

AGENDA.

Ordinary Council Meeting

23 November 2021

Notice of Meeting

Mayor and Councillors

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



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

19 November 2021

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.1.2 as ‘many of the nominees are known to me, and I am the patron of one of the nominees’.
- Councillor Carl Celedin – Impartiality Interest in Item 10.1.2 as ‘I know many of the nominees personally’.
- Councillor Mary Choy – Impartiality Interest in Item 10.1.2 as ‘some of the nominees are known to me’.
- Councillor Ken Manolas – Impartiality Interest in Item 10.1.2 as ‘some of the nominees are known to me’.
- Mayor Greg Milner – Impartiality Interest in Item 10.5.2 as ‘I am a co-patron of WASPs Hockey, and the tenancy of the subject of the report might impact on a proposal I am aware WASPs Hockey are undertaking’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.5.2 as ‘my children play hockey for WASPS and their potential new development may affect this tenancy’.
- Councillor Mary Choy – Impartiality Interest in Item 10.5.2 as ‘in relation to recent WASP advertising at Collier Reserve Como, my husband has been a member and volunteer coach of the WASP’s hockey club and is also a Wesley College ‘old boy’. My son’s have played for WASP’s and they also attend Wesley College’.
- Councillor Stephen Russell – Impartiality Interest in Item 10.5.2 as ‘My daughter has been and may be a future junior member of the WASPs hockey club. As the WASPs have a proposal for the future use of Collier reserve, which may or may not include the use of the Collier Pavilion, then out of abundance of caution I wish to declare an impartiality interest’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.5.3 as ‘my mother-in-law plays bridge at this club from time to time’.

- Mayor Greg Milner – Impartiality Interest in Item 10.5.5 as ‘my wife is a committee member of the Manning Community Toy Library’.
- Councillor Mary Choy – Impartiality Interest in Item 10.5.6 as ‘SOCO Realty are the managing agents for a number of investment properties for immediate and extended family members’.
- Mayor Greg Milner - Impartiality Interest in Item 10.5.7 as ‘I am the patron of the Hensman Park Tennis Club’.
- Councillor Glenn Cridland – Impartiality Interest in Item 10.5.7 as ‘my children and I are members of this tennis club’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 23 NOVEMBER 2021

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 October 2021

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 26 October 2021 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 16 November 2021

Officers of the City presented background information and answered questions on Items to be considered at the November Ordinary Council Meeting at the Council Agenda Briefing held 16 November 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	Attendees
2 November 2021	Councillor Induction and Refresher	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Ken Manolas and Jennifer Nevard.

Attachments

Nil.

Officer Recommendation

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

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

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 Unkept Property No. 4 Renwick Street

A petition was received from Di Bond of 12 Renwick Street, South Perth together with 19 verified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007. The petition was requesting the City to pay more attention and ask for improvement to those who choose not to maintain their property in an acceptable condition.

The text of the petition reads:

'We the undersigned residents of Renwick Street, wish to register our dissatisfaction with the condition of the property and gardens at number 4 Renwick Street. The grass is unkempt and knee high, the car tyres and paint tin have been sitting near the entrance gate since the last council pickup. Part of the adjoining fence with 42 Sandgate Street is also lying on the ground.

Rates are high in the street and we would like to think South Perth City Council would pay more attention and ask for improvement from those who choose not to maintain their property in an acceptable condition.'

Officer Recommendation

That the petition received from Di Bond of 12 Renwick Street, South Perth together with 19 verified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007 in relation to unkept property at number 4 Renwick Street, South Perth be forwarded to the relevant Director for consideration.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 16 November 2021.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 BMX or Pump Track Proposal at George Burnett Park, Manning Road, Karawara

Location:	Karawara
Ward:	Not applicable
Applicant:	City of South Perth
File Ref:	D-21-85623
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report provides the outcome of an investigation undertaken by the City of South Perth for a proposed BMX or Pump Track at George Burnett Park in Karawara.

Officer Recommendation

That Council:

1. Receives the report on the proposed BMX Track or Pump Track at George Burnett Park in Karawara.
2. Notes the City recommends future consideration of a Pump Track at George Burnett Park (in lieu of a BMX Track) based on the higher cost/benefit that the proposed Pump Track will provide for the community.
3. Request the CEO to investigate external funding opportunities to assist with the development of the proposed Pump Track.
4. Considers an allocation of up to \$200,000 for the Pump Track project as part of the City's draft 2022/23 Budget.

Background

At its Ordinary Council Meeting held 24 August 2021, Council resolved to authorise the City to investigate the creation of a BMX or Pump Track at George Burnett Park in Karawara; prepare a report advising of initial progress, draft concepts/plans, indicative costings and site selection options; and funding for this project to be considered at the mid-year review of the City's 2021/22 Budget.

Comment

In 2018/19 the City contracted Dave Lanfear Consulting to undertake a George Burnett Recreation Precinct Master Plan project. The George Burnett Recreation Precinct comprises a range of community facilities and open spaces, including: George Burnett Leisure Centre; George Burnett Park; Manning Skate Park; George Burnett Pavilion; former Manning library building; and surrounding bushland. The precinct covers approximately 24 hectares and is bordered by Manning Road to the south, Goss Avenue to the west and Gillon Street to the north and east.

A map of the George Burnett recreation precinct is highlighted in **Figure 1** below.

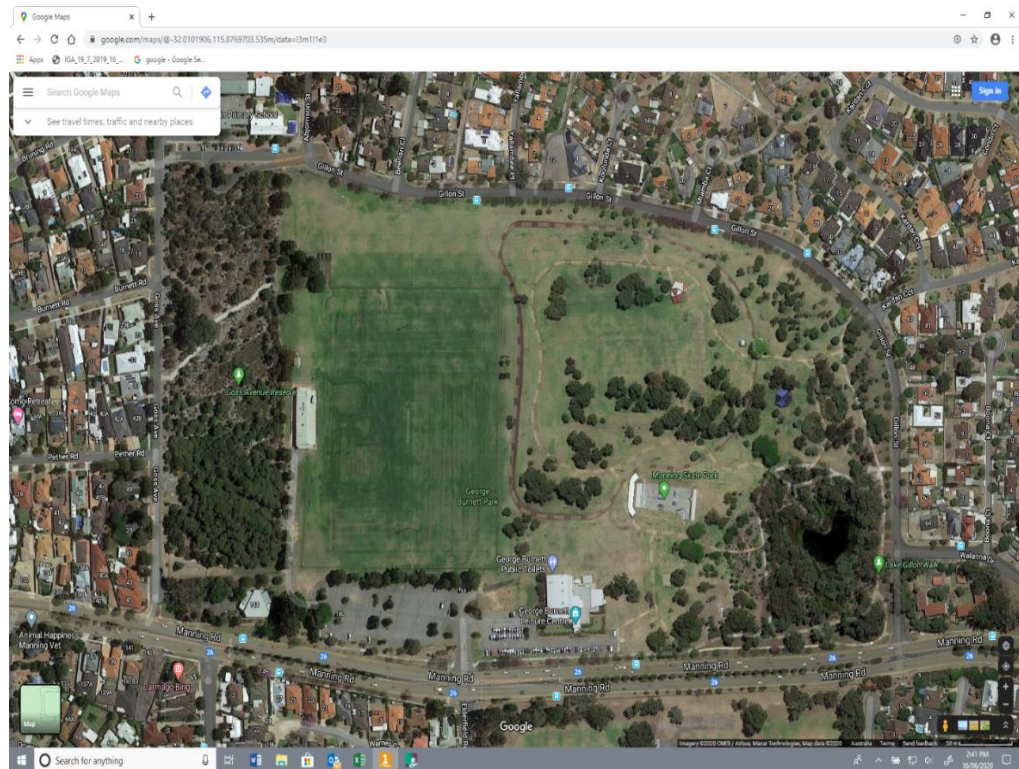


Figure 1: Aerial photograph of the subject site (2021).

The George Burnett Recreation Precinct Master Plan includes a recommendation for a proposed future BMX or Pump Track on the site near the skate park. Implementation of the Master Plan project was temporarily put on hold by the City in 2028/19 when it commenced investigating the feasibility of a Recreation Aquatic Facility (RAF), as George Burnett Park was considered a possible site for the RAF facility. In September 2019, Council resolved to approve Collier Park Golf Course as the preferred site for the RAF facility, meaning the George Burnett Recreation Precinct Master Plan project was able to recommence.

Differences between BMX Tracks and Pump Tracks

A BMX Track has a defined start and end point and requires riders to pedal around the track and navigate through the turns and jumps. Whereas, a Pump Track requires riders to use pressure on their bike to generate propulsion – i.e. to perform a ‘pumping’ motion to allow a rider to gain and maintain speed around the track without pedalling.

The table below provides a summary of the main differences between a BMX Track and a Pump Track.

	BMX Track	Pump Track
Key Features	<ul style="list-style-type: none"> • 300m – 400m long. • 5m – 10m wide (to accommodate up to eight riders). • Designed mainly for sporting competitions or active use. • Track has a defined start and finish point. • Riders need to pedal to best use the track. 	<ul style="list-style-type: none"> • No defined length • Approx. 2m wide (single file) • Designed for recreational use. • Loop track with no defined starting pointing. • Track is designed so that pedalling is not necessary, and riders must use body position and pumping motions to progress around the track.
Typical Footprint	<ul style="list-style-type: none"> • 4,000m² – 8,000m² (track only) • Generally, requires a dedicated, rectangular shaped area for construction. 	<ul style="list-style-type: none"> • 500m² – 1,200m² • No predefined shape and can be integrated with natural features such as mounds, embankments and trees.
Target Audiences	<ul style="list-style-type: none"> • All ages, but generally are more popular with teenagers up to young adults aged 25years. • Some skill level is preferred as BMX tracks are usually designed to accommodate competitive riding. 	<ul style="list-style-type: none"> • All ages, but generally are more popular with young children/toddlers up to youth aged 18years. • Can be for any skill level, including very young children learning to ride on balance bikes as design features are often no more than 1m high.
Community Benefits	<ul style="list-style-type: none"> • Mainly used for competitive sport (with suitable infrastructure). • Skill development for younger riders. • Low-cost physical activity 	<ul style="list-style-type: none"> • Mainly used for unstructured, informal use. • Skill development for younger riders. • Low-cost physical activity. • If constructed using asphalt or concrete, can allow for users with bikes, skateboards, scooters and roller skates to use the track.

Parks & Leisure Australia Guidelines for Provision	<ul style="list-style-type: none"> • 1:50,000 – 200,000 population • 10km radius catchment area 	<ul style="list-style-type: none"> • 1:5,000 – 10,000 population • 2km radius catchment area
Construction Materials	<ul style="list-style-type: none"> • Hard wearing/permanent tracks: asphalt or concrete. • Ephemeral/semi-permanent tracks: compressed treated soil, fine gravel, crushed limestone, or clay. 	<ul style="list-style-type: none"> • Hard wearing/permanent tracks: asphalt or concrete. • Ephemeral/semi-permanent tracks: compressed treated soil, fine gravel, crushed limestone, clay, plywood or composite material (fibreglass, resin, carbon fibre etc.).
Estimated Cost Range	<ul style="list-style-type: none"> • Hard wearing/permanent tracks: \$1million - \$3million depending on size and construction materials. • Ephemeral/semi-permanent tracks: \$600,000+ depending on size and construction materials. 	<ul style="list-style-type: none"> • Hard wearing/permanent tracks: \$200,000 - \$350,000 depending on size and construction materials. • Ephemeral/semi-permanent tracks: \$65,000 - \$150,000 depending on size and construction materials.

Some local governments around Australia have purchased mobile, modular Pump Track systems comprised of pre-engineered composite modules (e.g. fibreglass and steel) that join together to create a track design/s. The price of a modular system is determined by the size, ranging from \$60,000 for a small track to approximately \$190,000 for a large track. The main benefits of a modular Pump Track system is it can be modified to create various track designs and is mobile so it can be relocated around the community. The main disadvantages of a modular Pump Track is it is not as secure as a permanent track, so it is more prone to be stolen and requires a forklift and truck to relocate.

In considering the above options, the City recommends future consideration of a Pump Track at George Burnett Park (in lieu of a BMX Track) based on the higher cost/benefit that the proposed Pump Track will provide for the community. It is also recommended that the proposed Pump Track be a permanent track constructed using hard-wearing materials (i.e. approx. 50 year lifespan); as opposed to building a semi-permanent track or purchasing a mobile/modular track system that would require more regular maintenance and have a much lower expected lifespan (i.e. approx. 10-20 year lifespan).

The City has liaised with some other local governments that have recently built Pump Tracks to seek advice on construction materials and cost, which is summarised in the table below.

