

MINUTES

Ordinary Council Meeting

23 March 2021

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 23 March 2021 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

26 March 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 - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 23 March 2021.

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.01pm.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

Councillor André Brender-A-Brandis arrived at the meeting prior to Item 4.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Como Ward
Manning Ward
Manning Ward

Moresby Ward
Mill Point Ward
Mill Point Ward

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

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
Director Infrastructure Services
Manager Development Services
Manager Finance
Manager Governance
Governance Coordinator

Mr Mike Bradford
Mr Colin Cameron
Ms Vicki Lummer
Mr Mark Taylor
Ms Fiona Mullen
Mr Abrie Lacock
Ms Bernadine Tucker
Ms Toni Fry

Gallery

There were approximately 12 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Councillor Samantha Bradder (15 March 2021 to 31 March 2021 inclusive)

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 Blake D’Souza – Financial Interest in Item 10.0.1 as ‘I own shares in Telstra’.
- Councillor Ken Manolas – Financial Interest in Item 10.0.1 as ‘I own more than \$10,000 worth of 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’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.0.1 as ‘My daughter holds Telstra shares below the specified amount’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.1.1 as ‘I know a number of the members of the Como Croquet Club as friends, my daughter and son have played for Hensman Park Tennis Club and I am a social club member of the Como Bowling Club’.
- Councillor Ken Manolas – Impartiality Interest in Item 10.1.1 as ‘A member of the Croquet Club is known to me’.
- Councillor Carl Celedin – Impartiality Interest in Item 10.1.1 as ‘I am a social member of the Como Bowls Club’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Presiding Member advised that the responses to previous public questions taken on notice are available in the **Appendix** of these Minutes.

6.2 PUBLIC QUESTION TIME: 23 MARCH 2021

The Presiding Member opened Public Question Time at 6.03pm.

Written questions were received prior to the meeting from:

- Ms Mary Wolfla of Manning Road, Manning
- Mr Barry Grace of Labouchere Road, South Perth
- Mr George Lewkowski of Labouchere Road, South Perth
- Ms Antoinette Lewkowski of Labouchere Road, South Perth (questions 1 & 2)

At 6.13pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

0321/034

MOTION TO EXTEND PUBLIC QUESTION TIME AND COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Carl Celedin

That in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, Public Question Time be extended to hear those questions not yet heard.

CARRIED (8/0)

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

Against: Nil.

- Ms Antoinette Lewkowski of Labouchere Road, South Perth (question 3)

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

There being no further questions, the Presiding Member closed Public Question Time at 6.20pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23 February 2021

0321/035

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor Blake D'Souza

That the Minutes of the Ordinary Council Meeting held 23 February 2021 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

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

Against: Nil.

7.1.2 Special Council Meeting Held: 15 March 2021

0321/036

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That the Minutes of the Special Council Meeting held 15 March 2021 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 16 March 2021

Officers of the City presented background information and answered questions on Items to be considered at the 23 March 2021 Ordinary Council Meeting at the Council Agenda Briefing held 16 March 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
2 March 2021	RAF Industry Independent Review
8 March 2021	Public Art Masterplan Briefing
15 March 2021	RAF Councillor Briefing

Attachments

Nil

0321/037

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

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

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

CARRIED (8/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing of 16 March 2021.

8.4 COUNCIL DELEGATES REPORTS

Nil.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 16 March 2021.

ITEMS WITHDRAWN FOR DISCUSSION

- 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
- 10.0.2 Final adoption of modified Local Planning Policy P301 – Advertising of Planning Proposals
- 10.3.1 Proposed Seven (7) Three Storey Grouped Dwellings on Lot 5, No. 65 Park Street, Como
- 10.3.2 Tender 17/2020 Construction of Redmond Stairs
- 10.4.1 City of South Perth Public places and Local Government Property Amendment Local Law 2021

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

0321/038

COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

That the Officer/Committee Recommendations in relation to the following Agenda Items be carried by exception resolution:

- 10.1.1 CSRFF Small Grants Application 2021
- 10.4.2 Listing of Payments - February 2021
- 10.4.3 Monthly Financial Statements - February 2021
- 10.4.4 Electors' General Meeting 2019/20
- 10.5.1 Audit Register - Progress Report
- 10.5.2 Annual Review of Council Delegations
- 10.5.3 Annual Policy Review
- 10.5.4 Compliance Audit Return
- 10.5.5 Risk Management Strategy 2021

CARRIED (8/0)

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

Against: Nil.

10. REPORTS

Councillors Blake D'Souza, Ken Manolas and André Brender-A-Brandis disclosed Financial Interests in Item 10.0.1 and left the meeting accordingly at 6.27pm prior to consideration of Item 10.0.1.

Councillors Stephen Russell and Glenn Cridland disclosed Impartiality Interests in Item 10.0.1.

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

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-21-20399
DA Lodgement Date:	2 July 2020
Meeting Date:	23 March 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.

0321/039

Alternative Recommendation AND COUNCIL DECISION**Moved:** Councillor Stephen Russell**Seconded:** Councillor Mary Choy

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 refused.

Reasons for Change

“If it looks like a duck, swims like a duck, and quacks like a duck....then I would call it a duck”. The duck in this case being the 75” luminous advertising sign. The reason that the Smart City Payphone is a sign first and a payphone second is thus:

1. The environmental protection canopy for the Smart City Payphone is of similar dimensions to the equivalent canopy fitted to the existing payphones. The payphone itself is fitted to a supporting structure which is anchored to the ground. The dimensions of the supporting structure for the equivalent existing phones is width 500mm x depth 130mm x height 1900mm, which should be compared to the supporting structure for the Smart City Payphone of width 1200mm x depth 320mm x height 2730mm. The Smart City Payphone supporting structure is much larger than existing. Now, for the Smart City Payphone the 75” luminous sign is of dimensions height 1600mm x width 900mm and therefore the supporting structure is obviously sized to accommodate this sign. Hence, by extension the primary function of the Smart City Payphone is not to provide upgraded telecommunication infrastructure but to provide the structure for the fitment of a 75” luminous advertising sign.
2. An argument that the Smart City Payphone 75” luminous sign is equivalent to a bus shelter sign is not supported as the bus shelter sign does not drive the overall dimensions of the bus shelter. As noted above, it is considered that the 75” luminous sign drives the overall dimensions of the Smart City Payphone and is therefore not of an equivalent nature.

As Smart City Payphones are considered as being primarily signage by function, then the installation of such at the proposed sites is not supported for the following reasons:

1. Policy P308 Signs, Clause 2 Relationship between sign and use of site states:

‘On a site in any zone, the City will only approve a sign relating to:

(a) a use or business carried on that site;

(b) *the name of one or more of the occupiers of that site; or*

(c) *merchandise sold on that site.*

Perhaps the land that the Payphone installed on is not deemed as a site in terms of planning law, however the intent of the clause is still valid for this application as it is a business and therefore the displaying of third party advertising not relating to the Telco on the 75" luminous screen is counter to the Policy intent.

2. The 75" luminous sign is capable of displaying third-party advertisements for commercial gain, which will not relate to nor benefit the surrounding commercial sites where the payphones are located. It is considered that the third-party advertisements will distract from and make less effective the existing commercial advertising and will not bring any value to the local businesses within the City. In effect this additionally negates the City's "Buy Local, Shop Local" campaign.
3. As the scale and opaqueness of the 75" luminous sign with its supporting structure is over and above the existing equivalent payphone structures, then it is considered contrary to the character of the local commercial centres to where they are proposed to be installed.
4. The height of the 75" luminous sign is at the eye line of pedestrians, which should be compared to the existing permanent advertisement signage of the surrounding commercial sites which are at roof height level. Hence, when compared to the existing advertisement environment, the proposed signage is considered an "in your face" form of advertising and therefore detrimental to the amenity of pedestrians.

CARRIED (3/2)

For: Councillors Carl Celedin, Mary Choy, Stephen Russell.

Against: Mayor Greg Milner, Councillor Glenn Cridland.

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 on the recommendation letter.

(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

Councillors Blake D'Souza, Ken Manolas and André Brender-A-Brandis returned to the meeting at 6.38pm prior to consideration of Item 10.0.2.

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

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20404
Meeting Date:	23 March 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.

0321/040

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Mayor Greg Milner

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.

CARRIED (4/4)

For: Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Glenn Cridland.

Against: Councillors André Brender-A-Brandis, Blake D'Souza, Ken Manolas, Stephen Russell.

Casting Vote For: Mayor Greg Milner

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</p>

		<p>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</p>

		for when the advertising periods for local planning policies and local development plans should be increased.
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	Under the existing policy 'for information only' letters are sent in some circumstances to advise nearby landowners of a planning proposal.

	methods of notification such as the website is not effective at reaching all community members.	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.
Table 1 – Means and extent of advertising planning proposals. Updated to: <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 	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.

<ul style="list-style-type: none"> Remove activity centre plan from table (addressed by structure plan) Improve wording for notes below the table. 	
Part 7 – Complex development applications. Updated to align with the Regulations and to define specific development application types that will be considered complex.	Reflect changes to the Regulations.
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.	Reflect changes to the Regulations and to provide more clarity around when advertising will not be required for development applications.
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.	To improve clarity and transparency in determining the advertising area.
Part 12 – Advertising to adjoining local governments. Updated to remove reference to an extended advertising period.	Reflect changes to the Regulations.
Part 13 – Holiday periods. Updated to reflect new definition of ‘excluded holiday period’ contained in the Regulations. Renumbered to Part 11.	Reflect changes to the Regulations.
Part 15 – Requests for changes to the advertising requirements. Updated to be more clear and concise.	Reflect changes to the Regulations and to improve readability.
New definition of ‘excluded holiday period’ added.	Reflect changes to the Regulations.
Parts renumbered and reordered.	Improve readability of the policy.

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

Additional Information – Ordinary Council Meeting – 23 March 2021

Neighbour Notification Letters

Under the existing P301, neighbour notification letters are used by the City to inform neighbouring land owners about certain kinds of development. These letters are currently sent where consultation is not being undertaken, and there is no exercise of discretion by the City. This includes:

- Any comprehensive new development within the South Perth Station Precinct and the Canning Bridge Activity Centre which fully complies with prescribed requirements where the decision does not involve the exercise of a discretionary power.
- Any residential development in R15 and R20 coded areas which fully complies with prescribed requirements, other than:
 - a) development requiring consultation under this Policy; and
 - b) minor additions or alterations.
- Any development in any zone where the development site is coded R60 or higher and is adjoining or opposite land coded R25 or lower. This applies to both single coding and dual coding.
- Buildings, including additions to existing buildings, which are 9.0 metres high or higher.
- Residential developments containing 10 or more dwellings.
- Non-residential development designed according to site-specific requirements prescribed in clause 5.4 of Town Planning Scheme No. 6
- Non-residential development in any zone or reserve adjoining any residential development –
 - a) where a 'P' Use; and
 - b) where not minor additions or alterations.
- Aged or Dependent Persons' Dwelling where a 'P' Use.
- Single Bedroom Dwelling where a 'P' Use.

Where a neighbour notification letter is sent, neighbours are invited to view details of the proposed development either online or at the Civic Centre. However it should be noted that comments are not invited, as these proposals do not involve the exercise of discretion, and cannot be considered as part of the determination by the City.

Based on historical data, the City sends an average of 2,200 neighbour notifications letters a year. Based on a postage cost of \$1.10 per letter, the minimum cost to the City per year would be \$2,420. It is difficult to quantify the full administrative time and cost of this process as each application varies.

In line with the revised P301, it is considered that the process of sending neighbour notification letters is not required for the following reasons:

- The notification process can be construed as disingenuous as recipients of the letter are not able to provide comment on the proposed development if it will not directly impact their property
- Where it is considered that a property will be impacted by a proposed development, formal consultation will be undertaken
- This process is not included in the Planning and Development (Local Planning Schemes) Regulations 2015 and is not considered to improve the decision making process

- Each letter must be personalised to provide details of the proposed development which adds to administrative time cost
- The determination of the development may be delayed to allow time for recipients of a neighbour notification letter to view details of the proposal
- Information about approved developments are available on the City's website or by contacting the City.

Providing opportunity for the community to provide comments on development in their local area is important and is dealt with through appropriate mechanisms as outlined in revised P301. However individual notices to owners and occupiers where any comments cannot materially affect the determination is not considered the most effective or appropriate method and should be discontinued.

Attachments

10.0.2 (a): P301 Advertising of Planning Proposals

10.0.2 (b): Schedule Of Submissions

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Councillors Carl Celedin, Glenn Cridland and Ken Manolas disclosed Impartiality Interests in Item 10.1.1.

10.1.1 CSRFF Small Grants Application 2021

Location:	Not Applicable
Ward:	Como Ward, Manning Ward, Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-21-20405
Meeting Date:	23 March 2021
Author(s):	Jennifer Hess, Recreation Development Coordinator
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

Each year the Department of Local Government, Sport and Cultural Industries (DLGSC) calls for applications via its Community Sport and Recreation Facilities Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects.

CSRFF applications must initially be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request its in-principle support for the proposed project/s, including the financial contribution requested by the application under the CSRFF program.

Three applications are presented for the current round of the CSRFF Small Grants Program for 2020/21 namely:

1. Como Croquet Club Lawn Playing Surface Renovation Project (external application)
2. Hensman Park Tennis Club Floodlighting Upgrade Project (external application)
3. Como Bowling Club Green Plinth Replacement Project (external application)

0321/041

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

1. That Council approves the City submitting three funding applications to the Department of Local Government, Sport and Cultural Industries via its Community Sporting and Recreation Facilities Fund – Small Grants Program 2021/22, together with comments from the Officer report and the following ranking and ratings:

Applicant	Project	Ranking	Rating
Como Croquet Club	Lawn Playing Surface Renovation Project	1	A
Hensman Park Tennis Club	Court Floodlighting Upgrade Project	2	A
Como Bowling Club	Bowling Green Plinth Replacement Project	3	A

2. That subject to these applications being successful with the Department of Local Government, Sport and Cultural Industries, a provisional amount of \$78,496 is considered in the City's 2021/22 Budget as the City's project contributions as follows:

(i)	Como Croquet Club	\$19,092 (excl. GST)
(ii)	Hensman Park Tennis Club	\$30,457 (excl. GST)
(iii)	Como Bowling Club	\$28,947 (excl GST)

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation under its Community, Sport and Recreation Facilities Fund (CSRFF).

