

MINUTES

Ordinary Council Meeting

28 September 2021

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 28 September 2021 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

1 October 2021

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 28 September 2021.

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Mayor Greg Milner advised the meeting that:

- i. A complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) when I posted an article written by Mr Paul Murray for The West Australian newspaper on 28 September 2019 regarding the City's finances entitled 'Council finances head south' (article) on my Facebook page and three other South Perth community Facebook pages.
- ii. The State Administrative Tribunal found that in posting the said article I made improper use of my office as a councillor with the intention of causing detriment to the City, the Council and the then Mayor, Ms Susanne Doherty, thereby committing a breach of regulation 7(1)(b) of the said Regulations.
- iii. I accept that I should not have acted in such a manner and I apologise to the City, the Council and to Ms Susanne Doherty for having done so.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

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

Councillor Carl Celedin
Councillor Glenn Cridland (from 6.10pm)
Councillor Blake D'Souza
Councillor André Brender-A-Brandis
Councillor Samantha Bradder
Councillor Stephen Russell
Councillor Mary Choy
Councillor Ken Manolas

Officers

Chief Executive Officer	Mr Mike Bradford
Director Corporate Services	Mr Garry Adams
Director Development and Community Services	Ms Vicki Lummer
Director Infrastructure Services	Mr Mark Taylor
Manager Development Services	Ms Fiona Mullen
Manager Finance	Mr Abrie Lacock
Manager Governance	Ms Bernadine Tucker
Manager Strategic Planning	Mr Warren Giddens
Communications and Marketing Coordinator	Ms Lisa Williams
Governance Coordinator	Ms Toni Fry
Governance Officer	Mr Morgan Hindle

Gallery

There were approximately 13 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Councillor Glenn Cridland – Impartiality Interest in Item 10.3.4 as ‘My daughter holds shares in Telstra’.
- Councillor Blake D’Souza – Financial Interest in Item 10.3.4 as ‘I hold shares in Telstra’.
- Councillor Ken Manolas – Financial Interest in Item 10.3.4 as ‘I own more than \$10,000 worth of shares in Telstra’.
- Councillor Stephen Russell – Impartiality Interest in Item 10.3.4 as ‘I hold shares in the Telco although less than \$10,000 worth’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 28 SEPTEMBER 2021

The Presiding Member opened Public Question Time at 6.03pm.

There were no written questions received prior to the meeting.

Written questions were received at the meeting by:

- Ms Vicki Redden of the South Perth Peninsula Action Group.

Questions received at the meeting were Taken on Notice. The answers to these questions will be made available in the October 2021 Agenda.

There being no further questions, the Presiding Member closed Public Question Time at 6.03pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24 August 2021

0921/159

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That the Minutes of the Ordinary Council Meeting held 24 August 2021 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 21 September 2021

Officers of the City presented background information and answered questions on Items to be considered at the September Ordinary Council Meeting at the Council Agenda Briefing held 21 September 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
31 August 2021	Strategic Risk Register Workshop	Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Ken Manolas and Stephen Russell
7 September 2021	Underground Power Briefing – South Perth and Hurlingham	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Ken Manolas and Stephen Russell.
7 September 2021	Strategic Community Plan Follow-up Workshop	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D’Souza, Ken Manolas and Stephen Russell.

Attachments

Nil.

0921/160

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

- 7.2.1 Council Agenda Briefing - 21 September 2021
- 7.2.2 Concept Briefings and Workshops

CARRIED (8/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 21 September 2021.

Councillor Glenn Cridland arrived at 6.10pm during consideration of Item 9.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 21 September 2021. The Chief Executive Officer also added that Item 10.3.2 has been updated to address questions asked at the Agenda Briefing and that Officer's had proposed an amendment to the recommendation in Item 10.3.4.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.1.1 Department of Local Government, Sport & Cultural Industries – Club Night Lights Grant Program 2021 – Assessment of Applications
- 10.3.1 Adoption of Integrated Transport Plan 2021 - 2031
- 10.3.2 Proposed Four Storey Single House on Lot 2, No. 15 South Perth Esplanade, South Perth Height
- 10.3.3 Proposed Four Two-Storey Grouped Dwellings on Lot 801, No. 1A Brandon Street, South Perth
- 10.3.4 Proposed Upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth - Section 31 Reconsideration.

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

0921/161

COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

- 10.1.2 Supplementary Tender Information for provision of Event Management for Australia Day
- 10.1.3 Tender 6/2021 "Provision of Heating, Ventilation, Air Conditioning (HVAC) and Refrigeration Services"
- 10.2.1 Adoption of Economic Development Plan
- 10.4.1 Listing of Payments - August 2021
- 10.4.2 Monthly Financial Statements - August 2021
- 10.5.1 Audit Register - Progress Report
- 10.5.2 Risk Management Policy and Framework
- 10.5.3 2020/2021 Annual Financial Statements (External) Audit - Interim Report
- 10.5.4 Internal Audit Report - Audit Register Review
- 10.5.5 Internal Audit Report - Regulation 17 Review

CARRIED (9/0)

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

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Department of Local Government, Sport & Cultural Industries - Club Night Lights Grant Program 2021 - Assessment of Applications

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-21-72553
Meeting Date:	28 September 2021
Author(s):	Adrian Jarvis, Recreation Development Officer
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

The Department of Local Government, Sport and Cultural Industries has recently launched the Club Night Lights Program. The purpose of the program is to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure.

Club Night Lights Program applications must be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request in-principle support for the proposed project/s, including any financial contributions associated with the projects.

Two applications are presented for the current round of the Club Night Lights Program for 2021, namely:

1. James Miller Oval Floodlighting Upgrade Project (applicant: City of South Perth, with financial contributions from Manning Rippers Football Club and the AFL Facilities Fund)
2. Manning Memorial Bowling Club Floodlighting Upgrade Project (applicant: Manning Memorial Bowling Club Inc. who, as the applicant, will fund one-third of the project cost)

0921/162

Officer Recommendation and COUNCIL DECISION**Moved:** Councillor Blake D'Souza**Seconded:** Councillor André Brender-A-Brandis

1. That Council approves the City submitting two funding applications to the Department of Local Government, Sport and Cultural Industries via its Club Night Lights Program, together with comments from the Officer report and the following rankings and ratings:

Applicant	Project	Ranking	Rating
City of South Perth	James Miller Oval Floodlighting Upgrade Project	1	A
Manning Memorial Bowling Club Inc.	Manning Memorial Bowling Club Floodlighting Upgrade Project	2	A

2. That subject to the above application/s being successful with the Department of Local Government, Sport and Cultural Industries, a provisional amount of up to \$161,178 is considered in the City's 2022/23 Budget, as the City's financial contributions to the two projects, as follows:

- a) James Miller Oval Floodlighting Upgrade Project - \$148,882 (excl. GST); and
- b) Manning Memorial Bowling Club Floodlighting Upgrade Project - \$12,296 (excl. GST).