Local Government	Park Location	Track Type	Primary Construction Material	Cost
City of Cockburn	Perena Rocchi Reserve	Ephemeral/semi-permanent track	Compressed treated soil	\$65,000
City of Stirling	Bina Park	Ephemeral/semi-permanent track	Compressed treated soil	\$112,000
City of Belmont	Forster Park	Ephemeral/semi-permanent track	Compressed treated soil	\$150,000
City of Gosnells	Hester Park	Harder wearing/permanent track	Asphalt	\$200,000
City of Perth	Wellington Square	Harder wearing/permanent track	Concrete	\$200,000
City of Stirling	Dianella Regional Space	Harder wearing/permanent track	Asphalt	\$350,000

Images of the above Pump Track facilities are provided in **Attachment (a)**.

In terms of site selection, the public open space alongside the existing Manning Skate Park (behind the George Burnett Leisure Centre) is the recommended site to build the proposed Pump Track. This site was earmarked for a Pump Track in the Master Plan and is also located nearby existing associated infrastructure, namely playground, shade shelters, cycle paths and public toilets. Whilst the skate park is predominantly used for skateboarding, it can also accommodate other users, such as BMX, scooters and skaters (roller skaters and inline skaters).

Consultation

In 2019 the City undertook consultation during the development of the George Burnett Recreation Precinct Master Plan with a range of existing and potential users of the Precinct, including current user groups, sporting clubs and local youth. Following this process, one of the recommendations was for the City to consider providing a BMX or Pump Track on the site near the existing skate park.

Additionally, on 3 November 2021 the City met with WestCycle (peak state sporting association for cycling in Western Australia) to discuss the proposed Pump Track at George Burnett Park, with WestCycle providing its support/endorsement.

WestCycle also expressed its desire to conduct further discussions with the City about the possibility of establishing its cycling headquarters at George Burnett Leisure Centre/George Burnett Park if the opportunity arose in the future, as WestCycle is currently looking for a suitable site within the Perth metropolitan area for an outdoor cycling criterium (closed circuit) track, staff accommodation etc.

Policy and Legislative Implications

Implementation of the George Burnett Recreation Precinct Master Plan (including the proposed Pump Track project) is aligned with:

- Policy P106 – Use of City Reserves and Facilities
- Policy P110 – Support of Community and Sporting Groups
- Policy P609 - Management of City Property
- Public Places and Local Government Property Local Law 2011

Financial Implications

The cost of the Pump Track project is estimated at \$200,000. No funds are currently allocated in the City's 2021/22 Budget for the Pump Track project, so the next opportunity to consider funding for this project would be the mid-year budget review; or in the 2022/23 Budget. The City plans to seek external funding to assist with the development of the proposed Pump Track. Preliminary consultation has occurred with Lotterywest regarding the project, who advised that pump track projects are eligible for funding consideration. The City anticipates it may be able to attract external funding in the vicinity of \$50,000. Any funding generated would be used to reduce/offset the City's overall financial contribution towards the project.

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 the City's properties, assets and facilities

Attachments

10.1.1 (a): Images - Pump Tracks

10.1.2 Community Citizen of the Year Award Program 2021 - Nominations, Assessment and Recommendations

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85628
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report seeks to advise Council of the nominations submitted for the Auspire Community Citizen of the Year Award Program for 2021 and for Council to determine the recipients under the nominated categories in accordance with Auspire's eligibility criteria and selection guidelines.

Officer Recommendation

That Council approves the Award recipients for the Auspire Community Citizen of the Year Awards for 2021 in the following categories as shown in **Confidential Attachment (a)**:

1. Community Citizen of the Year Award (Adult Category)
2. Community Citizen of the Year Award (Youth Category)
3. Community Citizen of the Year Award (Seniors Category)
4. Active Citizenship Award (Community Group or Event Category)

Background

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

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

There are four categories for nominations:

1. Community Citizen of the Year Award (Adult) - this is open to adult individuals who reside or work primarily within the City of South Perth.
2. Community Citizen of the Year Award (Youth) – this is open to individuals who reside or work primarily within the City of South Perth and are aged under 25 years.
3. Community Citizen of the Year Award (Seniors) - this is open to individuals who reside or work primarily within the City of South Perth and are aged 65 years and over.
4. Active Citizenship Award (Community Group or Event) - this is open to community groups that are based or work primarily within the City of South Perth and/or groups who have produced a local event.

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

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

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

Comment

This year a total of 17 nominations were submitted comprising:

- 7 Community Citizen of the Year – Adult nominations
- 5 Community Citizen of the Year– Youth nominations
- 2 Community Citizen of the Year – Seniors nominations
- 3 Active Citizenship - Community Group or Event nominations.

A summary of the nominations and the City’s assessment scores are attached as **Confidential Attachment (a)**. All nominations were considered to be of high quality, demonstrating the different ways that individuals and groups make significant contributions in the local community; enhancing life opportunities for others and being positive role models in the City of South Perth.

Consultation

The City commenced promotion of the Citizen of the Year Award Program in October 2021. Emails and nomination forms were sent to community groups, sporting clubs, schools and volunteer organisations listed in the City’s Community Information Directory.

10.1.2 Community Citizen of the Year Award Program 2021 - Nominations, Assessment and Recommendations

The Award Program was also advertised on the City's website and through a state-wide campaign by Auspire. Nominations closed on 31 October 2021.

Policy and Legislative Implications

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

Financial Implications

Funds are allocated in the City's 2021/22 Operating Budget for costs associated with the Community Citizen of the Year Award Program.

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:	1.1 Culture and community
Strategy:	1.1.2 Facilitate and create opportunities for social, cultural and physical activity in the City

Attachments

10.1.2 (a): Community Citizen of the Year 2021 - Nominations, Assessment and Recommendations (*Confidential*)

10.1.3 City of South Perth - Public Art Advisory Group - 2020/21 Annual Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85629
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report presents the Public Art Advisory Group's 2020/21 Annual Report and outlines recent amendments to the Group's Terms of Reference, including a name change to 'Arts Advisory Group' and a broader scope.

Officer Recommendation

That Council:

1. Receives the Public Art Advisory Group's 2020/21 Annual Report; and
2. Notes recent amendments to the Group's Terms of Reference, including a name change to 'Arts Advisory Group' and a broader scope.

Background

The City's Public Art Advisory Group was established in February 2015 in alignment with a key initiative of the City of South Perth Public Art Strategy, which states that the Public Art Advisory Group's role is to provide recommendations to Council and contribute to the ongoing development and implementation of the Public Art Strategy.

The Public Art Advisory Group is made up of elected members, community industry specialists and City Officers who advise and guide the selection of large-scale public art projects.

In accordance with Policy P112 Community Advisory Groups, the City is to provide Council with an annual report reviewing the terms of reference, activities and achievements for each Community Advisory Group. The 2020/21 Annual Report for the Public Art Advisory Group is provided to Council in fulfilment of this policy commitment and is shown as **Attachment (a)**.

Comment

The Public Art Advisory Group's Annual Report includes a summary of the meeting schedule, membership, projects completed, new business and project forecasts for the next financial year.

Some of the achievements of the Public Art Advisory Group during the year included:

- Assessment of 11 public art projects by private developers in alignment with the City's Policy P316 – Developer Contributions to Public Art and Public Art Spaces, and the Canning Bridge Activity Centre Plan.
- National recognition for the City's new public art at Mindeerup with a Gold Award in the Best Metropolitan Art category of the 2020 Australian Street Art Award.
- Progression of the 'Vehicles of Change' public art commission in partnership with the RAC (the sculpture entitled *R/evolve* has since been completed and installed on the South Perth Foreshore and was launched on 31 August 2021).

At its meeting held 4 December 2019 the Public Art Advisory Group reviewed and endorsed revisions to the City's Policy P101 'Public and Art Collections'. These revisions included changes in the policy to enlarge its scope to cover the City's moveable art assets and indoor art collection in addition to the City's public art. The amended policy was subsequently adopted by the Council at its Ordinary Council Meeting held 24 March 2020.

In making the recent changes to Policy P101, the Public Art Advisory Group also discussed changing the remit of the Public Arts Advisory Group Terms of Reference to encompass a broader scope and subsequently become an advisory group for other arts projects. In particular, the new Arts Advisory Group will maintain the role it has had since 2015 in respect of the City's public art business; but it will also provide advice and recommendations on a broader range of arts projects, programs and initiatives in alignment with the City's Cultural Plan 2019-2023.

The Terms of Reference for the Arts Advisory Group have been amended to:

- Reflect the broader arts portfolio for which it may provide assistance and guidance to the City of South Perth.
- Adjust membership and quorum requirements to adapt to recent changes in group membership and the balance between Elected Members and industry members.

The previous Terms of Reference for the former Public Arts Advisory Group is shown as **Attachment (b)** and the amended Terms of Reference for the Arts Advisory Group is shown as **Attachment (c)** to enable Councillors to view and compare the two documents.

Consultation

The Public Art Advisory Group was consulted during the development of the report and provided their endorsement at their meeting held 5 August 2021.

Policy and Legislative Implications

The following are relevant:

- Policy P112 Community Advisory Groups
- Policy P101 Public Art
- Policy P316 Developer Contribution to Public Art and Public Art Spaces

Financial Implications

Nil.

Strategic Implications

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

Strategic Direction: Community
Aspiration: A diverse, connected, safe and engaged community
Outcome: 1.1 Culture and community
Strategy: 1.1.2 Facilitate and create opportunities for social, cultural and physical activity in the City

Attachments

- 10.1.3 (a):** 2020 21 Annual Report – Public Art Advisory Group
- 10.1.3 (b):** Public Art Advisory Group - Terms of Reference
- 10.1.3 (c):** Arts Advisory Group - Terms of Reference - Revised November 2021

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Consent to Advertise Draft Local Planning Policy P362 - Canning Bridge Design Review Panel. Amendment to City of South Perth DRP Panel Membership

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85630
Meeting Date:	23 November 2021
Author(s):	Fiona Mullen, Manager Development Services
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 recommends Council grant consent to advertise a local planning policy (Canning Bridge Activity Centre Plan Design Review Panel Policy) relating to the operation of the Canning Bridge Design Review Panel (CBDRP). The Canning Bridge Design Review Panel Policy is intended to apply to the operation of the CBDRP, which was established to provide independent expert design advice on development applications for land within the boundaries of the Canning Bridge Activity Centre Plan.

The CBDRP has been operating under the provisions of an internal Management Practice since 2016.

The preparation of the draft Policy has also highlighted an alignment between the Panel membership of the CBDRP and the City of South Perth Design Review Panel that may introduce synergies and economies of scale.

In addition, it is therefore recommended that amendments be made to the Panel Membership of the South Perth DRP.

Officer Recommendation

1. That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:
 - a. Resolves to prepare the Canning Bridge Activity Centre Plan Design Review Panel Policy as set out in **Attachment (a)**; and
 - b. Consents to advertise the Canning Bridge Design Review Panel Policy; and
 - c. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

2. That Council endorses the membership of the City of South Perth Design Review Panel as detailed in this report, for appointment by the Chief Executive Officer.

Background

The Canning Bridge Activity Centre Plan Design Review Panel (CBDRP) has been in operation since 2016 and was established by the Cities of Melville and South Perth to provide independent expert design advice on development applications for land within the boundaries of the Canning Bridge Activity Centre Plan (CBACP). The CBACP provides the statutory basis for the establishment of the Panel.

Whilst Policy P303 Design Review Panel relates to the City of South Perth Design Review Panel (the DRP) and provides guidelines for the selection and appointment of members to the DRP, its operation and its reporting and recommendations, there is currently no corresponding policy in relation to the CBDRP, although an internal Management Practice is in operation.

The preparation of a specific policy relating to the Canning Bridge Design Review Panel is also related to a question from Councillor Stephen Russell at the 22 June 2021 Ordinary Council Meeting (Item 13.2).

The City of Melville does not have a Local Planning Policy in relation to the CBDRP.

In preparing the draft policy, it also became apparent that savings will be achieved by members of the CBDRP also sitting on the City of South Perth DRP.

Comment

Canning Bridge Activity Centre Design Review Panel

For several years, the CBDRP has been operating under the provisions of a Management Practice (M304), which is an internal document. Whilst the CBDRP has been operating successfully, recent Responsible Authority Reports submitted to the Joint Development Assessment Panel and Council have highlighted an inconsistency in the format in which comments from the CBDRP are reported, which does not align with those provided to Council when considering development applications considered by the DRP.

As the operation of the CBDRP is not guided by a local planning policy, there is currently no transparency in the operation and reporting of comments from the CBDRP which can be addressed by the adoption of a policy.

The draft policy incorporates the current Management Practice in relation to the terms of reference, however the template for reporting comments, feedback and recommendations now aligns with Policy P303 Design Review Panel.