Examples of the projects that will be considered include new playing surfaces, floodlighting, and upgrades to change rooms and ablutions and improvements to clubrooms.

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. Three CSRFF categories are offered (see table below for details).

Grant Category	Total Project Costs Range	Standard DLGSC Contribution	Frequency
Small Grants	\$7,500 - \$300,000	\$2,500 - \$100,000	Bi-Annual
Annual Grants	\$300,001 - \$500,000	\$100,000 - \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,666 - \$2,000,000	Annual

The maximum grant awarded by DLGSC will be no greater than one-third of the project up to a maximum of \$2 million. The CSRFF grant must be matched by the applicant's own cash contribution equivalent to one third of the total project costs, with any remaining funds being sourced by the applicant.

In some cases, funds provided by DLGSC do not equate to one-third of the project costs and the applicants are advised that they be expected to fund any shortfall. The local government is not obliged to contribute funding to the project. As stated in the CSRFF guidelines, small grants for this round must be claimed in the financial year following the date of approval. Therefore, grant applications in this round must be claimed by 15 June 2022.

CSRFF applications must initially be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request its in-principle support for the proposed project/s, including the financial contribution requested by the application under the CSRFF program.

Comment

Three projects are proposed by the City for the 2021/22 CSRFF Small Grants.

The estimated project cost, grant and City contribution are as follows:

1. Como Croquet Club – Lawn Playing Surface Renovation Project

CSRFF Grant Sought	\$19,092 (ex GST)
City's Contribution (in existing budget)	\$19,092 (ex GST)
Club's Contribution	\$19,093 (ex GST)
Estimated Total Project Cost	\$57,277 (ex GST)
2. Hensman Park Tennis Club - Floodlighting Upgrade Project

CSRFF Grant Sought	\$30,457 (ex GST)
City's Contribution (in existing budget)	\$30,457 (ex GST)
Club's Contribution	\$30,457 (ex GST)
Estimated Total Project Cost	\$93,370 (ex GST)
3. Como Bowling Club Plinth Replacement Project

CSRFF Grant Sought	\$28,947 (ex GST)
City's Contribution (in existing budget)	\$28,947 (ex GST)
Club's Contribution	\$28,947 (ex GST)
Estimated Total Project Cost	\$86,840 (ex GST)

CSRFF Assessment Guidelines

Under the CSRFF guidelines, applications must initially be presented to the relevant local government to review and request its in-principle support of the project, including the financial contribution required by the applicant under the CSRFF program. For this reason, a panel consisting of the City's Manager Community, Culture and Recreation; Parks Operations Coordinator; Recreation Development Coordinator; and Recreation Development Officer (Clubs and Community) assessed and ranked the application against the criteria in the table set out below by DLGSC.

A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The results are summarised in the table below:

2021/22 CSRFF Small Grants

Applicant	Project	Ranking	Rating	Club Contribution	City's Contribution	Total Project Cost
Como Croquet Club	Lawn Playing Surface Renovation Project	1	A	\$19,093	\$19,092	\$57,277
Hensman Park Tennis Club	Floodlighting Upgrade Project	2	A	\$30,457	\$30,457	\$93,370
Como Bowling Club	Bowling Green Plinth Replacement Project	3	A	\$28,947	\$28,947	\$86,840
			Totals	\$78,497	\$78,496	\$237,487

City Assessment

1. Como Croquet Club Lawn Playing Surface Renovation Project

The Como Croquet Club is located at 19 Comer Street, Como and is on City freehold land, used for parks and recreation purposes. The clubrooms and croquet greens are leased to the Club.

The project will involve reconstruction of two full size croquet courts (measuring 33m x 28m each), including removal of approximately 100mm of grass and soil, laser surveying, re-levelling, compacting and laying of new single species turf. The project scope includes three months of lawn maintenance by the contractor to ensure the new lawn surface is well established.

The City maintains the grounds and the club contributes 50% of the annual costs, currently estimated at \$16,250 per year. The Club has four croquet courts, of which two courts (i.e. courts 3 and 4) are in worse condition and close to end of life, and so are the subject of this grant application. The other two courts (i.e. courts 1 and 2) can be managed for a further five years or so before needing to be fully renovated and re-laid, subject to some remedial levelling being done in the near future.

All of the courts face ongoing issues with levelling, multiple grass species, thatching and fungus infections. Costs of maintenance and treatment of these various problems have been rising over the last few years and are now in a position where there are diminishing returns for money spent and it will be cheaper in the long term to start again by fully levelling and renovating the courts. Apart from the need to have good playing surfaces to keep existing members satisfied and attract new members, a further factor is the courts need to be at a sufficient standard to be able to host interclub, state and national competitions; and to satisfy affiliation conditions with Croquetwest who is the state sporting association overseeing croquet.

In 2019/20, the Club had a membership of 107 members with 4,468 attendances (total number of people who attended club play sessions for the year).

In summary, the City recommends that the Como Croquet Club Lawn Playing Surface Renovation Project receive a '1' ranking; and an 'A' rating for the CSRFF program due to:

- The project aligns with the City's Community Recreation Facility Plan;
- Turf renovation works are due for upgrade (approx. 4 years since last works were carried out by the City);
- Como Croquet Club has submitted a sound application;
- Como Croquet Club is showing signs of growth and increased participation;
- Como Croquet Club demonstrates it is a sustainable club; and is a good tenant of the City.

2. Hensman Park Tennis Club Floodlighting Upgrade Project

The Hensman Park Tennis Club is situated at 30 Anstey Street in South Perth, and is on crown land vested with the City for parks and recreational purposes. The clubrooms and associated courts are leased to the Club.

The project will involve replacement and improvement of existing lighting on the Club's eight hard courts to LED technology.

The existing court lighting is over 30 years old and uses old technology (halogen lamps) that are expensive to operate. In addition, the lamp assemblies on five courts are failing due to age and need replacement. Halogen lamps take a long time to come on and cool down and fail regularly. Electrical wiring and circuits need upgrading to enable more efficient and better management using Tennis Australia's online court booking system. Current lighting does not meet Tennis West specifications to host state league matches or Australian Ranking Point tournaments.

The proposed replacement LED lights have a product specification service lifespan of greater than 50,000 hours. Given the 10pm curfew for the lights, the maximum time a light is used is approximately 1,500 hours/year, thereby giving a life of over 30 years before replacement is needed. The Club estimates the new LED light system will save approximately \$5,000 per year in electricity costs due to their lower electricity usage. It should also save approximately \$4,750 in annual maintenance. The Club maintains a number of reserve funds for recurring long term asset replacement including court resurfacing, fencing, lighting and the clubroom.

In 2019/20, the Club had a membership of 336 total members. Additionally the Club had approximately 500 bookings for public hire.

In summary, the City recommends that the Hensman Park Tennis Club Floodlighting Project receive a '2' ranking; and an 'A' rating for the CSRFF program due to:

- The project aligns with the City's Community Recreation Facility Plan;
- The project aligns with the City's Sports Oval Floodlight Plan;
- Hensman Park Tennis Club submitted a sound application;
- Hensman Park Tennis Club has demonstrated signs of membership growth and increased participation;
- Hensman Park Tennis has demonstrated it is a sustainable club; and is a good tenant of the City.

3. Como Bowling Club Plinth Replacement Project

The Como Bowling Club is situated at 99 Hensman Street in South Perth and is on crown land vested with the City for parks and recreational purposes. The clubrooms and associated greens are leased to the Club.

The project will involve replacement of edgings, plinths and surrounds for Greens A and B to improve safety of the greens for both members and the public and therefore increase participation. The existing edges and plinths are over 70 years old.

In 2019/20, the Club had a membership of 280 members.

In summary, the City recommends that the Como Bowling Club Plinth Replacement Project receive a '3' ranking; and an 'A' rating for the CSRFF program due to:

- The project aligns with the City's Community Recreation Facility Plan;
- A current CSRFF grant for the club's internal kitchen, toilets and changerooms is in progress;
- Como Bowling Club submitted a sound application;
- Como Bowling Club shows sound signs of growth and increased participation;
- Como Bowling Club has demonstrated it is a sustainable club; and is a good tenant of the City.

Consultation

The City advertised the CSRFF funding round by email notification to local clubs.

Policy and Legislative Implications

- Policy P106 Use of City Reserves and Facilities
- Policy P110 Support of Community and Sporting Groups
- Policy P609 Management of City Property

Financial Implications

The total cost of all the projects is estimated at \$237,487. The City's total contribution to the projects will be \$78,496, proposed to be allocated in the City's 2021/22 Budget subject to future Council approval.

If all projects are successful in attracting external funding from the State government via the CSRFF Program, the Club will be required to contribute the balance of project funds.

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: 1.2 Community Infrastructure
Strategy: 1.2.3 Plan for and promote the development of recreation and aquatic facilities to service community needs.

Attachments

Nil

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Seven (7) Three Storey Grouped Dwellings on Lot 5, No. 65 Park Street, Como

Location:	Lot 5, No. 65 Park Street, Como
Ward:	Como Ward
Applicant:	Element
File Reference:	D-21-20407
DA Lodgement Date:	2 November 2020
Meeting Date:	23 March 2021
Author(s):	Val Gillum, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report seeks Council's consideration to refuse an application for development approval for seven Three Storey Grouped Dwellings on Lot 5, No. 65 Park Street, Como.

This item is referred to Council as the application is a residential development which is 9.0 metres high or higher, and therefore falls outside of the delegation to officers. The building height of the proposed development complies with the maximum height prescribed by the Canning Bridge Activity Centre Plan.

It is considered that the proposed development does not achieve compliance with all of the discretionary considerations and will have adverse amenity impacts to the residents of the precinct or upon the likely future development of the Canning Bridge Activity Centre Plan precinct.

It is recommended the proposal be refused subject to the reasons listed below.

ALTERNATIVE MOTION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

That pursuant to the provisions of the City of South Perth Town Planning Scheme No 6, the Council approves this application for development subject to the following conditions:-

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City or a condition of approval.
2. Prior to the submission of a building permit application, revised plans shall be submitted, to the satisfaction of the City that incorporate the following:
 - i. Amendment to the lot layout of Lot 2 (Unit 2) to incorporate a 6.0 metre x 6.0 metre truncation at the street corner, including a further setback of the building so that it sits within the lot boundaries;

- ii. Garage of Unit 7 setback at 1.5 metres from the street or provide evidence that approval for road widening in front of No. 3 and 4 Dalmatia Place has been obtained from the property owners (refer also to Condition (3)) and include a 1.5 metre truncation at the south-west corner of the garage or alternatively that only 1 car bay is provided in this unit's garage;
 - iii. Details of additional windows at ground level included punctuating blank walls; and
 - iv. Details of the introduction of translucent panels to the garage doors.
3. Prior to submission of a building permit application, civil drawings for the road upgrades (road widening and line marking) are to be submitted to the City for review and endorsement, noting that the City will only accept a wearing course of asphalt on the road. Works for road widening will require the support from the affected residents of No. 3 and 4 Dalmatia Place prior to approval by the City.
4. Prior to the submission of a building permit application, a Section 70A notification shall be placed on the Certificate of Title of the subject lot. The notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'
5. Prior to the submission of a building permit application, a tree protection zone shall be indicated on the plans for each verge tree as well as site trees being retained and these zones are to be implemented during construction until occupancy stage, to protect each verge tree and site tree at all times, to the satisfaction of the City.
6. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
7. Prior to the issue of a building permit application, a landscaping plan for the site shall be submitted to and approved by the City. The landscaping plans shall incorporate the following:
 - a. The street setback area along Dalmatia Place shall not include trees that will impede waste collection; and
 - b. To provide safe access to the properties, a minimum 1.4 metre wide broom finished in-situ concrete footpath is to be provided to the perimeter of the proposed development or alternatively, provide a minimum 1.4 metre wide turf area to the perimeter of the proposed development, noting that turf shall be irrigated and bordered with a masonry edge.
8. The development shall be constructed to the Quiet House A standards in accordance with State Planning Policy 5.4 Road and Rail Noise. Details of compliance shall be provided prior to the submission of a building permit application.

9. Following endorsement of the civil drawings for the road upgrades that are in accordance with the City's specifications, the road upgrades are to be undertaken at the applicant's expense and prior to occupation of the dwellings, to the satisfaction of the City.
10. Prior to occupation, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
11. 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.
12. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
13. Prior to the submission of a building permit application, a Detailed Material Schedule for all external finishes to the development must be submitted to and approved in writing by the City. The approved Schedule shall be incorporated into all relevant building permit applications and prior to occupation of the development; these materials shall have been used and installed in the development.
14. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City. **(Refer to Advice Note (4))**
15. 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. **(Refer to Advice Note (5))**
16. Prior to the submission of a building permit application, details of the surface of the boundary wall to the garage and store and retaining wall of Unit 7, not visible from the street on the western side of the lot shall be provided and the surface finish is to match the external walls of the neighbour's dwelling, unless the owners of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City, to the satisfaction of the City.
17. Prior to occupation of the dwellings, the surface of the boundary wall to the garage of Unit 1 and retaining walls visible from the street, on the northern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
18. Prior to occupation of the dwellings, all fencing, visual privacy screens and obscure glazing, to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, to the satisfaction of the City.
19. Prior to occupation of the dwellings, the owner/applicant shall remove the existing crossover and reinstate the verge and kerbing to the satisfaction of the City.
20. Prior to occupation of the dwellings, external clothes drying facilities shall be provided for each dwelling, and shall be screened from view

from all streets or any other public place.

21. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
22. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.
23. Property line levels and footpath levels are to remain unaltered.

ADVICE NOTES:

1. This is a notice of determination on application for development approval issued in accordance the *Planning and Development Act 2005*, the Planning and Development (Local Planning Schemes) Regulations 2015, the City of South Perth Town Planning Scheme No. 6, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
2. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract, or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development.
3. Prior to lodging an application for building permit, the applicant/owner is required to satisfactorily address the outstanding planning matters identified in Conditions (2), (3), (5), (6), (9), (11) and (14). If associated actions are incomplete, the application for building permit will not be accepted by the City.
4. The crossings are to be designed and constructed in line with the City's crossing requirements, which are provided in the Management Practice M353 'Crossing Construction'. Please also see City [Policy P353 'Crossings and Crossover'](#).

Please allow sufficient time to submit and enable crossing applications to be determined, to ensure minimal delays at building permit stage.
5. Stormwater drainage infrastructure is to be designed & constructed in line with the City's stormwater drainage requirements, which are provided in the Management Practice M354 'Stormwater Drainage Requirements for Purposed Buildings'.

Please allow sufficient time to submit and enable stormwater applications to be determined, to ensure minimal delays at building permit stage.
6. Issues relating to dividing fences are civil matters between the respective parties / landowners (i.e. not the City of South Perth) and these matters are controlled by the *Dividing Fences Act 1961*. For more information please contact the Building Commission or visit their website.

7. The applicant is advised of the need to comply with any relevant requirements of the *Strata Titles Act 1985*, which may involve gaining additional permission from the your strata, however this is independent of Local Government requirements.
8. When submitting an application for building permit, an applicant who proposes any variations from the planning approved plans is to submit a written description and highlighted plan of the variations, together with a request for approval of those variations. Only minor variations in accordance with Local Policy P689 will be supported without the need to submit an amended development application.
9. The allocation of street and unit addressing is made by the City in accordance with the Australian Standard and Policy P361 – Street Addressing at the time the Occupancy Permit is applied for at the City or when Landgate requests numbering for new titles. If you need to know what these addresses will be earlier than this (e.g. for sales advertising or for fixings) or the dwellings will not be strata titled, please contact the City. The size and siting of the numbering must be in accordance with Policy P361 – Street Addressing.
10. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
11. In relation to **Advice Note (10)** a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City of South Perth duty Urban Planner on 9474 0777 or email enquiries@southperth.wa.gov.au
12. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
13. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Reasons for Change

1. The townhouse style development is consistent with growth planned and envisaged for this area, is sympathetic to existing local dwelling types and provides an interesting divergence from some of the higher rise box style apartment building developments proposed / approved for the Canning Bridge Activity Centre.
2. The subject site is an unusual trapezoidal shape and has three effective “street” frontages which make the application of normal setback rules problematic for orderly development of the site.
3. The other side of the Lot is the north (rear) boundary which abuts an

access road into the neighbouring properties to the north.

4. Dalmatia Place is a road that is designed for use only by residents and visitors and not as a thoroughfare.
5. The provision of trees facing Dalmatia Place reduces somewhat the dominance of the vehicle access ways and garages and negative visual impact.
6. The finished floor levels are impacted in part by the natural slope of Park Street from north to south.

LOST (2/6)

For: Councillors Carl Celedin, Glenn Cridland,

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

0321/042

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Greg Milner

Seconded: Councillor Blake D'Souza

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for seven Three Storey Grouped Dwellings on Lot 5 (No. 65) Park Street, Como **be refused** for the following reasons:

1. The proposal does not satisfy the requirements of Element 4 'Street Setbacks' or the desired outcomes of the Canning Bridge Activity Centre Plan as the buildings are setback at Nil, 1.5 metres and 2.5 metres from Dalmatia Place and 2.0 metres and 3.6 metres from Park Street, in lieu of a 4.0 metre minimum setback requirement.
2. The proposal does not satisfy the requirements of Element 5 'Side and Rear Setbacks' or the desired outcomes of the Canning Bridge Activity Centre Plan as the buildings are setback between nil and 3.7 metres from the northern rear boundary and between nil and 1.9 metres from the western boundary, in lieu of a 4.0 metre minimum setback requirement.
3. The proposal does not satisfy the requirements of Element 9 'Facades' or the desired outcomes of the Canning Bridge Activity Centre Plan as the development does not provide semi active frontages with a the minimum of 35% of the frontage incorporating windows and/or doorways at ground level.
4. The proposal does not satisfy the requirements of Element 18 'Parking' or the desired outcomes of the Canning Bridge Activity Centre Plan for the following reasons:
 - The dominance of vehicle access points on Dalmatia Place;
 - Restriction of sight lines to the vehicle access point of Unit 7 and the location of Unit 2 obstructing sight lines at the street corner;
 - Car parking for Unit 7 has not been designed to be safe and

accessible; and

- Design and location of car parking does not minimise negative visual impacts on amenity and the streetscape.

5. The proposal does not satisfy the requirements of Element 19 'Servicing and Functionality' or the desired outcomes of the Canning Bridge Activity Centre Plan as on-street waste collection is proposed in an area where on-street waste collection is not permitted.
6. The proposal does not satisfy the requirements of Clause 6.10 'Maximum Ground and Floor Levels' of the City of South Perth Town Planning Scheme No. 6, specifically the finished floor levels being raised between 450mm and 960mm above the natural ground level in lieu of a 100mm maximum.
7. Having regard to the reasons above, the proposal does not meet with Clause 1.6(2) Scheme Objectives of the City of South Town Planning Scheme No. 6, specifically objective (c) and (f).
8. Having regard to the reasons above, the proposal does not meet with Clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 'matters to be considered by local government', specifically parts (a), (f), (m), (n), (s), (u) and (y).

Note: City officers will include relevant advice notes on the recommendation letter.

CARRIED (7/1)

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

Against: Councillor Carl Celedin.

Development Site

The development site details are as follows:

Zoning	Centre
Density coding	H8 – Residential 6-8 storeys
Lot area	842m ²
Building height limit	Maximum Residential Use up to 20 metres in height (6 Storeys)
Development potential	Multiple Dwellings up to 6-Storeys
Plot ratio limit	N/A

(a) Background

Pre-Lodgement

In August and September 2020 the proposal was submitted as a pre-lodgement application for presentation to the Canning Bridge Design Review Panel. At the meeting in September 2020, the Panel did not fully support the proposal due to the ground level facing Dalmatia Place being dominated by garage doors and vehicle access crossovers, resulting in an inactive and inert public domain experience.

The Panel further maintained that such a ground level strategy could result in an unfavourable precedent.

The panel suggested that the developer find ways of arranging the ground floor to incorporate greater levels of active streetscape interaction and passive surveillance and to consider reducing the yield in favour of an improved ground floor elevation outcome to Dalmatia Place. This would result in fewer vehicle crossovers and greater entry legibility. It must be noted that the suggested changes by the Panel were not incorporated into the plans presented with this application. The Design Review Panel's comments can be found at **Attachment (e)**.

Development Application

In October 2020, the City received an application for development approval to construct seven Three Storey Grouped Dwellings at Lot 5, No. 65 Park Street, Como (the site).

The site is located within the Canning Bridge Activity Centre Precinct (CBACP). In accordance with Schedule 2 Clause 43(1) of the Planning and Development Regulations 2009, the City shall have due regard to the activity centre plan when considering this application for development approval.

Modifications to CBACP

Modifications to the CBACP were adopted by the Western Australian Planning Commission at its meeting held 22 September 2020. The purpose of the modifications is to improve the design quality of new buildings within the CBACP area. The modifications apply to buildings within Quarters 3, 4 and 5 (being those quarters within the City of South Perth) of the CBACP.

The modifications integrate the majority of Parts 3 & 4 and Design Elements 2.6 (Building Depth) and 2.7 (Building Separation) of State Planning Policy 7.3 Residential Design Codes – Volume 2 into the CBACP. These parts of the R-Codes include criteria relating to matters such as solar access, building separation, building orientation, visual privacy, deep-soil areas and tree retention.

(b) Description of the Surrounding Locality

The site has a frontage to Park Street to the east and to Dalmatia Place to the south and is located adjacent to single storey grouped dwellings to the north and west, as seen in **Figure 1** below:

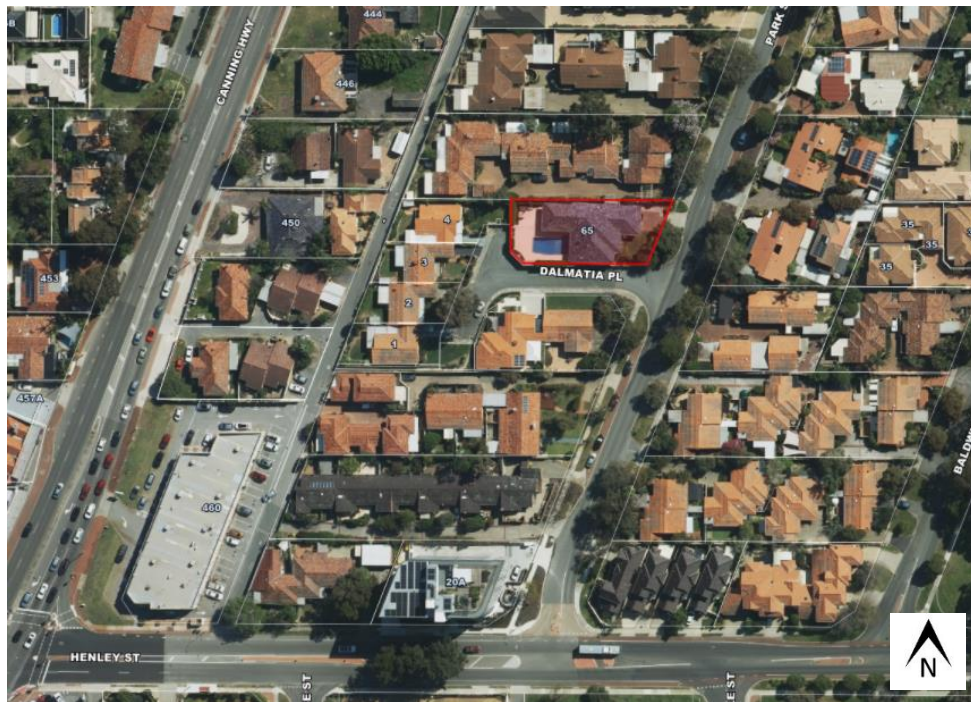


Figure 1: Site Aerial

(c) **Description of the Proposal**

The proposal will involve the demolition of the existing single dwelling and the construction of seven Three Storey Grouped Dwellings in a side-by-side configuration, as depicted in the submitted plans at **Attachment (a)** with the applicant's supporting report at **Attachment (b)**. The development proposes vehicular access via Park Street and Dalmatia Place. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (c)**.

The applicant has requested the City's discretion of the proposed development relating to the following components under the Scheme, CBACP, and Council Policy requirements:

- (i) Street Setbacks;
- (ii) Side and Rear Setbacks (including building separation and visual privacy requirements listed in the amended modifications to the CBACP);
- (iii) Facades;
- (iv) Open Space;
- (v) Acoustics;
- (vi) Parking and Vehicle Access Safety (specifically vehicle access requirements as identified in the amended modifications to the CBACP);
- (vii) Servicing and Functionality;
- (viii) Maximum Ground and Floor Levels;

The proposal is not considered to meet the relevant requirements of the Scheme and the CBACP.

(d) **Street Setback**

Element	Requirement	Provided
Park Street setback	Min. 4m Max. 6m	Lower Ground - Min. 2.0m Max. 4.4m Upper Ground – Min. 2.02m Max. 4.4m First Floor – Min. 2.024m Max. 4.9m
Dalmatia Place street setback	Min. 4m Max. 6m	Lower Ground – Min. Nil Max. 4.27m Upper Ground – Min. 1.03m Max. 3.1m First floor - Min. 1.03m Max.4.01m

The variations do not address the relevant Desired Outcomes of the CBACP and are not supported for the following reasons:

- The proposed street setback area consists mostly of crossovers with limited amounts of landscaping and therefore does not contribute to a distinct street character anticipated for the CBACP where activation of all street frontages remains a key aspect of the design;
- The variation is not considered to be a minor departure from the requirements of the CBACP as the setbacks result in a development that lacks activation at the ground level and incorporates extensive amounts of crossovers at the street edge for vehicle accesses, and hence would detrimentally alter the character of the current and future streetscape; and
- Reduced setbacks pose an unacceptable bulk and scale impact on the street thereby not allowing for adequate landscaping in the street setback area which conflicts with other provisions relating to vehicle access, facades and servicing and functionality.

(e) **Side & Rear Setbacks**

Element	Desired Outcome	Provided
Rear northern lot boundary setback	Min. 4m	Lower Ground - Min. Nil Upper Ground – Min. 1.2m First Floor – Min. 3.0m
Side western lot boundary setback	Min. 4m	Lower Ground – Min. Nil Upper Ground – Min. 1.03m First floor - Min. 1.03m

The variations do not address the relevant Desired Outcomes of the CBACP and are not supported for the following reasons:

Rear northern lot boundary setback

The proposed rear setback variations are not considered to meet the desired outcomes of the CBACP as amended with regard to building separation, visual privacy and overshadowing and are therefore not supported for the following reasons:

- The encroaching walls into the rear setback do not conform to the element objectives of the R-Codes which requires new development to support desired future streetscape character, with spaces between buildings taking into consideration that future development will achieve a separation with a minimum of 8.0m for the first four storeys. A lesser setback will result in development not being consistent with the desired future streetscape context with regard to building separation;
- The reduced setbacks will restrict the ability to provide sufficient landscaping and will result in overshadowing to northern major openings and outdoor living areas from future development located to the north; and
- The balcony of Unit 1 setback at 4.2 metres does not provide sufficient separation and will result in direct overlooking to habitable rooms and the outdoor living area of the neighbouring property.

