once the new lots are created following subdivision approval, the land use will change to Single House for each dwelling, as there will not be any common property once the subdivision is finalised.

The site photographs show the relationship of the site with the surrounding built environment at **Attachment (b)**.

The following components of the proposed development require discretionary assessment against TPS6, the R-Codes and/or Council Policy requirements:

- (i) Dwelling density;
- (ii) Garage width;
- (iii) Landscaping;
- (iv) Retaining/site works;
- (v) Significant views; and
- (vi) Dividing fence height.

The proposal is considered to meet the relevant Design Principles or discretionary criteria of the Scheme, R-Codes and relevant Council policies.

(d) Dwelling Density (Pre-Scheme Development)

The development qualifies for assessment in accordance with clause 6.2A of TPS6 as the existing development on site exceeds the number of dwellings that are permitted under the current planning framework. Clause 6.2A of TPS6 allows the decision maker to consider proposals that vary the density requirements outlined in Table 3 of the R-Codes, subject to satisfying a range of criteria.

The proposed dwellings are considered to meet a majority of the relevant discretionary criteria in Clause 6.2A of the Scheme and are supported for the following reasons:

- While Multiple Dwellings and Grouped Dwellings are separate land uses, Grouped Dwellings is a permitted land use as per clause 6.2A (1) (b) (ii) of TPS6.
- The development is proposed at a lesser density compared with the existing number of dwellings on-site; the current building contains 6 apartments and this proposal involves 4 dwellings.
- The Grouped Dwellings provide an improved amenity for future residents by way of access to generous floor space and flexible living areas, lift access for ageing in place, and high quality outdoor spaces.
- The development proposes an articulated frontage with projecting architectural elements to provide visual interest for the streetscape, as well as providing surveillance to the public realm.
- The proposal has been reviewed by the City's Design Review Panel (DRP) and has been considered against the 10 principles of design in *State Planning Policy 7.0 – Design of the Built Environment*. The town house typology was supported by the DRP, noting in general terms the development represents a well resolved and high quality design.

- The proposed development satisfies the solar access and visual privacy requirements of the deemed-to-comply provisions of the R-Codes. The impact on views of significance is supported and is discussed in further detail in this report.

It is however noted that clause 6.2A (1)(c)(iv) of TPS6 refers to '*no external wall of the replacement building is to extend higher than the highest point of the corresponding external wall of the Pre-Scheme Development*'. The application proposes an increase to the height of the external wall from the existing building by approximately 2m. To this end, this discretion is considered against clause 7.8 of TPS6, which enables variations to Scheme requirements. This power can be exercised if the decision maker is satisfied that:

- (i) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (iii) the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct Plan for that precinct.*

The additional building height beyond the height of the external walls of the current building on site is considered to satisfy these provisions for the following reasons:

- The additional height is considered to be consistent with orderly and proper planning of the precinct, as it would not detrimentally impact adjoining sites. The current building height is well below the height permitted under clause 6.1A and the proposed development would comply with the prescribed building height of 7m. The lift overrun is a permitted projection above the 25 degree notional roof pitch in accordance with clause 6.1A (5) (f) of TPS6.
- The additional height of 2m would not have an adverse impact on the locality as the proposal is deemed to facilitate and maintain reasonable access to partial views. The proposal is also considered to positively contribute to the streetscape, noting strong support of the scale and form of the proposal by the City's DRP.
- There is no precinct plan specifically relating to building above the height of an existing building.

(e) Garage Width

Element	Deemed-to-comply	Provided
Garage Width	60%* (6.18m) <i>* Where balcony overhang or equivalent is proposed</i>	Dwellings 2 and 3 - 67.9% (7m)

The garage width variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The upper floor extends the full width of the garage and assists in reducing the perception of the garage overwhelming or dominating the frontage. The design also includes projecting architectural elements which create a perception of the garages being recessed from the street front.
- Visual connectivity between the dwelling and the street is maintained by virtue of major openings positioned on the street elevation.
- The entries to the dwellings are still visible, with a clearly defined porch area designating the entrance to each property.

(f) Landscaping

Element	Deemed-to-comply	Provided
Landscaping in front setback area	50% (14.5m ²) of front setback area to be landscaped – for dwellings 2 and 3	Dwellings 2 and 3 - 34% (10m ²)

The landscaping variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The landscaping plans submitted by Plan E Landscape Architects Attachment (c) incorporate a range of different landscaping in the front setback area, including native species and the small to medium sized trees. This is considered to positively contribute to the streetscape and the overall amenity of the development.
- There is also additional landscaping included on the roof terrace and throughout the remainder of the development.
- Due to the crossover width required to access the two bay garage, it is not possible to comply with the 50% maximum hardscape requirement on a lot with a narrow frontage, however the level of landscaping is considered to be acceptable.

Throughout the DRP process, it was recommended to the applicant that the large Norfolk Pine tree located in the south-eastern corner of the site should be retained. Following this advice, the applicant engaged an arborist to determine the feasibility of retaining the tree on site in conjunction with the development application. The arborist advice indicated that a tree protection zone at a 7m radius would be required to retain the Norfolk Pine, and the excavation proposed in the application would destabilise the tree. For these reasons it would not be possible to retain the Norfolk Pine tree. However, the proponent has submitted an extensive landscaping plan, which includes a number of small to medium sized trees in order to compensate for the loss of the Norfolk Pine. It is also noted that the applicant is retaining a number of existing Frangipani trees on site.

(g) Retaining/Site Works

The maximum extent of retaining and excavation proposed in this application is up to 2m from natural ground level to the northern aspect of the site. It is acknowledged that there is a cross-fall which runs north-south over the site.

As a result, site works are required to create a relatively level pad for the ground floor level and to create suitable transitions to the various floor levels, as well as to the street boundaries. On balance, the site works and retaining proposed in this application are considered to satisfy the relevant design principles of the R-Codes for the following reasons:

- The retaining results in land that can effectively be used for the benefit of residents, and generally responds to the natural features of the site.
- The retaining is not considered to detrimentally impact the adjoining sites. There already is an imbalance in terms of the topography between surrounding properties, and the retaining proposed is not considered to significantly exacerbate this differential.
- It is noted that the development complies with visual privacy requirements, and attempts to minimise the level of excavation proposed by applying a balance of some fill and excavation to the ground floor level at the northern aspect of the site. In order to reduce the visual impact onto adjoining properties, the design incorporates a greater extent of excavation to create necessary clearance for the undercroft level, and does not rely upon excessive fill to construct this level for each dwelling.

The floor level proposed is also considered to be supportable under clause 6.10.1 (b) of TPS6 for the following reasons:

- The proposed development would achieve a visually balanced streetscape taking into consideration the floor levels of adjoining lots. In particular the renders submitted by the proponent depict a gradual slope to the north along Coode Street, rather than a sudden or steep decline in topography.
- The floor levels will not adversely affect the amenity of the neighbouring properties in relation to visual impact and overshadowing.

(h) Significant Views

Policy P350.09 (Significant Views) requires the consideration for the loss of significant view from neighbouring properties. The objective of the policy is to give balanced consideration to the reasonable expectations of both existing residents and proposed new development with regard to a significant view. The elements of the proposal considered in the assessment of impacts on a significant view under the policy are:

- i) setbacks from the street and lot boundaries;
- ii) floor size;
- iii) roof form; and
- iv) any other design element that impacts upon views.

The neighbouring properties to the south and south-west of the subject site currently enjoy some views of the Swan River and the CBD skyline beyond. Submissions received during the neighbour consultation period raise concern with respect to a loss of significant views.

The City's Policy P350.09 makes reference to considering a 'reasonable expectation' in relation to maintaining a significant view, or at least reducing the extent a development may affect such views. However, it remains somewhat ambiguous within the policy as to how a particular impact on view(s) can be classified as a reasonable expectation. As such, reference is made to the previously cited case of *APP Corporation Pty Ltd and City of Perth [2008] WASAT 291* which considers a 'four - step assessment'. The four - step assessment can be categorised as follows:

1. *Assessment of view(s) that are affected*
2. *What part of the property are views obtained*
3. *Assess the extent of impact on views*
4. *Assess the 'reasonableness' of the proposal*

The impact on views toward the Swan River as a result of the development is considered to be supportable for the following reasons:

In relation to step 1, the views are in a northerly direction toward the Swan River and CBD skyline. With the exception of elevated apartments within 'The Views' building at No. 23 Swan Street, most dwellings directly to the south of No. 29 Coode Street currently obtain a partial view or, in some cases, a glimpse of the Swan River and CBD skyline. Overall, the views afforded to properties to the south of the subject site are not considered to be significant views due to a partial view rather than a more whole view of the river or CBD skyline.

In relation to step 2, the partial views are typically obtained via balconies or living areas at dwellings to the south. The balconies at No. 31 Coode Street, in particular, are unlikely to be frequented for extensive periods of the day, primarily due to the lack of functional space for outdoor furniture.

In relation to step 3, the applicant has superimposed the height of the existing building on the elevation drawings of the proposed Grouped Dwellings. This provides a clear perspective of the difference in building height and therefore the impact on views. Excluding the roof terrace and lift overruns, the height difference is approximately 0.8m greater than the current building on site today (as measured from the top of the roof of the existing building). This is not considered to result in a significant adverse impact on views toward the Swan River. The roof terrace and lift overruns are not deemed to disrupt view corridors to a considerable extent, noting that the roof terrace design is open in nature with slim supporting posts.

In relation to step 4 above, the proposal at No. 29 Coode Street is considered to be 'reasonable', noting that the roof pitches proposed are flat. The applicant could have proposed buildings with a greater roof pitch angle in the order of 25 degrees, however has elected to reduce the roof pitch in order to maintain some partial views toward the river. This is seen to address the City's Significant Views Policy as well, which suggests reducing roof pitches in an effort to reduce any potential impact on views. The other variations are considered to be supportable, and it is considered that a large number of the discretions are a direct consequence of unique circumstances of the site, such as the substantial slope in topography.

In summary, taking into account all of the relevant points above, the impact on views is considered to be reasonable. Therefore, the proposal is considered to satisfy the objectives of the City's Policy P350.09 (Significant Views).

(i) Fencing

The dividing fence on the western boundary is a maximum of 2.6m as measured from natural ground level, whereas the maximum permitted dividing fence height is 1.8m. The fencing heights proposed on western boundary are considered to be supportable against clause 2 of the City's P350.07 (Street Walls and Fencing) for the following reasons:

- It is considered that the fencing on the western boundary will not result in an excessively dominant and unattractive visual impact, noting that the retaining situated underneath the fencing is considered necessary to effectively stabilise the land for construction.
- The shadow cast complies with the requirements of clause 5.4.2 (overshadowing) in the R-Codes.
- The impact on views is considered to be minor for the reasons previously mentioned in the 'Significant Views' section of this report.
- The additional fencing height is largely in response to the steep topography and to avoid any overlooking.
- The fencing on the western boundary is up to 2.6m in height from NGL for a small portion, and graduates down to 1.8m as the topography raises further to the south.

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

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

The proposed development is considered satisfactory in relation to all of the relevant matters.

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

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. An assessment of the proposal against clause 67 is considered through the planning assessment above. The matters most relevant to the proposal, and the City's response to each consideration.

Consultation

(l) Neighbour Consultation

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

During the advertising period, a total of 193 consultation notices were sent and ten objections were received.

Submitters' Comments (summarised)	Officer's Responses
<u>Loss of views</u> – the development would unreasonably obstruct views of significance towards Swan River and the CBD Skyline.	The impact on views is supported for reasons mentioned in the 'Significant Views' section of this report. The comment is NOTED .
<u>Building height</u> - The development does not comply with building height.	The building complies with the 7m building height limit prescribed under clause 6.1A of TPS6. It is acknowledged that the walls of the proposed building will extend beyond the height of the current building. However, it is considered that varying this requirement outlined in clause 6.2A of TPS6 is appropriate for the reasons mentioned in the report, and noting clause 7.8 of TPS6 enables variations to Scheme provisions. The comment is NOTED .
<u>Site works</u> – the level of filling and site works is a significant departure from the current development on site today	The proposal incorporates excavation in order to reduce the extent of filling from natural ground level. It is considered that excavation, generally speaking, has a lesser amenity impact than that of substantial filling, principally owing to reduced building bulk impacts. Some filling is also necessary as there is a cross-fall running north-south across the site, and suitable ground level transitions to the street boundary are required. The

	<p>proposed approach to site works is supported for the above reasons.</p> <p>This comment is NOTED.</p>
<p><u>Non-compliance</u> – the development should not be approved as it is seeking variations.</p>	<p>The variations being sought in the application have been discussed above and are considered to be supportable. A range of conditions are recommended to ensure a satisfactory development outcome.</p> <p>This comment is NOTED.</p>

A list of submissions and corresponding responses from the applicant can be found at **Attachment (d)**.

(m) Assets and Design

The City's Assets and Design business unit was invited to comment on issues relating to car parking and crossover design arising from the proposal. Accordingly, planning conditions and important notes are recommended to address issues raised by this business unit.