City of South Perth Design Review Panel Membership

The DRP although effective, does not consider a large number of major developments in South Perth as compared to the CBDRP. In comparison, the DRP review less than half the number of major developments as compared to the CBDRP, the DRP reviewing mostly Single Houses and Grouped Dwelling proposals, as opposed to the multi storey Mixed Use/Multiple Dwelling Developments reviewed by the CBDRP.

To capitalise on administrative and procedural efficiencies in having both panels consisting of the same members, it is proposed that the same panel members review all proposals submitted to the City. This will allow for a consistency in approach by way of the administration process, comments and recommendations being provided to applicants.

The panel members for the CBDRP will therefore also consider items for and as the City of South Perth DRP, although for reporting and administration purposes two separate agendas will be created for each meeting, given that the panels will run consecutively.

Notwithstanding both panels having the same members, it is nonetheless considered appropriate to create two separate policies in relation to the operation of each design review panel, given that the Terms of Reference for the CBDRP are jointly agreed with the City of Melville.

As the members of the CBDRP were selected through an expression of interest process, appointing them as (South Perth) DRP will comply with the requirements of Policy P303 Design Review Panel. The term of the current members of the DRP comes to an end in December and therefore this is the appropriate time to appoint new members.

The members of the CBDRP to be appointed are:

- Damien Pericles
- Malcolm Mackay
- Dominic Snellgrove
- Chris Mahen
- Fred Chainey

Their professional resumes are at **Confidential Attachment (b)**

Consultation

Consultation has taken place with the City of Melville in relation to the creation of a policy, however formal consultation will occur on consent to advertise the draft Policy.

Policy and Legislative Implications

The process for preparing a local planning policy is set out in Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Policy P303 Design Review Panel contains the process for appointment of panel members.

Financial Implications

There are no direct financial implications associated with the introduction of a policy in relation to the CBDRP. Costs associated with advertising of planning proposals are included in the 2021/22 budget.

10.3.1 Consent to Advertise Draft Local Planning Policy P362 - Canning Bridge Design Review Panel. Amendment to City of South Perth DRP Panel Membership

Financial savings of approximately \$3000 per year for administration, will be achieved by utilising one set of DRP members to review proposals submitted to the City of South Perth.

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

Attachments

- 10.3.1 (a):** Appendix 1 - Draft Policy P362 Canning Bridge Design Review Panel
- 10.3.1 (b):** Canning Bridge Design Review Panel Appointments
(Confidential)

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - October 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85631
Meeting Date:	23 November 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Garry Adams, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 October and 31 October 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(427)	\$6,370,121.06
Cheque Payment to Creditors	(2)	\$83.45
Total Monthly Payments to Creditors	(429)	\$6,370,204.51
EFT Payments to Non-Creditors	(66)	\$642,229.56
Cheque Payments to Non-Creditors	(40)	\$29,984.45
Total EFT & Cheque Payments	(535)	\$7,042,418.52
Credit Card Payments	(7)	\$17,969.09
Total Payments	(542)	\$7,060,387.61

Officer Recommendation

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

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the CEO is to be prepared each month and presented to the Council at the next Ordinary Meeting of the Council after the list is prepared.

Comment

The payment listing for October 2021 is included at **Attachment (a)**.

The attached report includes a "Description" for each payment. City 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

Regulations 12 and 13(1) of the Local Government (Financial Management) Regulations 1996. Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

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

10.4.1 (a): Listing of Payments October 2021

10.4.2 Monthly Financial Statements - October 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85632
Meeting Date:	23 November 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Garry Adams, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

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

Officer Recommendation

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

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2021/22 budget adopted by Council on 22 June 2021, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains only the Original Budget. A Revised (adjusted) Budget has not been presented as no budget adjustments have been presented to Council for approval.

Comment

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

COVID-19 declared a pandemic on 11 March 2020 by the World Health Organisation, continues to cause havoc on the global health scene with a significant impact on world economic activities. Australia, like the rest of the world has turned its attention to increasing vaccination rates to limit the economic impact of COVID. As vaccination rates rise, significantly less lockdowns and other restrictions will be required to continue to minimise cases of COVID-19, reducing the economic cost of managing the virus.

Treasury (Federal) estimates that at 80 per cent vaccination rates, the direct national economic costs are expected to be around \$140m per week. In framing the Annual Budget 2021/22, the City considered the current economic environment and the impact of COVID-19. As Western Australia remains at risk the State Government extended the emergency period and it is now 30 March 2020 to 19 November 2021. Western Australia continues its hard borders stance with travel restrictions, albeit in the face of significant criticism.

Actual income from operating activities for October year-to-date (YTD) is \$64.45m in comparison to budget of \$64.08m, favourable to budget by 0.58% or \$375k. Actual expenditure from operating activities for October is \$25.22m in comparison to budget of \$25.96m, favourable to budget by 2.88% or \$747k. The October Net Operating Position of \$39.23m was \$1.12m favourable in comparison to budget.

Actual Capital Revenue YTD is \$226k in comparison to the budget of \$385k. Actual Capital Expenditure YTD is \$1.90m in comparison to the budget of \$2.02m. 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 is a number of Capital projects that require a Budget adjustment.

Cash and Cash Equivalents amounted \$75.39m. Traditionally the October cash balance is higher following the rates being issued and payments received in the first half of the financial year. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.31% 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. At the end of October 2021 the City held 31.92% 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:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Attachments

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

10.4.3 Appointment of Delegate to the Western Australian Local Government Association South-East Metropolitan Zone

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85633
Meeting Date:	23 November 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 is to appoint a second delegate to the Western Australian Local Government Association South-East Metropolitan Zone for the period 23 November 2021 to 21 October 2023.

Officer Recommendation

That Council appoint Councillor Jennifer Nevard as the City's second delegate to the Western Australian Local Government Association South-East Metropolitan Zone.

Background

At its Special Council meeting held Monday 18 October 2021, Council appointed Councillor Carl Celedin as the City's delegate and Councillor Mary Choy as the City's deputy delegate to the Western Australian Local Government Association South East Metropolitan Zone.

Following the Special Council meeting, Councillor Jennifer Nevard nominated for the position of second delegate.

Comment

The Western Australian Local Government Association (WALGA) is the single association for local governments in Western Australia, representing the political and strategic interests of local government at State and Federal levels. The WALGA South East Metropolitan Zone provides input to the Western Australian Local Government Association State Council on issues relating to local government affecting members of WALGA.

10.4.3 Appointment of Delegate to the Western Australian Local Government Association South-East Metropolitan Zone

The WALGA South East Metropolitan is comprised of representatives of the following local governments:

- City of Armadale
- City of Canning
- City of Gosnells
- City of South Perth
- Town of Victoria Park

Meetings are held bi-monthly commencing at 6.00pm and are rotated between the Chambers of each of the member local governments. It is important for the City to have adequate representation at these meetings.

No additional fees or allowances are paid to delegates on the WALGA South-East Metropolitan Zone.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Strategic Implications

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

Strategic Direction:	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

Nil.

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Terms of Reference - Property Committee

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85635
Meeting Date:	23 November 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

The Terms of Reference for the Property Committee are presented for consideration by the Committee and referral to Council for adoption.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Nigel McCombe

Seconded: Mr Lewis Brock

That the Property Committee recommends to Council that it adopts the Property Committee Terms of Reference as contained in **Attachment (a)**.

CARRIED (9/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

The Property Committee Terms of Reference were considered by the Property Committee on 17 February 2020 and endorsed by Council at its meeting held 24 March 2020. In line with best practice and good governance the Terms of Reference have been reviewed and amended as per **Attachment (a)** for consideration by Council.

Comment

The Terms of Reference provide:

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

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

10.5.1 Terms of Reference - Property Committee

Consultation

Nil.

Policy and Legislative Implications

Section 5.8 of the *Local Government Act 1995* enables Council to establish a Committee.

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:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Attachments

10.5.1 (a): Terms of Reference - Property Committee

10.5.2 Proposed Licence Agreement with Hollywood Functional Rehabilitation Clinic (HFRC) Pty Ltd for its use of Collier Pavilion located at 191 Thelma Street, Como

Location:	191 Thelma Street, Como
Ward:	Como Ward
Applicant:	Trustee for the HFRC Trust
File Ref:	D-21-85636
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report seeks Council's approval to enter into a new licence agreement with the Trustee for the HFRC Trust (trading as HFRC) for its partial use of the Collier Pavilion located at 191 Thelma Street, Como, for a five year initial period plus a five year renewal option.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Stephen Russell

Seconded: Councillor Glenn Cridland

That the Property Committee:

1. Notes an independent market rental valuation has been undertaken of the premises by a licenced valuer/property consultant who has determined the fair market rental amount to be \$14,000 ex GST per annum.
2. Recommends to Council that it:
 - a. Approves a licence agreement between the City of South Perth and the Trustee for the HFRC Trust for its partial use of the Collier Pavilion located at 191 Thelma Street, Como, subject to the following main terms and conditions:
 - i. Use of the Collier Pavilion social room/hall, office, first aid room, kitchen, kiosk, toilets and showers;
 - ii. Permitted use on Monday to Friday 7.00am – 5.00pm and Saturdays 8.00am – 1.00pm;
 - iii. Facilitation of community-based recreation, health and wellbeing programs;
 - iv. A five year initial period, plus a five year renewal option;

- v. A 50% discounted annual licence fee of \$7,000 per annum (plus GST) in recognition of the anticipated community service/benefits that will be derived through HFRC's proposed health and wellbeing programs, with the licence fee to be reviewed each year and adjusted using the Consumer Price Index (CPI);
 - vi. Payment of outgoings, utilities and building maintenance costs; and
 - vii. Ministerial consent being provided.
- b. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the licence documentation between the City of South Perth and the Trustee for the HFRC Trust for its partial use of the Collier Pavilion located at 191 Thelma Street, Como.

CARRIED (9/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

Collier Pavilion is situated on Collier Reserve (Reserve 26820) and is located at 191 Thelma Street in Como (i.e. Lot 502 on Deposited Plan 416118). Collier Reserve is Crown land vested to the City under a Management Order and is zoned for recreational purposes under the Metropolitan Region Scheme. The Department of Planning, Lands and Heritage has recently approved an amendment to the Management Order to provide the City with the power to lease (sub-lease or licence) the land for recreational purposes for any term not exceeding 21 years subject to Ministerial consent.

Collier Pavilion is comprised of two separate change-rooms, showers and toilets on the right-hand side for 'home team' use and 'visitor team' use; a small social room/hall, first aid room, toilets and showers in the middle section; and a kiosk/kitchen on the left-hand side. The proposed licence area has an approximate area of 150m² and excludes the change-rooms, showers and toilets on the right-hand side.

The floor plan for the Pavilion is shown in **Figure 1** below.

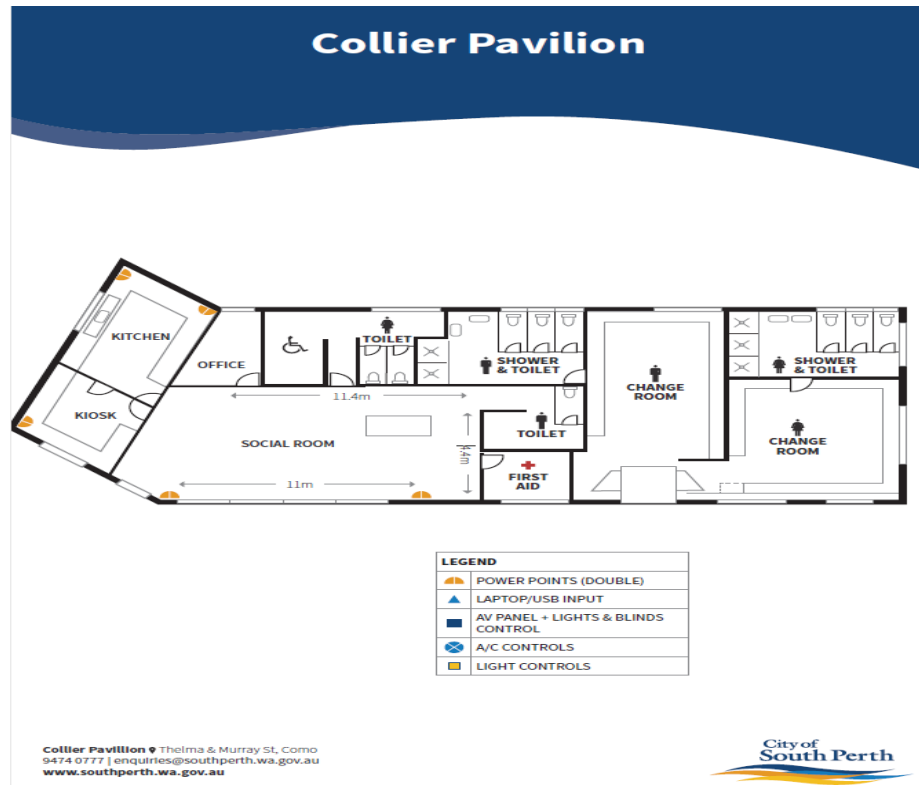


Figure 1: Collier Pavilion Floor Plan (2021)

Collier Pavilion is currently used on an infrequent basis by sporting clubs and Wesley College, and the usage is mainly confined to the changerooms area only.