CARRIED (9/0)

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

Against: Nil.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) has recently created a new state-wide funding program called 'Club Night Lights Program' and has invited applications for financial assistance from community groups and local governments for the development of sustainable floodlighting infrastructure for sport. The Club Night Lights Program is a new grant available from DLGSC and is in addition to the Community Sporting and Recreation Facilities Fund which is still available to sporting clubs and local government.

The Club Night Lights Program (CNLP) aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Two Club Night Lights Program funding categories are offered as detailed in the table below.

Grant Category	Standard DLGSC Contribution (\$ excl. GST)	Total Project Cost Range (\$ excl. GST)
Annual Grant	\$2,500 - \$166,666	\$5,000 - \$500,000
Forward Planning Grant	\$166,667 - \$1 million	Exceeds \$500,000

The maximum grant awarded by DLGSC will generally be no greater than one-third of the project up to a maximum of \$1 million.

Note: There may be some projects eligible for up to 50% funding through meeting a 'development bonus', whereby a project meets at least one of the following development principles created by the Department, namely:

1. *Geographical location (e.g. projects in a regional/remote or growth area);*
2. *Co-location of facilities;*
3. *Sustainability initiative; or*
4. *Increased participation.*

There is no guarantee that the full requested amount would be funded and any shortfall would need to be funded by the applicant. There is no obligation on a local government to make a financial contribution to the project, however, a contribution from all stakeholders (which may include local government, state sporting associations and user clubs) in a project that meets local and sporting needs is viewed more favourably.

Club Night Lights Program applications must be initially presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (where there are multiple applications); and to request in-principle support for the proposed project/s, including the financial contribution requested by the application under the Club Night Lights Program.

Comment

Two projects are proposed by the City for the current funding round of the 2022/23 Club Night Lights Program. The tables below provide a summary of the grants being sought, the City contributions, and Club/other contributions for the proposed projects.

1. City of South Perth – James Miller Oval Floodlighting Upgrade Project

CNLP Grant Sought*	\$103,077 (ex GST)
City's Contribution	\$148,882 (ex GST)
Club's Contribution	\$27,273 (ex GST)
Australian Football League (AFL) Facilities Fund	\$30,000 (ex GST)
Estimated Total Project Cost	\$309,232 (ex GST)

Note: * The grant amount sought of \$103,077 represents one-third of the total project cost, which is the general level of funding provided by the Department. However, if the City is successful in achieving a 'development bonus' for this project, up to 50% funding may be provided, so it would reduce the City's overall financial contribution.

The floodlighting upgrade project has potential to achieve a development bonus as it meets the criteria as a sustainability initiative through the use of new LED lighting technology that reduces energy consumption; and the floodlights should lead to increased participation in football, particularly by women and girls.

2. Manning Memorial Bowling Club Floodlighting Upgrade Project

CNLP Grant Sought*	\$12,296 (ex GST)
City's Contribution	\$12,296 (ex GST)
Club's Contribution	\$12,296 (ex GST)
Estimated Total Project Cost	\$36,888 (ex GST)

Note: * The grant amount sought of \$12,296 represents one-third of the total project cost, which is the general level of funding provided by the Department. However, if the Club is successful in achieving a 'development bonus' for this project, up to 50% funding may be provided, so it would reduce the City's overall financial contribution. The floodlighting upgrade project has potential to achieve a development bonus as it meets the criteria as a sustainability initiative through the use of new LED lighting technology that reduces energy consumption; and the floodlights should lead to increased participation in bowling.

CNLP Assessment Guidelines

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

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

The results are summarised in the table below, with the amounts shown being GST exclusive.

Applicant	Project	Ranking	Rating	City's Contribution	Club Contribution	Other	Total Project Cost
City of South Perth	James Miller Oval Floodlight Upgrade Project	1	A	\$148,882	\$27,273	\$30,000 (AFL)	\$309,232
Manning Memorial Bowling Club Inc.	Manning Memorial Bowling Club Floodlight Upgrade Project	2	A	\$12,296	\$12,296	N/A	\$36,888
			Totals	\$161,178	\$39,569	\$30,000	\$346,120

City Assessment

1. James Miller Oval Floodlighting Upgrade Project

James Miller Oval is located at Bradshaw Crescent, Manning, and is on land set aside for parks and recreation purposes. The clubrooms are currently under lease to the Manning Rippers Football Club and the playing fields are seasonally allocated under the standard ground allocation process. Currently the Manning Rippers Football Club use the reserve in Winter. The Club is comprised of juniors and adult participants and has a current membership of 586 players.

In 2018, the City developed a Sports Oval Floodlight Plan that included an audit and assessment report of sports lighting on its local active/sporting reserves. The existing sports lighting at James Miller Oval does not meet the Australian Standard for lighting uniformity, as essentially the lighting is uneven across the playing surface.

Specific project works will include: removal of the existing obsolete/inferior floodlighting towers with the metal halide luminaires; trenching works; new switchboard cabling and control infrastructure; and installation of four new 30m floodlighting towers with new stronger LED luminaires that comply with the Australian Standard.

In summary, the City recommends that the James Miller Oval Floodlight Upgrade Project receive a '1' ranking; and an 'A' rating for the Club Night Lights Program due to:

- The project aligns with the City's Community Recreation Facility Plan;
- The project aligns with the City's Sports Oval Floodlight Plan;
- The project will allow the floodlighting to meet the required Australian Standards;

- The project is supported and partially funded by the Manning Rippers Junior Football Club;
- The project is supported by the West Australian Football Commission and it has recently received external funding approval (\$30,000) under the AFL Funding Program.

2. *Manning Memorial Bowling Club Floodlighting Upgrade Project*

The Manning Memorial Bowling Club Inc. is situated at Challenger Avenue, Manning, and is on crown land vested with the City for parks and recreational purposes. The clubrooms and associated bowling greens are leased to the Club.

The existing sports lighting at the bowling club does not meet the Australian Standard.

The project will involve replacement and improvement of existing lighting on two of the Club's bowling greens to LED technology. The existing power supply cables from the control box, floodlight poles and controls can be reused. It will allow the club to schedule more championship games in the evening and will provide a better experience for those members of the community and Club members who play evening social games.