(n) City Environment

The City's Streetscapes Coordinator provided comments with respect to the impact of the development and proposed crossovers on existing verge trees along Swan and Coode Streets. This Streetscapes Coordinator advised as follows:

- The Chinese Tallow street trees on Swan Street and Coode Street are unlikely to survive the demolition and construction process.
- A number of existing verge trees are either located in close proximity to proposed crossovers or require relocation, and it is likely the condition of the trees would deteriorate as a consequence.
- The Department of Biodiversity, Conservation and Attractions (DBCA) has previously advised the current species of verge tree is not suitable in this location given its relatively close proximity to the Swan River catchment area.

Therefore, it is recommended that the verge trees are removed and replaced with target species as identified in the City's Street Tree Management Plan. This will be at the expense of the owner and the applicant has agreed to a condition of approval to this effect.

(o) Design Review Panel (DRP)

The application was presented to the City's DRP on two separate occasions in late 2020, and the proponent has implemented a range of amendments in response to this feedback. A copy of the DRP minutes from 8 December 2020, as well as applicant responses to feedback, can be found at **Attachment (e)**. The DRP supported the town house typology in the location and commended the proponent on the level of detail submitted in responding to design recommendations. Overall it is considered that the proposal addresses the 10 principles of design in State Planning Policy 7.0 in satisfactory manner.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Promote and facilitate contemporary sustainable buildings and land use

Sustainability Implications

Noting the favourable orientation of the lot, the proposed outdoor living areas have access to winter sun, and, in addition, the dwellings will also achieve cross ventilation. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, in particular the design elements relating to site area, significant views and landscaping. Where discretions are sought, these are considered to be supportable for the reasons set out in this report. The proposal is considered to enhance the existing streetscape and will not have an adverse impact on adjoining residential properties. The development is supported against the discretionary provisions under clause 6.2A (Pre-Scheme Developments) of TPS6, and proposes a design that achieves compatibility with the surrounding area. Accordingly, it is considered that the application should be approved subject to conditions.

Attachments

- 10.3.1 (a):** Amended Plans dated 23 December 2020 - 29 Coode Street - 4 x Two Storey Grouped Dwellings with undercroft and roof terrace - 11.2020.360.1
- 10.3.1 (b):** Site Photos – 29 Coode Street – 4 x Two Storey Grouped Dwellings with undercroft and roof terrace – 11.2020.360.1
- 10.3.1 (c):** Landscaping plans (dated 25 November 2020)- 29 Coode Street - 4 x Two Storey Grouped Dwellings with undercroft level and roof terrace - 11.2020.360.1
- 10.3.1 (d):** Response to Submissions - 29 Coode Street - 4 x Two Storey Grouped Dwellings with undercroft and roof terrace - 11.2020.360.1
- 10.3.1 (e):** Response to City of South Perth Design Review Panel - 29 Coode Street - 4 x Two Storey Grouped Dwellings with undercroft and roof terrace - 11.2020.360.1

10.3.2 Proposed Additions & Alterations to Telecommunications Infrastructure. Lot 123, No. 59 Angelo Street, South Perth.

Location:	Lot 123, No. 59 Angelo Street, South Perth
Ward:	Mill Point Ward
Applicant:	Aurecon Australasia Pty Ltd
File Reference:	D-21-12329
DA Lodgement Date:	16 September 2020
Meeting Date:	23 February 2021
Author(s):	Cameron Howell, Senior Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for additions and alterations to the existing Telstra mobile phone base station, located at the rear of the Angelo Street Post Office building, on Lot 123, No. 59 Angelo Street, South Perth.

This item is referred to Council as the proposal involves Telecommunications Infrastructure that is not classified as a 'low-impact facility' under the *Telecommunications Act 1997*.

The proposal is considered to meet the relevant Scheme, State Planning Policy and Council policies provisions and does not pose any adverse amenity impacts to the locality.

It is recommended the proposal be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for additions and alterations to Telecommunications Infrastructure on Lot 123, No. 59 Angelo Street, South Perth **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The external finish of the proposed Telecommunications Infrastructure shall match the colour of the sky, to the satisfaction of the City, unless otherwise approved by the City.

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

Development Site Details

The development site details are as follows:

Zoning	Neighbourhood Centre Commercial
Density coding	R50
Lot area	833 sq. metres
Building height limit	10.5 metres
Development potential	Retention of post office building (heritage listing)
Plot ratio limit	0.75 (TPS6 Table 3)

Comment

(a) Background

In September 2020, the City received an application for additions and alterations to the existing Telstra mobile phone base station located at the rear of the telephone exchange and post office building, on Lot 123, No. 59 Angelo Street, South Perth (the site).

(b) Existing Development on the Subject Site

The heritage listed Angelo Street Post Office building is located on the site. The building and site is used as a post office and a telephone exchange.

(c) Description of the Surrounding Locality

The site has a frontage to Angelo Street to the north, located adjacent to non-residential developments to the east and west and a carpark to the south, as seen in **Figure 1** below:



Figure 1: Site Aerial Photograph (September 2020)

(d) Description of the Proposal

The proposal is summarised as follows:

- The existing development relevant to this application is a mobile phone tower located at the rear of the Angelo Street Post Office building.

- Replacement of three antennas located at the top of the tower, to improve mobile phone and internet coverage.
- Replacement of the shroud (concealing the antennas), other affected components of the existing tower and ancillary equipment.
- The maximum height of the tower increases from 17.4m to 18m above ground level.
- Additional radio units installed on the tower, at 8m in height above ground level.
- Reconfigure the retained existing antennas.

The applicant's report and the plans of the development are contained in **Attachment (a)**.

The proposal is not eligible for an exemption to development approval as a 'low-impact facility' as the site is registered on the City's Heritage List.

The following components of the proposed development require a discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6), State Planning Policy and Council Policy requirements:

- (i) Visual impacts;
- (ii) Setback from residential buildings; and
- (iii) Local heritage impacts.

The proposal is considered to meet the relevant Scheme, State Planning Policy and Council policies provisions.

(e) Telecommunications Infrastructure

State Planning Policy 5.2 'Telecommunications Infrastructure' advises that in considering a development application, the local government should give consideration to:

- The extent to which the proposal adheres to the 'visual impacts' policy measures.
- The need for services to be located to optimise coverage; and
- Documentation to be submitted under this policy.

The proposal is considered to satisfy the visual impacts considerations for the following reasons:

- The development is not visible from a significant viewing location.
- The structure is located behind the heritage Angelo Street Post Office building and the design and visual impact of the development is similar to the existing structure.
- The development does not compromise environmental, cultural heritage, social or visual landscape values.
- The development is provided onto an existing Telecommunications Infrastructure facility.

Recommended condition 2, relating to the colour of structure, is carried over from the 22 March 2016 approval for the existing structure. The shroud that conceals the antennas on the existing structure is a light blue colour.

The applicant has advised that the purpose of the proposal is to provide improved mobile telephone and mobile broadband internet coverage to the residential properties, local commercial businesses and passing motorists of the South Perth area and surrounds. Specifically, Telstra proposes to provide 5G network coverage and improved 4G network coverage.

The City is satisfied that the documentation submitted as part of the application has addressed the policy documentation requirements.

TPS6 clause 6.15 'Telecommunications Infrastructure' has the following requirements:

- A 300 metre setback from residential buildings.
- Not sited in an undeveloped area.
- A preference for installation on an existing facility.
- No above ground cabling.

The proposed minimum setback to a residential building (4 Anstey Street) is approximately 32m. While this is less than 300m, the proposal is considered to be acceptable and comply with the Scheme's discretionary provisions for the following reasons:

- The proposal is in the same location as the existing structure and has a similar visual impact.
- The increase in overall height is relatively minor, being an increase from 17.4m to 18m.
- Council has previously granted discretion to this setback provision on this site, specifically the approval of the existing structure on 22 March 2016.
- The TPS6 setback requirement is in conflict with State Planning Policy 5.2, which states buffer zones and/or setback distances are not included in local planning schemes or local planning policies.

Local Planning Policy P310, referenced in the applicant's report, was revoked on 1 October 2020, as per the 22 September 2020 Council resolution.

(f) Local Heritage

The site is registered on the City's Heritage List – Angelo Street Post Office (Category B). The proposal is considered to satisfy the Deemed Provisions, TPS6 and local planning policy provisions for the following reasons:

- The post office building is unaffected by the development.
- The components of the site that provide heritage significance, as per the Local Heritage Inventory (2018), are retained and unaffected.
- The proposal does not obscure views from public areas or pose excessive bulk and scale.

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

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

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

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

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

Consultation**(i) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the consultation method specified for Telecommunications Infrastructure, individual property owners, occupiers and/or strata bodies of properties located within 500 metres of the site were invited to inspect the plans and to submit comments during a minimum 21 day period. In addition, signs were placed on site and a newspaper notice was published in the Southern Gazette, inviting comment from any other interested person.

During the advertising period, a total of 1779 consultation notices were sent and one submission was received, which was against the proposal. The comments from the submitter, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Objects to the proposal, based upon the health and safety impacts to people in the local area from the proposed 5G technology.	Telecommunications carriers must comply with radiofrequency and electromagnetic emissions standards and limits set by the relevant Commonwealth Government legislation and agencies. The Commonwealth's Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) advises that these limits are set well below levels at which harm to people may occur. The operating frequencies of the 5G network are included within the

	<p>limits set by the ARPANSA safety standard.</p> <p>The applicant has prepared an environmental EME (electromagnetic energy) report that summarises the levels of radiofrequency around the proposed Telecommunications Infrastructure facility. The maximum EME reported is 7.82% of the public exposure limit.</p> <p>Having regard to the supplied information and State Planning Policy 5.2, as well as ARPANSA advice, the proposal will fall within human health and safety levels.</p> <p>The comment is NOT UPHELD.</p>
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Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Sustainability Implications

The proposal has no sustainability implications.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, State Planning Policy and/or Council Policy objectives and provisions, as it will not have a detrimental impact to the locality or the heritage values of the site. Additionally, it is acknowledged the proposal constitutes minor additions to an existing Telecommunications Infrastructure facility. It is considered that the application should be conditionally approved.

Attachments

10.3.2 (a): Applicant's Report & Development Plans - Telecommunications Infrastructure - Lot 123, No. 59 Angelo Street, South Perth - 11.2020.318.1

10.3.3 Revocation of Local Planning Policy P350.13 - Strata Titling of Dwellings Constructed Prior to Town Planning Scheme 6

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12331
Meeting Date:	23 February 2021
Author(s):	Aaron Augustson, Principal 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

The *Strata Titles Act 1985* (Strata Titles Act) provides a mechanism for the City to apply the relevant criteria of the planning framework to the subdivision of existing buildings. Policy P350.13 - Strata Titling of Dwellings Constructed Prior to Town Planning Scheme 6 (P350.13) serves no additional purpose in the City's assessment of the subdivision of existing buildings. It is recommended that P350.13 be revoked.

Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, clause 6(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes Local Planning Policies P350.13 Strata Titling of Dwellings Constructed Prior to Town Planning Scheme 6.

Background

Throughout the City of South Perth there are a number of Grouped and Multiple Dwelling developments that have been developed but retained in single ownership. From time to time, owners request to be able to subdivide each dwelling into individual titles.

P350.13 provides an overview of the criteria used to assess applications for the creation of strata titles for existing buildings within the City. A copy of P350.13 is included at **Attachment (a)** of this report.

The Strata Titles Act provides sufficient guidance when the City should support strata titling of existing dwellings; which includes the need for the building to comply with Town Planning Scheme 6 and more generally not interfere with the amenity of the neighbourhood, specifically –

'24(2) On, or at any time after, the submission of an application to the local government for approval of the development constituted by a proposed strata scheme ... an application may be made to the local government for a determination that the local government is satisfied, in relation to the proposed development, that —

- (a) separate occupation of the proposed lots **will not contravene the provisions of any local planning scheme** ...under the Planning and Development Act 2005; and....*
- (c) the development of the parcel as a whole, the building and the proposed subdivision of the parcel into lots for separate occupation **will not interfere with the existing or likely future amenity of the neighbourhood**, having regard to the circumstances of the case and to the public interest.'*

[Emphasis added]

When seeking to create a strata scheme for an existing building, an applicant must seek a preliminary determination from the local government before applying to the Western Australian Planning Commission for approval.

Comment

In each instance of subdivision, the local government must be satisfied that the outcome does not contravene TPS6; and by extension, the R-Codes, any adopted structure plan, activity centre plan or local planning policy. Clause 4.1(3) of TPS6 requires residential development to comply with the R-Codes.

The Strata Titles Act provides a sufficient mechanism for the City to apply the relevant criteria of the planning framework to the subdivision of existing buildings. P350.13 serves no additional purpose in the City's assessment of the subdivision of existing buildings.

Consultation

In accordance with the Regulations, consultation on the revocation of a local planning policy is not required. Notice of the revocation will be prepared and circulated as per the requirements of the Regulations.