The zoning of the Reserve can allow licensing of the land and/or pavilion to sporting and recreation clubs, community groups (or commercial/private businesses if its purpose is ancillary to the designated vesting).

In July 2021, the City undertook an Expression of Interest (EOI) process to assess community need/market demand for regular use of the Collier Pavilion, whereby, respondents were asked to submit EOIs outlining proposals for partial use of the building (i.e. social room/hall, office, first aid room, kitchen, kiosk, toilets and showers).

The City subsequently received one conforming EOI submission from an organisation called HFRC (formerly the Hollywood Functional Rehabilitation Clinic)

HFRC is a private business established over 20 years ago that operates within the allied health sector. HFRC provides a diverse range of health and wellbeing programs and services for the community, including: rehabilitation, exercise physiology, physiotherapy, metabolic health and weight loss programs, heart health programs, diabetes management programs and remedial massage.

In particular, HFRC is looking to utilise the Pavilion to facilitate low-cost, community-based recreation, health and wellbeing programs, designed specifically for people with chronic health conditions and seniors, including:

- Strength for Life (formally Living Longer Living Stronger): a strength training and exercise program designed specifically for adults over the age of 50.

Proposed Licence Agreement with Hollywood Functional Rehabilitation Clinic (HFRC) Pty Ltd for its use of Collier Pavilion located at 191 Thelma Street, Como

- Cardiac Rehabilitation - a supervised exercise program for people who have experienced a cardiac event, live with a known cardiac condition, have diabetes, or have one or more 'cardiac risk factors', including obesity, hypertension, high cholesterol or a history of smoking. The program will involve a combination of aerobic and resistance training.
- Exercise for Management of Osteoarthritis – a targeted exercise program for people experiencing hip and knee osteoarthritis.
- Cancer Recovery Program - a tailored program for people diagnosed with cancer. This exercise program will be supervised by an Accredited Exercise Physiologist and will include strength training for the upper and lower body, balance and core training as well as aerobic exercise to improve cardiovascular fitness and maintain a healthy body composition.

Whilst HFRC is a private business, the programs to be offered at Collier Pavilion are planned to be low-cost, community-based programs specifically designed for people with chronic health conditions and seniors. An immediate cohort of up to 30 local residents previously participating in health and wellbeing programs at Curtin University have expressed their desire to continue their exercise programs at another location. The programs will be expanded and offered to all seniors or people with chronic health conditions in the City of South Perth. The Exercise Physiologist who will be running the Collier Pavilion programs has established relationships with a number of GPs in the area who are expected to continue to refer program participants.

Comment

HFRC has been assessed by the City as being a suitable occupier of the Collier Pavilion.

The proposed terms for the new licence agreement have been negotiated based on the following considerations that HFRC:

- The proposed use of the Pavilion by HFRC is compatible with the Management Order for the land to be used for recreational and ancillary purposes;
- Has a long history of providing community-based health and wellbeing programs and is willing and able to continue this role; and
- Is an established business so will have the capacity to meet its ongoing financial responsibilities for using the Pavilion, namely: licence fee, staffing, utilities, building maintenance, repairs, rubbish collection service, cleaning, insurance etc.

The licence will also include a 'redevelopment clause' in case the land is required for another purpose in the future.

The site plan for the proposed licence of the Collier Pavilion is highlighted in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (2021)

The proposed tenant has agreed to undertake a number of building improvements inside the Pavilion to improve their service to the community, including: air-conditioning, new floor coverings and equipment/furnishings. The cost of these building improvements is estimated at \$10,000. Any fixtures installed will also benefit other users who hire the facility outside HFRC's proposed licence period; and the fixtures will remain inside the Pavilion after HFRC vacates the property.

Consultation

The City has been in consultation with HFRC regarding a proposed licence agreement and they have agreed to the majority of the proposed terms and conditions, except paying an annual licence fee of \$14,000. The feedback provided by HFRC is summarised below:

“Whilst HFRC is a private company, it will be conducting low-cost, community-based exercise programs at Collier Pavilion, designed to educate and support individuals to establish regular exercise as part of their life in order to improve their quality of life; maintain independence; and prevent or manage chronic disease; thereby decreasing the need for community and/or aged care services. Some of these programs have a capped price structure to allow affordable access to those in the community who most need the service. For example, the Council on the Ageing’s Strength for Life program is capped at \$10 per participant. The Cancer Council’s Life Now program also has agreed capped fees.

Our programs and services contribute to the City of South Perth Strategic Community Plan.

Collier Pavilion has had minimal upkeep or improvements for many years. HFRC has committed to make significant improvements to the building to make it fit-for-purpose. This will represent a significant investment by HFRC to improve the building. Proposed capital improvements include air conditioning and appropriate floor covering, plus smaller general maintenance items as required. HFRC has also committed to maintaining the building during the term of the licence agreement.

Given these benefits to the residents of the City of South Perth and investment into the building and surrounding site, HFRC believes a fair and reasonable licence fee would be \$4,500 - \$5,000 per annum plus outgoings”.

The City has conducted subsequent consultation with HFRC regarding the licence fee and they have confirmed their willingness to pay an annual licence fee of up to \$7,000 plus GST. If the licence fee was set higher than this amount, it is unlikely that HFRC would proceed with facilitating their proposed community-based recreation, health and wellbeing programs at Collier Pavilion.

Policy and Legislative Implications

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

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes.

As HFRC is seeking use of local government property for recreation purposes, the intended use of the land is exempt from section 3.58 of the Act.

Under Policy P609 Management of City Property, leases or licences with commercial organisations are to be negotiated consistently with the following principles:

- A maximum period of 21 years; and
- Rental amount reflective of an independent market valuation of the premises, taking into account the nature of the business enterprise; and
- All organisations will be required to adhere to the Property Maintenance Schedule.

Financial Implications

HFRC is financially viable/sustainable, which is evidenced by its current financial position. HFRC’s profit and loss statement and balance sheet is attached in **Confidential Attachment (a)**.

The proposed licence agreement will attract licence fee income for the City of \$7,000 per annum plus GST that is reviewed each year; and recovery of costs from HFRC through its payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the licence agreement document.

10.5.2 Proposed Licence Agreement with Hollywood Functional Rehabilitation Clinic (HFRC) Pty Ltd for its use of Collier Pavilion located at 191 Thelma Street, Como

The majority of the operating costs associated with the Collier Pavilion will be the responsibility of the tenant.

Alternatively, if Council preferred to licence the premises for commercial use, the property could generate rent of approximately \$14,000 per annum according to a recent independent market valuation of the premises. See a summary below of the property valuation assessment that was undertaken by a licenced valuer/property consultant:

“The property comprises a relatively basic pavilion facility. The kiosk facility does allow a small retail type use, but the buildings would need substantial modifications for any other type of use than what it is currently used for. The location is suburban and not on a high traffic flow road, but a short distance from Curtin University and Penrhos College. The best use for the building is as a community pavilion. We have assessed the rental to be between \$90 and \$100 per square metre. As the facility is approximately 150m² in size, it would show a rental value range of \$13,500 to \$15,000. We have adopted the midpoint of this range and rounded to \$14,000 per annum excluding GST and outgoings”.

In summary, the justification for the proposed licence fee amount is:

- it is consistent with the fee calculation method prescribed in Council Policy P609;
- it reflects the current market rate for a premise of this size and standard as per the independent, professional advice provided; and
- it has been ‘reasonably’ discounted to take into account the nature of the business enterprise; in particular, it recognises that HFRC’s proposed health and wellbeing programs will derive community benefits.

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 the City’s properties, assets and facilities

Attachments

10.5.2 (a): HFRC - Profit and Loss Statement and Balance Sheet
(Confidential)

10.5.3 Proposed Lease Agreement for the South Perth Bridge Club Inc. located at Lot 100, 2 Brittain Street, Como

Location:	Cnr Brittain Street & Barker Ave, Como
Ward:	Como Ward
Applicant:	South Perth Bridge Club Inc.
File Ref:	D-21-85637
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report seeks Council's approval to enter into a new lease agreement with the South Perth Bridge Club Inc. for its continued use of Lot 100, 2 Brittain Street, Como, for an initial five year term plus a five year renewal option.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Stephen Russell

Seconded: Councillor Glenn Cridland

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and South Perth Bridge Club for its continued use of the Bridge Club located at Lot 100, 2 Brittain Street, Como, subject to the following main terms and conditions:
 - a. An initial term of five years, plus a five year renewal option;
 - b. An annual rental of \$1,699 per annum (plus GST), which is reviewed each year and adjusted using the Consumer Price Index (CPI); and
 - c. Payment of outgoings, utilities and building maintenance costs.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth and South Perth Bridge Club for its continued use of Lot 100, 2 Brittain Street, Como.

CARRIED (9/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

The South Perth Bridge Club was founded in 1981 and is the second largest bridge club in Western Australia. The land is owned freehold by the City and is zoned 'highway commercial (regional road)' because of its proximity to Canning Highway.

A former lease agreement with a peppercorn rent arrangement was in place with the Bridge Club that comprised a five year initial term and a five year renewal period. The initial term expired recently (30 June 2021) and the Bridge Club did not invoke the renewal option as required under the agreement.

The Club has expressed its desire to continue occupation of the premises, so the City has undertaken recent consultation with the Club regarding a new lease agreement. Until a new lease agreement can be developed, the tenant continues to provide bridge activities at the site under a 'holding over' arrangement with the City.

Comment

The South Perth Bridge Club is an acceptable tenant as it caters for the bridge playing requirements of men, women and children in the local area.

The proposed terms for the new lease agreement have been negotiated based on the following considerations that South Perth Bridge Club:

- Has a long history of facilitating bridge activities within the local community, and is willing and able to continue this role;
- Operates on a reasonable annual operating budget and has agreed to be responsible for paying an annual rental fee, outgoings, utilities and building maintenance costs; and
- Has good income generation ability that is mainly achieved through membership subscriptions, player fees (table monies) and bar sales.

The site plan for the proposed lease of the Bridge Club is highlighted in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (2021).

The Bridge Club has 500 members. The Bridge Club has been involved in recent discussions with the City about relocating elsewhere in the future (possibly alongside the Manning Bowling Club, which will be determined as part of the Challenger Reserve Masterplan project). For this reason, the parties have reached 'in principle' agreement that a maximum term of up to 10 years is appropriate for the new lease agreement. It will also include a redevelopment clause in case the land is required for other purposes into the future.

Consultation

The City has been in consultation with the Bridge Club over a new lease agreement and they have agreed to the majority of the proposed terms and conditions, except paying a commercial rent.

The feedback provided by the Bridge Club is summarised below:

"The Club has been very fortunate with the peppercorn rent situation and this has allowed us to accumulate a significant building fund to contribute to the eventual relocation. The Club can reasonably accept there will be an increase in rent, but whatever the impost is it will inevitably impact the amount the Club can contribute to its relocation".

"The Club has embarked on some much-needed refurbishment of its facilities. This past financial year the Club completely refurbished the kitchen at a cost of \$30,000".

The Club defines the community benefits of bridge as follows:

- *"It is mentally challenging and stimulating.*
- *It provides an opportunity for ongoing learning.*
- *It is good for mental health, and for those that are older, it has been proven to assist in warding off dementia.*
- *It can be played by people who are physically incapacitated e.g. wheelchairs.*
- *It is inexpensive.*
- *It is an excellent travel hobby.*
- *It is a game that can be played by anyone and taken up at any age.*
- *It provides extensive opportunities to play competitively.*
- *It offers lots of social interaction with people of all ages and from all walks of life".*

"The Club recognises that continuing with a peppercorn lease rate is untenable for City of South Perth. It is hoped that the Council will recognise the positive contribution that South Perth Bridge Club provides to the community, particularly considering the majority of its members and visiting bridge players are seniors, pensioners and retirees. Well over 2,400 hours are enjoyed by the community at the Club every week of the year".

Policy and Legislative Implications

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

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes.

As the South Perth Bridge Club is an incorporated association/community group and is seeking use of local government property for recreation purposes, the intended use of the land is exempt from section 3.58 of the Act.

Under Policy P609 Management of City Property, leases with community groups are to be negotiated consistently with the following principles:

- Leases will be granted for a period of five years with a five year option;
- Leases to be for an annual rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum; and
- All groups will be required to adhere to the ‘Property Maintenance Schedule’ for the respective facility; a document which sets out the responsibilities of both parties.

Financial Implications

The South Perth Bridge Club is financially viable/sustainable, which is evidenced by its current financial position. The South Perth Bridge Club’s profit and loss statement and balance sheet is attached in **Confidential Attachment (a)** and **Confidential Attachment (b)**.