In 2020/21, the Club had a membership of 670 and the bowling greens are used for approximately 73 hours per week. The Club is responsible for the payment of all utility bills and estimates that the new lights will save approximately 35% on the current electricity bill running costs, while also giving over 50% more light that will be more uniform.

In summary, the City recommends that the Manning Memorial Bowling Club Floodlighting Upgrade Project receive a '2' ranking; and an 'A' rating for the Club Night Lights Program due to:

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

Consultation

The City advertised the Club Night Lights Program to local clubs and received one club application for the current funding round, being from the Manning Memorial Bowling Club. The City has undertaken preliminary consultation with the Department of Local Government, Sports and Cultural Industries for the two proposed projects and was advised that both projects are eligible for funding consideration under the Club Night Lights Program.

Policy and Legislative Implications

- Policy P106 Use of City Reserves and Facilities
- Policy P110 Support of Community and Sporting Groups
- Policy P202 Energy Conservation

Financial Implications

The total cost for the two proposed projects is estimated at \$346,120. The City's total contribution to the projects will be \$161,178, proposed to be allocated in the City's 2022/23 Budget, subject to future Council approval.

If all projects are successful in attracting external funding from the State Government via the Club Night Lights Program, the Manning Memorial Bowling Club will be required to contribute the balance of funds towards their 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:	1.2.1 Plan, develop and facilitate community infrastructure to respond to changing community needs and priorities.

Attachments

Nil.

10.1.2 Supplementary Tender Information for provision of Event Management for Australia Day

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-21-72555
Meeting Date:	28 September 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

A report relating to 'Tender 5/2021 Provision of Event Management for Australia Day' was presented at the Ordinary Council Meeting held 24 August 2021 relating to Event Management for Australia Day, with Council subsequently resolving to accept the tender submitted by Keos Events Pty Ltd.

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

Part 2 of the Officer Recommendation and subsequent Council Resolution for the above report item stated the tender price for year one only, so it omitted the estimated total value of the tender supply contract over the proposed five year maximum duration of the contract.

This current report addresses this omission by providing the anticipated total cost of the contract.

0921/163

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

That Council agree to amend part 2 of Council resolution number 0821/147 made on 24 August 2021 for Item 10.1.3 relating to 'Tender 5/2021 – Provision of Event Management for Australia Day' from \$97,000 to \$499,768.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

At the Ordinary Council Meeting held on 24 August 2021, a report was presented relating to Tender 5/2021 – Provision of Event Management for Australia Day'. The previous report mentioned above listed the estimated total value of the tender supply contract in the confidential report attachment, however, the total contract value was mistakenly omitted from the Officer Recommendation and subsequent Council Resolution.

Comment

This current report provides the anticipated cost of the contract over the proposed five year maximum duration. The supplementary tender information provided in this report does not alter the previous assessment result for Tender 5/2021 made by the City's Evaluation Panel. More detailed information about the assessment process can be found in the Recommendation Report, as shown in the **Confidential Attachment (a)**.

Consultation

Consultation has occurred with the City's Procurement officers in the preparation of this report.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Financial Implications

The table below outlines the anticipated cost of the contract over the proposed five year maximum duration.

Year 1	Year 2	Year 3	Year 4	Year 5	Total
\$97,000	\$98,455	\$99,931	\$101,430	\$102,952	\$499,768

Sufficient funds for the contract for year 1 is included in the City's 2021/22 budget.

The contract will include an annual performance review of the Contractor by the City and the expenditure will be subject to annual Council approval of the event budget. Additionally, the City's annual Australia Day activities will be subject to any changes to the COVID-19 pandemic situation in Western Australia, which may include event modification or cancellation.

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): RFT 5-2021 Recommendation Report - Australia Day Event Management (*Confidential*)

10.1.3 Tender 6/2021 "Provision of Heating, Ventilation, Air Conditioning (HVAC) and Refrigeration Services"

Location: Not Applicable
Ward: All
Applicant: Not applicable
File Reference: D-21-72557
Meeting Date: 28 September 2021
Author(s): Shirley King Ching, Building and Assets Coordinator
Reporting Officer(s): Mark Taylor, Director Infrastructure Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.2 Community Infrastructure

Summary

This report considers submissions received from the advertising of Tender 6/2021 for the Provision of Heating, Ventilation, Air Conditioning (HVAC) and Refrigeration Services.

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

0921/164

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Samantha Bradder

That Council:

1. Accepts the tender submitted by Precise Air Group Pty Ltd for the Provision of Heating, Ventilation, Air Conditioning (HVAC) and Refrigeration Services in accordance with Tender 6/2021 for a period of three years with an option to extend for a further two years at the City's absolute discretion;
2. Accepts the tender price of \$407,595 excluding GST included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

A Request for Tender (RFT) 6/2021 for the Provision of Heating, Ventilation, Airconditioning (HVAC) and Refrigeration Services was advertised in The West Australian on 10 July 2021 and closed at 2:00 pm on 3 August 2021.

Tenders were invited as a Schedule of Rates Contract. RFT 6/2021 is for HVAC and Refrigeration services for City owned buildings excluding Collier Park Village and facilities under management by a lessee. The services are for ongoing preventative and reactive HVAC and Refrigeration service works but may include capital and special project installations at the City's discretion.

Funding to accommodate the HVAC and refrigeration services is provided within the City's Infrastructure Operations budget. The City typically incurs costs to the approximate value of \$90,000 annually. The estimated value of the contract over a three-year period is \$270,000 and therefore requires the establishment of a service supply contract via public tender in compliance with the *Local Government Act 1995* (the Act).

Comment

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

TABLE A – Tender Submissions

Organisations
1. Airmaster Australia Pty Ltd
2. AMEK Engineering Pty Ltd
3. AMS Installation and Maintenance Solutions Pty Ltd
4. Australian HVAC Services
5. Design Construct Mechanical (DCM) Services
6. D&E Airconditioning Pty Ltd
7. Engie Mechanical Services Pty Ltd (trading as EQUANS Mechanical Services Australia Pty Ltd)
8. Fredon Air (WA) Pty Ltd
9. JAKO Industries Pty Ltd
10. Precise Air Group

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Company Profile (Relevant experience, Key Personnel, Skills & Resources)	50%
2. Demonstrated Understanding	20%
3. Asset Management, Digital Reporting and Quality Management System	30%
Total	100%

Based on the assessment of all submissions received for RFT 6/2021 Provision of HVAC and Refrigeration Services, it is recommended that the submission from Precise Air Group Pty Ltd be accepted by Council as the most advantageous.