Policy and Legislative Implications

A planning policy does not form part of a local planning scheme, and cannot bind a decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the policy in its decision making. In regard to planning policies, Clause 6 of the Deemed Provisions states that Council may revoke a local planning policy.

Financial Implications

Costs associated with the revocation of local planning policies are accounted for in the 2020/21 budget.

Strategic Implications

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

Strategic Direction: Environment (Built and Natural)

Aspiration: Sustainable urban neighbourhoods

Outcome: Sustainable built form

Strategy: Develop and implement a sustainable local planning framework to meet current and future community needs

Attachments

10.3.3 (a): P350.13 Strata Titling of Dwellings Constructed prior to Town Planning Scheme 6

10.3.4 Final adoption of modified Local Planning Policy P301 - Advertising of Planning Proposals

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12332
Meeting Date:	23 February 2021
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 modifications to draft Local Planning Policy P301 Advertising of Planning Proposals (P301). The modifications proposed are in response to the outcomes of consultation and recent changes to the State Planning Framework over the past six months.

In March 2020, Council adopted draft modified P301 for the purpose of public advertising. Draft P301 was advertised for a period of 44 days between 18 June 2020 and 31 July 2020. 17 submissions were received.

In August 2020, the Department of Planning, Lands and Heritage released a suite of draft amendments to the Planning and Development (Local Planning Schemes) Regulations 2015. A number of the proposed amendments provide guidance to the City on the advertising of planning proposals. Due to these amendments, finalisation of the draft policy was delayed until after the changes to the Regulations were gazetted. The amendments to the Regulations were gazetted on 18 December 2020 and take effect from 15 February 2021.

In response to the submissions received, and the recent amendments to the Regulations, a number of additional modifications are proposed to draft P301. The recommended modifications aim to address the responses received during the advertising period and to ensure that the City advertises all planning proposals in accordance with State government requirements.

Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to adopt Local Planning Policy P301 Advertising of Planning Proposals with modification as included at **Attachment (a)**; and
2. Publishes a notice of adoption of Local Planning Policy P301 Advertising of Planning Proposals in accordance with clause 87 of the Deemed Provisions.

Background

Local Planning Policy P301 guides the formal advertising of planning proposals required to be advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). It seeks to provide guidance on the method and manner that each planning proposal is advertised to ensure that all potentially affected stakeholders such as landowners, residents, state agencies, and local community groups are provided with the opportunity to provide feedback.

The last major review of P301 was in 2016. Since this time the City has made improvements to the way it engages stakeholders on planning matters.

The current review of P301 seeks to ensure that advertising of planning proposals aligns with the requirements of the Regulations and is consistent with the City's engagement policy (P103 Stakeholder Engagement). The draft policy is considered to deliver consultation in a more meaningful and targeted way and to be easier to administer.

Council resolved to advertise draft P301 for public advertising in March 2020. Public advertising was undertaken between 18 June 2020 and 31 July 2020. Following public advertising, final adoption of draft P301 was delayed due to COVID-19 restrictions and impending changes to the State Government planning framework.

The following table is a summary timeline of the actions undertaken to date.

Timeframe	Action
December 2019 – February 2020	Existing local planning policy P301 Community Engagement in Planning Proposals reviewed and draft modifications prepared.
March 2020	Draft modified local planning policy P301 Advertising of Planning Proposals resolved by Council for the purpose of public advertising.
18 June 2020 – 31 July 2020	Formal advertising undertaken.
August 2020	Department of Planning, Lands and Heritage releases draft amendments the Planning and Development (Local Planning Schemes) Regulations 2015.
September 2020	Decision made to delay final adoption of P301 due to impending amendments to the Regulations.
December 2020	Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 gazetted. These amendments are to have effect from 15 February 2021.
January 2021	Draft modified P301 updated to address community feedback and align with newly gazetted Regulations.
February 2021	Council to consider final adoption of draft modified P301.

Further background about the review of P301 is contained in the report to the Ordinary Council Meeting of 24 March 2020 (refer item 10.7.7).

Comment

Outcomes of advertising

Public advertising of draft modified P301 Advertising of Planning Proposals was undertaken for a period of 44 days between 18 June 2020 and 31 July 2020. A total of 17 submissions were received. Details of the range of engagement activities that were undertaken are discussed in the 'Consultation' section of this report.

A schedule of the submissions received during the advertising period is contained at **Attachment (b)**. The following table is a summary of matters raised in the feedback with an officer response in relation to the matters raised.

Matter	Officer summary of feedback received on the matter	Officer response
Consistency with P103 Stakeholder Engagement.	The policy does not have due regard to matters contained in P103, in particular references to 'empowering' the community in the decision making process.	<p>P103 Stakeholder Engagement outlines the City's commitments on how and when the City engages with the community and relevant stakeholders. P301 is aligned to the City's Stakeholder Engagement Policy, however, it goes into further detail of the specific statutory and legislative requirements specific to planning.</p> <p>The IAP2 Public Participation Spectrum contained in P103 is a tool used to define the role of stakeholders in any engagement process. For a majority of planning proposals the level of engagement is limited to 'consult'. This is because the purpose of advertising a planning proposal is to obtain stakeholder feedback to assist in the assessment. The City is the decision maker, or is preparing a recommendation to the decision maker, and it would be inappropriate to suggest to stakeholders that the City will implement or act on all feedback received. Therefore engagement at the level of 'empower' is inappropriate.</p> <p>No modification is proposed to address this matter.</p>

Area of advertising.	The advertising area for all types of proposals should be increased to ensure all affected properties are notified.	<p>Where advertising is undertaken (required or otherwise) the City will advertise to all those stakeholders it identifies as being affected by the planning proposal. This is required by the Regulations. A review of the geographical advertising distances has been undertaken. In response to the feedback received, these distances have been amended.</p> <p>The minimum advertising area for local development plans and standard scheme amendments has been increased from 50m to a 100m radius, and the minimum advertising area for structure plans, complex development applications and complex scheme amendments has been increased from 50m to a 200m radius.</p> <p>These areas are only a minimum and will be increased to include all properties identified as being potentially affected as required by the Regulations.</p>
Length of advertising period.	Advertising periods are considered to be too short generally. Additionally, for complex proposals, much longer periods of time are required.	<p>With the exception of local development plans and local planning policies, the length of advertising periods for each type of proposal are fixed by the Regulations. Timeframes can only be extended where there is agreement between the City and the applicant or the WAPC.</p> <p>To address this matter, additional guidance has been included in P301 specifying which periods are fixed by the Regulations.</p> <p>Additional guidance has been added for when the advertising periods for local planning policies and local development plans should be increased.</p>

Methods of advertising.	Mixed feedback was provided on methods of advertising. Some feedback suggested that advertising should be undertaken in all methods available to the City. Other respondents noted that some advertising methods were ineffective, such as notices in the local newspaper, and that notices should be via email or mail in all instances.	<p>In situations where a property is identified as being affected by a proposal, a direct notice will be sent. However direct notice via letter or email is not always the best approach to reach stakeholders, particularly when a planning proposal relates to the whole City or is administrative in nature.</p> <p>P301 sets out a framework to determine the most practicable method of advertising for each type of planning proposal; including use of online notices, social media platforms and local publications (eNews and Peninsular Magazine). Additionally, City officers are available to discuss proposals via phone, email or in person.</p>
Content of notices.	Information contained in notices needs to be informative, clear and concise.	<p>The information contained in notices is not addressed by this policy. All notices prepared by the City aim to convey the critical information about the planning proposal as efficiently as possible.</p> <p>The City makes every effort to ensure that all information provided to the public is accurate and relevant. Content of notices and advertising material will continue to be monitored to ensure effectiveness.</p>
Confirmation of receipt of notice.	The City should ensure that where a direct notice has been sent that the recipient has received their notice.	There is no economic way for the City to confirm with all recipients that a hard-copy notice has been received (e.g. registered post). It is the responsibility of the landowner to ensure that the City has their correct details so that notices can be sent to the correct address.

Removal of notification letters.	Notification letters should continue to be sent out to adjoining properties as other methods of notification such as the website is not effective at reaching all community members.	Under the existing policy 'for information only' letters are sent in some circumstances to advise nearby landowners of a planning proposal. Recipients of these letters are not considered to be impacted by the proposed development and the letter is meant to inform only. This process is not included in the Regulations and is not considered to improve the advertising process. Advertising will be undertaken to all those that the City identifies as being potentially affected by the proposal which in some instances will be greater than the minimum area prescribed in the policy.
Community notice board.	Community notice boards should be installed at various high-traffic areas within the City to advertise planning matters and local government events.	Installation of community noticeboards is outside of the scope of this review. Signs are required to be provided on site for significant planning proposals as contained within Table 1 of draft P301.

Changes to State government framework

Shortly after undertaking formal advertising on draft local planning policy P301, the State government released a number of draft modifications to the Regulations. These modifications had a direct impact on the way local governments must advertise planning proposals; in particular development applications. A summary of the amendments is provided below.

Complex and non-complex development applications

The Regulations now define 'complex applications' and 'non-complex applications'. The Regulations specify the method and manner of advertising for each type of application.

Complex applications are defined as being any application for a 'use not listed' in the Scheme or any other type of application defined in the local government planning framework. The Regulations prescribe that complex applications be advertised for 28 days in the following manner:

- Application form and accompanying materials published on the City's website
- Advertising signs installed on site
- Notices sent to all properties within a minimum 200m radius.

Non-complex applications include those defined in the Regulations, but also includes any application that the City advertises that is not complex. Where required to be advertised, the Regulations prescribe that non-complex applications be advertised for 14 days in one or more of the following manners:

- Application form and accompanying materials published on the City's website
- Advertising signs installed on site
- Notices sent to all properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval.

A major implication of this change is that any development application that the City chooses to advertise must be advertised as either a complex application or a non-complex application.

Fixed advertising periods

The length of advertising periods for most planning proposals are now fixed and are no longer a minimum. The advertising period may only be modified through an agreement with the City and the applicant for development applications or the City and the WAPC for all other proposals types.

Activity Centre Plans

The term Activity Centre Plan has been replaced with Precinct Structure Plan. The advertising period for Precinct Structure Plans has also been increased to 42 days. This terminology change does not impact the operation of the City's existing/proposed Activity Centre Plans.

Proposed modifications to draft P301

Based on the feedback received during the advertising period and the recent amendments to the Regulations the following modifications are proposed.

Modification	Reason for change
Part 4 – Duration of advertising period. Updated to define the commencement date of advertising as the day after the date the notice is published online. Renumbered to Part 3.	Reflect changes to the Regulations.
Part 5 – Variations to advertising periods. Updated to specify that advertising periods cannot be varied with the exception of local planning policies and local development plans. Renumbered to Part 10.	Reflect changes to the Regulations.
New Part 5 – Advertising of applications for development approval added. This clause better defines when a development application shall be advertised.	Better articulate that not all development applications are required to be advertised and to reflect changes to the Regulations.

<p>Table 1 – Means and extent of advertising planning proposals. Updated to:</p> <ul style="list-style-type: none"> • Increase minimum advertising area for a range of proposal types • Change advertising periods for complex development applications and structure plans • Remove activity centre plan from table (addressed by structure plan) • Improve wording for notes below the table. 	<p>Changes are in response to both the Regulations and to feedback received. Updated notes below the table aim to improve clarity and legibility of Table 1 and provide references to relevant sections within the policy.</p>
<p>Part 7 – Complex development applications. Updated to align with the Regulations and to define specific development application types that will be considered complex.</p>	<p>Reflect changes to the Regulations.</p>
<p>New Part 8 – Standard development applications added. This clause defines what a standard application is (non-complex) and those situations where a standard application will be advertised.</p>	<p>Reflect changes to the Regulations and to provide more clarity around when advertising will not be required for development applications.</p>
<p>New Part 9 – Likely to be affected added. This clause provides guidance on what matters will be considered when determining if a property is likely to be affected by a proposal and will therefore be advertised.</p>	<p>To improve clarity and transparency in determining the advertising area.</p>
<p>Part 12 – Advertising to adjoining local governments. Updated to remove reference to an extended advertising period.</p>	<p>Reflect changes to the Regulations.</p>
<p>Part 13 – Holiday periods. Updated to reflect new definition of ‘excluded holiday period’ contained in the Regulations. Renumbered to Part 11.</p>	<p>Reflect changes to the Regulations.</p>
<p>Part 15 – Requests for changes to the advertising requirements. Updated to be more clear and concise.</p>	<p>Reflect changes to the Regulations and to improve readability.</p>
<p>New definition of ‘excluded holiday period’ added.</p>	<p>Reflect changes to the Regulations.</p>
<p>Parts renumbered and reordered.</p>	<p>Improve readability of the policy.</p>

In addition to the above, a number of administrative changes are also recommended to align wording in the policy to that of the Regulations and to improve legibility. These changes do not alter the function or intent of the policy.