The current insurance value of the facility is \$1.699 million, so in applying the City’s rental calculation method for community groups the new lease agreement will generate rental fee income from the Bridge Club of \$1,699 per annum (plus GST), which will be reviewed each year and adjusted using the Consumer Price Index (CPI). The Bridge Club will also be responsible for payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

Alternatively, if Council preferred to lease the premises for commercial use, the property could generate rent of approximately \$55,000 per annum according to a recent independent market valuation of the premises. See a summary below of the property valuation assessment that was undertaken by a licenced valuer/property consultant:

“The property is a purpose-built community facility located close to the Barker Avenue and Canning Highway intersection in Como. The building is of a good standard, highly suitable for the current use and the building could be adaptable for other community, church/religious related or educational uses. Other commercial uses may be suitable, such as a call centre or be modified onto consulting rooms. The property has good parking with 62 bays and 4 disabled bays and access from 2 street frontages.

Based on the current good condition of the property, the location being within Como and close to Canning Highway, the large amount of parking on site, we consider that a fair market rental is in the range of \$100 to \$150 per square metre of building area. This shows a range between \$45,000 and \$67,500, where we have adopted the midpoint of \$55,000 per annum, excluding variable outgoings and GST”.

In summary, the justification for the proposed rent amount is:

- it is consistent with the fee calculation method prescribed in Council Policy P609; and
- it recognises that the Bridge Club’s activities will continue to derive community benefits.

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 use and development of the City’s properties, assets and facilities

Attachments

- 10.5.3 (a):** South Perth Bridge Club - Profit and Loss Statement
(Confidential)
- 10.5.3 (b):** South Perth Bridge Club - Balance Sheet *(Confidential)*

10.5.4 Proposed Lease Agreement for Hensman Street Pre-School Group Inc (trading as Hensman Street Elementary) located at 46 Hensman Street, South Perth

Location:	46 Hensman Street, South Perth
Ward:	Mill Point Ward
Applicant:	Hensman Street Elementary
File Ref:	D-21-85638
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report seeks Council's approval to enter into a lease agreement with Hensman Street Pre-School Group Inc. (trading as Hensman Street Elementary) for use of part of Crown Reserve 22099 for early years learning and Western Australian education curriculum purposes for an initial term of 5 years plus a 5 year renewal option.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Nigel McCombe

Seconded: Mr Lewis Brock

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and Hensman Street Pre-School Group Inc. (trading as Hensman Street Elementary) for use of part of Crown Reserve 22099 located at 46 Hensman Street, South Perth, subject to the following main terms and conditions:
 - a. Early years learning and Western Australian education curriculum purposes;
 - b. An initial term of 5 years plus a 5 year renewal option;
 - c. An annual rental of \$1,000 per annum (plus GST) which is reviewed each year that is calculated using the following formula: 0.1% of the insured value of the facility;
 - d. Payment of all rates, taxes, outgoings, utilities and building maintenance costs; and
 - e. Ministerial consent being provided.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South

Perth and Hensman Street Pre-School Group Inc. (trading as Hensman Street Elementary) for its use of part of Crown Reserve 22099 for early years learning and Western Australian education curriculum purposes, located at 46 Hensman Street South Perth.

CARRIED (9/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

Hensman Street Elementary has been operating since 1977 and is an independent, community school catering for early years education for children from pre-kindergarten up to year three.

Hensman Street Elementary is located at 46 Hensman Street, South Perth, which is a portion of Crown Reserve 22099 under a Management Order to the City. The land is vested for infant health clinic purposes and it was previously used for this purpose before the South Perth Child Health Clinic relocated to the ground floor of the South Perth Community Centre. In 2011 the Minister for Lands granted consent for the City to enter into a lease with Hensman Street Elementary to use the land for a kindergarten/educational purposes. The former lease agreement comprised a five year initial term and a five year renewal period, which expired recently (30 June 2021).

In the interim until a new lease agreement can be developed, the tenant continues to provide early years education for children from pre-kindergarten up to year three at the site under a 'holding over' arrangement with the City.

The City has the power to lease the land for any term not exceeding 21 years subject to the approval of the Minister for Lands. The City has undertaken recent consultation with Hensman Street Elementary regarding a new lease agreement, with the association expressing its desire to continue occupation of the premises under a new lease arrangement albeit with an extended tenure of 21 years. It is recommended that the new lease agreement be set at a maximum term of 10 years (i.e. an initial term of 5 years plus a 5 year renewal option) to be consistent with the lease agreement tenure approved recently for a similar local organisation (Conon Road Kindergarten). As a safeguard, the new lease agreement will include a redevelopment clause in case the land is required for other purposes into the future.

Comment

The site plan for the proposed lease of Hensman Street Elementary is highlighted in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (2021).

Hensman Street Elementary currently has approval from the Education Department to provide early years learning and education curriculum from pre-kindergarten (childcare) up to year three. The school can accommodate a maximum of 30 children at any one time.

Hensman Street Elementary has been a long-standing part of the local community having operated in the area for the last 44 years. Hensman Street Elementary is committed to remain at the site into the future and is keen to pursue potential expansion options.

Consultation

The City has been in consultation with Hensman Street Elementary over a new lease agreement and they have agreed to the proposed terms and conditions, albeit would prefer a 21 year tenure. The feedback provided by Hensman Street Elementary is summarised below:

“We are asking that the school continues to be recognised as a community asset, and are seeking consideration from the City of South Perth to agree to a notional rental amount that factors in the significant and ongoing investment made by the school in the area. In turn we will continue to maintain the property as we have done to ensure that it meets with current pedagogical trends keeping us as a school positioned in the current evolving practises for education.

In consideration of this contribution and of our financial capacity, along with comparable leases agreed in the last two years in the City of South Perth with other like-minded not-for-profit community organisations, we are of the opinion that a notional rental amount of \$1,000 per annum is a fair and reasonable commitment the school is willing and able to meet.

In support of this position, we have taken the time to provide some further detail on our school, our current financial position, and a view of the key investments we have made over the last 10 years as tenant of the City.

Community Engagement

We have been heavily involved in the local community over the past few years including: assisting the City with the rehabilitation of Lake Douglas and McDougall Park; partnering with the Senior Citizen's Centre, local nursing homes, Hensman Park Tennis Club, Como Bowling Club and the City of South Perth Library to name a few; creating a community drop off point for their hard to recycle items in our sustainability hub (i.e. many of the residents within the City drop their hard to recycle items to us, where the children sort and recycle them as part of their education); and cleaning up South Perth every time we leave the grounds as part of our 'off site' school program by collecting and recycling rubbish were ever we go.

Financial Position

We are currently the only non-denominational, non-government early years school offering a child led curriculum within the City and surrounding shires and our small school size is highly sought after in the area. As a small not-for-profit school with charity status we rely on parent fees, small grants and fundraising by the parent body to ensure our survival. The school and grounds don't provide us the opportunity to raise funds from hiring out space as there is no large hall or bar area etc, and we are limited by the number of people able to be on site by the physical premises and limited facilities on the grounds with only one adult toilet facility on site.

Since 2015 we have worked closely with the Department of Education and the City of South Perth to expand our offering on site, and as of 2021 we now offer pre-kindy (3yo) through to year 3 compulsory schooling, with a view to further this offering up to year 6 in the coming years. This change has meant that we are now eligible for per capita funding from the Department of Education based on the number of students enrolled and the socio-economic environment in which we are located. Our fees are competitive within the catchment ensuring we have solid demand for our school, however, COVID shutdowns in 2020 again almost forced us to close due to our non-compulsory students withdrawing across the board and removing our primary income base, and only job-keeper payments helping keep us financial last year.

Investment in Building and Grounds

Despite our not-for-profit status and small size, we have continued to find ways to fund improvements to the premises at Hensman Street, along with leveraging parent and community volunteering to keep enhancing the premises.

The key improvements total over \$130,000 in capital investment, with the majority of this investment coming in the last three to five years, including: new kitchen, new nature play, building re-wiring, air-conditioning, new shed and fit-out, new playground, building painting, enclosure of rear patio into classroom space, new cubby house, flagpoles, smart board, electronic gate, fencing, storage and community sustainability recycling hub.

Summary

The board and our staff are highly invested in maintaining and growing our school offering at the current site, and we believe we have demonstrated our commitment over the last decade in particular bringing value to the City and its assets. Our board is completely voluntary and made up of parents and local community members, and we are committed to a long-term offering within the local community that we feel sits well within the strategic plan and also the surrounding facilities. Our long-term sustainability however will be immediately jeopardised if the ‘market rent’ position as tabled by the valuer is adopted in the upcoming lease renewal and would almost certainly make our financial position unviable in the short term. We kindly request the City adopt a notional rental position as proposed and in line with recent similar agreements (including the neighbouring tennis club)”.

Hensman Street Elementary has been a good tenant and the agreed terms represent an appropriate outcome for both parties. The Agreement will require consent from the Minister for Lands.

Policy and Legislative Implications

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

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

Hensman Street Elementary is an incorporated association that is also registered with the Australian Charities and Not-for-profits Commission.

Under Policy P609 Management of City Property, leases with not-for-profit community groups/associations are to be negotiated consistently with the following principles:

- Leases will be for a period of five years with a five-year option;
- Leases may be negotiated on a case-by-case basis for a rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum.
- All groups will be required to adhere to the ‘Property Maintenance Schedule’ for the respective facility; a document which sets out the responsibilities of both parties.

Financial Implications

Hensman Street Elementary is financially viable/sustainable, which is evidenced by its current financial position. Hensman Street Elementary’s profit and loss statement and balance sheet is attached in **Confidential Attachment (a)**.

Under the previous lease, a peppercorn (\$1) rental agreement was in place. The proposed licence agreement will attract licence fee income for the City of \$1,000 per annum plus GST that is reviewed each year; and recovery of costs from Hensman Street Elementary through its payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the licence agreement document.

Alternatively, if Council preferred to licence the premises for commercial use, the property could generate rent of approximately \$30,000 per annum according to a recent independent market valuation of the premises. See a summary below of the property valuation assessment that was undertaken by a licenced valuer/property consultant:

“In arriving at the current market rent of the property, we are of the opinion that the most appropriate is by direct comparison of educational/childcare type rentals and in direct comparison rate per square metre of building area. We have analysed the available rental evidence across the Perth metropolitan area for various educational/childcare premises and similar type commercial/retail property. Childcare rents have generally increased over the last five years due to strong demand and continued growth, albeit appear to be plateauing now. As a broad parameter, the rent for small basic converted older style childcare centres range between \$1,000 and \$1,850 per licenced child. The property is not a childcare centre but an independent school, and it has a permit for a maximum of 30 students. Taking into account the above and the current market conditions, as well as the age of the building and that the usage is not childcare but as a school, we are of the opinion that the property’s market rent would range between \$750 to \$1,250 per child, based on the number of children, this reflects a rental range between \$22,500 and \$37,500 per annum. We have adopted a rounded mid-range market value of \$30,000 per annum plus GST, which reflects a rate of \$1,000 per child on this basis”.

In summary, the justification for the proposed lease fees is:

- it is consistent with the fee calculation method prescribed in Council Policy P609;
- it reflects the not-for-profit, charitable status of the proposed tenant; and
- it is consistent with the lease fees levied on other similar local incorporated community associations, namely South Perth Learning Centre Inc. and South Perth Society of Art and Craft Inc.

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 the City’s properties, assets and facilities

Attachments

10.5.4 (a): Hensman Street Elementary - Profit and Loss Statement and Balance Sheet (*Confidential*)

10.5.5 Proposed Lease Agreement for South Perth Toy Library Inc. located at Comer Reserve, Comer Street, Como

Location:	Comer Street, Como
Ward:	Como Ward
Applicant:	South Perth Toy Library Inc.
File Ref:	D-21-85641
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report seeks approval for the City to enter into a new lease agreement with South Perth Toy Library Inc. for its continued use of part of Comer Reserve Pavilion located at Lot 50, 19 Comer Street, Como, for a five year term with an option of renewal for a further five year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Lewis Brock

Seconded: Councillor André Brender-A-Brandis

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and South Perth Toy Library Inc. for its continued use of part of Comer Reserve Pavilion located at Lot 50, 19 Comer Street, Como, subject to the following main terms and conditions:
 - a. A term of five years;
 - b. A further term of five years (renewal option);
 - c. A peppercorn/\$1 annual rental (if demanded) to reflect the Toy Library's small-scale operation; and in recognition of the community benefits provided by the Toy Library to local families; and
 - d. Payment of outgoings, utilities and building maintenance costs.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth and South Perth Toy Library Inc. for its continued use of part of Comer Reserve Pavilion located at Lot 50, 19 Comer Street, Como.