Side western lot boundary setback

The western lot boundary setback variations relate to various walls of Unit 7 with an approximately 4.2m length of wall incorporating part of the garage at ground level with a nil setback and approximately 5.0m lengths of walls on the lower and upper ground floor and first floor setback at 1.03m. These side setback variations are considered to meet the desired outcomes of the CBACP (as amended) and are supported for the following reasons:

- The walls impinging on the required setback space do not contribute to a sense of confinement or intrusion to the western adjoining lot given that the nearest building on the western lot is setback approximately 15 metres from the site boundary and the area adjacent does not include any active outdoor living areas, noting also the unusual shape of the western lot that would not ordinarily accommodate a built form in that location, should a comprehensive new development be proposed on the property;
- The reduced setback on the application site will not result in overshadowing to the adjoining lot being on the western side and access to the south-westerly prevailing winds will still be maintained to the property; and
- The upper floors do not include any major openings that will result in loss of privacy to the western lot as living area windows are less than 1m² and all other windows are to non-habitable rooms.

(f) **Facades**

Element	Requirement	Provided
Semi-active frontages incorporate windows and doorways with passive visual surveillance of the adjacent street at ground level.	Minimum of 35%	Refer to the elevation plans and 3D perspectives.
Element 3.6 'Public domain interface' of the Residential Design Codes Volume 2	To achieve the public domain interface element objectives.	Refer to the elevation plans and 3D perspectives.
Element 4.10 'Façade Design' of the Residential Design Codes Volume 2	To achieve the façade design element objectives.	Refer to the elevation plans and 3D perspectives

The proposed variation does not meet the Desired Outcome of the CBACP and the Element Objectives of Element 3.6 'Public domain interface' and Element 4.10 'Façade Design' of the R-Codes Volume 2 and is therefore not supported for the following reasons:

- The form and design at ground level does not incorporate proportions, materials and design elements that respect and reference the existing character of the local area, which includes grouped dwellings with major openings facing the street at ground level;
- With the development presenting to Dalmatia Place with a dominance of garage doors it can be concluded that the proposal lacks visual interest particularly with the absence of major openings to the façade at ground level. Furthermore, the design at ground level failed to gain the support of the Design Review Panel; and
- The design presents a number of blank facades in the form of garage and front entry doors, which in turn does not provide interaction to the street frontage as viewed from Dalmatia Place.
- The development does not provide sufficient passive surveillance at ground level due to there being no habitable rooms with major openings facing the Dalmatia Place street frontage, resulting in a development that does not enhance the amenity and safety of the adjoining public domain.

(g) Open Space

Element	Requirement	Provided
Provision of Open Space	Minimum of 30%	24.34%

The proposed variation meets the desired outcome of this element for the following reasons:

- The calculation does not incorporate rear courtyard gardens of Units 3 to 7 as these areas are elevated and not specifically defined as open space in the related definition. These areas do however, contribute to useable open space for the resident's enjoyment and comfort and sense of security; and
- The open areas visible from the street incorporate quality landscaping, thereby contributing to the overall leafy nature of the CBACP area. In addition, the Design Review Panel provided their support in regard to landscaping.

(h) Parking and Vehicle Access

Element	Requirement	Provided
Element 18 – Vehicle access designed in accordance with Residential Design Codes Volume 2 Element 3.8 'Vehicle Access' and Element 3.9 'Car and Bicycle Parking'	Vehicle access designed and located for safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles; Vehicle access points are designed and located to reduce visual impact on the streetscape; Car parking designed to be safe and accessible.	Refer to the site plan, elevation plans and 3D perspectives

The proposed variation does not meet the Element Objectives of Element 3.8 and 3.9 of the R-Codes, Volume 2 and is not supported for the following reasons:

- With a nil street setback to Dalmatia Place, the vehicle egress from Unit 7 does not have suitable provisions for sight lines as a vehicle exiting the garage would not safely see pedestrians and cars until it is out onto the street;
- In regard to sight lines at the street corner, the development proposes a future strata subdivision of the grouped dwellings and Development Control Policy 1.7 plays a pivotal role in the assessment of such an application where relevant to road planning; in particular, where new individual frontages to a road increases the potential for turning movements and movements to and from the land. In this respect, a 6.0 metre truncation at the south-east corner of Lot 2 would be necessary to ensure that sight distances at street junctions are adequate and sufficient. The development does not include this truncation and the building is sited in the truncation area. The City's Asset and Design Engineer expressed concern in relation to the obstruction and advised the truncation would be required;
- The development incorporates six vehicles access points facing Dalmatia Place thereby creating a visual impact on the streetscape. The Design Review Panel commented that the streetscape was dominated by vehicle crossovers and suggested a reduction of the yield to resolve this impact; and
- Car parking circulation from the garage of Unit 7 is not consistent with the Australian Standard AS2890.1 (as amended) due to the garage being setback at nil and a narrow width of the road at the end of Dalmatia Place.

(i) **Acoustics**

Element	Requirement	Provided
Element 12 'Acoustics' - Development, along with meeting the basic requirements of noise attenuation set out under the relevant Legislation, should consider additional measures to both inform and protect the future occupants of the CBACP area.	<p>Development designed in accordance with Residential Design Codes Vol. 2 Element 4.7 'Managing the Impact of Noise':</p> <ul style="list-style-type: none"> • Siting and layout minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space; and • Acoustic treatments are used to reduce noise transmission from external noise sources. 	No acoustic measures or reports provided.

The site is located approximately 90 metres from Canning Highway, and the relevant Legislation, 'State Planning Policy 5.4 – Road and Rail Noise' indicates that the noise targets for this site would be in the order of 60 decibels, which would require a noise management plan or quiet house package to be submitted by a suitably qualified person which was not presented with the application or addressed by the applicant.

Notwithstanding this, if the Council were to consider the development favourably, a condition could be included requiring the submission of a noise management plan or quiet house package for approval prior to submission of a building permit.

(j) **Servicing and Functionality**

Element	Requirement	Provided
Servicing and Functionality – Servicing as a preference, should occur via underground or basement service areas.	Developments in the H8 zones shall provide for all management of waste wholly within the development site, including the ability for service vehicles to circulate within the development. No on-street waste collection areas are permitted within the H8 Zones.	Waste collection proposed on-street

The proposed variation does not meet the desired outcome of the CBACP and is therefore not supported for the following reasons:

- The proposed layout requires the City's waste truck to collect waste from the street frontage in Dalmatia Place as opposed to on-site collection. The City's Waste Services confirmed that collection for the six lots in Dalmatia Place would require line-marking to the entirety of Dalmatia Place to prevent street parking which would enable unobstructed collection of waste bins by the City's waste trucks. The line marking would result in the loss of all on-street parking within Dalmatia Place, which would have a detrimental impact to the existing residents here; and
- The submitted Waste Management Technical Note does not adequately address Objective 2 of the City's Waste Management Guidelines which states, "*Minimise the impact of waste services and facilities on the streetscape and surrounds, in relation to both the footpath/public realm and the frontage of the development*". Due to the required line-marking in Dalmatia Place to service this development, the loss of on-street parking will impact on the streetscape and surrounds and hence would not comply with the City's Waste Management Guidelines.

(k) **Maximum Ground and Floor Levels**

Element	Requirement	Provided
Clause 6.10 of TPS6 'Maximum Ground and Floor Levels'	Maximum floor level up to 100mm above the natural ground level	Maximum floor level between 450mm and 960mm above the natural ground level.

The proposal does not provide equal cut and fill over the lots due to the raised levels to accommodate semi-basement level car parking. Units 2-7 have elevated ground levels to accommodate an even transition from living areas to outdoor living areas resulting in a raised ground and floor levels. The proposed variation does not meet the Scheme provision and is therefore not supported for the following reasons:

- Raising the ground levels on the northern and western sides will result in a detrimental visual impact where viewed from the adjoining unit's living areas and outdoor living area, as a result of the placement of dividing fences on top of the retaining, whereby the overall height ranges between 2.5 metres up to

2.9 metres for a length of 30 metres along the northern boundary, and up to 4.2 metres for a length of 4.2 metres along the western boundary; and

- The impacts of the northern side retaining and filling as well as the built to boundary wall of Unit 1 would be equivalent to having dwelling boundary walls to 81% of the boundary resulting in an overbearing visual impact and sense of confinement to the northern property grouped dwellings.

(l) 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. Of the 12 listed matters, the following is particularly relevant to the current application and requires careful consideration:

- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character; and*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

As outlined in the report, the proposed development is considered unsatisfactory in relation to the above items.

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

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

Matter	Officer's Comment
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	<p>For reasons outlined in the report, the development is not considered to be consistent with the aims and provisions of the Scheme, particularly the following:</p> <p>Clause 1.6 (c): <i>Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character; and</i></p> <p>Clause 1.6 (f): <i>Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.</i></p>

(f) <i>Any policy of the state;</i>	For reasons outlined in the report, the development is not considered to meet the relevant element objectives within Volume 2 of the R-Codes (being a State Planning Policy) relating to side and rear boundary setbacks (specifically building separation and visual privacy), façade design and vehicle access.
(m) <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The Design Review Panel comments contained in Attachment (c) includes discussion that the appearance at ground level lacks activation with inactive and blank facades and when considering significant setback variations, by association the project needs to deliver good outcomes for street presentation. For this reason and the many discretions sought on setbacks, the development is not considered to address this provision and represents an overdevelopment of the site in terms of the proposed built form which manifests itself in an inappropriate presentation to the street at ground level.
(n) <i>the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; and (ii) social impacts of the development;</i>	For reasons outlined in the report, the development is not considered to be consistent with Clause (n) due to the lack of activation at the ground level resulting in the development that would affect the future character of the locality. For this reason the development is not considered to address this provision.
(s) <i>the adequacy of – (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	For reasons outlined in the report, the development is not considered to meet the relevant objectives of the R-Codes in relation to vehicle access sight lines. The City's Asset and Design Engineer was also concerned in relation to there being sufficient space to manoeuvre into and out of the garage to Unit 7. For these reasons the development is not considered to address this provision.
(u) <i>the availability and adequacy for the development of the following – (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists; (v) access by older people and people with disability.</i>	For the reasons outlined in the report, the development is not considered to be consistent with Clause (u) due to the impacts to existing residents regarding the collection of waste in Dalmatia Place and the resultant loss of on-street parking. For these reasons the development is not considered to address this provision.

(y) <i>any submissions received on the application;</i>	A number of submissions raised concern with the scale of the development, difficulty with waste collection and loss of on-street parking. For the reasons mentioned in this report, comments in the submissions are valid.
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Consultation

(n) Design Review Panel Comments

The proposal was referred to the Canning Bridge Design Review Panel on two occasions as pre-lodgement presentations in August 2020 and September 2020. The applicant incorporated some of the suggested improvements through amended plans in relation to the comments provided in the August 2020 meeting however; the changes only related to the upper ground and first floor levels. The comments provided by the Panel at the September 2020 meeting in relation to the ground level presentation were not considered by the applicant with the submission of this application. The minutes from the Design Review Panel meetings are contained in **Attachment (e)** of this report.

(o) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 Community Engagement in Planning Proposals. Under the 'Area 1' consultation method, a total of 53 consultation/information notices were sent, with relevant property owners, occupiers and/or strata bodies being invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, six submission were received. The comments from the submitters together with a response are provided in the table below.

Submitters' Comments	Officer's Responses
Increased traffic to an already restricted cul-de-sac.	The City's Assets and Design Unit confirmed that the traffic generated from this development would have negligible impact on the wider road network. The comment is NOT UPHELD .
Parking for visitors will be adversely impacted by the development.	The City's Waste Services advised that to be able to service the development and collect waste from Dalmatia Place, line marking would be required to all frontages of Dalmatia Place. This would not permit visitors to park in Dalmatia Place when visiting existing and future residents in this cul-de-sac and would have an adverse amenity impact on residents. The lack of on-street parking will result in visitors to the development having to park in Park Street which is already well-utilised for use of those residents. The comment is UPHELD .

Building would block view of traffic for vehicles entering Park Street from Dalmatia Place.	<p>They City's Assets and Design business unit confirmed that sightlines at the intersection must be maintained and that a truncation would be required at the corner of Lot 2. With the current design, the building would encroach this truncation.</p> <p>The comment is UPHELD.</p>
The road currently only allows traffic one-way due to how narrow the road is. Upgrading the road to two-way will be required with the increased traffic.	<p>The City's Asset and Design business unit did not raise any concerns relating to traffic and that the development would not impact on the wider road network.</p> <p>The comment is NOT UPHELD.</p>
Verge side pickup truck is unable to service Dalmatia Place on verge collection day.	<p>It was noted by the City's Waste Services that line-mark the whole of Dalmatia Place for the development would be detrimental to the amenity of existing neighbours, in that street parking would no longer be available.</p> <p>The comment is UPHELD.</p>
Visual Privacy concerns from Unit 7 looking west. Second floor plan of this unit includes three windows overlooking back and side garden, front yard, front rooms and bedroom.	<p>The windows on the west side are not major openings and therefore do not present overlooking to neighbouring properties.</p> <p>The comments are NOT UPHELD.</p>
With six elevated courtyards facing north, neighbouring dwellings will be impacted from noise from these courtyards.	<p>Noise from private courtyards is not a consideration for planning proposals. The Environmental Protection Regulations cover noise from residential properties and the City's Environmental Health Services investigate any complaints associated with residential noise.</p> <p>The comment is NOT UPHELD.</p>
Light pollution is a concern.	<p>Light pollution from dwelling windows is not a planning matter.</p> <p>The comment is NOT UPHELD.</p>
Size and scale of the development is overbearing in comparison to the surrounding area, which are single storey dwellings.	<p>The CBACP permits a built form of six to eight storeys in this area. Development is not required to replicate the existing single storey dwelling character of the precinct.</p> <p>The comment is NOT UPHELD.</p>
The number of units should be reduced in order to reduce impacts on parking and traffic.	<p>The City's Asset and Design business unit did not raise any concerns in relation to traffic however had concerns in relation to conflict of access/egress for vehicles parking at Unit 7 and loss of sight lines at the street corner.</p> <p>The comment is UPHELD.</p>

Collection of 14 bins on Dalmatia Place will add to congestion in Dalmatia Place.	<p>The City's Waste Services raised concerns in relation to waste collection and have advised that the whole of Dalmatia Place requires line marking to prevent vehicles parking in the street. This in-turn results in the loss of on-street car parks for existing residents and therefore affects the amenity of the area.</p> <p>The comment is UPHELD.</p>
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The applicant's response to the submissions is included in **Attachment (f)**.