Consultation

Public advertising was undertaken for a period of 44 days between 18 June 2020 and 31 July 2020 inclusive. Consideration was given to both the existing P301 and draft P301 in determining the methods, length and extent of advertising of the draft policy. Engagement activities included:

- Your Say South Perth web page
- Notice in the Southern Gazette newspaper appearing on 18 June 2020
- Direct notice to stakeholders identified as being potentially affected by the proposed modifications.

As P301 is a City wide policy and does not affect a particular area, notice of the advertising was not sent to individual properties owners and occupiers. The City however identified a number of affected stakeholders and invited them to provide feedback. These stakeholders were:

- The Aboriginal Reference Group
- The Inclusive Community Accessibility Group
- The South Perth Youth Network
- Local community interest groups
- Applicants for recent large scale developments within the City.

Overall there were 17 submissions received from 14 unique submitters. All submissions received are included in a Schedule of Submissions at **Attachment (b)**.

Policy and Legislative Implications

The process for amending a local planning policy is set out in Schedule 2, Division 2 of the Regulations. The relevant processes was followed in preparing and advertising the draft modifications to the existing local planning policy.

Financial Implications

There are no direct financial implications associated with this report. Costs associated with advertising of planning proposals are included in the 2020/21 budget.

Strategic Implications

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

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

Attachments

10.3.4 (a):	P301 Advertising of Planning Proposals
10.3.4 (b):	Schedule Of Submissions

10.3.5 State Development Assessment Unit (SDAU) Referral of Significant Development Application - Proposed Student Accommodation Facility. McKay Street, Keaney Place & Garvey Street, Waterford.

Location:	Lots 24, 23, 22, 21, 20, 19, 18, 29 & 28, Nos. 1, 3, 5 & 7 McKay Street, Nos. 1, 3, 5 & 7 Keaney Place & No. 8 Garvey Street, Waterford
Ward:	Manning Ward
Applicant:	Curtin Central Pty Ltd
File Reference:	D-21-12333
DA Lodgement Date:	16 December 2020
Meeting Date:	23 February 2021
Author(s):	Cameron Howell, Senior 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

The *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*), introduced a new Part 17 that grants the Western Australian Planning Commission (WAPC) temporary decision-making powers to determine proposals over \$20 million in metropolitan Perth. The WAPC is supported in its decision-making process by a new team, the State Development Assessment Unit (SDAU), within the Department of Planning, Lands and Heritage.

The City has received a referral of a Form 17B application which relates to a Student Accommodation Facility development over multiple properties in McKay Street, Keaney Place and Garvey Street, Waterford.

The WAPC must have due regard for the local planning framework in determining the application, however it has the ability to vary provisions within the City's town planning scheme (TPS6), and also undertake a more strategic assessment to consider non-planning related matters.

The development as presented would not be capable of approval under the City's TPS6 due to conflicts with some scheme provisions.

Officers do not currently have delegation from Council to provide a referral response to the SDAU. It is therefore recommended Council resolve to note that, while the development cannot currently be approved under the City's TPS6, the WAPC should give due regard to the City's 'without prejudice' conditions of approval in the event the application is supported.

Officer Recommendation

That Council notes:

1. The development cannot be approved under the City's Town Planning Scheme No. 6 as it:
 - a. does not meet all of the requirements to permit a variation to the 17.5 metre Building Height Limit;
 - b. does not meet the minimum building elevation modulation requirements; and
 - c. conflicts with the statutory Building Height Limit
2. The development represents an 'overdevelopment' of the subject sites, having regard to:
 - The bulk and scale impacts of the development, due to conflicts with building height, elevation modulation, separation and setbacks requirements.
 - The number of students proposed to be accommodated in the development.
 - The development being reliant on a high uptake of a share car scheme in order to provide sufficient car parking on the subject site.
 - The shortfall of deep soil area as per the requirements of local planning policy P351.20.
3. The development is inconsistent with a recently adopted (2020) vision for redevelopment of the development site, as identified through the 'Site P' specific controls in the City's Town Planning Scheme No. 6 and local planning policy P351.20.
4. That if the Western Australian Planning Commission (WAPC) is of the view to support the proposal using the special provisions under Part 17 of the *Planning and Development Act 2005*, the City has included 'without prejudice' conditions of development approval in **Attachment (a)**.
5. The City will submit a separate advice letter to the State Development Assessment Unit (SDAU) addressing technical considerations including waste management, parking design, landscaping and related matters.

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R100
Lot area	7247 sq. metres
Building height limit	17.5 metres, with 24.5 metres maximum building height if scheme requirements are met.
Development potential	7 storey Residential development or purpose built Student Accommodation Facility
Plot ratio limit	No requirements

Comment

(a) Background

The State Government has introduced a new development application process for significant projects as part of COVID-19 economic recovery plans. Part 17 of the *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*) (the Act) has been temporarily established by the Western Australian Planning Commission (the WAPC) as the new decision-making authority for applications for significant development.

The proponent has elected to seek approval via the SDAU pathway as this State Government department has the ability to vary Local Government Scheme provisions as part of its decision making process.

In accordance with s.276 (4) of the *Planning and Development Act 2005*, the WAPC must –

- (a) give any local government to whose district the development application relates an opportunity to make submissions to the Commission within a period specified by the Commission; and
- (b) have due regard to any submissions made by the local government within that period.

In December 2020, the City received a referral from the WAPC, inviting any information, comment or recommended conditions relevant to this application, for a proposed Student Accommodation Facility over multiple properties in McKay Street, Keaney Place and Garvey Street, Waterford.

The development site forms part of 'Site P' in Town Planning Scheme No. 6 (TPS6). The 'Site P' provisions were introduced into TPS6 through the gazettal of TPS6 Amendment No. 60 in May 2020. The scheme provisions are complimented by local planning policy P351.20 'Design Guidelines for 'Student Accommodation Facility' on 'Site P' – Waterford'.

On four occasions throughout 2020, prior to lodging the development application, the applicant prepared preliminary pre-lodgement plans for presentation to the City's Design Review Panel (DRP). The DRP's advice and high level planning comments by the City were provided to the applicant on each occasion.

(b) Existing Development on the Subject Site

The existing development on the site currently features 9 residential buildings (Grouped Dwelling or Single House), with 8 single storey buildings and a two-storey building.

(c) Description of the Surrounding Locality

The site has a frontages to McKay Street to the north east, Keaney Place to the south east, Garvey Street to the south west and is located adjacent to single storey Single Houses and Grouped Dwellings to the south west and the CSIRO Australian Minerals Research site to the north west, as seen in **Figure 1** below:



Figure 1: Site Aerial Photograph (September 2020)

(d) Description of the Proposal

The proposal involves the demolition of the existing developments and the construction of a purpose built Student Accommodation Facility, summarised as follows:

	East Building	North Building	South Building	Total
Height	7 storeys plus undercroft level	8 storeys plus undercroft level	6 storeys plus undercroft level	6- 8 storeys plus undercroft level
Units	195 units (142x 1 bed, 53x 2 bed)	252 units (198x 1 bed, 54x 2 bed)	174 units (134x 1 bed, 40x 2 bed)	621 units (474x 1 bed, 147x 2 bed)
Maximum Capacity	248 students	306 students	214 students	768 students
Other Non-Residential Uses	Café/ Restaurant, Local Shop	Café/ Restaurant	None	Café/ Restaurant, Local Shop
Car Parking	25 car bays	33 car bays	11 car bays	69 car bays

The development contains a mix of unit types, with 1 and 2 bedroom units. All units contain a bedroom and bathroom. Some units contain kitchen facilities and others are reliant on the communal kitchens located throughout the development. All units have access to range of communal facilities such as laundries, a gymnasium, lounge/study spaces and outdoor areas.

The development plans can be viewed at **Attachment (b)**. The architectural renders can be viewed at **Attachment (c)**. The landscape plans can be viewed at **Attachment (d)**.

(e) **Assessment Comments**

The development is designed based upon site specific development requirements for 'Site P' contained in TPS6 clause 5.4(14) and local planning policy P351.20. The proposal conflicts with some scheme requirements, including provisions where the exercise of discretion to permit variation is not available. The WAPC, through the SDAU pathway, is not bound by a local planning scheme when determining this type of application.

Comments on the key non-compliant matters are listed below:

Building Height

In TPS6, the site is assigned a 17.5 metre building height limit and TPS6 permits development up to 24.5 metres (approximately 7 storeys) in height if a list of requirements are satisfied. The development is exceeding the default 17.5 metres building height limit. The following TPS6 clause 5.4(14)(j) requirements are not met and therefore would not permit the bonus height to be granted:

- Minimum Side and Rear Boundary Setback – The lower 5 storeys of the northern building are setback approximately 3.6 metres from the north western (CSIRO site) boundary, which is less than the minimum 6 metre requirement.
- Street Setback Angled Plane – The angled plane requirement, applicable to the portions of the building above 17.5 metres in height, in essence results in the minimum street setback requirement increasing based upon the increasing height of the building. The upper storey of the northern and eastern building will project outside of the angle plane.

Building Modulation

For wall lengths greater than 40 metres, TPS6 clause 5.4(14)(g) has a requirement for modulation with a setback or projection at least 3 metres in depth and 6 metres in length. Most street façades are greater than 40 metres in length. While some modulation is provided, it does not meet the minimum TPS6 dimensions.

The comments listed below relate to some other key planning matters that necessitate a performance based assessment:

Car Parking

The car parking areas are concealed from street view and are located on the undercroft levels of each building. The design and access arrangements for the car parks are generally consistent with the scheme and policy provisions.

TPS6 does not set a specific car parking provision requirement, as the provision is based upon a Parking Needs Study submitted with the development application.

The Parking Needs Study supplied by the applicant has reviewed the transport options available in the locality and the provision of parking at other purpose-built student accommodation facilities across Australia, including some of those around Curtin University.

The provision of parking at the listed Curtin University facilities varies and is identified as one parking space per between 3 and 6 bedrooms. The unconstrained parking demand is listed as one space per 2.5 bedrooms.

Noting the unconstrained parking demand would necessitate more than 300 car bays being provided on site, in order to reduce the parking demand, the proposal includes a management system that provides bicycle share and car share services. The Parking Needs Study advises that Industry benchmarks show that car share is able to replace private car parking bays at a ratio of 1:10.

The provision of car parking for the Café/Restaurants and Local Shop uses is at a comparable ratio as the minimum that would be required for a non-residential development in either the South Perth Station Precinct or the Canning Bridge Activity Centre.

The City does not consider the provision of car parking to be sufficient, considering the following:

- The locality has a suburban characteristic.
- There is limited street parking available.
- The development site does not have a comparable level of access and proximity to public transport facilities to the South Perth and Canning Bridge Activity Centres.
- The Curtin University campus and local shopping facilities are not located within a short walking distance by footpath.
- The direct pedestrian route to the Curtin University campus is not particularly a safe route and possess a low level of pedestrian amenity. This route involves passing through the periphery of the Canning College grounds and the service areas of the university campus.

Building Setbacks and Separations

The side and rear lot boundary setbacks for the upper storeys of the buildings, as well as the internal separation distances, refers to the relevant Element Objectives of the Apartments volume of the R-Codes i.e. State Planning Policy 7.3 Volume 2. As such, compliance is determined on a performance basis.

The side and rear setbacks, except for the setback to the CSIRO site, are consistent with the Acceptable Outcomes distances. The internal building separation provided is mostly consistent with the Acceptable Outcomes distances.

Deep Soil Area

The applicant's planning report identifies that the provision of deep soil area, suitable for planting trees and larger shrubs, represents 16.9% of the site. This is less than the 25% minimum requirement listed in clause 5.2(a) of local planning policy P351.20.

(f) Referrals

The City conducted referrals to internal departments for comment on waste management, parking layout, landscaping, traffic impacts and related matters. A range of feedback was provided which will be articulated to the SDAU in a separate advice letter.

Prior to lodging the development application, preliminary pre-lodgement plans had been presented to the City's Design Review Panel (DRP) on four occasions. The last DRP comments (September 2020) categorised the development as 'pending further attention' (the orange coloured category) for all 10 Design Principles of State Planning Policy 7.0 'Design on the Built Environment'.

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant. The WAPC has the ability to vary legal instruments which includes planning provisions under the City's TPS6.

Financial Implications

This referral has financial implications to the extent that the City does not receive any fee or financial compensation for providing comments and draft conditions to the SDAU. Prior to the introduction of Part 17 of the *Planning and Development Act 2005*, such a proposal would be lodged with the City as a Development Assessment Panel (DAP) application, and the City would receive fees in the order of \$34,196.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

The presented design would not be eligible for approval if this was submitted as a standard development application under the local planning scheme, as it conflicts with scheme provisions where no discretion to permit variations is available. Additionally, there are other significant components of the design, which are not considered to achieve compliance with the performance based assessment criteria.

It is recommended that Council notes that the application cannot be approved under the City's TPS6, the WAPC should give due regard to the City's 'without prejudice' conditions of approval in the event the application is supported.