CARRIED (9/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

The South Perth Toy Library was established in 1987 and is one of the longest operating toy libraries in Western Australia, with more than 800 toys available in its collection to be loaned to local families.

The South Perth Toy Library Inc. is a small community group that only has capacity to operate one day per week (Saturday mornings from 8.30am to 10.30am).

The Toy Library occupies part of the Comer Reserve Pavilion, which is situated on land owned freehold by the City and set aside for 'parks and recreational' purposes.

The City has the power to use the land as required, which may include leasing it to a third party. A former lease agreement with a peppercorn annual rent arrangement was in place with the Toy Library that comprised a five-year initial term and a five-year renewal period. The initial term expired on 30 June 2017; however, the Toy Library did not invoke the renewal option as required under the agreement.

The Toy Library has recently expressed its desire to continue occupation of the premises, so the City has undertaken preliminary consultation with the Toy Library regarding a new lease agreement. Until a new lease agreement can be developed, the tenant continues to provide a toy sharing/loan service at the site under a 'holding over' arrangement with the City.

Comment

The Toy Library is an acceptable tenant as it meets an ongoing community need, especially assisting low-income families to share/loan toys for their children who may otherwise not be able to have access to toys.

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

- Has a long history of facilitating a toy sharing/loan service within the local community, and is willing and able to continue this role;
- Operates on a low annual operating budget and has agreed to be responsible for paying outgoings, utilities and building maintenance costs; and
- Has low income generation ability that is mainly achieved through membership fees and donations.

The site plan for the proposed lease of the Toy Library is highlighted in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (2021).

Consultation

The City has undertaken recent consultation with the Toy Library Inc. regarding a new lease agreement, with a summary of its feedback shown below:

“We are extremely grateful for the Council’s ongoing support for our local toy library, particularly during this last year, and we look forward to continuing our strong relationship for many years to come.

As you may know, South Perth Toy Library is a small volunteer run organisation. We have low cash and assets, and our only regular income comes from local families (resident within the City of South Perth) in the form of membership costs. Our priority is to put that income back into the library’s resources for families to benefit from and enjoy. We are very conscious of keeping membership costs low to ensure that our library remains as inclusive and accessible as possible. If we were to have a significant rental obligation to meet each year we would have no choice but to pass that cost onto members. This would be likely to adversely affect the demographic makeup of our membership, as well as jeopardising our long-term financial viability.

We are very proud of the way our toy library operates at present, and we believe that it offers significant benefits to the local community. We currently have 56 local families who are members of the library and the benefits they enjoy include:

- *Community Connection - being part of an inclusive community and having the opportunity to interact with other local families through weekly openings, community open days and play sessions, building connections that carry across into school and other environments;*
- *Accessibility - having access to a large range of quality toys, including educational and sensory items, that members may not have the resources to purchase and/or the space to store themselves;*
- *Community Health & Wellbeing - promoting physical fitness through a focus on outdoor and active play;*
- *Sustainability - contributing to sustainability by reducing toy waste to landfill;*

- *Community Engagement - contributing to a sense of community engagement and cooperation, on the part of children as well as adults, through the experience of sharing toys and looking after those toys responsibly; and*
- *Knowledge Sharing - accessing advice from fellow parents and the broader Toy Libraries Australia community about ideas for safe, fun and educational play.*

We are also actively working on building our membership base, with a particular focus on equality of opportunity. For example, we have been in discussion with City of South Perth staff about applying for a community grant during the next year to focus on restocking our library with the kind of 'big ticket items' that are out of reach for many families - for example, large soft play equipment and updated 'party kits'. We cannot realistically support this level of expenditure through levies from our existing members, but our committee members have been willing to put in many unpaid hours over the years to secure project grants to support it, because we are conscious of our responsibility to keep enhancing the community benefits that our organisation can provide.

Whilst we very much appreciate the opportunity to be able to continue using the property that we are in, we do feel that that the proposed rent (\$1,000) is unachievable for us, both at the moment and into the future. While we manage our funds carefully and have been able to build up a small surplus in recent years, we have a responsibility to maintain this as a buffer in case of unexpected expenses or reduced income (COVID, for example, had a significant impact on membership numbers last year). Accordingly, we would like to request a continuation of the arrangement that we have, where the use of the property is provided at 'peppercorn rental' in recognition of the community benefits that we provide to local families”.

In summary, the Toy Library has expressed its desire to remain using the premises under a new lease arrangement, subject to continuation of the peppercorn rent arrangement. The Toy Library has been operating for 34 years and is keen to remain at its current site into the future. Granting a new lease of the premises will ensure continued provision of a toy sharing/loaning service at this location. As a safeguard, the new lease agreement will include a redevelopment clause in case the land is required for other purposes into the future.

Policy and Legislative Implications

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

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes.

As the Toy Library is an incorporated association/community group and is seeking use of local government property for recreation purposes, the intended use of the land is exempt from section 3.58 of the Act.

Under Policy P609 Management of City Property, leases with community groups are to be negotiated consistently with the following principles:

- Leases will be granted for a period of five years with a five-year option;
- Leases to be for an annual rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum; and
- All groups will be required to adhere to the 'Property Maintenance Schedule' for the respective facility; a document which sets out the responsibilities of both parties.

Policy P609 also makes provision for Council to grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the local community.

Financial Implications

The Toy Library is a small-scale operation, which is evidenced by its current financial position. The Toy Library's profit and loss statement and balance sheet is attached in **Confidential Attachment (a)**.

The current insurance value of the leased facility is \$632,356, so in applying the City's rental calculation method for the Toy Library, the new lease agreement would usually be set at a minimum of \$1,000 per annum (plus GST).

The City supports continuation of a peppercorn/\$1 annual rental (if demanded), in recognition of the Toy Library's small-scale operation with low cash/assets; limited income generation ability; and in recognition of the ongoing community benefits provided by the Toy Library to local families.

The Toy Library will remain responsible for payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

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 the City's properties, assets and facilities

Attachments

10.5.5 (a): South Perth Toy Library - Profit & Loss Statement and Balance Sheet (*Confidential*)

10.5.6 New Lease to SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall)

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	SOCO Realty
File Ref:	D-21-85642
Meeting Date:	23 November 2021
Author(s):	Christine Lovett, Senior Governance Officer
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.1 Local Business

Summary

This report seeks Councils approval to enter into a new lease with SOCO Realty for the property located at Lot 747, House Number 57, Angelo Street, South Perth (formerly known as the South Perth RSL Hall).

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Stephen Russell

That Council:

1. Approves a new lease to SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall), subject to the following terms:
 - a. A term of three years plus one further 3 year renewal option;
 - b. Annual rent at the commencement of the lease to be set at \$55,000 plus GST per annum; and
 - c. A rent review of CPI at the end of the term;
 - d. Payment of all rates, taxes, outgoing, utilities and building maintenance costs.
 - e. New lease to commence on 1 April 2022.
2. Approves the giving of local public notice of the proposed disposition of property to SOCO Realty as required by section 3.58(3) of the *Local Government Act 1995*; and
3. Requests the Chief Executive Officer to report to the Council on any submissions made during the local public notice period.
4. If no objections are received during the local public notice period, Council authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth

and SOCO Realty for its continued use of Lot 747, Street number 57 Angelo Street, South Perth.

CARRIED (9/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

The property located at Lot 747, House Number 57, Angelo Street South Perth (formally known as the South Perth RSL Hall) comprises a 1960s face brick and iron roof single level building on a 658m² parcel of land owned freehold by the City.

Since being built, the South Perth RSL Hall has been used as a venue for Returned and Services League (RSL) South Perth Sub-Branch meetings and has also been sub-leased by banks and local real estate agents. The RSL South Perth Sub Branch has since been relocated to the Ernest Johnson Reserve.

At the Council meeting held 18 December 2018, Council resolved to lease the building to SOCO Realty with the following conditions:

1. *a new lease for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall) with the following terms:*
 - a) *A term of three years; and*
 - b) *Annual rent at the commencement of the lease to be set at \$50,000 plus GST per annum.*
2. *That authority be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the lease.*

A new lease was subsequently entered into with SOCO Realty and is due to expire on 31 March 2022.

Comment

In September 2021, SOCO Realty contacted the City requesting consideration of a further lease. They suggested a three year lease with the option of a further three years, or a two year lease with two further options of two years (six years in total).

SOCO Realty have been a good tenant and have made improvements to the building. They are also wanting to renew the kitchen and toilet facilities should a further lease be offered.

The City obtained a rental valuation from Garmony Property Consultants on 28 October 2021 detailing the current market rental value to be \$55,000 per annum net plus outgoings plus GST.

10.5.6 **New Lease to SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall)**

Consultation

Under section 3.58(3) the *Local Government Act 1995*, the City is required to give local public notice inviting submissions on the proposed disposition of property for not less than 2 weeks. The City is to consider any submissions made before agreeing to dispose of the property by way of a lease.

Policy and Legislative Implications

A local government may dispose of property, including by way of a lease, in accordance with Section 3.58 of the *Local Government Act 1995*.

Financial Implications

Nil.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Manage the provision, use and development of the City's properties, assets and facilities

Attachments

Nil.

10.5.7 Proposed Lease Agreement for the South Perth Lawn Tennis Club Inc located at Lot 3297, 107 Murray Street, Como

Location:	Lot 3297, 107 Murray Street, Como
Ward:	Como Ward
Applicant:	South Perth Lawn Tennis Club Inc.
File Ref:	D-21-85643
Meeting Date:	23 November 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report seeks Council's approval to enter into a new lease agreement with the South Perth Lawn Tennis Club Inc. for its continued use of the Lawn Tennis Club located at Lot 3297, 107 Murray Street, Como, for a 21 year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Glenn Cridland

Seconded: Mr Nigel McCombe

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and South Perth Lawn Tennis Club for its continued use of the Lawn Tennis Club located at Lot 3297, 107 Murray Street, Como, subject to the following main terms and conditions:
 - a. A term of 21 years;
 - b. An annual rental of \$1,052 per annum (plus GST), which is reviewed each year that is calculated using the following formula: 0.1% of the insured value of the facility;
 - c. Payment of outgoings, utilities and building maintenance costs; and
 - d. Ministerial consent being provided.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth and South Perth Lawn Tennis Club for its continued use of the Lawn Tennis Club located at Lot 3297, 107 Murray Street, Como.

CARRIED (10/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

The South Perth Lawn Tennis Club was established in 1898 and so it has a long history within the local area. The Club is situated on Crown Reserve 40240 that is vested to the City under a Management Order to be used for 'parks and recreational' purposes.

The City has the power to lease the land for any term not exceeding 21 years, subject to the approval of the Minister for Lands.

A former lease agreement with a \$1,000 annual rent arrangement was in place with the Club that comprised a five-year initial term and a five-year renewal period. The initial term expired on 30 September 2018; however, the Club did not invoke the renewal option as required under the agreement.

The Club has recently expressed its desire to continue occupation of the premises, so the City has undertaken preliminary consultation with the Club regarding a new lease agreement. Until a new lease agreement can be developed, the tenant continues to provide tennis activities at the site under a 'holding over' arrangement with the City.

Comment

The Club is an acceptable tenant as it caters for the tennis playing requirements of men, women and children in the local area.

The proposed terms for the new lease agreement have been negotiated based on the following considerations that South Perth Lawn Tennis Club:

- Has a long history of facilitating tennis activities within the local community, and is willing and able to continue this role;
- Operates on a reasonable annual operating budget and has agreed to be responsible for paying an annual rental fee, outgoings, utilities and building maintenance costs; and
- Has good income generation ability that is mainly achieved through membership subscriptions, player fees and bar sales.

The site plan for the proposed lease of the Lawn Tennis Club is highlighted in **Figure 1** below.

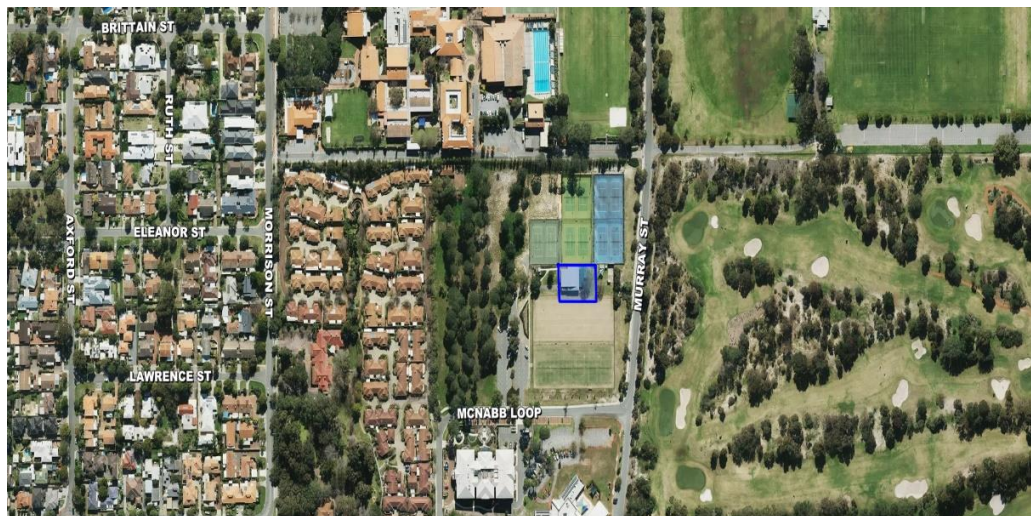


Figure 1: Aerial photograph of the subject site (2021).