(p) Assets and Design

The City's Assets and Design business unit was invited to comment on issues relating to traffic, car parking and access arising from the proposal and raised the following concerns:

- The development did not demonstrate that vehicles can safely access the property at Unit 7 and no turning movements were provided with the application; and
- The lot layout of Unit 2 does not include a 6.0 metre truncation and the proposed building on the lot encroaches the required truncation resulting in obstructions to sight lines of vehicles exiting Dalmatia Place.

The Assets and Design business unit advised that traffic impacts from the development would have negligible impact on the wider road network.

In the event that the Council favourably consider this development, it is recommended further information and/or amended plans be provided prior to submission of a building permit to demonstrate the above requirements.

(q) Waste Services

The City's Waste Services business unit was invited to comment on issues relating to waste services. After reviewing the Waste Management Technical Note contained in **Attachment (e)**, Waste Services raised the following concerns:

- There is insufficient space on Dalmatia Place to place verge side (bulk) waste, with the risk of damaging private accesses if placed on private driveways;
- Due to the narrow verge on Dalmatia Place, bins need to be placed on private driveways, partially blocking access to their respective garages; and
- Dalmatia Place would need to be entirely marked with no-parking lines. As is, trucks need to reverse out blind onto Park Street due to cars parking on the street reserve preventing turning manoeuvres.

(r) Urban Design

The City's Urban Design Unit provided comments with respect to the landscaping of the development. The Urban Design Unit advised that landscaping provided with the application was acceptable however raised the following concerns:

- With the current design, visiting neighbours requires traversing the road which is not acceptable. Two solutions for this are:
 - To provide a minimum 1.4m width in-situ concrete footpath to the perimeter of the proposed development to provide safe access to the properties; or

- Provide a minimum 1.4m width turf area to the perimeter of the proposed development to provide safe access to the properties with turf being irrigated and bordered with a masonry edge.

In the event that the Council favourably consider this development, it is recommended the above comments be included in a condition.

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, 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

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

Conclusion

For the reasons outlined in this report it is considered that the proposal does not meet all of the relevant requirements of the Scheme and the CBACP as the development seeks many discretions and does not deliver an appropriate outcome for street presentation to Dalmatia Place due to the dominance of garages and vehicle access points. It is considered that the proposed development does not achieve compliance with all of the discretionary considerations and will have adverse amenity impacts to the residents of the precinct or upon the likely future development of the Canning Bridge Activity Centre Plan precinct. Accordingly, the application is recommended for refusal.

Attachments

- 10.3.1 (a): Attachment (a) - Development Plans
- 10.3.1 (b): Attachment (b) - Applicant's Supporting Report
- 10.3.1 (c): Attachment (c) - Site Inspection Photos
- 10.3.1 (d): Attachment (d) - Waste Management Technical Note
- 10.3.1 (e): Attachment (e) - Design Review Panel Minutes
- 10.3.1 (f): Attachment (f) - Summary of Submissions with Applicant Responses

10.3.2 Tender 17/2020 Construction of Redmond Stairs

Location:	Redmond Reserve
Ward:	Manning Ward,
Applicant:	Not Applicable
File Reference:	D-21-20408
Meeting Date:	23 March 2021
Author(s):	Lewis Wise, Infrastructure Projects Coordinator Steve Atwell, Manager Programs Delivery
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

Summary

This report considers submissions received from the advertising of Tender 17/2020 for the Construction of Redmond Stairs.

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

Requests Council consider the allocation of additional funding in the 2021 / 2022 financial year to facilitate the implementation of this project.

0321/043

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

That Council:

1. Accepts the tender submitted by MG Group Pty Ltd for the Construction of Redmond Stairs in accordance with Tender Number 17/2020 for the period of supply up to 30 June 2022 inclusive;
2. Accepts the tender price of \$438,389.07 excluding GST as included in **Confidential Attachment (a)**; and
3. Note the tender price is inclusive for work to be undertaken across two financial years. The awarded contract will utilise the budget adopted by Council for the 2020/21 financial year, as well as an amount of \$350,000 that will form part of the 2021/22 Capital Budget, to be adopted by Council in June 2021.

CARRIED (8/0)

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

Against: Nil.

Background

Redmond Stairs are considered an important recreational asset constructed approximately 20 years ago; they provide access from the Redmond Street Reserve down the Canning River foreshore escarpment to the river below.

The stairs are considered sub-standard and in poor condition. Consequently, the City prepared designs to facilitate their replacement.

Request for Tender 17/2020 for the Construction of Redmond Stairs was advertised in The West Australian on 29 November 2020 and closed at 2pm on 15 January 2021.

Tenders were invited as a Lump Sum Contract. The contract is for the period to 30 June 2022.

The works consist of a new steel walkway, comprising steps and associated intermediate viewing platforms supported above the ground. The walkway will extend from the top of the Canning River escarpment (within Redmond Reserve near the end of Redmond Street) to the edge of the river and existing walkways.

The works include the following activities;

- Demolition of existing stair handrails (existing timber stair rises and treads to remain for bank stabilisation);
- Supply and Installation of new galvanised steel and fibre reinforced plastic modular stairs and platforms; and
- Supply and installation of lighting.

Funds to the value of \$360,000 were allocated in the City's 2020 / 2021 annual budget for this project including ancillary drainage works.

The original budget allocation included a private financial donation of \$30,000 from a local resident towards the project.

Comment

At the close of the tender advertising period three submissions had been received, they are detailed in the table below:

TABLE A – Tender Submission

Tender Submission
1. Duratec Ltd
2. Enviro Infrastructure Pty Ltd
3. MG Group Pty Ltd

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as described in 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%

Cost criteria were considered separately relative to the qualitative criteria. Review of the Tender costs identified a substantial short fall in budget for the project.

This shortfall subsequently resulted in the surrender of portion of the budget allocation at the February Mid-Year Budget Review, recognising that the project could not be delivered in its entirety this financial year.

The Budget sum was reduced to \$200,000 allowing for the possible initiation of the contract whilst suitable funding was confirmed.

Based on the assessment of all submissions received for Tender 17/2020 Construction of Redmond Stairs, it is recommended that the tender submission from MG Group Pty Ltd be accepted by Council, subject to Councils agreement to allocate further funding.

The works are expected to be undertaken between September and December 2021 subject to receipt of necessary permits and approvals.

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

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *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 2020/21 annual budget includes a \$200,000 budget for this project that will cover costs incurred to date and the ordering of long lead materials.

To complete the project and to meet the full financial obligation established under the contract an additional \$350,000 is required to be included in the 2021/2022 annual 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:	1.2 Community Infrastructure
Strategy:	1.2.2 Manage the provision, use and development of City's properties, assets and facilities

Attachments

10.3.2 (a): Tender 17/2020 - Construction of Redmond Stairs - Evaluation Panel Recommendation Report (*Confidential*)

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 City of South Perth Public Places and Local Government Property Amendment Local Law 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20409
Meeting Date:	23 March 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 proposes that the Council, in accordance with section 3.12(4) of the *Local Government Act 1995*, makes the City of South Perth Public Places and Local Government Property Amendment Local Law 2021 which will amend the City of South Perth Public Places and Local Government Property Local Law 2011.

0321/044

Officer Recommendation AND COUNCIL DECISION

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

That Council, pursuant to section 3.12 of the *Local Government Act 1995*:

1. Makes the City of South Perth Public Places and Local Government Property Amendment Local Law 2021 as contained in **Attachment (a)** which regulates the care, control and management of property of and under the care, control and management of the City.
2. Notes the public submissions contained in **Attachment (b)**.

CARRIED BY AN ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

Background

In accordance with section 3.16 of the *Local Government Act 1995* (the Act), local governments are required, within a period of eight years, to review their local laws to determine whether or not it considers the local law should be repealed or amended.

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

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

In December 2011, the City gave the Delegated Legislation Committee a written undertaking to make the amendments as advised. In March 2012 the City resolved to make the changes and an amendment local law was gazetted on 26 March 2012.

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

At the Ordinary Council meeting held 15 October 2019, Council endorsed the City commencing the process of reviewing the City of South Perth Public Places and Local Government Property Local Law 2011 to bring it into line with the new Public Health Act 2016. On 14 November 2019, the City gave statewide and local public notice that it proposed to amend the Local Law. The submission period for public consultation closed on 3 January 2020 and no submissions were received at that time. A short time later, it was identified that further minor amendments may have been required, therefore it was decided to recommence the local law making process and re-invite submissions from the public. However, the minor amendments were not needed and the City of South Perth Public Places and Local Government Property Amendment Local Law 2020 was presented to the Council for adoption at the Council meeting held 27 October 2020.

At that meeting, Council resolved as follows:

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

Following this meeting, the local law making process recommenced. The local law was presented back to Council on 15 December 2020 where officers recommended incorporating a further amendment that accommodated swings on verge trees.

Council subsequently resolved to accept the recommended changes and that statewide and local public notice be given stating that the City proposed to amend the City of South Perth Public Places and Local Government Property Local Law 2011 to reflect the new *Public Health Act 2016* and to allow swings on verge trees.

Comment

In accordance with the Council resolution from 15 December 2020 and section 3.12(3) of the Act, statewide public notice of the City's intention to make the new local law was advertised in the West Australian newspaper on 13 January 2021, the Southern Gazette on 14 January 2021 and on the City's website and noticeboards with the closing date for public submissions being Friday 5 March 2021. A copy was also provided to the Minister for Local Government; Heritage; Culture and the Arts and the Minister for Health in accordance with sections 3.12(3)(a) and 3.12(3)(b) of the Act respectively.

The City received nine submissions from the public in relation to the proposed local law. Of the public submissions received, six submissions were in favour of street tree swings and three were opposed (one submitter provided a response for herself and her mother). A copy of these submissions is contained in **Attachment (b)**.

The Department of Local Government, Sport and Cultural Industries (the Department) also provided comments on the local law with the following suggested minor edits:

- **Clause 1** – *Change the citation title to italics.*
- **Clause 3:**
 - *Change the citation title to italics.*
 - *After the words “2011 and” insert the words “as amended in the Government Gazette on”*
- **Clause 4:** *To reflect current legislative drafting practices, it is suggested that the clause use a format similar to the following:*

4. Clause 1.5 amended

Clause 1.5 is amended as follows:

(a) The definition of “Local Government property” is moved so that it appears in alphabetical order after the definition of “local government”;

(b) In the definition of “district” delete the words “22 of the Health Act” and insert the words “295 of the Public Health Act”;

(c)

...Ect.

- *The draft currently lacks an area for signatures and the common seal. The City should ensure this is included in the final draft,*
The City should also ensure that all references and cross references are accurate, particularly if any changes are made to the document as a result of the Department’s comments.

In addition, the City has made minor changes to the amendment local law to reflect the year 2021, rather than 2020.

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

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

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

The proposed changes to the local law include:

- Updating the definitions of ‘district’ and ‘eating house’ with the correct reference to the Public Health Act;
- Removing the definition ‘Health Act’;

- Inserting a definition of 'Public Health Act';
- Inserting the definition of 'local government property' in the correct alphabetical order within the definitions;
- Allowing for swings on verge trees.

The City of South Perth Public Places and Local Government Property Amendment Local Law 2021 brings the local law into compliance with the *Local Government Act 1995*, the *Public Health Act 2016*, and allows for street tree swings. Making the local law then enables a policy to be developed for swings on verge trees, as suggested by LGISWA, that can stipulate certain conditions and any fee (if applicable). Should Council make the local law as proposed, a policy would be presented back to a future meeting of Council.

Should Council resolve to make the City of South Perth Public Places and Local Government Property Amendment Local Law 2021 as proposed, the City would be required to publish the local law in the Government Gazette, provide a copy to the Minister for Local Government; Heritage; Culture and the Arts and to give local public notice that the local law has been made. In addition, the City would be required to provide a copy of the local law and an explanatory memorandum prepared in accordance with the Minister's Local Laws Explanatory Memoranda Directions 2010 to the State Government's Joint Standing Committee on Delegated Legislation.

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

- Purpose:** to make amendments to the City of South Perth Public Places and Local Government Property Local Law 2011 which regulates the care, control and management of property of and under the care, control and management of the City.
- Effect:** Some City of South Perth property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on City property.

Consultation

The minimum public consultation period for a local law is 42 days. The City of South Perth Public Places and Local Government Property Amendment Local Law 2021 has been publicly advertised for 51 days.

Policy and Legislative Implications

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

Financial Implications

Advertising costs and other associated costs relating to the adoption of the local law are contained within the City's 2020/21 operating budget.