Next Steps

Once the City has provided referral comments to the SDAU, this State Government agency will undertake a detailed assessment of the proposal, consider community feedback received during the consultation period, give due regard to comments submitted by referral agencies, and prepare a report and final recommendation to the WAPC. The application will ultimately be determined at a WAPC meeting, which will be convened in a similar manner to DAP meetings insofar as being open to the public to attend and make deputations. If an approval is granted, the WAPC will be responsible for clearing all relevant conditions of the development approval in consultation with the City and other State Government departments.

Attachments

- 10.3.5 (a):** Without Prejudice Conditions - Student Accommodation Facility - SDAU 027-20 - 11.2020.483.1
- 10.3.5 (b):** Development Plans - Student Accommodation Facility - SDAU 027-20 - 11.2020.483.1
- 10.3.5 (c):** Architectural Renders - Student Accommodation Facility - SDAU 027-20 - 11.2020.483.1
- 10.3.5 (d):** Landscape Plans - Student Accommodation Facility - SDAU 027-20 - 11.2020.483.1

10.3.6 Tender 18/2020 Provision of Challenger Reserve Floodlight Upgrade

Location:	Challenger Reserve, Manning
Ward:	Manning Ward
Applicant:	Not Applicable
File Reference:	D-21-12335
Meeting Date:	23 February 2021
Author(s):	Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report considers submissions received from the advertising of Tender 18/2020 for the Provision of Challenger Reserve Floodlighting Upgrade.

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

Officer Recommendation

That Council:

1. Accepts the tender submitted by Burgess Enterprises trading as Kalamunda Electrics, in accordance with Tender 18/2020 for the Provision of Challenger Reserve Floodlighting Upgrade, for the period of supply up to 30 June 2021 inclusive;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that tender price will be included in the Ordinary Council Meeting Minutes.

Background

A Request for Tender (RFT) for the Provision of Challenger Reserve Floodlighting Upgrade was advertised in The West Australian on 21 November 2020 and closed at 2.00pm on 15 December 2020.

The scope of work comprises of upgrades to sports field one, two and three and includes, but is not limited to the following services:

- Demolition and removal of redundant services.
- Replacement of the existing switchboard.
- Installation of underground conduits, cabling and cable pits.
- Installation of new sports lights on field one, field two and three
- Installation of Intelligent lighting control system.
- Conduct Testing and Commissioning

Tenders were invited as a Lump Sum Contract and the contract is for the period until 30 June 2021 inclusive.

Comment

At the close of the tender advertising period seven (7) submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submission
1. Burgess Enterprises Australia trading as Kalamunda Electrics
2. Future Power WA Pty Ltd
3. Greenlite Electrical Contractors
4. Industrial Automation Group Pty Ltd
5. Pearmans Electrical and Mechanical Services
6. Stiles Electrical Communication Services
7. Tracc Civil Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Company Experience, Past Performance and Understanding of the Works	40
2. Methodology & suitability of works program	30
3. Company Profile, Resources and skills and experience of key personnel	30
Total	100%

Based on the assessment of all submissions received for Tender 18/2020 Provision of Challenger Reserve Floodlighting Upgrade, it is recommended that Council accept the tender submission from Burgess Enterprises trading as Kalamunda Electrics.

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

Consultation

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

Policy and Legislative Implications

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

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

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

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

The following City Policies also apply:

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

Financial Implications

The full cost of the works is included in the 2020/21 budget.

Strategic Implications

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

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

Attachments

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

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - December 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12340
Meeting Date:	23 February 2021
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 December 2020 and 31 December 2020 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(459)	\$5,784,624.46
Cheque Payment to Creditors	(4)	\$567.05
Total Monthly Payments to Creditors	(463)	\$5,785,191.51
EFT Payments to Non-Creditors	(80)	\$74,287.83
Cheque Payments to Non-Creditors	(5)	\$2,172.43
Total EFT & Cheque Payments	(548)	\$5,861,651.77
Credit Card Payments	(7)	\$12,207.15
Total Payments	(555)	\$5,873,858.92

Officer Recommendation

That Council receives the Listing of Payments for the month of December 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 is made and the transaction completed in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

Comment

A list of payments made during the reporting period is prepared and presented to the next Ordinary Meeting of Council and recorded in the minutes of that meeting. The payment listing for December 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 2020-2030](#):

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

Attachments

10.4.1 (a): Listing of Payments December 2020

10.4.2 Monthly Financial Statements - December 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12341
Meeting Date:	23 February 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The monthly Financial Statements are provided within **Attachments (a)–(i)**, with high level analysis contained in the comments of this report.

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 December 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 2020/21 budget adopted by Council on 7 July 2020, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

Comment

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

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

Actual income from operating activities for December year-to-date (YTD) is \$51.79m in comparison to budget of \$50.66m, favourable to budget by 2.2% or \$1.13m. Actual expenditure from operating activities for December is \$29.79m in comparison to budget of \$31.28m, favourable to budget by 4.8% or \$1.49m. Slower activity in the first half of the financial year are common, as the year progress this variance will reduce. The December Net Operating Position of \$22.00m was \$2.62m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.23m in comparison to the budget of \$1.59m. Actual Capital Expenditure YTD is \$2.97m in comparison to the budget of \$8.06m. Timing variations are mainly responsible for the variances included in the above. This is because capital spending typically accelerates in the second half of the year as projects move from the design and procurement phase to construction. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there may be a number of Capital projects that may require a Budget adjustment during the midyear review process.

Cash and Cash Equivalents amounted \$64.40m. Effectively the same level the prior year comparative period. Payment trends are similar to previous years, with spending being sluggish in the first half of the year. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.41% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. Currently the City holds 22.53% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

Attachments

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

10.4.3 Listing of Payments - January 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12343
Meeting Date:	23 February 2021
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 January 2021 and 31 January 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(301)	\$3,177,979.04
Cheque Payment to Creditors	(4)	\$1,350.05
Total Monthly Payments to Creditors	(305)	\$3,179,329.09
EFT Payments to Non-Creditors	(82)	\$502,840.56
Cheque Payments to Non-Creditors	(15)	\$9,231.62
Total EFT & Cheque Payments	(402)	\$3,691,401.27
Credit Card Payments	(7)	\$23,771.74
Total Payments	(409)	\$3,715,173.01

Officer Recommendation

That Council receives the Listing of Payments for the month of January 2021 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 is made and the transaction completed in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

Comment

A list of payments made during the reporting period is prepared and presented to the next Ordinary Meeting of Council and recorded in the minutes of that meeting. The payment listing for January 2021 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 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 2020-2030](#):

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

Attachments

10.4.3 (a): Listing of Payments January 2021

10.4.4 Monthly Financial Statements - January 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12346
Meeting Date:	23 February 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The monthly Financial Statements are provided within **Attachments (a)–(i)**, with high level analysis contained in the comments of this report.

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 January 2021.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2020/21 budget adopted by Council on 7 July 2020, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

Comment

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

On 11 March 2020, the World Health Organisation declared COVID-19 a pandemic, first and foremost a global health crisis, followed by a world economic crisis, with Australia now being regarded as officially coming out of recession. Council adopted a range of measures to support the community at its Special Council Meeting on 21 April 2020, as well as those contained within the Annual Budget 2020/21, adopted 7 July 2020. The full extent of the 2020/21 financial impact remains unclear.

The State Government extended the emergency period and it is now 30 March 2020 to 28 March 2021. COVID-19 remains a source of significant uncertainty evidenced by the five-day hard lockdown after a Perth hotel quarantine security guard contracted COVID-19.

Actual income from operating activities for January year-to-date (YTD) is \$53.05m in comparison to budget of \$51.54m, favourable to budget by 2.9% or \$1.51m. Actual expenditure from operating activities for January is \$34.29m in comparison to budget of \$36.03m, favourable to budget by 4.8% or \$1.74m. The January Net Operating Position of \$18.76m was \$3.25m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.26m in comparison to the budget of \$1.85m. The timing of Capital Revenue recognition is impacted by revised Australian Accounting Standards. Actual Capital Expenditure YTD is \$3.37m in comparison to the budget of \$9.05m. Timing variations are mainly responsible for the variances included in the above, capital spending typically accelerate in the second half of the year, as projects move from the design and procurement phase to construction. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there will be a number of Capital projects that require a Budget adjustment during the midyear review process. The review will also consider the phasing (pattern of expenditure during the year) of the budget.

Cash and Cash Equivalents amounted \$67.55m. Higher than the prior year comparative period because of the sale proceeds of \$3.220m from 49-51 Angelo Street received. Payment and spending trends are similar to previous years. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.36% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. Currently the City holds 21.66% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

Attachments

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

10.4.5 Budget Review for the Period ended 31 December 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12347
Meeting Date:	23 February 2021
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

A comprehensive review of the 2020/21 Adopted Budget, based on actual results for the period to 31 December 2020, has been completed, with comments on the identified variances. The impact of COVID-19 was less severe than initially anticipated, however remains a source of significant uncertainty, given the recent lockdown.

As is the case for prior years, officers have looked for opportunities to reduce operating expenditure, together with increased revenue has resulted in an improvement to the overall financial position of the City.

A Statement of Financial Activity is included, similar to the report included in each month's Council meeting agenda. It compares the original adopted budget to the reviewed budget, illustrating the financial movements within the review. A summary of the forecasted Financial Ratios is attached, as well as schedules of detailed adjustments. The underlying theme of the review was to deliver an improved budget outcome.

Officer Recommendation

That Council adopts the mid-year budget review and changes contained in the Statement of Financial Activity **Attachment (a)**, as well as the detailed changes contained in **Attachments (b), (c) and (d)**.

Absolute Majority required

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996, a local government is required to review the Adopted Budget and consider its financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year. The results of this Budget Review are forwarded to the Department of Local Government after adoption by Council.

A Statement of Financial Activity is included, based on the statements of financial activity presented to Council each month. It illustrates the adopted original budget, compared to the reviewed budget. It is recommended this report be reviewed first before considering the detail included within the schedules.

In addition, a summary of the forecasted Financial Ratios has been included, illustrating the need for continued effort to focus on improving the Operating Surplus Ratio over time.

All adjustments are summarised within the Budget Review Statement of Financial Activity as **Attachment (a)**. The detailed revenue and expenditure adjustments are described in **Attachment (b)**, with changes to capital and reserves contained in **Attachment (c)**.

A detailed examination of operating revenue and expenditure accounts along with capital revenue and expenditure has been undertaken to identify the required adjustments. The impact of these items on the budget closing position is balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained.

Where savings have arisen from completed capital projects, funds may be redirected towards other proposals. Projects and funding not carried forward from the prior financial year are now included, as well as the funding from capital grants. Adjustments to capital projects requires changes to the transfers to and from Municipal funds and Reserves.

The projected Budget Opening Position for 2020/21 was adjusted to reflect the actual figure at year end rather than the 'estimated' figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report. Amended Ratios based on these adjustments are included at **Attachment (d)**.

Overall the City's financial position has improved since the adoption of the Budget. The City needs to reengineer its cost allocation method to better reflect contemporary practice. The cost allocation method affects internal allocations and therefore does not impact at the organisational level. The review also considered the phasing (pattern of expenditure during the year) of the budget.

Consultation

No external consultation has occurred.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Financial Implications

The Budgeted Net Operating Deficit is forecasted to improve from \$5,423,997 by \$1,654,709 to a Net Operating Budget deficit of \$3,769,288. Although an improved result, the FHI score will remain similar in comparison to the 2019/20. As is the case every year, the estimated Budget Closing Position will continue to be closely monitored during the remainder of the year.

The projected (at Budget adoption) Opening Net Current Assets for 2019/20 was \$2,930,730. This figure was adjusted to reflect the actual figure of \$4,087,609 at year end rather than the 'estimated' figure that was used in formulating the budget. The forecasted net current assets closing position is \$4,345,145 a slight increase on the actual opening position.

Net Operating Position

All Operating Revenue and Expenditure adjustments are detailed in **Attachment (b)**, the main changes are described below.

Operating Revenue

Operating Revenue is forecasted to increase by \$1.514m overall. Interim rates assessments increased rate revenue by \$371k. Operating Grants not awarded to the City caused a reduction of \$450k. The impact of COVID-19 was lower than anticipated on Fees and Charges which increased by \$1.679m, in the main related to the Collier Park Golf Course (CPGC, \$1.158m). The higher CPGC revenue increased due to changes to the Controller Agreement to cater for COVID-19, together with an increase in expenditure, described below, with an improved CPGC net position. Significantly lower interest rates resulted in a reduction of \$176k in interest revenue.

Operating Expenditure

Operating expenditure is forecast to decrease by \$140k from the Original Budget, and \$866k lower than the 2019/20 actual results. Staff have reduced Material and Contracts cost by \$685k, however this reduction is offset by an increase in the costs of the Collier Park Golf Course Controller Agreement \$751k, as described above. Various other minor cost reductions are offset by an increase of \$145k in Depreciation due to the capitalisation of Mindeerup.