The Club has 1,117 current registered tennis users (comprised of members, casual tennis participants and coaching program participants); and an additional 3,081 other tennis users (comprised of school sports, tennis club pennant team participants and tournament participants).

Consultation

The City has undertaken recent consultation with the Club regarding a new lease agreement, with the Club expressing its desire to continue occupation of the premises under a new lease arrangement, albeit with an extended tenure of 21 years.

The Agreement will require consent from the Minister for Lands.

The Club has been operating for 123 years and is keen to remain at its current site into the long-term future. The proposal to change the new lease agreement term to 21 years is in line with recent agreements granted to other local sporting clubs (Manning Bowling Club, Hensman Park Tennis Club, South Perth Cricket Club and WASPS Hockey Club). Granting a new lease of the premises for 21 years will ensure continued provision of tennis activities at this location. As a safeguard, the new lease agreement will include a redevelopment clause in case the land is required for other purposes into the future.

Policy and Legislative Implications

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

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes.

As the South Perth Lawn Tennis Club is an incorporated association/sporting club and is seeking use of local government property for recreation purposes, the intended use of the land is exempt from section 3.58 of the Act.

Under Policy P609 Management of City Property, leases with sporting clubs are to be negotiated consistently with the following principles:

- Leases will be granted for a period of five years with a five-year option;
- Leases to be for an annual rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum; and
- All groups will be required to adhere to the ‘Property Maintenance Schedule’ for the respective facility; a document which sets out the responsibilities of both parties.

Financial Implications

The South Perth Lawn Tennis Club is financially viable/sustainable, which is evidenced by its current financial position. The South Perth Lawn Tennis Club's profit and loss statement and balance sheet is attached in **Confidential Attachment (a)**.

The current insurance value of the facility is \$1.052 million, so in applying the City's rental calculation method for sporting clubs the new lease agreement will generate rental fee income from the Lawn Tennis Club of \$1,052 per annum (plus GST), which will be reviewed each year based on 0.1% of the insured value of the facility. The Lawn Tennis Club will also be responsible for payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

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 use, provision and development of the City's properties, assets and facilities

Attachments

10.5.7 (a): South Perth Lawn Tennis Club - Profit & Loss Statement and Balance Sheet (*Confidential*)

10.5.8 Review of Policy P361 Street Addressing

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85645
Meeting Date:	23 November 2021
Author(s):	Fiona Mullen, Manager Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report proposes that the City's Policy P361 Street Addressing be updated to remove references to a procedure that is not current. In addition, minor changes are proposed to increase clarity in relation to street addressing.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mayor Greg Milner
Seconded: Councillor Stephen Russell

The Property Committee recommends to Council that it adopts amended Policy P361 Street Addressing as contained in **Attachment (a)**.

CARRIED (10/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell; and External Members Lewis Brock and Nigel McCombe.

Against: Nil.

Background

To ensure the City's policies are up-to-date and reflect current best practice, a review of Policy P361 Street Addressing has been undertaken and has identified amendments required to introduce points of clarification and remove reference to a process and fee that was not implemented nor included within the City's Schedule of Fees and Charges.

Comment

Policy P361 Street Addressing (the policy) was adopted in 2015 to ensure the correct street addressing and clear identification of properties within the City, and to allocate street addresses that are unique, clear, logical and unambiguous. Clear street addressing is crucial in enabling emergency service responders and service delivery providers to readily locate a property.

A review of the policy has identified an amendment required to remove reference to a 'change a street address' process that has never been implemented by the City (an application form and fee) and which it is considered is not necessary given the limited number of requests the City receives and the process involved.

In addition the amended policy will provide greater clarification in relation to street addressing and requests to change addresses, clarifying that an unimpeded access to a front door is required, the front door determines the correct street address and economic reasons (value/devaluation of property) will not be considered when allocating addresses. It is further clarified that a Lot Number provided by Landgate is required before a new address may be created. This amended policy is contained in **Attachment (a)**.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Financial Implications

The fee referenced within the Policy has never been included with the City's schedule of Fees and Charges and therefore never charged. There are no financial implications as a result of this policy amendment.

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

10.5.8 (a): P361 Street Addressing

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - IMPLEMENTATION OF PUBLICLY ACCESSIBLE 'PARKING CASH-IN-LIEU REGISTER' IN SUPPORT OF THE PARKING RESERVE.

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85646
Meeting Date:	23 November 2021
Author(s):	Fiona Mullen, Manager Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

Councillor Stephen Russell submitted the following Notice of Motion at the Ordinary Council Meeting held on 26 October 2021.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 70)

That Council request the Chief Executive Officer to:

1. Develop a vehicle parking cash-in-lieu register or other similar instrument that shall as a minimum detail the following for each applicable development:
 - a. The City's Development Application (DA) reference number,
 - b. Where applicable, the Development Assessment Panel's (DAP) file number,
 - c. The DA address,
 - d. The DA planning approval date,
 - e. Where applicable, the date that the cash-in-lieu of parking condition became active,
 - f. The parking shortfall number,
 - g. The cash-in-lieu funds,

- h. Where funds have been expended, the details of the where, the how and the sum of the cash-in-lieu funds that were expended to satisfy the condition,
 - i. The sum of any additional City funds expended to support the cash-in-lieu funds.
2. The register noted in (1) shall be inclusive of all current and previous DA's, since the creation of the parking reserve, where a cash-in-lieu condition is or was applicable.
 3. The register noted in (1) shall be visible to the public via the Development Applications webpage as a separate linked stand-alone webpage.
 4. The period for the update of the register as noted in (1) shall be at the discretion of the City but shall not exceed 6 months.
 5. Items (1), (2) and (3) shall be implemented by end of March 2022.

Background

Councillor Stephen Russell submitted a Notice of Motion in relation to the creation of a vehicle parking cash-in-lieu register at the Council Meeting held on 26 October 2021. The reasons for the Notice of Motion are as follows:

As background, the latest parking cash-in-lieu provisions are outlined in Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Part 9A "Provisions about car parking". All cash-in-lieu funds should be held within the Parking Reserve.

The reasons for the motion are as follows:

1. *In accordance with the 2021/2022 budget the Parking Reserve has an opening balance of \$249,916. This is considered a considerable sum of proceeds from developments and therefore the community should be able to understand its makeup via a parking cash-in-lieu register. Unfortunately, there is no single source register that the community can publicly refer to make this understanding.*
2. *It is considered that the community as a minimum would wish to understand for each applicable approved DA the elements as noted in item (1). Critical to the community's understanding is the where, how & sum of the funds expended by the City to alleviate the parking shortfall per development. Only then can the community have a transparent method to ensure that the cash in-lieu provision are being effectively used to genuinely alleviate parking demand.*
3. *It is considered a natural fit that this register be easily visible to the community via the City's website within the "Development" section.*
4. *The requirement of the City to implement a Payment in Lieu of Parking Plan does not negate the requirement of this register, as this register is to specifically aid the public interest.*

Comment

The Planning Regulation Amendment Regulations 2020 were gazetted on 18 December 2020, introducing amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). These amendments have made various improvements to local planning processes and have been introduced in two stages.

On 1 July 2021, the second stage (Part 9A) of regulatory changes relating to car parking provision in developments took effect.

These provisions included parking exemptions for certain types of development and a standard and consistent approach to car parking variations, waivers, cash in lieu and shared parking. A transitional arrangement of two years was introduced for local governments to put in place a Payment in Lieu of Parking Plan, however during this period local governments are still required to apply the method(s) used to calculate the Reasonable Estimate of Costs for Payment in Lieu of Parking approved by the Western Australian Planning Commission.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is currently inviting comments from local governments to inform implementation of proposed reforms. The feedback received will inform the drafting of legislation. One of the proposed reforms is that an online register be kept on the LG website of applicant contributions such as cash-in-lieu for public open space and car parking. Regulations would prescribe the information to be included.

In view of possible future LG legislation, the recent changes to the Planning Regulations, and the requirements for local governments to keep records of income and expenditure, it is considered appropriate for the purposes of transparency that a register be available via the City's website. The content of the register may be amended when LG Regulations are developed in the future.

Consultation

Nil.

Policy and Legislative Implications

Planning and Development (Local Planning Schemes) Regulations 2015
Policy P315 Car Parking Reductions for Non-Residential Development

Financial Implications

Nil.

Strategic Implications

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

Strategic Direction:	Environment, Built and Natural
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.1 Connected and accessible City
Strategy:	3.1.1 Facilitate and safe, efficient and reliable transport network

Suggested Alternative Recommendation

That Council request the Chief Executive Officer to:

1. Develop a vehicle parking cash-in-lieu register or other similar instrument that shall as a minimum detail the following for each applicable development:
 - a. The City's Development Application (DA) reference number,
 - b. Where applicable, the Development Assessment Panel's (DAP) file number,
 - c. The DA address,
 - d. The DA planning approval date,
 - e. Where applicable, the date that the cash-in-lieu of parking condition became active,
 - f. The parking shortfall number,
 - g. The cash-in-lieu funds,
 - h. Where funds have been expended, the details of the where, the how and the sum of the cash-in-lieu funds that were expended to satisfy the condition,
 - i. The sum of any additional City funds expended to support the cash-in-lieu funds.
2. The register noted in (1) shall be inclusive of all current DA's (from the date the webpage is created) where a cash-in-lieu condition is applicable
3. The register noted in (1) shall be visible to the public via the Development Applications webpage as a separate linked stand-alone webpage.
4. The period for the update of the register as noted in (1) shall be at the discretion of the City but shall not exceed 6 months.
5. Items (1), (2) and (3) shall be implemented by end of December 2021.
6. Establishes a new reserve called The Payment in Lieu of Parking Reserve.

Reason for Alternative Recommendation

In order for the information that appears on the City's website to be clear and precise, it is considered appropriate to provide details of development approvals for which parking cash-in-lieu payments have been made from the date the webpage is created onwards. This also allows for the webpage and information held thereon to be available to the public at an earlier date than March 2022.

Given that the Financial Administration clause of the Regulations (Clause 77 (1)) requires a Reserve Account to be established for money collected under the Payment in Lieu of Parking Plan (The Plan), it is recommended that the City establish a new reserve titled The Payment in Lieu of Parking Plan Reserve. The purpose of this Reserve being to hold all monies received for payment in lieu of parking to be used for the provision of parking in the areas covered by the Plan.

It should be noted that the balance of the City's current Parking Facility Reserve \$202,680 (at the end of October 2021) predominantly consists of municipal funds to be used primarily for upgrading parking facilities within the City and may be used for short term liquidity requirements if required. The proposed new Reserve will only contain cash in lieu of parking contributions made subsequent to this resolution of Council levied in accordance with Clauses 77H and 77G of the Regulations.

Attachments

Nil.

12.2 NOTICE OF MOTION - COUNCILLOR ANDRÉ BRENDER-A-BRANDIS - COLLIER PARK VILLAGE RESIDENTS' LOAN OFFSET RESERVE UNFUNDED SHORTFALL AND LEASEHOLD LIABILITY

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85013
Meeting Date:	23 November 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Garry Adams, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Councillor André Brender-A-Brandis submitted the following Notice of Motion prior to the Council Agenda Meeting held 23 November 2021.