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

Consultation

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

Policy and Legislative Implications

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

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

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

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

The following City Policies also apply:

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

Financial Implications

An estimate of the HVAC and Refrigeration works required is included in the 2021/2022 budget and provisions will be made in future budgets for the life of the contract, subject to Council consideration.

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

10.1.3 (a): RFT 6/2021 - Provision for HVAC & Refrigeration
Recommendation Report (*Confidential*)

10.2 STRATEGIC DIRECTION 2: ECONOMY

10.2.1 Adoption of Economic Development Plan

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-72567
Meeting Date:	28 September 2021
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.1 Local Business

Summary

The City has developed a draft Economic Development Plan (EDP). The preparation of an EDP is an action of the Corporate Business Plan 2020-2024. The draft EDP sets out how the City will support its existing local businesses, grow local employment, and attract investment and tourism over the next four years.

The draft EDP was endorsed by Council for the purpose of public advertising at its meeting held June 22 2021.

Advertising of the draft EDP was undertaken during the months of July and August 2021 with 18 responses received from the community. In response to the feedback that was received, minor changes are recommended to improve the EDP.

This report provides an outline of the engagement that was undertaken, a summary of the feedback that was received, suggested modifications in response to this feedback and recommends that Council endorse the draft modified EDP.

0921/165

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

That Council:

1. Note the submissions received on the draft Economic Development Plan contained in **Attachment (a)**
2. Resolves to endorse the modified Economic Development Plan contained in **Attachment (b)**

CARRIED BY EXCEPTION RESOLUTION(9/0)

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

Against: Nil.

Background

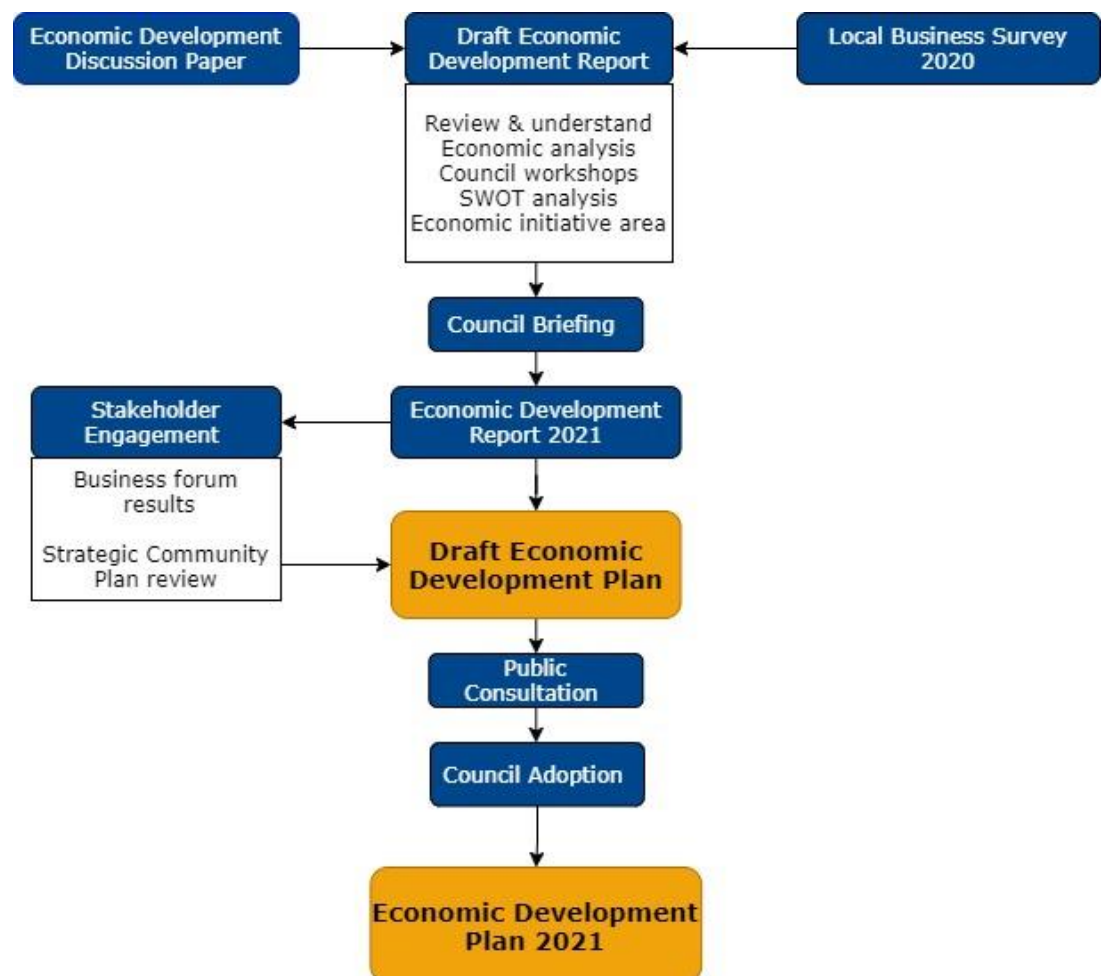
A draft Economic Development Plan (EDP) has been prepared for the City of South Perth. The EDP sets out how the City will support its existing local businesses, grow local employment, and attract investment and tourism over the next four years.

The preparation of an EDP is an action of the City's Corporate Business Plan 2020-2024 and was identified as a key plan to be prepared in the Economic Discussion Paper 2019. The EDP forms part of the City's Thriving Neighbourhoods suite of projects along with the Integrated Transport Plan (ITP) and Local Planning Scheme 7 (LPS7). These projects work together to manage the City's growth over the next 10-15 years.

In June 2021, Council endorsed the draft Economic Development Plan for the purposes of public advertising. Feedback was sought from the local community including local community groups, local business owners, the City's reference groups and other relevant stakeholders. A summary of the range of engagement activities that was undertaken is outlined in the Consultation section of this report.

In response to the feedback that was provided, a number of modifications are proposed to improve the EDP. Consideration of the Economic Development Plan, as modified, is the final step in the process of preparing this Plan.

The flowchart below illustrates the process of the EDP development. The major outputs of the EDP are highlighted in orange.



Consultation

Advertising of the draft EDP was undertaken for a period of 28 days between 28 June 2021 and 26 July 2021. The following is a summary of the range of engagement activities that were undertaken.

- Online feedback form
- Hard copy feedback form, available from the Civic Centre and the South Perth and Manning libraries
- Question and answer tool on Your Say South Perth (YSSP), the City's online engagement platform, where participants could ask questions about the project
- Two information sessions with local businesses and community*
 - South Perth Bowling Club, 5-7pm Tuesday 13 July
 - Hangout on Preston, 7-9am Thursday 15 July.