Strategic Implications

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

Strategic Direction: Leadership
Aspiration: A visionary and influential local government
Outcome: 4.3 Good governance
Strategy: 4.3.1 Foster effective governance through quality decision-making

Attachments

- 10.4.1 (a): City of South Perth Public Places and Local Government Property Amendment Local Law 2021
- 10.4.1 (b): Community submissions

10.4.2 Listing of Payments - February 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20410
Meeting Date:	23 March 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 February 2021 and 28 February 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(464)	\$3,526,919.21
Cheque Payment to Creditors	(3)	\$473.72
Total Monthly Payments to Creditors	(467)	\$3,527,392.93
EFT Payments to Non-Creditors	(74)	\$79,757.52
Cheque Payments to Non-Creditors	(13)	\$6,410.00
Total EFT & Cheque Payments	(554)	\$3,613,560.45
Credit Card Payments	(7)	\$22,147.92
Total Payments	(561)	\$3,635,708.37

0321/045

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

That Council receives the Listing of Payments for the month of February 2021 as detailed in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment.

These controls are documented in Policy P605 Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

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

Comment

A list of payments made during the reporting period is prepared and presented to the next Ordinary Meeting of Council and recorded in the minutes of that meeting. The payment listing for February 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 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:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Attachments

10.4.2 (a): Listing of Payments February 2021

10.4.3 Monthly Financial Statements - February 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20411
Meeting Date:	23 March 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.

0321/046

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin
Seconded: Councillor Ken Manolas

That Council notes the Financial Statements and report for the month ended 28 February 2021.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

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

Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996.

This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

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 officially being regarded as not being in a recession anymore. 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 in the first week of February 2021 after a Perth hotel quarantine security guard contracted COVID-19.

The Legislated Budget Review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 23 February 2021. Budget Review entries have been processed, budget phasing was also revised as part of the review evidenced by the lower year-to-date (YTD) variances between revised budget and actual.

Actual income from operating activities for February YTD is \$53.92m equivalent to the budget of \$53.92m. Actual expenditure from operating activities for February is \$38.49m in comparison to budget of \$38.86m, favourable to budget by 1% or \$372k. The February Net Operating Position of \$15.44m was \$377k favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.71m in comparison to the budget of \$1.72m. Actual Capital Expenditure YTD is \$4.33m in comparison to the budget of \$4.44m. 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 have been a number of Capital projects that required Budget adjustment during the midyear review process.

Cash and Cash Equivalents amounted \$65.98m. Higher than the prior year comparative period because of the sale proceeds of \$3.22m from 49-51 Angelo Street received. Payment 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 0.34% 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 25.44% 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

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

10.4.4 Electors' General Meeting 2019/20

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20414
Meeting Date:	23 March 2021
Author(s):	Toni Fry, Governance Coordinator
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 allows Council to consider the outcome of the Electors' General Meeting held Monday 22 February 2021.

0321/047

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin
Seconded: Councillor Ken Manolas

That the minutes of the Electors' General Meeting 2019/20, held Monday 22 February 2021 be received.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The Electors' General Meeting was held at 6pm on Monday 22 February 2021 at the City of South Perth Council Chamber. There were nine people in attendance including the Honourable Catherine (Kate) Doust MLC together with Councillors and employees.

The Electors' General Meeting was originally scheduled to be held Monday 8 February 2021, however due to the sudden COVID-19 lockdown imposed by the State Government the meeting had to be rescheduled.

Comment

In accordance with Section 5.33 of the *Local Government Act 1995*, Council is required to consider any decisions that result from the meeting. There was one motion as follows:-

*“Moved: Mr Chris McMullen of Elderfield Road, Waterford
Seconded: Mr Warwick Boardman of Unwin Crescent, Salter Point*

That the Annual Report for the City of South Perth for the year 2019/20, the 2019/20 Annual Financial Statements and the 2019/20 Auditor’s Report, be accepted.

CARRIED”

Consultation

In accordance with Section 5.29 of the *Local Government Act 1995*, an advertisement was originally placed in the Southern Gazette on 14 January 2021, in the Peninsula Magazine that was circulated week commencing Monday 18 January 2021 on the City's website and on all notice boards in the City's Administration Centre and Libraries.

When the meeting had to be rescheduled an advertisement was placed in The West Australian on 6 February 2021, The Southern Gazette on 11 February 2021, the City's website and on all notice boards in the City's Administration Centre and Libraries.

Policy and Legislative Implications

Section 5.27 of the *Local Government Act 1995* states that a general meeting of electors is to be held once every financial year to consider the contents of the annual report for the previous year, and consider other general business. Section 5.29 of the *Local Government Act 1995* states that local public notice must be given. Section 5.33 of the *Local Government Act 1995* states that all decisions made at an electors' meeting are to be considered at a Council meeting.

Financial Implications

Advertising costs were incurred and taken from 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:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Attachments

10.4.4 (a): Electors' General Meeting Minutes

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20417
Meeting Date:	23 March 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).

0321/048

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin
Seconded: Councillor Ken Manolas

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 seven findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

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)** 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 2020 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.

Following the December 2020 ARGC meeting, the Audit Register has been further formatted to ensure clarity with;

1. The insertion of a “Count” column on the far left to provide the cumulative number (sum) of all findings within the register. The final count number at the end of the register will therefore represent the total number of findings.

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	9/3/21	
New actions added by ARGC	10	24	0	24	0	0	0	27	7	24	0	7	123
Not Commenced ≤10%	10	0	0	4	1	0	0	4	2	3	1	0	
Progressed >10% to 95%	0	32	13	18	9	10	3	19	22	21	19	20	
Completed =100%	0	2	19	15	12	0	7	7	6	24	4	7	
Total (0% to 100%)	10	34	32	37	22	10	10	30	30	48	24	27	
Closed by ARGC	0	2	19	15	12	0	7	7	6	24	4	-	96
Total cumulative Closed by ARGC	0	2	21	36	48	48	55	62	68	92	96	96	
Open Actions	10	32	13	22	10	10	3	23	24	24	20	20	

The ARGC is requested to recommend to Council to note the progress and officer comments. In addition, it is recommended all seven 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, of the seven new actions added by the ARGC, two of these (FIND101 & FIND102) relate to the Office of The Auditor General (OAG) Interim Audit, which was noted at the 8 September 2020 ARGC meeting. These two findings however were missed off the subsequent Audit Register, which was submitted at the 14 December 2020 ARGC meeting. Both findings are Complete as per the audit report.

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

10.5.1 (a): Audit Register March 2021 Report (*Confidential*)

10.5.2 Annual Review of Council Delegations

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20419
Meeting Date:	23 March 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

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. The Terms of Reference of the Audit Risk and Governance Committee include responsibility for reviewing the City's Delegations.

A review of the Council Delegations has been completed and is now presented for consideration of the Committee and Council.

0321/049

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

That the Audit, Risk and Governance Committee recommends to Council that the item relating to Annual Review of Council Delegations be referred to a workshop attended by the Councillors and external panel members with a view to conducting the review there and then the item be considered at the next Ordinary Council Meeting for a decision.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Officer Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the Delegations to the Chief Executive Officer have been reviewed.

Absolute Majority required

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its Delegations at least once every financial year.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate and whether legislative amendments or organisational changes necessitate any revisions to the text.

Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Act also requires that the Council's delegations to the CEO be reviewed each year.

The Delegations were forwarded to the relevant officers from each department who reviewed the appropriateness of the existing Delegations and if there was a need for any additional delegations.

As a result of this review, it was determined that the current Delegations to the CEO are appropriate and no changes or additions are required.

Therefore, it is recommended that Council notes that the Delegation review has been completed.

Consultation

Consultation has occurred with officers of each of the relevant departments.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Financial Implications

Nil.

Strategic Implications

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

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

Attachments

Nil

10.5.3 Annual Policy Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20421
Meeting Date:	23 March 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

Each year, the City reviews its policies. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies. The annual review of a number of City policies are now presented for the consideration of the Committee and referral to Council for adoption.

0321/050

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

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

1. Notes that the following policies having been reviewed with 'no changes' being proposed:

P101 Public Art and Art Collections
P104 Community Awards
P113 Community Gardens
P625 Equal Employment Opportunity
P629 Occupational Safety and Health
P637 Employee Separation Payments

2. Adopts the following revised policies with minor amendments in **Attachment (a)**:

P102 Community Funding Program
P103 Stakeholder Engagement
P105 Cultural Services and Activities
P106 Use of City Reserves and Facilities
P107 Access and Inclusion
P110 Support of Community and Sporting Groups
P306 Development of Properties Abutting River Way
P402 Alfresco Dining
P603 Investment of Surplus Funds
P609 Management of City Property
P610 Collier Park Village – Financial Arrangements
P611 Pre-Qualified Supplier Panels
P613 Capitalisation and Valuation of Fixed Assets
P696 Related Party Transactions

3. Adopts the following revised policies with major amendments:
 - P605 Purchasing
 - P607 Tenders and Expressions of Interest
4. That the following policies be deferred to a future workshop with Council, the Executive Team and external Committee members:
 - P601 Preparation of Long Term Financial Plan & Annual Budget
 - P602 Authority to make payments from the Municipal & Trust Funds
 - P604 Use of Debt as a Funding Option
 - P612 Disposal of Surplus Property
 - P116 Installation, Use and Management of CCTV
 - P117 Library Services and Programs
 - P118 Library Collection Development
 - P119 City of South Perth Local History Collection
 - P692 Sustainability
 - P697 Council Caretaker Policy

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Officer Recommendation

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

1. Notes that the following policies having been reviewed with 'no changes' being proposed:
 - P101 Public Art and Art Collections
 - P104 Community Awards
 - P113 Community Gardens
 - P625 Equal Employment Opportunity
 - P629 Occupational Safety and Health
 - P637 Employee Separation Payments
2. Adopts the following revised policies with minor amendments in **Attachment (a)**:
 - P102 Community Funding Program
 - P103 Stakeholder Engagement
 - P105 Cultural Services and Activities
 - P106 Use of City Reserves and Facilities
 - P107 Access and Inclusion
 - P110 Support of Community and Sporting Groups
 - P306 Development of Properties Abutting River Way
 - P402 Alfresco Dining
 - P603 Investment of Surplus Funds
 - P609 Management of City Property
 - P610 Collier Park Village – Financial Arrangements
 - P613 Capitalisation and Valuation of Fixed Assets
 - P692 Sustainability
 - P696 Related Party Transactions

3. Adopts the following revised policies with major amendments in **Attachment (b)**:
 P603 Investment of Surplus Funds
 P613 Capitalisation and Valuation of Fixed Assets
4. Revokes the following policies in **Attachment (c)**:
 P601 Preparation of Long Term Financial Plan & Annual Budget
 P602 Authority to make payments from the Municipal & Trust Funds
 P604 Use of Debt as a Funding Option
 P612 Disposal of Surplus Property
5. Adopts the following new Policies in **Attachment (d)**:
 P116 Installation, Use and Management of CCTV
 P117 Library Services and Programs
 P118 Library Collection Development
 P119 City of South Perth Local History Collection
 P697 Council Caretaker Policy

Absolute Majority required

Background

In line with contemporary organisational models, the policy framework aligns policies and delegations to the City's Strategic Directions.

During the review process, policies are considered by the custodian department having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The policy review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The policy review may identify a need to revise the policy or it may determine that no change is needed. The nature of the change, whether minor or major, is noted in the Comment section below. Minor changes usually consist of minor typographical or grammatical corrections or revisions due to minor legislative amendments. Major change will consist of significant revision to the content of the policy due to changes in the operational environment or because of more substantial legislative change.

Comment

Minor Changes

The Policies listed below are considered to have only minor administrative changes. These policies are included in **Attachment (a)**.

- | | |
|------|--|
| P102 | Community Funding Program |
| P103 | Stakeholder Engagement |
| P105 | Cultural Services and Activities |
| P106 | Use of City Reserves and Facilities |
| P107 | Access and Inclusion |
| P110 | Support of Community and Sporting Groups |
| P306 | Development of Properties Abutting River Way |

P402	Alfresco Dining
P609	Management of City Property
P610	Collier Park Village – Financial Arrangements
P611	Pre-Qualified Supplier Panels
P692	Sustainability
P696	Related Party Transactions

Major Changes

The policies listed below and at **Attachment (a)** are considered to have major changes to content. The content changes have been highlighted. A small summary explaining the changes has been provided.

P603 Investment of Surplus Funds

This policy has been updated to reflect current legislation.

P605 Purchasing

The changes in this policy reflect legislative updates and also seeks to improve clarity and direction. The changes also update supplementary City Policy references.

P607 Tenders and Expressions of Interest

The changes in this policy reflect legislative updates and also seeks to improve clarity and direction. The changes also update supplementary City Policy references.

P613 Capitalisation and Valuation of Fixed Assets

This policy has been updated to comply with changes in legislation and to simplify some of the clauses.

Revocation of Policies

The policies listed below and at **Attachment (b)** are to be revoked. A summary explaining the reason has been provided.

P601 Preparation of Long Term Financial Plan & Annual Budget

It is considered that this policy should be revoked. The Annual Budget and the Long Term Financial Plan are governed by extensive parts of the *Local Government Act 1995* and Regulations. Further the Department has issued detailed guidelines, as well as Moore Stephens, as part of WALGA's subscription, to prepare detailed information packs and training to ensure each year these are prepared in accordance with legislation and the Australian Accounting Standards. The Long Term Financial Plan is an informing document to the Strategic Community Plan and similar to the Workforce Plan. Strategy direction is provided by the Strategic Community Planning process. Given the highly regulated requirements to prepare a Long Term Financial Plan & Annual Budget a policy direction is not required.