Capital Grants

Expected grant revenue reduced by a total of \$221k, largely the result of timing due to the recognition of revenue from grants impacted by changes in the Australian Accounting Standards. Revenue from grants is recognised where any associated performance obligation to provide goods or services is satisfied, and not immediately upon receipt as was previously the case. An example is the variance for the Mill Point/Mends Street Raised Plateau. The City will still receive the \$700k grant this financial year from Main Roads WA (fully funded) but anticipate to recognise only \$135k in 2020/21 to fund the design component as construction is due to commence in 2021/22. This timing (recognition) reduction is offset by stage 2 of the Local Roads and Community Infrastructure funding program of the Federal Government as part of COVID-19 stimulus. Whilst the City was awarded \$1.351m, only revenue related to the completed portion of the various projects will be recognised. The identified projects and dollar value completion for this financial year are McDougall Park Lake WSUD \$100k, Waterford Triangle – Laneway and Park Upgrade \$50k and Mends Street – Fibre Optic Cable \$100k. Detailed adjustments are contained in **Attachment (c)**.

Capital Expenditure

Capital expenditure is anticipated to be lower than the original budget by \$1.135m. Building capital expenditure increased by \$288k, mainly due to increases in the Old Mill Conservation works \$175k, Recreation and Aquatic Facility \$86k (Council Resolution 24/11/20 to obtain an independent review of the business case), Como Bowling Club kitchen upgrade \$59k and Windsor Park – Como Tram Housing \$51k. Technology acquisition increased by \$100k as result of the Mends Street Fibre Optic Cable installation (grant funded).

Capital outlays required for infrastructure Assets reduced by \$1.519m. As explained under Capital Grants the spending delay on the Mill Point/Mends Street Raised Plateau resulting in a \$585k reduction for this year. During the Annual Budget deliberations, estimation of Capital projects to be carried-forward each year is a challenging exercise as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there are Capital projects that require a Budget adjustment during the midyear review. The South Terrace – Melville – Paved Entry of Kwinana Freeway \$224k is deferred and will not proceed this year.

Reductions are partially offset by various increases in projects funded by new capital grants. Stage 2 of the Local Roads and Community Infrastructure funding program contributes \$250k to capital expenditure increases, in addition to \$123k for Floodlighting a Bill Grayden Reserve. Complete detailed adjustments are contained in **Attachment (c)**.

Reserve transfers

Transfers to reserves increased by \$3.281m, mainly due to sale proceeds of \$3.220m from 49-51 Angelo Street transferred to the Community Facilities Reserve in accordance with the Council Resolution (27/08/19). In addition, \$120k anticipated revenue from the Mini Golf is being transferred back the Community Facilities Reserve in accordance with the Council Resolution (24/03/20). These transfers to reserves will be offset by lower than expected interest revenue.

Transfer from reserves increased by \$440k. This is mainly due to the \$300k additional transfer from the Community Facilities Reserve for the Mini Golf project (in accordance with the advertised Business Plan) and \$86k for the Recreation and Aquatic Facility, to help fund the independent review of the business case. Complete detailed adjustments are contained in **Attachment (c)**.

Sustainability Implications

The purpose of the Budget Review was to assess the year to date actual results compared to the original adopted budget. Effectively the short term financial sustainability of the City based on year to date actual results. The aim was to improve the financial sustainability of the City. The Council has set a short to medium term (two to four years) goal of improving its Financial Health Indicator score (FHI), by specifically targeting the Operating Surplus Ratio.

As has been discussed over the past year, various factors including the economic conditions prevalent as a result of COVID-19 has significantly influenced and caused uncertainty around setting the Original Budget and now the Budget Review. The challenge remains to improve revenue and reduce costs to improve the Operating Surplus Ratio.

An improved economy, as well as prudent financial management will see this ratio improve over time, and ultimately improve the Financial Health Indicator (FHI) score. This review has resulted in an improved Net Operating Position, with a \$1.655m lower deficit. The City was able to forecast \$140k of operating cost savings and \$1.514m Operating Revenue increases an overall positive result, confirming its commitment to an improved FHI score.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's Strategic Community Plan 2020-2030:

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

Attachments

10.4.5 (a):	Budget Review 2020-21 Statement of Financial Activity
10.4.5 (b):	Amendments identified from normal operations in the 31 December 2020 Budget Review
10.4.5 (c):	Amendments identified from capital operations in the 31 December 2020 Budget Review
10.4.5 (d):	Financial Ratios

10.4.6 Local Government Elections

Location:	Not Applicable
Ward:	Como Ward, Manning Ward, Mill Point Ward and Moresby Ward
Applicant:	Not Applicable
File Ref:	D-21-12348
Meeting Date:	23 February 2021
Author(s):	Christine Lovett, Senior Governance Officer
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report suggests the local government elections to be held in October 2021 are to be postal elections, and recommends the Western Australian Electoral Commissioner be appointed to conduct the local government election or polls on the City of South Perth's behalf.

Officer Recommendation

That Council:

1. Notes that the Western Australian Electoral Commissioner has agreed to conduct the 2021 local government election and any other polls which may be required for the City of South Perth.
2. Declare that in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner is responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.
3. Decide that in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Absolute Majority Required

Background

Local government elections are held on the third Saturday in October every two years with the next election scheduled to occur on 16 October 2021. The *Local Government Act 1995* (Act) and associated regulations specify how local government elections must be conducted.

Section 4.20(1) of the Act provides for the Chief Executive Officer to be the returning officer for the local government elections unless Council appoint another person. If Council appoint a person other than the Chief Executive Officer, the Western Australian Electoral Commissioner must approve that person.

Under Section 4.20(4) of the Act, Council can determine that the Western Australian Electoral Commissioner be responsible for the election, including the appointment of a returning officer and other arrangements associated with the election.

Recently, the City received a letter from the Western Australian Electoral Commissioner (**Attachment A**) to conduct the local government election on the City's behalf and any other polls that may be required in 2021. In accordance with the Act, Council is required to confirm whether the Electoral Commissioner is to undertake the local government elections in 2021 on the City's behalf as well as determine the method of voting to be used at any election in 2019.

Comment

Under the Act, there are two methods for conducting local government elections. That is, postal voting or voting in person. The Act states that postal elections must only be conducted by the Western Australian Electoral Commission. Postal elections are more convenient for many electors and typically result in a higher rate of voter participation than in person ballots. Also, an Electoral Commission appointed returning officer creates independence and impartiality in the election process.

At the 2019 local government election, the City received an average voter turnout of 33.7% with the postal election process, above the State average of 29.1%.

Consultation

Nil.

Policy and Legislative Implications

Sections 4.19, 4.20 and 4.61 of the *Local Government Act 1995*.

Financial Implications

The Electoral Commissioner has quoted \$134,000 (including GST) to conduct a postal ballot. Costs not incorporated into the quote include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day
- Any additional postage rate increase by Australia Post
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

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:	Foster effective governance through quality decision-making

Attachments

10.4.6 (a): Letter from the Western Australian Electoral Commission

10.4.7 Local Government Act - Nomination of Complaints Officer

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12350
Meeting Date:	23 February 2021
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report addresses the legislative requirements for local governments to nominate a complaints officer and provide a complaint form under the new Local Government (Model Code of Conduct) Regulations 2021.

Officer Recommendation

That Council:

1. Appoints the Chief Executive Officer as the nominated Complaints Officer under clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.
2. Adopts the Code of Conduct Breach Form in **Attachment (a)**.

Background

The Local Government (Model Code of Conduct) Regulations 2021 was gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021 and repeals and replaces the Local Government (Rules of Conduct) Regulations 2007. In addition to the previous Rules of Conduct, the Model Code of Conduct includes general principles and behaviours and stipulates that complaints of alleged breaches of behavioural requirements must be dealt with by the Local Government.

As part of these new requirements, within three months the City is required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the Model Code of Conduct, in accordance with the new section 5.104 of the *Local Government Act* (Act). Until that time, the Model Code of Conduct will be taken to be the City's adopted Code of Conduct. A further report will be provided to Council on a Code of Conduct for Council Members.

A further requirement is for the City to develop a complaints handling policy and procedure. This too will be the subject of a further report to Council.

Comment

This report addresses the requirement for the City to undertake two tasks by 24 February 2021. The first is to authorise one or more persons for the purposes of receiving complaints and withdrawal of complaints, and secondly for the Council to approve a complaint form. Both of these are a requirement of clause 11(3) of the Model Code of Conduct.

Previously, the Complaints Officer for the City was the CEO. However, any staff member is able to be designated with this role and be responsible for receiving and withdrawing complaints against elected members. The Complaints Officer is an administrative role and is not involved in determining the veracity of any complaints against elected members. The role of the Complaints Officer is provided for in Part 5, Division 9 of the Act. Therefore, it is recommended that Council appoints the Chief Executive Officer as the Complaints Officer for the City.

Additionally, under clause 11(3) of the Model Code of Conduct, complaints against elected members must be in writing and on a form approved by the local government. The Department of Local Government Sport and Cultural Industries has developed a template for local governments to use. This form can be found at **Attachment (a)**. Therefore, it is recommended that Council adopt this form.

Consultation

Nil

Policy and Legislative Implications

Local Government Act (1995)

Local Government (Model Code of Conduct) Regulations 2021

Financial Implications

Nil

Strategic Implications

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

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

Attachments

10.4.7 (a): Code of Conduct Breach Form

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Internal Audit Report - Customer Service

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12351
Meeting Date:	23 February 2021
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

This report tables the Internal Audit Report – Customer Service, in accordance with the City’s Strategic Internal Audit Plan. Customer Services forms part of the Stakeholder & Customer Relations Business Unit within the Corporate Services directorate. This is the first Internal Audit of Customer Services within the City, the report contains Paxon’s one (low) detailed finding, with a number of notations relating to possible efficiencies and other observations.

The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Officer and Committee Recommendation

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

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

1. Notes the Internal Audit Report - Customer Service contained in **Confidential Attachment (a)**; and
2. Accepts the one recommendation contained in Section 5 of the Internal Audit Report – Customer Service be added to the Audit Register.

CARRIED (7/0)

For: Mayor Greg Milner; Councillors Carl Celedin, Glenn Cridland, Blake D'Souza, Ken Manolas; Mr Phillip Draber and Ms Shona Zulsdorf.

Against: Nil.

Background

For each Internal Audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management respond to Paxon’s recommendations, in relation to their findings, and these are listed in the Audit Register.

Comment

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

Internal Audit is an essential component of the City's continuous improvement process and findings are welcome. This is the first Internal Audit of Customer Service within the City, the report contains Paxon's one (low) detailed finding, with a number of notations relating to possible efficiencies and other observations

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2020/21 financial year and it is anticipated that a budget of a similar amount is to be adopted each year.

Strategic Implications

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

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

Attachments

10.5.1 (a): Internal Audit Report - Customer Services (*Confidential*)

10.5.2 Internal Audit Report - Trust Fund and Reserves

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12352
Meeting Date:	23 February 2021
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

This report tables the Internal Audit Report – Trust Fund and Reserves, in accordance with the City’s Strategic Internal Audit Plan. The Trust Fund and Reserves are managed by the Finance Business Unit within the Corporate Services directorate. This report contains Paxon’s four detailed findings (1 x low, 1 x medium, 2 x high), with a number of notations relating to possible efficiencies and other observations.

The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Officer and Committee Recommendation

Moved: Mr Philip Draber
Seconded: Mayor Greg Milner

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

1. Notes the Internal Audit Report – Trust Fund and Reserves contained in **Confidential Attachment (a)**.
2. Accepts and adds the four recommendations contained in Section 5 of the Internal Audit Report– Trust Funds and Reserves report to the Audit Register.

CARRIED (7/0)

For: Mayor Greg Milner; Councillors Carl Celedin, Glenn Cridland, Blake D’Souza, Ken Manolas; Mr Phillip Draber and Ms Shona Zulsdorf.

Against: Nil.

Background

For each Internal Audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations if there are detailed findings. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management respond to Paxon’s recommendations, in relation to their findings, and these are listed in the Audit Register.

Comment

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

Internal Audit is an essential component of the City's continuous improvement process and findings are welcome. The Audit of Trust Fund and Reserves is just one of the many Internal and External (Annual Financial Statements) audits undertaken in Finance each year. The report contains Paxon's four detailed findings (1 x low, 1 x medium, 2 x high), with a number of notations relating to possible efficiencies and other observations

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2020/21 financial year and it is anticipated that a budget of a similar amount is to be adopted each year.

Strategic Implications

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

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

Attachments

10.5.2 (a): Internal Audit Report - Trust Funds and Reserves (*Confidential*)

10.5.3 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12353
Meeting Date:	23 February 2021
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

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee (ARGC).

Officer and Committee Recommendation

Moved: Mr Philip Draber
Seconded: Councillor Blake D'Souza

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

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the four findings marked as Complete (100%) in the Audit Register to be registered as closed and no longer reported to the Committee.

CARRIED (7/0)

For: Mayor Greg Milner; Councillors Carl Celedin, Glenn Cridland, Blake D'Souza, Ken Manolas; Mr Phillip Draber and Ms Shona Zulsdorf.

Against: Nil.