** A third drop-in session was scheduled at Halo Espresso, 7-9am Wednesday 7 July however this was cancelled due to restrictions related to the COVID pandemic.*

In order to promote the above engagement activities a range of communication tools were employed. The various channels and the reach that they had within the community is summarised below.

Channel	Reach*	Results
Peninsula Magazine	Distributed to 24,000 residents across the City	Article in the July 2021 edition
Website	Banner image on homepage of website, news article and project page	News article – 49 views EDP project page – 22 views
Media	Media release distributed 28 June 2021	Story in Southern Gazette 8 July 2021
Social media	Facebook 11k followers	Number of posts: 7 Reach: 9,995 Clicks to YSSP: 180
	Instagram 4.6k followers	Number of posts: 2 Total post reach: 2,248 Number of stories: 4 Total stories reach: 1,782 Total stories click to profile: 6

		Total story survey responses: 238 (see Appendix One for story responses)
Peninsula Snapshot	Full page advert in the Southern Gazette	Article published – 1 July 2021
Peninsula Snapshot eNews	Fortnightly eNewsletter distributed to over 10,000 subscribers	30 June - 72 clicks to YSSP 14 July - 211 clicks to YSSP

** Reach – total number of people who see the content. Accounts are only counted once regardless of how many times they saw the post.*

Posters and hard copy surveys were available at the City's libraries and Civic Centre. Posters were also distributed to local businesses in the Angelo Street, Mends Street, Preston Street precincts as well as Moresby Street and George Street centres.

During the consultation period a total of 18 submissions were received, 17 via the YSSP feedback form and one direct email submission. The full schedule of submissions and the City's response to each submission is included in **Attachment (a)**.

Comment

The online feedback form separated feedback into six sections based on the focus areas of the EDP, as follows:

- South Perth Peninsula
- Technology Park
- Consumer Centres
- Small Business Support
- City-wide
- General comments.

Submitters were able to provide comment on any of the above sections, with a breakdown of the submission topics as follows.

- 12 submissions made comment on the South Perth Peninsula focus area
- Three submissions made comment on the Technology Park focus area
- Seven submissions made comment on the Consumer Centres focus area
- Six submissions made comment on the Small Business Support focus area
- Six submissions made comment on the City wide initiatives.

A number of issues raised in submissions are not addressed directly by the EDP including:

- Traffic, parking and transport connectivity and the impact that it has on local businesses

- Land use controls and residential density, in particular around South Perth Peninsula and consumer centres
- Shade provision within the Mindeerup and South Perth foreshore areas.

Overall submissions were generally supportive of the draft EDP. Feedback praised the structure and readability of the EDP, and the logical development of the Implementation Plan based on the SWOT analysis. Some responses, however, raised some concern with the draft EDP. Feedback suggested that the City was putting too much focus on economic development (over local residents) and that the Plan was too focused on short term outcomes. In response to these comments the purpose of preparing an EDP is to set out actions of how the City will provide economic development support over the next four years. Longer term economic outcomes are considered more generally through the City's Local Planning Strategy and associated local planning controls.

Submitters provided a number of ideas and suggestions on how the draft EDP could be improved. A number of submissions also provided feedback that some actions were unnecessary or not in the best interest of the community and local business.

In response the feedback provided a number of modifications are recommended. These are outlined in the table below.

Modification (new text in red)	Reason
Modification of action 1.2 as follows 1.2 Install free WiFi at key tourist destinations within the Mindeerup/Mends Street area.	This action was intended to be specific to the key tourism destination of Mindeerup and Mends street and not the wider Peninsula area. This modification makes it clear that WiFi is not proposed for the wider foreshore area.
Inclusion of new action 1.5 Investigate operation of a tourist information and visitors centre within the Mindeerup/Mends Street area.	It is considered that a tourist hub within the Mends Street area would assist local business and tourist operators within the area. To address this matter a new action is proposed under the South Perth Peninsula focus area.
Deletion of action 3.1 <i>Install free public WiFi at key consumer centres to improve the local amenity and digital connections.</i>	Feedback received questioned the value of WiFi in smaller centres. Based on further investigations it is considered likely that WiFi in consumer centres would be underutilised. Additionally there would be significant costs associated in setting up and maintaining the network.

<p>Modification of action 3.4 as follows</p> <p>3.4 Prepare precinct plans for key consumer centres that define its roles and objectives Identify a unique purpose for each of the key consumer centres outlined in Figure 6 and prepare a framework to support each centre in developing towards its identified purpose.</p>	<p>Modification to clarify that this action seeks to:</p> <ul style="list-style-type: none"> • clearly identify the purpose of each centre • ensure that each centre has a unique purpose and provides unique offerings so as to not compete with other nearby centres, and • outline around how the vision for each centre will be achieved
<p>Modification of action 3.5 as follows</p> <p>3.5 Review the City's Alfresco Dining Policy, and Alfresco Dining Trading Licence and associated fees.</p>	<p>This action only made reference to the policy and not the associated licence and fee process. It is necessary that licence process and the associated fees are reviewed in conjunction with the policy to remove any barriers to provision of alfresco dining in appropriate locations.</p>
<p>Relocation of action 4.3 "<i>Distribute an annual business perception and priorities survey to understand key challenges and opportunities and ensure the City is providing relevant support</i>" from the focus area of Small Business Support to City-wide.</p>	<p>Action is better suited to being in the City-wide focus area as the business perception survey is relevant to all businesses not just those classified as small business (those with under 20 employees).</p>

The EDP as modified is contained at **Attachment (b)**. The recommended modifications above respond to the feedback that has been provided from the community and seek to ensure future actions of the City meet the needs of the local community.

Policy and Legislative Implications

Nil.

Financial Implications

The individual actions range in cost and priority. Some ongoing actions, such as the Buy Local Shop Local campaign, have been included in the 2021/22 budget in anticipation of the EDP being adopted. Action 5.1 is to secure an Economic Development Officer position. Options to achieve this will include reprioritisation of activities in order to create the capacity for the role. All other actions are subject to budget allocation and the City will seek partnership and grant opportunities to fund the actions where possible.