P602 Authority to make payments from the Municipal & Trust Funds

Similar to P601, payments from the Municipal & Trust funds is highly regulated, subject to annual external audit by the WA Auditor General as well as independent Internal Audits. Further, it is recommended that this policy be revoked as Council have adopted a delegated authority to the CEO to make payments from both the Municipal and Trust Funds and therefore, this policy is no longer required.

P604 Use of Debt as a Funding Option

Similar to P601, borrowings are approved by Council as part of the budget with due regard to the City's overall financial position. Council may borrow at other times, by an Absolute Majority with an additional requirement to publish a local public notice for one month prior to implementation. As the use of debt is highly regulated, it is recommended that this policy be revoked.

P612 Disposal of Surplus Property

Similar to P602, this policy should be revoked as Council has delegated to the CEO authority to dispose of surplus property and is highly regulated, with no strategic direction by Council required.

New Policies

The policy listed below and at **Attachment (c)** is a new policy, a small summary explaining the policy has been provided.

P116 Installation, Use and Management of CCTV

This new policy provides direction on the installation, use and management of Closed Circuit Television (CCTV) systems within the City.

P117 Library Services and Programs

The objective of this policy is to provide the City of South Perth (City) and the community with a framework for access to the City's libraries, collections, digital resources, online services and programs.

P118 Library Collection Development

The objective of this policy to provide the City of South Perth (City) and the community with a framework for the selection, acquisition, evaluation and de-accession of materials for the library collection.

P119 City of South Perth Local History Collection

The objective of this policy to provide the City of South Perth (City) and the community with a framework for the acquisition, preservation and organisation of historical materials that represent the cultural heritage, past and present, of the South Perth community.

P695 Council Caretaker Policy

For the 2017 local government elections, the Department of Local Government, Sport and Cultural Industries (Department) issued Bulletin 1 - Local Government Elections. In that Bulletin, the Department gave information on the election process to keep local governments and the community informed of requirements for the upcoming local government elections. Included in this Bulletin was information on caretaker periods and a number of points that should be considered if developing a Caretaker Policy.

In August 2018, the WA Local Government Association (WALGA) developed a Draft Electoral Caretaker Period Policy for local governments to ensure that any perceptions of Council decisions being made that may advantage or disadvantage a candidate would be addressed.

In July 2019, the City presented a draft Caretaker Policy to Council in response to a Notice of Motion by former Mayor Sue Doherty. However, at that meeting Mayor Doherty withdrew her Notice of Motion and the policy was never adopted.

With local governments undergoing elections in October 2021, it is now considered prudent to revisit the adoption of a Caretaker Policy. This is because during an election campaign period, there can be additional public scrutiny and added political considerations when matters are brought before Council. In addition, recent regulatory changes have increased transparency and accountability procedures for local governments.

As such, the community has a right to expect that local government elections are conducted in an ethical, fair and equitable way. As such, the Caretaker Policy attempts to prevent actual or perceived advantage or disadvantage to a candidate that may arise from Council decisions, activities or use of public resources.

Council Caretaker policies are common practice and have been around for a number of years. A review of the local government sector has revealed that most Councils have adopted a Council Caretaker policy.

If adopted, Policy P697 – Caretaker Policy would implement a caretaker period from the close of nominations, 4pm on Thursday 9 September 2021 until 6pm on election day, Saturday 16 October 2021.

Consultation

Nil.

Policy and Legislative Implications

The reviewed and new Policies are consistent with the *Local Government Act 1995*, relevant legislation and guidelines and other City documents.

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

10.5.3 (a): Revised policies with minor amendments

10.5.3 (b): Revised policies with major amendments

10.5.3 (c): Revoked policies

10.5.3 (d): New policies

10.5.4 Compliance Audit Return

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20423
Meeting Date:	23 March 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 provides the City's response to the Department of Local Government, Sport and Cultural Industries 2020 Compliance Audit Return.

0321/051

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin
Seconded: Councillor Ken Manolas

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

1. Adopts the Department of Local Government, Sport and Cultural Industries Compliance Audit Return for the period 1 January 2020 to 31 December 2020 as contained in **Attachment (a)**; and
2. Authorises the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The City is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sport and Cultural Industries distributed a Compliance Audit Return for the period 1 January 2020 to 31 December 2020 which focused on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

Comment

The 2020 Compliance Audit Return contained the following compliance categories:

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;
- Official Conduct;
- Optional Questions; and
- Tenders for Providing Goods and Services.

Each section of the 2020 Compliance Audit Return was completed by the relevant business unit.

No items of non-compliance were identified for the 2020 Compliance Audit Return.

Consultation

The 2020 Compliance Audit Return was circulated to the relevant Business Unit Managers.

Policy and Legislative Implications

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the completed 2020 Compliance Audit Return is to be reviewed and the results presented to Council. Following Council's adoption, the 2020 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 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

10.5.4 (a): Compliance Audit Return 2020

10.5.5 Risk Management Strategy 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-20425
Meeting Date:	23 March 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

The City has a statutory obligation under the Regulation 17 of the Local Government (Audit) Regulations 1996 to review the appropriateness and effectiveness of a local government's systems and procedures in relation to Risk Management.

This report presents to the Audit, Risk and Governance Committee the outcome of a review of the City's Risk Management Strategy, for noting and referral to Council.

0321/052

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Ken Manolas

That the item relating to Risk Management Strategy 2021 be deferred to a future workshop.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Officer Recommendation

That That Audit Risk and Governance Committee recommends to Council, the adoption of the 2021 Risk Management Strategy as set out in **Attachment (a)**.

Background

The City's Risk Management Strategy 2018 was endorsed by Council on 30 October 2018. Since endorsement of the Strategy, City Policy Risk Management P695 and AS/NZS ISO 31000:2018 Risk Management guidelines (AS/NZS guidelines) related to Risk Management guidelines have been updated.

Comment

For the City, good governance is about how well we provide goods, services and programs while also meeting our legislative and non-legislative community expectations. The Risk Management Strategy 2021 (the Strategy) is one component of the City's Governance Framework which supports effective governance through quality decision making procedures.

Risk Management assists the City in identifying, mitigating and controlling risks while also identifying and capitalising on opportunities available. The Strategy has been updated to ensure alignment with AS/NZS ISO 31000:2018 Risk Management guidelines (AS/NZS guidelines), City Policy P695 Risk management and to incorporate the introduction of 'Three Lines of Defence' operating model.

The amendments to the Strategy include:

- Reduction of principles from eleven to eight;
 - Revised diagrams to align with AS/NZS guidelines which reflect a more streamlined approach across the Principles, Framework and Process;
 - Updated terminology to align with AS/NZS guidelines;
 - Risk Process - detailed description of each step of the process has been included which follows the identified steps in the AS/NZS guidelines. These descriptions includes assessing the risk prior to any mitigation and determining the residual risk rating. (Note: If accepted, the risk register will be amended to allow for rating prior to mitigation strategies);
 - Treatment plan incorporated into the Operational Risk register in order to record and report on all identified extreme risks;
 - Removal of all schedules of assessment which have been replaced with reference to Risk Management Policy P695;
 - Increased focus on leadership by 'top management' who should ensure that risk management is integrated into all activities, starting with the Governance of the organisation; and
 - Introduction of 'Three Lines of Defence' operating model:
 - Currently used by some local governments and often used in audit processes;
 - Clarifies the involvement and alignment of multiple levels of responsibilities;
 - Assists in minimising overlap and avoiding gaps in risk management;
- | | |
|--|--|
| <ul style="list-style-type: none"> • 1st Line of defence - • 2nd Line of defence - | <ul style="list-style-type: none"> Operational/Business Unit Managers; Governance and Compliance functions - Internal Risk Management Committee; |
|--|--|

- **3rd Line of defence -** Internal and External audit programs, third level of assurance that processes are in place to capture risks;

Consultation

The Risk Management Strategy 2021 has been presented to and endorsed by the City's internal Risk Management Committee which includes representation of Managers and Officers from across the City's operations.

Policy and Legislative Implications

Reg 17 (1)(a) Local Government (Audit) regulations 1996

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –

(a) risk management

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

10.5.5 (a): 2021 Risk Management Strategy

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 8 April 2021 to 16 April 2021 inclusive.

0321/053

Motion to Approve Leave of Absence Application AND COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor André Brender-A-Brandis

That Council approve the Leave of Absence application received from Councillor Glenn Cridland for the period 8 April 2021 to 16 April 2021 inclusive.

CARRIED (8/0)

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

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the Ordinary Council Meeting held 23 February 2021 can be found in the **Appendix** of these Minutes.

13.2 QUESTIONS FROM MEMBERS

- Councillor Mary Choy
- Councillor Stephen Russell
- Councillor Glenn Cridland
- Councillor André Brender-A-Brandis
- Councillor Ken Manolas
- Councillor Carl Celedin

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.31pm.

APPENDIX

6.1 PUBLIC QUESTIONS TAKEN ON NOTICE 23 FEBRUARY 2021

1. Mr Maurice Werder, 114 Manning Road, Manning Received: 23 February 2021	Response provided by: Vicki Lummer, Director Development and Community Services
1. Is the City aware that some Councils for example Kellerberrin has rejected or changed the status of commercial operations that are designated as charitable but they are actually money making propositions?	<p>The <i>Local Government Act 1995</i> (Act)s6.26 (2) describes a range of properties that are not rateable, these being used or held exclusively for a range of purposes including; for religious institutions, schools and charitable purposes to name a few.</p> <p>An application for a rate exemption may occur and the City must consider this. If the application is in accordance with the Act then the City must provide a rate exemption.</p> <p>The City undertakes reviews to determine if the property is still used for the purpose for which the rate emption was granted. If the property has changed and therefore rateable, the City will rate the property.</p>
2. Mrs Cecilia Brooke, 8/20 Garden Street, South Perth Received 23 February 2021	Response provided by: Mark Taylor – Director Infrastructure Services
1. As of last night the Mayor and Councillors had still not received the Deloitte and Warren Green report, so have they received it yet and will the report be going on the City's website for the ratepayers to view and comment on?	<p>This matter was considered at the Special Council meeting held on 15 March. A summary of findings of the Deloitte Warren Green report was provided as an attachment to the meeting agenda.</p>

6.2 PUBLIC QUESTION TIME 23 MARCH 2021

2. Ms Mary Wolfla, 23A Wooltana Street, Como Received: 18 March 2021	Responses provided by: Mark Taylor – Director Infrastructure Services
<p><i>[Preamble]</i></p> <p><i>I am sad to see the ramped playground equipment being removed from the playground at the end of Hurlingham Road, and not replaced with something of equal accessibility. This result has been disappointing to families in the city who rely on this playground for their children to have equal access to play equipment.</i></p>	
<p>3. Has the City of South Perth considered keeping the playground at the end of Hurlingham Road accessible to children with disability? Specifically incorporating new playground equipment that is accessible in nature for example a slide with a ramp.</p>	<p>The wheel chair accessible Liberty Swing has been retained at the Hurlingham Road Playground.</p> <p>The swing equipment which has recently been installed, is suitable for use by able bodied people, people with intellectual disability, and may also be accessed by persons with limited mobility, albeit with assistance from an able bodied person.</p> <p>There is currently no intention to install further equipment at the Hurlingham Road Playground.</p>
<p>4. If no new accessible playground equipment is going to be installed at the Hurlingham Road playground, will an accessible playground be installed in another location in the City of South Perth?</p>	<p>The City's South Perth Foreshore Masterplan proposes the development of a regional scale integrated universal access playground at Coode Street on the South Perth foreshore.</p> <p>This playground will include intergenerational facilities suitable for all levels of play ability.</p>

<p>2. Mr Barry Grace, U1502, 53 Labouchere Road, South Perth</p> <p>Received: 22 March 2021</p>	<p>Responses provided by: Vicki Lummer - Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The City of South Perth has banned all access to balconies in the Pinnacle building with a \$50,000 fine for breaching the ban. The council of owners have supplied the SPC with all the required information, carried out the expert testing requested by SPC (all of which have proved no faults). The ban has resulted in major financial losses to the residents. At no point has SPC given good reason for the ban to be in force.</i></p>	
<p>2. As proven by independent testing, there are no defects in the balcony glass. Why does SPC continue to prevent residents using their balconies without reason?</p>	<p>As the City is still working with the Strata Body at the State Administrative Tribunal, I am unable to provide a detailed response, as information tabled and discussions held at mediation is confidential.</p> <p>However the City remains of the opinion that in order to ensure the safety of residents and members of the public the Building Order that prohibits access to the balconies should remain in place at the present time.</p>
<p>3. In the 4 years of the Pinnacle buildings existence only 3 incidences of breaking balcony glass are 'unexplained'. Why is the ban in force?</p>	<p>As mentioned in the previous response, the City remains of the opinion that in order to ensure the safety of residents and members of the public, and in accordance with our legal advice, the Building Order that prohibits access to the balconies should remain in place at the present time.</p>
<p>4. No one has been injured, no glass has fallen to ground, all panes have remained in their frames. How does the SPC explain their rationale in keeping the ban in force?</p>	<p>The City has evidence that in some of the incidents, the glass fell to the ground, risking the safety of pedestrians on the footpath. This is one of the reasons why the building order remains in place.</p>