Background

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

Comment

It is important to note that the Audit Register **Confidential Attachment (a)** now counts actions and totals by "Finding #". Each finding may have more than one "Recommendation" and associated "Agreed Management Action", previously counted as **one** action. This can mean that some Recommendations within an Action will be completed (100%) and some will not. Only when all assigned Recommendations/Agreed Management Actions are marked as 100% complete and approved to be closed by the ARGC.

As requested, following the September ARGC meeting, the Audit Register has been formatted to ensure clarity with;

1. Each finding that has more than one agreed management action is represented with double lines around that entire finding,
2. Each finding that has been closed (100% for all agreed actions) is represented through a purple "Closed Tally" column on the right and numbered, and
3. All findings that are being recommended to close by the ARGC (100%) are filtered to the end of the register.

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

Status of Actions	ARGC - Meeting Date											Total
	6/6/18	11/9/18	12/11/18	11/3/19	17/6/19	9/9/19	18/11/19	16/3/20	15/6/20	8/9/20	14/12/20	
New actions added by ARGC	10	24	0	24	0	0	0	27	7	24	0	116
Not Commenced ≤10%	10	0	0	4	1	0	0	4	2	3	1	
Progressed >10% to 95%	0	32	13	18	9	10	3	19	22	21	19	
Completed =100%	0	2	19	15	12	0	7	7	6	24	4	
Total (0% to 100%)	10	34	32	37	22	10	10	30	30	48	24	
Closed by ARGC	0	2	19	15	12	0	7	7	6	24*	TBC	93
Total cumulative Closed by ARGC	0	2	21	36	48	48	55	62	68	92	92	
Open Actions	10	32	13	22	10	10	3	23	24	24	21	

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

*Please note there was an error in the previous report, 24 findings should have been marked as complete and not 25.

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2020/21 financial year, and it is anticipated that a budget of a similar amount is to be adopted each year. Officers' effort to undertake the improvements and report on progress has not been estimated.

The External Audit function (WA Auditor General) has a budget of \$65,000 for the audit of the 2019/20 Annual Financial Statements, undertaken and incurred during the 2020/21 financial year.

Strategic Implications

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

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

Attachments

10.5.3 (a): Audit Register December 2020 Report (*Confidential*)

Additional submissions have been included within the body of the report and at **Attachment (b)** following the Council Agenda Briefing held Tuesday 16 February 2021. An update regarding funding from Curtin University has also been added on page 100.

10.5.4 Recreation and Aquatic Facility Business Plan and Progress Update

Location: Collier Park Golf Course
Ward: Moresby Ward
Applicant: Not Applicable
File Ref: D-21-12356
Meeting Date: 23 February 2021
Author(s): Jac Scott, Manager Business & Construction
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 provides a summary of submissions received in response to the Recreation and Aquatic Facility (RAF) Business Plan, which was advertised in accordance with Section 3.59 of the *Local Government Act 1995*.

The report recommends that Council approve the Business Plan. Approval enables the City to sign the \$20 million funding agreement with the Federal Government and progress discussions with the State Government regarding their potential investment in the project.

In addition, the report provides an update on discussions regarding additional funding sources for the project and a progress report on the industry and financial review of the RAF Operational Feasibility Report and Project Definition Plan (Business Case).

Officer Recommendation and Committee Recommendation

The Property Committee recommends that Council:

1. Considers the 49 submissions **Attachment (a)** received in response to the advertised Recreation and Aquatic Facility Business Plan;
2. Approves the Recreation and Aquatic Facility Business Plan in **Attachment (c)**;
3. Authorises the Chief Executive Officer to sign the \$20 million project funding agreement with the Federal Government, in accordance with the requirements of that contract;
4. Notes that the Federal Government grant funds will be placed in the Major Community Facilities Reserve, with approval to use the funds to be considered at a budget adjustment or annual budget adoption; and

5. Notes the progress made to seek additional funding for the project and the financial and industry review of the Operational Feasibility Report and Project Definition Plan (Business Case).

CARRIED (6/1)

For: Mayor Greg Milner; Councillor Carl Celedin, Glenn Cridland, Ken Manolas; and External Members Lewis Brock and Nigel McCombe.

Against: Councillor André Brender-A-Brandis

Background

At its meeting held 24 November 2020, Council considered a report documenting progress made in developing the Recreation and Aquatic Facility (RAF) project since its previous (September 2019) resolution. This included the Project Definition Plan and Operational Feasibility Report as well as the outcomes from community and stakeholder consultation.

In response to the report, Council resolved as follows:

That Council:

1. Notes the “Stakeholder and Community Engagement for the Proposed Recreation and Aquatic Facility (RAF) Report” in **Attachment (a)** that informs the Business Case;
2. Endorses the Business Case for the Recreation and Aquatic Facility (RAF) consisting of:
 - the Project Definition Plan in **Confidential Attachment (b)** and
 - the Operational Feasibility Report in **Confidential Attachment (c)**,
 while noting that the Business Case relies on assumptions, including:
 - 1) a total funding package of \$80 million;
 - 2) the projected financial self-sustainability of the RAF,
 and recognising that the Business Case would need to be amended for Council consideration, should either of these assumptions change;
3. Agrees to match the Federal Funding commitment with a \$20million capital expenditure commitment towards the development of the RAF, noting the required additional funding is being sought from various agencies, including the State Government;
4. Requests the Chief Executive Officer to pursue additional funding from the State Government and other project partners in order to deliver the RAF.
5. In accordance with section 3.59 of the Local Government Act 1995:
 - gives state-wide public notice of the RAF Section 3.59 Business Plan in **Attachment (d)**; and
 - notes that following the state-wide public notice period, a report considering submissions (and including an update on the progress of securing additional funding commitments from the State Government and other project partners) will be presented to the February 2021 meeting of Council, where it may be determined to proceed with implementing the Business Plan.

6. *Requests the Chief Executive Officer to engage further suitable independent and relevant industry and financial experts to review the Business Case with respect to financial modelling, key operating assumptions, operating cashflows and usage projections as further due diligence and these be reported to Council.*

Comment

In response to Points 5 and 6 of the November 2020 Council resolution, the following work has been undertaken:

1. Section 3.59 Business Plan

The RAF 'Business Plan' is a State Government requirement under the *Local Government Act 1995* (Act). Section 3.59 of the Act and Regulations 8 and 8A of the Local Government (Functions and General) Regulations 1996 (Regulations); require the City to prepare a Business Plan before it considers entering into a major land transaction and/or major trading undertaking.

The process associated with the 'Business Plan' is separate from the 'Business Case' approved by Council in November 2020. For example, the Operational Feasibility Report and Project Definition Plan are not required for the Business Plan.

The RAF Business Plan **Attachment (c)** was formally advertised in accordance with Section 3.59 of the Act. The Business Plan was advertised in the West Australian on 27 November 2020 and in the Community News Southern Gazette on 3 December 2020. It was also available on the City's website and hard copies were available from the Civic Centre and Libraries during business hours. Submissions opened on 27 November 2020 and closed on 22 January 2021.

Forty-nine submissions were received by the due date. Of these, 29 were in favour, 16 were not in favour and four did not clearly state a preference. The number of submissions indicates the level of community interest in the project.

Around 60% of the submissions were supportive of the RAF, consistent with the results from the stakeholder engagement process held in 2020. The common refrain was that the RAF would be an 'asset to South Perth' and is 'long overdue'. Submitters also noted the community benefits associated with RAF including bringing the community together, encouraging social interaction and increased physical activity as well as the importance of having a 'meeting place' for the community built around physical activity.

Around 30% submissions received did not support the RAF, citing concerns about potential rate increases, the location and loss of amenity and/or access to the golf course.

The complete list of submissions and officer comments is attached to this report **Attachments (a) and (b)**. A table has been provided below, which summarises the key themes, comments and concerns raised by the submissions and officer responses.

Key Themes	Officer Response
Community support	
<p>Widespread community support, including statements such as:</p> <ul style="list-style-type: none"> • great asset • well overdue • would pay for memberships in advance to raise funds • 'let's catch up with the rest and remain the best place to live in Perth' 	Noted
Community building – a number of submissions noted how the RAF could help build and strengthen the South Perth community by providing a central meeting place.	Noted.
Financial viability	
Reliability of the Operational Feasibility Report	This is the subject of a current review by financial consultants Deloitte, in conjunction with industry expert Warren Green Consulting. Council will be provided with the outcomes.
Ongoing affordability for ratepayers.	<p>The Operational Feasibility Report demonstrates the facility will be financially self-sustaining. This includes covering operations, maintenance and replacement costs. The facility is expected to provide a contribution to the municipal fund over and above the ongoing maintenance.</p> <p>The proposal provides a net saving over the current financial demands for the overdue renewal of the existing facilities.</p>
Concerns about the viability of leisure centres in other local government areas (Vic Park, Canning) and the potential usage by Curtin University students.	<p>The Operational Feasibility Report demonstrates the facility will be financially self-sustaining.</p> <p>Discussions with Curtin University, as a project partner, indicate that additional gym capacity is required.</p>

Lack of detail about 'Joint Venture' partners.	There are no Joint Venture partners for this project.
Concern over the Funding Shortfall	<p>The City continues to work on funding for the project and is progressing well towards the target. Confirmation of sufficient funding is the next target for the project to progress.</p> <p>The City has received a formal letter from Curtin university confirming a capital contribution together with the potential for ongoing operational support.</p>
Golf	
Reduction in number of holes.	<p>The facility will retain 27 holes at Collier Park Golf Course albeit with one nine having a reduced length (par 31).</p> <p>The remodelled Lake Nine is expected to appeal to developing, younger and older golfers, as it will prioritise skill over power. It will also provide an alternative for golfers with time constraints, or during extreme weather when a less strenuous option may be preferable.</p>
Reduced access to Collier Park Golf Course (already considered to be limited).	<p>The 27-hole golf course is maintained, but with a remodelled Lake Nine, proposed as a par 31 course.</p> <p>The high usage currently experienced is primarily related to COVID-19 and is expected to decline as competing activities re-emerge.</p>
Environmental and Design	
Destruction of pine trees.	The project does not affect the area of heritage pine trees that are almost entirely located on the Pines and Island Nine courses.
Inclusive design principles, including access for people with a disability and beyond, which is stated in the relevant codes and innovative solutions for those with sensory, needs.	This will be addressed in the detailed design of the facility - the current phase is operational feasibility

Input from local Indigenous groups on design.	There has been early consultation with local Indigenous groups and this will continue as design continues.
Width of swimming lanes – international standard.	The swimming pool design will reflect international standards.
Inclusions in the RAF	
Hydrotherapy pool for specific use (rehabilitation only).	The current project definition plan includes for warm water hydrotherapy. Access and hygiene requirements will be considered in future definition and operational planning stages.
Steam room and spa.	Noted.
Reduced pricing for seniors, students and other groups to facilitate access.	Pricing has not yet been determined; however, concession pricing is common practice in City facilities.
Strength for Life Program – a strength-training program for seniors.	Noted.
Location	
Other sites such as George Burnett Leisure Centre or the old library on Manning Road were proposed.	The site was selected as the preferred location after an in depth study identified it as the most appropriate and financially viable location. Full details are available in the September 2019 Council report.

During the advertising period, a small error was identified in the Business Plan where Collier Park Golf Course was referred to as Collier Park Golf Club. This did not affect the consultation process and has been corrected in the amended version presented to Council.

2. Project Funding Update

- Federal Government

The Federal Government has committed \$20m to the RAF project, however the grant funding agreement has not been signed by the City. This action requires the approval of Council and is a recommendation of this report. The Federal Government has stipulated that successful execution of the funding agreement is conditional on the City approving the RAF Business Plan.

- State Government

The City, together with its project partners, has been actively lobbying the State Government, the State Opposition and other potential funding partners since April 2020.

Recently, the City has held meetings with representatives from the offices of the Premier, the Minister for Transport; Planning, the Minister for Health, the Minister for Sport and Recreation and the Department of Local Government, Sport and Communities.

The RAF has been well received and the response has been positive. The Premier's office has sought additional information regarding the Community House and community sporting facilities aspects of the RAF. A response has been provided to the Premier's office.

In addition, the Premier's office has clearly advised that the State Government expects the Council to approve the Business Plan before it gives further consideration to the project. The Premier's office has recommended the City organise a follow up meeting in February as soon as the Business Plan is approved.

- State Opposition

Given the electoral context, the City has briefed the State Opposition on the RAF. The briefing was well received and the Opposition will give consideration to the project as part of their election commitments.

- Curtin University

The City has received a letter from Curtin University detailing their capital contribution to the project. This details a contribution of \$2-3million in capital funding together with the potential for ongoing operational support. Council should note that the Operational Feasibility Report assumed no rent in return for a larger capital contribution. Operational assumptions will be modified accordingly as the project progresses.

- Naming and Access Rights

The City is also developing a proposal for consideration by potential commercial partners regarding naming rights opportunities and other potential commercial sector capital and operational funding contributions.