Strategic Implications

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

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	2.1 Local Businesses
Strategy:	2.1.1 Attract and support a broad range of small and medium- sized enterprises (SMEs) to the City

Attachments

10.2.1 (a):	Response to Submissions
10.2.1 (b):	Economic Development Plan

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Adoption of Integrated Transport Plan 2021 - 2031

Location:	City-Wide
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-72569
Meeting Date:	28 September 2021
Author(s):	Emily Salvisberg, Strategic Urban Planner Jessica Birbeck, Senior Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The City has developed a draft Integrated Transport Plan 2021 – 2031 (ITP). The delivery of an ITP is an action of the Corporate Business Plan 2021-2024. The ITP provides a centralised framework to guide transport planning, programs, operations and advocacy in the City of South Perth over the next decade.

The draft ITP was endorsed by Council for the purpose of public advertising at its meeting held 27 April 2021. Advertising of the draft ITP was undertaken for a period of four weeks, from Monday 10 May 2021 until Tuesday 8 June 2021, with a total 142 submissions received. Minor modifications to the draft ITP are proposed.

Council's endorsement of the draft ITP is recommended.

Alternative Motion

Moved: Councillor Mary Choy

Seconded: Councillor Blake D'Souza

That this item be deferred to the November Ordinary Council Meeting for further consideration.

Reasons

1. The draft ITP was endorsed by Council for the purpose of public advertising at its meeting held on 27 April 2021. Advertising of the draft ITP was undertaken for a period of four weeks, from 10 May 2021 to 8 June 2021, with a total of 142 submissions received. Minor modifications to the draft ITP are proposed. Councillors would benefit from receiving more time, along with the community to digest all the information now to hand.
2. No major decisions should be made whilst Council is in election mode and this is a major decision.

LOST (4/5)

For: Mayor Greg Milner and Councillors Mary Choy, Blake D'Souza and Ken Manolas.

Against: Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Glenn Cridland, Stephen Russell.

During the debate, Councillor Samantha Bradder foreshadowed the following motion.

0921/166

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Samantha Bradder

Seconded: Councillor Stephen Russell

That Council:

1. Note the submissions received on the draft Integrated Transport Plan contained in **Attachment (b)**
2. Resolves to adopt the City of South Perth Integrated Transport Plan as contained in **Attachment (c)**

CARRIED (6/3)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Glenn Cridland, Stephen Russell.

Against: Councillors Mary Choy, Blake D'Souza, Ken Manolas.

Background

The City has prepared an Integrated Transport Plan 2021 – 2031 (ITP) to guide transport planning, programs, operations and advocacy in the City of South Perth over the next decade.

The preparation of an ITP is an action of the City's Corporate Business Plan 2020 – 2024, and forms part of the City's Thriving Neighbourhoods suite of projects, along with the preparation of an Economic Development Plan and Local Planning Scheme 7. These projects will work together to manage the City's growth over the next 10-15 years and align with the aspirations of the Strategic Community Plan 2020-2030.

Council endorsed the draft ITP for public advertising at its meeting held 27 April 2021. The officer's report at this meeting provided an overview of the structure and contents of the draft ITP. Stakeholder engagement on the draft ITP was undertaken for four weeks from Monday 10 May 2021 to Tuesday 8 June 2021.

This report provides an overview of the key themes raised from submissions and the revisions made in response to finalise the ITP.

Stakeholder Engagement

Advertising of the draft ITP was undertaken for a period of four weeks between Monday 10 May and Tuesday 8 June 2021. The range of engagement activities is detailed in **Attachment (a)**.

From the engagement period, a total of 142 submissions were received. This comprised 119 YourSay submissions, 22 email submissions and one hard copy submission.

Submissions were received from five community groups (South Perth Peninsula Action Group, City of South Perth Residents Association, Community Safe Collective, Salter Point Community Group, and JMH Action Group).

Eleven submissions were received from the following State Government Agencies, adjoining Local Governments and other stakeholder groups:

- Department of Transport
- Main Roads WA
- Public Transport Authority
- Department of Fire and Emergency Services
- Department of Health
- City of Canning
- City of Melville
- Town of Victoria Park
- RAC
- Inclusive Community Advisory Group (ICAG)
- Curtin University

Comment

Submission Themes & response

A schedule of submissions received during the consultation period together with the officer's response is contained within **Attachment (b)**. The key themes raised in the submissions have been grouped according to the YourSay South Perth question and answer tool, which includes the vision and objectives of the document, the focus areas of the ITP and any further comments. The key themes are outlined below together with how the concerns and suggestions have been addressed by modifications to the ITP.

Vision and objectives

Key points raised in submissions for the objectives of the ITP primarily relate to transport options for an ageing population, and the compatibility of the aims of the ITP to enable and encourage alternative modes of travel, as opposed to car use for this demographic.

A number of submissions encouraged a greater focus on the future increase in private vehicle use and proposed that more road transport actions be included to alleviate current and future vehicle congestion. Submitters held the view that a modal shift, encouraged by the ITP, is unrealistic.

A number of submissions suggested that the vision of the ITP be amended to include a greater emphasis on how people in the community travel, and sustainable travel mode choices.

Response:

It is acknowledged that population growth will result in more vehicle trips and congestion on the road network. However, providing additional capacity through more road space and parking is not a sustainable solution, and will further increase vehicle trips. The approach of the ITP is to improve the convenience and experience of active and public transport modes and to encourage their use for local journeys. As more trips are made by alternative transport modes, it frees up space in the road network so that car journeys will become more reliable for those that need to use the road network.

With a growing ageing population, there will be an increasing number of City residents relying on non-car travel modes to maintain their mobility and social wellbeing. Improvements to active transport infrastructure and public transport connections within the City, as proposed by the ITP, will enable older residents to use a mobility scooter, use public transport, walk and cycle when they are unable to drive or choose not to drive.

The vision of the ITP has been amended in response to the submissions to focus on the travel needs of the community and enable sustainable transport choices. The vision has been amended to state 'A safe, easily accessible and convenient transport network that meets the needs of the community and enables sustainable transport choices'.

Public Realm

Safety and amenity issues were raised as key themes from submissions on the public realm. Footpath lighting improvements and sight line obstructions to footpaths and intersections were prominent concerns. The Karawara Activity Node and the area surrounding the Canning Bridge Train Station were two areas identified in need of greater surveillance and safety for pedestrians. It was also highlighted that more street trees are needed to provide shading and amenity to improve the walkability of suburbs.

Response:

The ITP contains existing City wide public realm actions that address footpath and lighting improvements. This includes an audit of paths to identify deficiencies, and to work with Western Power to investigate an LED street light and Principal Shared Path lighting program for the City.

There is also an action for the Canning Bridge Activity Node, to advocate for lighting improvements for pedestrian connections to Canning Bridge Train Station.

The proposed bus interchange for Canning Bridge Station will present significant opportunity to improve pedestrian and cycle connections from the surrounding area.