<p>3. Mr George Lewkowski, 53 Labouchere Road, South Perth</p> <p>Received: 22 March 2021</p>	<p>Responses to questions 1 and 2 provided by: Colin Cameron – Director Corporate Services</p> <p>Response to question 3 provided by: Vicki Lummer – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>For more than 18 months residents of Pinnacle Building have been banned from using their Balconies due to some Safety Glass on Balustrades breaking. Expert opinion has been obtained stating that the glass passes Building code standards and is safe. Unless the safety glass is shattered by severe impact it remains intact and poses zero danger to people even if they are standing next to the glass at time of breaking. The Council continues to baselessly prevent use of building balconies.</i></p>	
<p>1. Will the City of South Perth Council consider compensating owners impacted by bans by giving proportionate rebate on rates paid? This is for the continued unsubstantiated ban on use of the balconies.</p>	<p>Council have adopted a Financial Hardship Policy to assist when financial circumstances change. However the Annual Budget does not include any reduction in rates or rebates relating to the use of any component within a property, unless described within the Local Government Act 1995 (e.g. for charitable purposes, etc).</p>
<p>2. Due to the ban on balcony use owners have incurred considerable losses in property values and potential rent. Will the Council consider a fair compensation for the losses by the owners of the units?</p>	<p>Council consider a range of factors during budget deliberations, however for rating purposes the City doesn't differentiate, in that all properties attract the same minimum rate or rate in the dollar. The assessment of any potential compensation is ordinarily considered by the City's insurance service provider, on application.</p>
<p>3. Council forbids tradesmen from performing repairs on balconies. Conversely as an example. Why does the Council permit Building Sites to operate? These pose a continuous, multiple and INFINITELY MORE DANGER of death and injury to all.</p>	<p>The risks posed to any and all users of the balconies remains current and the building order will remain in place until the risks are dealt with through the Tribunal process.</p>

4. Ms Antoinette Lewkowski, 53 Labouchere Road, South Perth Received: 22 March 2021	Responses provided by: Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>The city of South Perth has banned the Use of Balconies to the residents of the Pinnacles building. This ban has been in place for more than 18 months. The Council will not lift this ban despite the expert opinion that the balconies are safe.</i></p>	
<p>1. Balcony safety glass has broken in other metro buildings but no councils have issued bans. Other buildings in South Perth/Como have had safety glass breakages BUT have not had bans imposed. WHY the discriminatory action towards the Pinnacles residents?</p>	<p>The City does not have evidence of glass breakages in relation to other buildings within the City of South Perth. The action taken, in accordance with legal advice, has been to protect the safety of Pinnacles residents and members of the public.</p>
<p>2. Does the Council have ANY intention of SERIOUSLY and HONESTLY considering the lifting the bans on the use of balconies in the Pinnacle Building. What is the hold up?</p>	<p>The City has been working proactively with the Strata Body since the Building Order was put in place.</p> <p>Whilst the City is not in a position to provide an update due to confidentiality at mediation, the Strata Body may be able to provide information to residents who are strata title owners.</p> <p>There was a SAT hearing today where a schedule of dates has been set out to resolve this matter. The matter is in progress and the City is actively working with the Tribunal to try and get it resolved.</p>
<p>3. Why as ratepayers are we prevented from discussing the matter with the City of South Perth CEO or somebody in the council who clearly understands what they want and can make a decision?</p>	<p>Officers would be happy to meet with residents, however due to the matter being before the State Administrative Tribunal it may be the case that limited information is available.</p>

13.1 QUESTIONS FROM MEMBERS TAKEN ON NOTICE 23 FEBRUARY 2021

Councillor André Brender-A-Brandis	Response provided by: Mark Taylor – Director Infrastructure Services
1. The proposed Recreation and Aquatic Centre and the number of old growth pine trees that will be removed and the number of juvenile pine trees that will be removed, do we have a number on those?	There are five mature, 37 semi-mature and two immature pine trees in the proposed building envelope of the RAF. This does not mean that all of these trees will be removed as that will depend on the final scope and design of the project.

13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 23 MARCH 2021

Councillor Mary Choy	Responses provided by: Mark Taylor – Director Infrastructure Services
<i>My question relates to the Hurlingham Playground. I have received communication from members of our local community over the last few days that the Hurlingham Playground on the South Perth Foreshore has been removed with the exception of the accessible Liberty Swing with a more downgraded Playground taking its place.</i>	
1. Can the administration please advise what the intention was behind replacing as opposing to upgrading the Hurlingham Playground equipment?	
Answer The rationale behind the amendment to the Hurlingham Playground was to focus on developing a major playground at Coode Street. The resources will go into making that a district style playground. The facilities that were previously at Hurlingham will be incorporated into Coode Street as mentioned in my response to the residents question today.	
2. If Council was so minded to put forward a motion that the Hurlingham Playground be reinstated or the playground upgraded would the Council need a budget to do so and if so how much?	
Answer A budget would be required as there is no funding allocated to do anymore work for Hurlingham. In terms of the cost I will take that on notice.	

Councillor Stephen Russell	Responses provided by: Mark Taylor – Director Infrastructure Services
1. With regards to the Liberty Swing, is the intention to relocate that swing to the district playground or to have another Liberty Swing at the new playground?	
Answer The intention would be to ultimately replace the Liberty Swing because it is quite old but the new Liberty Swing or similar type would go into the new playground.	
2. Just to confirm the Liberty Swing stays as is until a new Liberty Swing at some other location is present? We're not going to have no Liberty Swings in the City?	
Answer That is correct, the Liberty Swing will remain in place until a new playground is constructed at Coode Street and then it will all be removed from Hurlingham and a new Liberty Swing or similar will be installed at Coode Street.	

Councillor Mary Choy	Responses provided by: Mark Taylor – Director Infrastructure Services
1. What sort of timeframe would we be looking at potentially for the Coode Street redevelopment?	
Answer Probably 2-3 years. We have to go through a Community Engagement process because it will be part of the Node 2 development for the South Perth Foreshore Strategy Management Plan works, so this will be part of an overall Masterplan vision for that area of the Foreshore in the vicinity of Coode Street.	

Councillor Stephen Russell	Responses provided by: Fiona Mullen – Manager Development Services
<p><i>Tonight's OCM marks the one year anniversary that Council unanimously resolved Item 12.3 of the March 2020 OCM for the City to send a letter to the then State Minister responsible for Planning to highlight the limited time available for the community to prepare deputations for JDAP meetings and request that the timeframe in relation to the publication of the RAR's on the JDAPs website be extended to 10 days. I understand that the City emailed this letter to the then Minister in June 2020, hence with this in mind I have just the one question.</i></p> <p>1. Has the Minister of Planning at that time, Mrs Rita Saffioti had the courtesy to respond to the CEO's letter and if so will the City table the response?</p>	
<p>Answer</p> <p>I can confirm the Minister has still not replied to that letter.</p>	
Councillor Glenn Cridland	Responses provided by: Vicki Lummer – Director Development and Community Services Response to question 2 – Fiona Mullen – Manager Development Services Response to questions 4 & 5 – Mayor Greg Milner Response to question 6 – Mike Bradford – Chief Executive Officer
<p><i>The first set of questions relates to the Pinnacles. There were some matters that were put as if they were fact in the presentations/deputations tonight which I'd be interested to have the Directors comment on. There were reference by at least 2 of the presenters that there is expert opinion that the glass presumably on the balconies is safe.</i></p> <p>1. Have you been provided with such an expert opinion or if not are you aware of it existing?</p>	
<p>Answer</p> <p>Through the State Administrative Tribunal process there has been a number of different documents and evidence and so forth that has been part of that mediation. Unfortunately it is all confidential so it can't be released publically.</p>	

2. How many glass panes have broken and fallen out of the building to the area below?

Answer

There is some contention about the exact number of panes that have actually broken, it's in the region of nine panes that have broken. To my knowledge there have been two instances where glass fragments have fallen to the ground.

3. Is it possible for the Councillors to have some sort of confidential update as to where the SAT proceedings are up to and what may happen to remedy the terrible problems for the residents or the building without breaching the SAT mediation confidentiality?

Answer

Yes, we can give a confidential update and we will arrange that.

At the last meeting I raised a motion that was unsuccessful in respect of improving transparency and accountability by reporting on our webpage registers information as to various briefings and so on. One of the parts of the report in opposition to my motion was that there was to be substantial work required by my motion so my question is to the Mayor.

4. Are you aware of Policy P672 and that, that Policy already requires the administration or in particular the CEO to keep all of that information?

Answer

I don't have Policy P672 in front of me Cr Cridland so I will take that question on notice.

My next question is in respect of the Como Hotel and in respect of an issue that I raised at the Art Committee meeting earlier this month and subsequently with Director Lummer and then with other Councillors in respect of the removal of the art deco Como signs from the hotel nearby as part of its redevelopment. I had proposed an urgent motion tonight for the purposes of Council recognising the significant nature of those art deco signs to the developer and secondly requesting the CEO to contact the developer to see if those signs can be rescued before they become part of landfill as apparently is envisaged.

5. Noting that you have decided not to put the motion forward to the meeting, how do you propose that the Council publically lets the developer know that those signs were significant to the people of Como if not South Perth?

Answer

We haven't got to Item 14 yet Cr Cridland but the Standing Orders, the relevant Standing Order is Clause 5.4 which deals with new business of an urgent nature and subclause 1 of Standing Order 5.4 says *'in cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding*

member that is carried by the meeting, be raised without notice and decided by the meeting.’ Lin 2 of Standing Order 5.4 says ‘in subclause (1), ‘cases of extreme urgency or other special circumstances’ means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting.’

I got your email at 5.19pm this evening so I haven't had a tremendous amount of time to consider this but the first lin of your proposed item is that Council records its view that the art deco (influenced by the "Jetsons") Como Hotel signs (which were located on the front of the Como Hotel entrance facing the South Terrace/Canning Highway intersection and on the pole near Canning Highway) are attractive and prominent, distinctive place making markers and of significance to the heritage of not only the particular site but Como and South Perth. In the time that I've had to consider this I don't know if I can say that, that first lin is something of such importance and urgency that it's unable to be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting. That first lin is really about Council recording its view that, that Como Hotel sign is attractive and prominent, distinctive place making markers and Council may well decide that on a notice of motion that's brought next month but simply recording that view I don't think I'd be doing the right thing by Standing Order 5.4 if I was to say that the matter was a matter of such urgency and importance that it's unable to be dealt with and it must be dealt with by the Council before the next meeting. We've jumped ahead a bit from Item 13 to Item 14 here but that would be my view to the first lin of your motion. As for the second lin of your motion that Council requests the Chief Executive Officer to write to the occupant and developer of the Como Hotel site and request that the Como Hotel signs be provided to the City for re-use in the City if the signs are otherwise to be discarded as part of the redevelopment.

I have spoken with the CEO about this, Mr CEO is this something that could be dealt with administratively?

Chief Executive Officer: I can certainly approach the developer and make enquiries.

Mayor: Thank you Mr Bradford and so Cr Cridland for that reason the second lin of your motion can be dealt with administratively so for that reason it wouldn't qualify for new business of an urgent nature under Standing Order 5.4.

This question relates to the recent election at which we have a new member for South Perth who was kind enough to attend a recent meeting here. Now during the election he committed to \$65,000 for the Bridge Club toilet redevelopment.

6. Has the City done anything to contact the member or firm up that commitment and turn it into real dollars for the Bridge Club and the City?

Answer

I met with the new local member, Mr Geoff Baker on Friday and had a very good discussion with him. We discussed a number of items and I have to say that I haven't got the detail on the exact status of that amount of money but I will follow that up.

Councillor André Brender-A-Brandis	Responses provided by: Mark Taylor – Director Infrastructure Services
<p><i>Just to follow up a question with regard to the possible Recreation and Aquatic Centre at the Collier Park Golf Course, I can't find the response just with regard to the number of juvenile trees and mature pine trees.</i></p> <p>1. Do we have any indication of the number that may possibly be removed?</p>	
<p>Answer</p> <p>A response has been provided in the Agenda to you.</p>	

Councillor Stephen Russell	Responses provided by: Bernadine Tucker – Manager Governance
<p><i>My question is procedural in nature. When we were on 10.0.1 where we had an alternative motion and that alternative motion was refused and we almost came to a position where the motion with the officer's recommendation was not to proceed with. I clearly remember I raised an alternative motion for a similar motion for a planning application. That alternative motion was refused and no one foreshadowed the officer's recommendation but by default went to the officer's recommendation so I'm a little bit confused procedurally.</i></p> <p>1. When an alternative motion is presented first if a foreshadowed motion is required or not?</p>	
<p>Answer</p> <p>I can put some information together and distribute that to all Councillors to give some clarity.</p>	

Councillor Ken Manolas	Responses provided by: Mark Taylor – Director Infrastructure Services
1. I believe Royal Perth Golf Club is removing some trees. Is there any indication of how many trees they are removing?	
<p>Answer</p> <p>The City is currently in discussion with the Royal Perth Golf Club about tree removal. Nothing will be removed until the City has signed off on any proposal and the Mayor and I will be visiting the golf club on Thursday to meet the President and the CEO to discuss the matter. The Infrastructure Services staff were onsite last Friday for a long meeting and looking at the proposed trees to go.</p>	

Councillor André Brender-A-Brandis	Responses provided by: Mark Taylor – Director Infrastructure Services
1. Do we have any indication as to the reason for removal of the trees and also the variety of the trees that they are planning to remove?	
<p>Answer</p> <p>There are a large variety of trees proposed to be removed and for a number of reasons. Some because they are not considered suitable for the golf course because they impact on play and also because the golf course are wanting to amend the way play is undertaken at the course as I mentioned earlier the City staff were onsite on Friday and gave a very strong indication that they would need a very, very strong case for any of the trees to be removed. It's still early days in discussions and as mentioned earlier the Mayor and I will be visiting the course on Thursday to discuss that a bit further.</p>	

Councillor Carl Celedin	Responses provided by: Mark Taylor – Director Infrastructure Services
<p>1. I have noticed a number of trees on the west side of Redmond Street have died. Do we know what happened there and are we able to do anything about that not happening again?</p>	
<p>Answer</p> <p>Are they the trees opposite the new subdivision or adjacent to the new subdivision?</p> <p>Cr Celedin: They are further along up the hill towards the stairs.</p> <p>The question will be taken on notice.</p>	

DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 27 April 2021

Signed _____ / /2021
Presiding Member at the meeting at which the Minutes were confirmed