3. Financial and Industry Review of the Business Case

The City has engaged financial consultants Deloitte, in conjunction with industry expert Warren Green Consulting (WGC) to undertake a further independent financial and industry review of the RAF Operational Feasibility Report and Project Definition Plan (Business Case), as resolved by Council at the November 2020 meeting. Deloitte and WGC are widely regarded for their expertise and independence and were selected, as they are both considered industry leaders.

Work on the review commenced on 18 January 2021 and the report is scheduled to be completed in late February. A Councillor Concept Briefing has been scheduled to be held Monday 22 February 2021 to provide an overview of the findings of the report prior to the 23 February 2021 Ordinary Council Meeting. Councillors will have the opportunity to ask questions of the review team.

Conclusion

The City has undertaken considerable work on the RAF and the project is well advanced. Community support for the RAF remains strong.

Approval of the Business Plan will allow the City to formally accept the \$20m grant from the Federal Government and progress discussions with the State Government and other potential commercial partners regarding additional investment for the project.

Formal acceptance of the Federal Government grant and more active discussions with the State Government is integral to the project proceeding in a timely manner. However, approval of the Business Plan does not bind the Council to any future action. The RAF will only proceed when Council resolves to approve the final RAF project budget and scope.

If Council resolves not to approve the Business Plan, the City will be unable to progress the project, thus relinquishing the \$20m Federal Government grant and incurring the significant reputational damage this would bring.

The City remains confident of the financial viability of the RAF and the additional detailed analysis undertaken by officers and independent industry experts further confirms this. Feedback on the Business Plan once again demonstrates the strong community support for the project.

It is recommended that Council approve the RAF Business Plan in **Attachment (c)**.

Consultation

State wide public consultation was undertaken in accordance with Section 3.59 of the Act, commencing on 27 November 2020 and closing on 22 January 2021.

The RAF Business Plan was advertised in the West Australian on 27 November and in the Community Southern Gazette on 3 December 2020. The Business Plan was also available on the City's website. The opportunity to provide feedback was provided through either [Your Say South Perth](#) or via email to enquiries@southperth.wa.gov.au. In addition, hard copies of the Business Plan were available to view during business hours at the Civic Centre and City libraries.

Policy and Legislative Implications

Section 3.59 of the Act and Regulations 8 and 8A of the Regulations, require the City to prepare a Business Plan before it considers entering into a major land transaction and/or major trading undertaking.

The City has received legal advice that signing of the Federal Grant Agreement and acceptance of payments would constitute "entering in a major land transaction".

Financial Implications

Council approval of the Business Plan enables the City to make further formal approaches to the State Government and other potential funding partners regarding investment in the project. In addition, the City will be able to sign the \$20m funding agreement with Federal Government and draw down on the first payment instalment of \$5.5m. The Federal Government is expecting confirmation of the Business Plan to allow grant signing by 1 March 2021.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Community Infrastructure
Strategy:	Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs

Attachments

10.5.4 (a):	Business Plan Comments
10.5.4 (b):	Detailed Business Plan Comments
10.5.4 (c):	Recreation and Aquatic Facility Business Plan

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

Location:	Sir James Mitchell Park
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-21-12358
Meeting Date:	23 February 2021
Author(s):	Chris Jansen, Manager Assets and Design
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

Summary

Councillor Stephen Russell submitted the following Notice of Motion at the Council meeting held on 15 December 2020.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 105)

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

Background

At the December 2020 Council meeting, Councillor Stephen Russell submitted a Notice of Motion to rename the "Waterbird Refuge" to the "Black Swan Habitat". The reasons provided for his Notice of Motion were as follows:

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

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

1. *The origin of the Black Swan Habitat project was a year 2000 study report titled “Bringing Back the Swans” which was commissioned by the State Government at that time, through the Water & Rivers Commission and the Swan River Trust. The primary objectives of this study were to establish, where viable, Black Swan nesting, feeding and roosting sites on the Swan River and to encourage human appreciation and interaction with the Black Swan. The report does state that the fulfilment of these primary objectives represents an initial step to restoring the river as a habitat for all waterbirds in general. However, this should be considered as a beneficial by-product in meeting the key objective of “Bringing Back the Swan”. For the DBCA to now request and for the City to endorse the renaming of the “Black Swan Habitat” to the “Waterbird Refuge” is inconsistent with the primary objectives of this study.*
2. *This study report was referenced and its principals to bring back the swan, were presented to Council at an internal workshop and subsequently discussed at length with the DBCA during a site visit. On this basis Council made an informed decision to commit to \$850k capital works in the 20/21 budget for the “Black Swan Habitat” project. For the DBCA to now request and for the City to endorse the renaming of the “Black Swan Habitat” to the “Waterbird Refuge” without any Council consultation, is in my opinion treating the Council’s decision making and therefore the Council with indifference.*

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

Comment

The Department of Biodiversity, Conservation and Attractions’ (DBCA’s) priorities have shifted since the ‘Bringing Back the Swans’ (BBTS) report was originally published in 2000. The BBTS report celebrates the Black Swan (*Cygnus atratus*) as a culturally significant bird whose numbers have declined on the Swan River due to human impacts. The BBTS report notes that the Black Swan features on the State flag and coat of arms and that it is the namesake of the river.

The DBCA’s current priorities are more about species that are endangered rather than culturally significant. While the focus of the project design was a habitat for the Black Swan, which is not endangered, vulnerable shorebirds such as the fairy tern (*Sternula nereis*) will also benefit.

The quote below from Birdlife Australia captures the potential benefit of the project for shorebirds.

"Because beach-nesting birds have such poor breeding success, their numbers are declining and it won't be long before they become extinct. They are in desperate need of a helping hand".

Shorebirds benefit from beaches with restricted human activity - the project includes two beaches with restricted access. The success of this approach has been demonstrated at a number of projects included the recent intervention by Birdlife Australia and the DBCA at the Point Walter Spit.

In response to the Notice of Motion, the City has discussed this matter with the DBCA. While the DBCA prefers the project name 'Waterbird Refuge', there would be no objection if Council preferred the project name 'Black Swan Habitat'.

Consultation

The City has consulted with the DBCA about this matter.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Enhanced environment and open spaces
Strategy:	Facilitate effective management of the Swan and Canning River foreshore

Suggested Alternative Recommendation

That the "Waterbird Refuge" project be renamed and referred to as the "Black Swan Habitat" project except where the former name is required for contractual purposes.

Reason for Alternative Recommendation

This amendment more succinctly reflects the intent of Cr Russell's Notice of Motion.

Attachments

Nil

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

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12359
Meeting Date:	23 February 2021
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Councillor Glenn Cridland submitted the following Notice of Motion at the Council Meeting held 15 December 2020.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 109)

That Council requests the Chief Executive Officer to arrange for:

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

Background

Councillor Glenn Cridland submitted a Notice of Motion in relation to transparency, accountability and better public reporting on elected members at the Council Meeting held 15 December 2020. The reasons for the Notice of Motion are as follows:

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

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

Those significant matters include the Local Planning Strategy, Budget workshops, the development of the Collier Park Mini Golf development and scrutiny of its financials, recruitment of a new CEO, the Recreation and Aquatic Facility, the Council's COVID-19 responses, Swan Habitat foreshore works, proposals to significantly change the rating framework, review of the Canning Bridge Activity Centre Plan, the South Perth Activity Centre Plan and proposed town planning scheme amendment for the Preston Street neighbourhood area.

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

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

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

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

Comment

The Mayor and Councillors at the City of South Perth are elected by electors of the district and as such there is a level of accountability and transparency that is expected. When sworn in each elected member is to make a declaration in accordance with the Local Government (Constitution) Regulations 1998 which declares in part that they will fulfil the duties of the office for the people in the district.

Accountability and transparency of elected members has increased over the past couple of years and as such amendments have been made to the *Local Government Act 1995* (Act) and the Local Government (Administration) Regulations 1996 (Regulations) to respond to this requiring local governments to provide further reports/registers to allow more scrutiny by electors.

In accordance with the Act and Regulations all local governments are currently required to publish in part the following:

- the name of each council member who lodged a primary or annual return for a financial year
- the type, and amount or value, of any fees, expenses or allowances paid to each council member during a financial year
- register of gifts which is to include the components of the Attendance at Events Policy
- register on elected members professional development
- the number of council and committee meetings attended (captured in the Annual Report – the City also reports on Agenda Briefing attendance)

If this Notice of Motion is endorsed by Council, and information dating back to October 2019 is required, not all the information will be able to be published as not all attendances at events were recorded. Therefore, to source this information and compile a report as requested would take considerable time.

In relation to audio recordings, with the onset of the COVID-19 pandemic and the restrictions on attendance at meetings, the City made the decision to make audio recordings available online the day following a meeting. These audio recordings have been uploaded onto the City's website since 21 April 2020. To upload audio recordings dating back to October 2019 would require a staff member to listen to each individual recording and remove any confidential information. Cutting these audio files will also take considerable time and would divert staff attention away from other core duties.

Lastly, to include the requested information as an annex to the Council Meeting minutes is not supported as it does not align with governance principles. This is because Council Minutes are a record of what took place and decisions that were made and are produced in accordance with the Act and Regulations. An annex of the requested information does not require a decision of Council and does not relate to matters discussed at Council meetings. In addition, the 'Order of Business' in the City of South Perth Standing Orders Local Law 2007 does not make a provision for an annex.

However, to uphold and promote accountability and transparency it is suggested that separate webpages be produced on the City's website under the 'Your Mayor and Councillors' section. These webpages will have up to date registers which will address most of the Notice of Motion requirements. One webpage would capture the attendance records of elected members and the other would capture the Mayors diary in terms of events he is invited to.

Providing additional registers to what is already required under the Act and Regulations is supported commencing from February 2021 as they are a mechanism of providing further accountability and transparency to electors of the district and demonstrates what elected members are attending on behalf of the community.

Consultation

Nil.

Policy and Legislative Implications

Sections 5.53, 5.88, 5.89A, and 5.90A of the *Local Government Act 1995*

Regulations 19B.(2)(f) and 29C of the Local Government (Administration) Regulations 1996

P698 Attendance at Events

Financial Implications

Nil.

Strategic Implications

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

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

Suggested Alternative Recommendation

1. That a dedicated webpage be created under the 'Your Mayor and Councillors' section on the City's website to capture Elected Members attendance at:
 - Committee and Council meetings
 - Workshops
 - Site visits
 - Eventscommencing from February 2021.
2. That a dedicated webpage be created under the 'Your Mayor and Councillors' section on the City's website to capture the Mayors attendance at events from February 2021.
3. That audio recordings continue to be uploaded to the City's website following every Council Agenda Briefing and Council Meeting.

Reason for Alternative Recommendation

The reason for the alternative recommendation is to suggest a better platform to display the information that can be updated on a regular basis providing up to date information. It also means it will all be contained within one area making it easier for members of the public to search and find.

A future date has also been included as some of the requested information cannot be provided dating back to October 2019 as it hasn't been recorded. Information that is currently available is captured in other registers in accordance with legislation.

By commencing this process from February 2021 it allows the City to put a process in place to ensure attendance at all workshops, site visits and events can be captured accurately.

In terms of uploading audio recordings from October 2019, this will be a significant impost on staffing resources as all audio files will need to be listened to and then cut and spliced to ensure recordings starts/stops at the correct times and no confidential information is released. This will take an officer away from other core duties putting a strain on the business unit.

Attachments

Nil

13. QUESTIONS FROM MEMBERS

Responses to questions from members taken on notice at the December 2020 Ordinary Council Meeting can be found in the Appendix of this Agenda.

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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 Burch Street Carpark
- Item 15.1.2 Freehold Land Register Review

15.1.1 Burch Street Carpark

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2)(c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*

Location:	South Perth
Ward:	Como Ward
Applicant:	Not Applicable
File Ref:	D-21-12360
Meeting Date:	23 February 2021
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

15.1.2 Freehold Land Register Review

*This item is considered **confidential** in accordance with section 5.23(2)(e)(ii) of the Local Government Act 1995 as it contains information relating to "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government"*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-12362
Meeting Date:	23 February 2021
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

16. CLOSURE

APPENDIX

13.1 QUESTIONS FROM MEMBERS TAKEN ON NOTICE 15 DECEMBER 2020

Councillor Glenn Cridland	
1. Has any consideration been given to making the minutes of committee meetings publicly available?	<p>The Property Committee and Audit, Risk and Governance Committee meetings are closed to the public. However, reports that required a decision at a Committee meeting are then included in the following Council Agenda for Council to either confirm or amend the Committees decision. Reports from Committee Meetings are included as item 10.7 Matters Referred From Committee Meetings in the Council Agenda. Reports that contain confidential information are not available in their entirety.</p> <p>At present, the mover, seconder and vote count from the Committee has not been included in the Council Agenda. However, this can be amended moving forward.</p>
2. Is it possible to have a basic live streaming facility available (that involves no cost) for future Council meetings held in the Council Chamber?	<p>A workshop was held with Elected Members on Monday 31 August 2020 where Elected Members decided against having live streaming.</p>