Proposed wayfinding initiatives in the Karawara Activity Node through the proposed ITP actions and other City projects is anticipated to have an overall positive influence on the area.

The ITP supports implementation of the City's Urban Forest Strategy to improve tree canopies and overall amenity along local and arterial roads.

Active Transport

Safety issues associated with shared paths was the main issue raised in community submissions. Conflict between pedestrians, commuter cyclists and electric scooters, bikes and skateboards was highlighted as a prominent and growing issue. Suggestions to improve safety included education programs and separated paths and regulation (including speed limits and access restrictions) for cyclists and electric transport modes.

The quality of the pedestrian and cycle path network across the City was identified as a barrier for its use, with an emphasis on the need for improvements within the South Perth Peninsula Activity Node. Concerns were raised for missing path connections and conditions that are unusable for wheelchairs and mobility scooters. Angelo Street was also highlighted as needing dedicated cycle paths and additional bicycle parking facilities.

Response:

Separated pedestrian and cycle paths are difficult to implement and can generally only be achieved along high frequency routes where space permits. Under the City of South Perth and Town of Victoria Park Joint Bike Plan, the only new separated cycle path proposed is between Canning Bridge and Curtin University. However in addition to this, there are a number of supplementary initiatives including awareness campaigns (e.g. 'Take Care' pavement markings along shared paths within the City of Perth) which can be used to improve safety of the network for all users. The City can also investigate other safety initiatives including signage and calming devices as part of the upgrade program to improve the safety of shared paths.

An action related to the installation of data monitoring devices for the pedestrian and cyclist network has been elevated to a short term time frame. This will allow the City to develop an evidence base that identifies relevant locations for improvements. To support this approach a new City wide active transport action is proposed to 'Improve safety of shared paths through awareness campaigns, signage and street calming devices'.

City wide actions are proposed to audit the local cycle and pedestrian networks to identify missing routes, deficiencies and priority infrastructure improvements. An action is proposed for the Angelo Street Activity Node to reduce the speed of Angelo Street to 30km/hour to enable shared use of roadways with cyclists and to investigate locations for bicycle parking facilities.

The rise in use of e-mobility devices including electric scooters, bikes and skateboards is a growing trend local and state governments are currently responding to. Many e-scooters on the market are non-compliant and have motors that exceed 200 watts and can travel at speeds much faster than 10 km/hour. The Department of Transport is working with a range of stakeholders, to develop a regulatory framework which could allow for the safe and convenient use of these devices. A new action has been included for the City to be proactively involved in the development of this framework.

Public Transport

In relation to public transport, community submissions supported the City's role in advocating for improvements to the route network, frequency of services and integration between transport modes. A lack of bus services in Waterford and Salter Point was a particular concern.

Support was expressed for expansion of the ferry network to include new terminals at Preston Street and Coode Street. An increase to the frequency of existing ferry services was also considered a high priority. Support was shown for a City Central Area Transit (CAT shuttle) bus, connecting local centres and catering to aged persons.

Submissions expressed mixed support for the South Perth Train Station delivery, and for mass transit (i.e. light rail/trackless trams/ bus rapid transit) investigations, with questions surrounding certainty of funding and network routes.

Interest was also identified for emerging technologies, including autonomous vehicles.

Response:

The existing actions within the ITP largely address the key issues raised by the community about public transport. An Activity Node action proposing to advocate for expansion of the ferry network to include a new ferry terminal at Preston Street has been elevated to a City wide action, and modified to include consideration of a new ferry terminal at Coode Street.

Road transport

Traffic congestion issues (both current and future) was a key theme in community submissions made on road transport actions, predominantly for the South Perth Peninsula Activity Node and at intersections to Canning Highway. Requests were made for more actions in the ITP to prevent through-traffic and rat runs. Suggested improvements included advocacy for new and altered freeway intersections, re-direction of traffic to Graham Farmer Freeway, and other traffic calming devices. Many submissions questioned the accuracy of previous modelling and data and requested new studies to be undertaken as part of the ITP project.

The focus for submissions on the Canning Highway Activity Node included matters relating to its future widening and design, improvements to amenity, concern for the lack of safe crossing points for pedestrians and cyclists, and interim amendments to the road design to manage traffic (including median strips and restricted vehicle access from local roads).

Mixed comments were received in relation to the future connection of Jackson Road and Henley Street.

Response:

The South Perth Peninsula Activity Node is one of seven Activity Nodes in the ITP. Traffic and transport assessments have been undertaken for the area over the last decade, and most recently as part of the draft South Perth Activity Centre Plan (SPACP). The draft SPACP was supported by expert transport planning consultants. The transport analysis concluded that, overall, the street network in the SPACP area performs well under recommended growth scenarios. However, unless a greater proportion of trips are made by non-car transport modes, road links in the area will be operating over capacity in peak times by 2031. The draft SPACP includes a number of suggested projects to modify the road network including new signalised intersections, traffic calming measures, 40km/ hour zones and improvements for pedestrian and cyclist movements. Council endorsed the draft SPACP and Amendment 61 on this basis, acknowledging that traffic and congestion will increase for the area in the future, which should be offset by facilitating convenient and competitive alternative transport options.

The draft SPACP is anticipated to be approved by the Minister and WAPC in coming months. Accordingly, the City does not support re-evaluation of the traffic data for the SPACP given its imminent approval. However the ITP supplements this with additional actions to encourage more walking, cycling and public transport use and road modifications. The intersections of Mill Point Road and Mends Street, and Labouchere Road, Mill Point Road and the Kwinana Freeway, are planned to be designed as raised plateau intersections for traffic calming. This upgrade work will include optimising traffic signals to improve pedestrian crossing for vulnerable road users. A number of treatments are also planned for Mill Point Road North and on Mends Street to assist with traffic management.

The ITP has a series of actions for the City to advocate for a future preferred design for Canning Highway, to provide improved amenity of footpaths and tree canopy and crossing improvements for pedestrians and cyclists.

The ITP does not action the linkage of Jackson Road and Henley Street, following Council's previous resolution on the matter.

Parking Management

Submissions made in relation to parking sought more detail on parking management approaches for specific areas and activity nodes, with suggestions for modifications to timing, fees, regulation and monitoring.

This largely related to the South Perth Peninsula Activity Node where parking demand from new developments, construction workers, taxi and ride share was seen as a pressing issue. Investigation of resident parking permits was suggested for areas where there is a rising demand for on-street parking. The need for and provision of electric vehicle charging facilities was also a key theme.