Notice of Motion Recommendation

That the Collier Park Village (CPV) Resident's Loan Offset Reserve (Reserve) with a shortfall of \$6.5 million (as at 30 June 2021) compared to the CPV Residents' Leasehold Liability (Liability), be reviewed by the Administration with the following being undertaken:

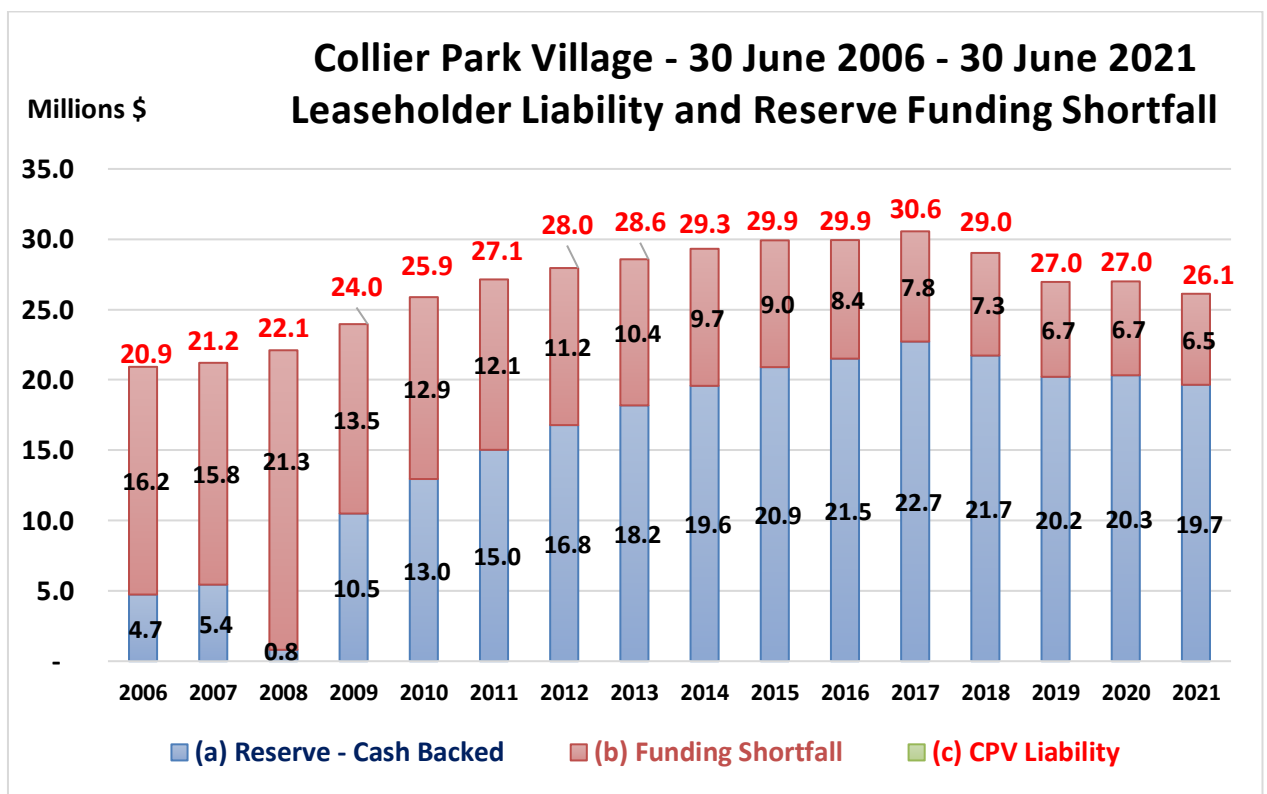
1. The CPV Reserve unfunded shortfall for the CPV Residents' Leasehold Liability be added to the City's Risk Register and be referred to the Audit Risk and Governance Committee, and
2. The Administration report back and present to the Audit Risk and Governance Committee at the first Committee Meeting held in 2022 on the following;
 - a. A risk assessment on the CPV Reserve shortfall,
 - b. A repayment program, drafted for Council's approval, to eliminate the current \$6.5 million CPV Reserve funding shortfall,
 - c. Confirm the legal authority the City has to use Reserve funds for purposes other than to be held as quarantined reserve funds for aged residents,
 - d. Advise why funds used from the CPV Reserve to support the City's short-term liquidity requirements weren't *returned as soon as possible*, to the Reserve, and
 - e. Specifically provide details and the approval authority for the 2007/08 year \$15.287 million transfer from the CPV Reserve to the Retained Surplus.

Reasons for the Motion:

Councillor André Brender-A-Brandis submitted a Notice of Motion regarding an ongoing unfunded shortfall in the Collier Park Village – Residents’ Loan Offset Reserve in comparison to the Residents’ Leasehold Liability. The reasons for the motion given are as follows:

1. The Loan Offset Reserve is a pool of money held by the City. Residents pay funds into the Reserve at the time they enter into an accommodation lease at Collier Park Village. The City has an obligation to hold these funds until the lease is relinquished and these funds are returned to the leaseholder. These funds are required to be quarantined in a cash-backed reserve maintained exclusively for this purpose. The process is similar to a bond a tenant would pay when commencing a rental lease of a house.
2. The CPV Leaseholder Liability is the amount of money the City currently owes to all leaseholders. This Liability currently exceeds the total balance of funds held within the Reserve. At 30 June 2021, the Liability was \$26.1 million, the cash Reserves were \$19.6 million. Therefore, the City currently had a shortfall of \$6.5 million.
3. The City has a morale duty to ensure the Reserve is funded appropriately to meet the Liability. This Liability is owed to aged, retired leaseholders, who are residents of our City. In my opinion, not assessing this risk, failing to implement a strategy to mitigate funding shortfalls in the future and to not fully fund the shortfall has reputation risk for the Council, as this is not acting in the best interests of those most vulnerable in our society.
4. The shortfall in the CPV Reserve has existed since at least 2006. In the 2007/08 financial year \$15.3 million was transferred from the CPV Reserve to the Retained Surplus. This indicates Reserve funds were applied for other City purposes, which have not been repaid in full to the CVP Residents' Offset Reserve.
5. The City has obtained the use of funds, belonging to CPV leaseholder residents, to undertake City operational and/or capital works. This indicates the City has not adequately provided for these costs or raised funds through its own sources (including prior annual Budget processes) to repay the funds used, belonging to retired CVP leaseholders.
6. The Financial Statements note, funds in the Reserve can be used to fund the City's short-term liquidity requirements should the operational need arise. However, the Financial Statements further note that funds utilised in this “*manner must be returned as soon as possible*”.
7. To ensure good financial governance, a strategy to address this liability funding shortfall should be established and to mitigate this situation arising in the future with significant Reserve funds not being fully repaid for many years. This will provide residents of the Collier Park Village and their families confidence their funds, entrusted to the City, are being appropriately managed, have been quarantined and good financial governance processes exist.

8. Council has a fiduciary responsibility to act in the best interests of the City, its residents and ratepayers. The CVP Leaseholder Liability represents a genuine liability and a fiduciary risk for Council. The CVP Reserve is identified as a cash backed and quarantined reserve, similar to a bond paid by a tenant on a rental property, where the bond is lodged securely with the Bond Administrator. Being quarantined implies the Reserve funds are restricted and are to be held for a specific purpose, being for the leaseholder residents.
9. The cash backed shortfall has reduced over the past sixteen years, but the shortfall has not been eliminated over this extensive period. The graph below provides an illustration for each year of the; CPV Reserve value, Liability value and the cash funding shortfall, as follows;
 - a. The CPV Reserve amount (cash backed funding) – lower blue shaded part of the bars,
 - b. Unfunded Reserve amount (funding shortfall) – upper red shaded part of the bars, and
 - c. CVP Liability amount – the red numbers at the top of bars.



Financial information source: City of South Perth, Audited Annual Financial Statements

Comment

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

Attachments

Nil.

12.3 NOTICE OF MOTION - COUNCILLOR ANDRÉ BRENDER-A-BRANDIS - MINI GOLF COLLIER PARK - RETURN ON ASSET INVESTMENT REPORTING

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-85020
Meeting Date:	23 November 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Garry Adams, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Councillor André Brender-A-Brandis submitted the following Notice of Motion prior to the Council Meeting held 23 November 2021.

Notice of Motion Recommendation

That the Collier Park Golf Course Mini Golf Facility (Facility) investment be reported separately within the monthly Financial Reports, including the following to ensure transparency and accountability for disclosing the return on this investment, as follows;

1. Reporting Actual Revenue (the City's portion) and Operating Expenditure (including non-cash expenditure, e.g. depreciation) associated with the Facility for the;
 - a. Current reported month,
 - b. Year-to-date amount and
 - c. Prior year total amount.
2. Reporting Capital Expenditure and balances;
 - a. The gross amount of the total capital cost in creating the Facility,
 - b. Annual depreciation charges and
 - c. Net carrying value after depreciation charges.
3. Reporting the business case financial assumptions for the investment decision on which to base the financial scenarios for the Facility comprising of:
 - a. Annual estimated revenue for each year and the forward estimates (out years) to achieve payback of this investment,
 - b. Capital costs of construction and
 - c. Operating cost (including depreciation) assumptions.
4. Reporting the return of revenue to the Major Community Facilities Reserve for the:
 - a. Current reported month,

- b. Year-to-date amount and
- c. Prior year total amounts.

Reasons for the Motion:

Councillor André Brender-A-Brandis submitted a Notice of Motion regarding financial governance to provide transparency and accountability for reporting the return on the Collier Park Golf Course Mini Golf facility investment. The reasons for the motion given are as follows:

1. Mini Golf was to attract new patrons using the facilities, resulting in additional diversified income streams for the City. This included increased patronage as this facility was to attract a diverse range of users, of all ages, an increased female participation, tourists, Curtin University students and to regularly host corporate events and accommodate family functions. Mini Golf was designed to broaden the Community appeal and supported outcomes of the Strategic Community Plan.
2. Financial consideration and the return on this investment were given consideration as part of the final investment decision approved by Council in XXX. Financial consideration for this investment included, the capital construction cost, the City's annual revenue, operating costs (both cash and non-cash) and a maximum payback period. Financial governance and the financial viability of this investment was a major consideration in the decision-making process.
3. In March 2020, Council approved \$2 million to be added to the 2019/2020 Capital Budget, for the acquisition of the Collier Park Golf Course Mini Golf facility, to be funded from the Major Community Facilities Reserve, noting that any funds not expended will remain in the Major Communities Facilities Reserve. It was also noted that when the Collier Park Golf Course Mini Golf commences operations, the revenue derived will be placed in the Major Community Facilities Reserve, until the capital cost has been repaid.
4. Accountability and transparency on the return on this investment were committed to ensure good financial governance. Disclosure of the return on this investment, revenue derived and the returning of these funds to the Major Community Facilities Reserve, until the capital cost has been repaid is required for transparency and accountability.
5. Monthly Financial Reports contain this information in consolidated amounts, but are not separate or transparent, and do not provide sufficient detail to assess the financial performance of the Mini Golf Facility.

Comment

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

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

Responses to questions from members taken on notice at the October 2021 Ordinary Council Meeting can be found in the Appendix of this Agenda.

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

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

- Item 15.1.1 WALGA Energy Sustainability & Renewable Project, Stage 1a- Procurement of Contestable Electricity Supply

15.1.1 WALGA Energy Sustainability & Renewable Project, Stage 1a- Procurement of Contestable Electricity Supply

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


Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-85647
Meeting Date:	23 November 2021
Author(s):	Shirley King Ching, Building and Assets Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

16. CLOSURE



APPENDIX

13.1 QUESTIONS FROM MEMBERS Taken on notice OCM 26 October 2021

Councillor Glenn Cridland	Response provided by Mark Taylor – Director Infrastructure Services
<i>The corner of Hensman and Sandgate Street which is quite close to us here, is next to the Como Bowls Club. Not occupied at the moment by any particular sports facility.</i>	
1. Has there been any consideration by the City or any contact with residents in relation to creating an enclosed dog exercise area and whether it is similar to Olives Reserve or something else?	<p>The area is split into three areas made up of a City sump; bowling club lease and an area used as overflow by little athletics.</p>  <p>Whilst the sump could theoretically be used the area is only 400m². This is not sufficient to provide a fenced dog park as the grass cannot be practicably maintained as the dog activity results in the rapid deterioration of turf.</p> <p>The City is not currently actively considering any fenced dog parks as we allow on and off lead dog activity throughout the city.</p>

Councillor Blake D’Souza	Response provided by: Mark Taylor – Director Infrastructure Services
<i>The Council owned verges along Manning Road especially between Elderfield Avenue and Welwyn Avenue are looking quite unkempt.</i>	
<p>1. When was the last time these were maintained and is there any plans for the City to conduct upkeep on those in the near term?</p>	<p>We do maintain those verges periodically. However a wet winter with periods of sun has resulted in more rapid and extensive weed growth. Maintenance commenced last week and the works will be completed by the end of next week.</p> <p>Prior to that the verges were last maintained in August. Runs are completed every 2-3 months depending on conditions.</p>
Councillor Stephen Russell	Response provided by: Fiona Mullen – Manager Development Services
<i>This question to relates to a City response to my question last month in regards to policy P350.05 which is trees on development sites and street verges where the City stated and I quote “the city does not have a tree cash in lieu register to support the policy. While the objective of this clause is sound, planners consider it more appropriate and productive to work with owners and developers to plant trees within the boundary of their sites.</i>	
<p>1. Could the City please explain what mandate they have to prioritise its method over a Council approved policy which endeavours to preserve existing stock of large trees?</p>	<p>A planning policy in contrast to an Act or Regulation , imposes requirements that are for guidance only. The meaning and applicability of a planning policy is therefore a matter for the decision maker to take into consideration and apply with some discretion. Officers assessing and determining development applications under delegation are using this methodology.</p>