Response:

Parking management within the City is addressed through the implementation of the City's adopted Parking Strategy and preparation of Operational Management Plans for each individual Parking Control Area.

In response to parking permit requests, the City is investigating new parking systems for specified areas within the City. Discussions are being held with other local governments who have had success with parking permits. Additionally, a new action has been included to evaluate opportunities to increase the number of hail and ride/ taxi spaces within Activity Node City parking facilities.

The State Government has a prominent role in responding to the uptake of electric vehicles. The State has developed an Electric Vehicle Strategy to prepare for the transition to low and zero-emission electric vehicles. The Strategy includes measures such as implementing EV targets, support for electric vehicle charging infrastructure, and developing and updating standards, guidelines, and planning requirements. The monitoring framework of the ITP will allow for modifications and inclusion of emerging technologies as they arise.

An action is proposed for the City to investigate options for electric vehicle charging bays within City public car parks.

Implementation and Monitoring

Community submissions identified concern that ITP actions were designed as being too high-level, by using verbs including investigation, monitoring and auditing. It was requested that the actions identify specific infrastructure projects to implement. The ability to measure proposed monitoring was also questioned, and requests were made for specific modal shift targets to be established.

Response:

An implementation plan has been prepared as part of the ITP, to identify priority projects and to schedule further investigations that will help inform future projects. Actions relate to research and data collection, provision of services and infrastructure, engagement and behaviour change programs, advocacy and partnerships, and preparation and implementation of supplementary frameworks. All of these actions are essential to the success of the ITP. Many short-term actions identify opportunities to collect baseline transport data in order to build a more comprehensive profile of travel behaviour within the City. The first review of the ITP, 2 years after adoption, will allow for iterations of actions and the setting of measurable targets established from baseline data.

Additional Modifications

In response to State government agency, reference group and adjoining local government submissions, other minor modifications have been made to various parts of the document. A summary of these changes is outlined below according to the submission received.

Inclusive Community Advisory Group

The Inclusive Community Advisory Group recommended a number of modifications to the ITP actions to emphasise access and inclusion considerations. Modifications were made to the ITP actions in line with the requests to make specific reference to accessibility requirements.

Department of Transport

The Department of Transport recommended changes to various parts of the document to provide emphasis on sustainable transport mode improvements. Requests were also made to include additional stakeholders in the ITP actions. Modifications were made to the ITP in line with these requests.

Curtin University

Curtin University recommended including additional detail on walkability and access between regions of the City. The ITP's Implementation Plan introduction was amended to state 'The purpose of the City-wide actions is to facilitate connections across all areas of the City, including between and within Activity Nodes'.

City of Melville

The ITP has been updated to include the City of Melville as a stakeholder for various actions within the Canning Bridge Activity Node, as requested.

Main Roads WA

Main Roads recommended inclusion of agency stakeholders for actions, and a reference to the Canning Bridge Interchange development for the Canning Bridge Activity Node as an opportunity to improve cycle connections. These changes have been incorporated.

Department of Health

The Department of Health recommended minor wording changes throughout the document. Key changes include removal of the term 'accidents' relating to crash information, clarification that pedestrian facilities includes bench seats for resting, shade and sun-protection. Strategic Direction 3, facilitate and foster a healthy connected and safe community, has also been updated to include measures that will contribute to improved safety.

Policy and Legislative Implications

Nil.

Financial Implications

The Assets and Design Business Unit will incorporate the actions set out in the ITP, on a prioritisation basis, as part of their annual works budget.

Strategic Implications

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

Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	3.1 Connected and accessible City
Strategy:	3.1.1 Facilitate a safe, efficient and reliable transport network 3.1.2 Develop and implement integrated transport and infrastructure plans
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.2 Enhance the City's urban forest 3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores 3.3.4 Facilitate effective management of the Swan and Canning River foreshore

Attachments

10.3.1 (a):	Draft Integrated Transport Plan - Stakeholder Engagement Overview Report
10.3.1 (b):	Draft Integrated Transport Plan Schedule of Submissions
10.3.1 (c):	Draft Integrated Transport Plan for Endorsement

10.3.2 Proposed Four Storey Single House on Lot 2, No. 15 South Perth Esplanade, South Perth

Location:	Lot 2 No. 15 South Perth Esplanade, South Perth
Ward:	Mill Point Ward
Applicant:	Pinnacle Planning
File Reference:	D-21-72571
DA Lodgement Date:	3 June 2021
Meeting Date:	28 September 2021
Author(s):	Victoria Madigan, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for a four-storey single house on Lot 2 No. 15 South Perth Esplanade, South Perth.

This item is referred to Council as the building height exceeds 9.0m and therefore falls outside of the delegation to officers.

For the reasons outlined in this report, it is recommended that the application be approved, subject to conditions.

Alternative Motion

Moved: Councillor Stephen Russell

Seconded: Councillor André Brender-A-Brandis

Defer the determination of the application for development approval for a Four Storey Single House on Lot 2, No. 15 South Perth Esplanade, South Perth to the October Ordinary Council Meeting, in order for the CEO to clarify to Council its legal rights in the context of this application within the planning framework transition from Town Planning Scheme 6 (TPS6) to the current status of Amendment 61 (A61).

Reasons for change:

Subsequent to the Agenda Briefing where a number of questions were raised, the city has amended the substantive report and the Council & City have received a letter from a legal firm representing the Applicant. Hence the reasons for deferring this motion are as follows:

1. Within the City Officer's report Attachment (a) is the statement "It is noted the land use permissibility for a Single House is anticipated to change from 'X' to 'D' in Amendment 61 under the Minister's modifications". When question what "anticipated" implies at the Agenda Briefing meeting the

City subsequently removed such wording from the City's substantive report but retained such within Attachment (a). Hence, there is still no clarity with respect to this statement which revolves about the word "anticipated" and therefore any form of certainty for a decision maker e.g. is there a formal instruction from the Minister, if so does discretionary 'D' apply to this location. Furthermore, as the law firm representing the Applicant has made reference to this statement, then it is considered judicious for Council to defer this motion to seek clarification from the City.

2. Within the City Officer's report Attachment (a) is the statement "...as the land use (*single house*) is permitted under the existing framework (*TPS6*) there is no discretion to refuse the application on the basis of the appropriateness of the use at the subject site at the present time". It is the opinion that this statement is so consequential that it should be included within the Officer's substantive report, but yet it is not. Indeed, the substantive report states "The ACP and Amendment 61 are both applicable to the proposal and based on sound town planning principles. As such, both documents should be afforded significant weight in any planning decision". Hence there seems to be a contradiction with respect to land use, where on one hand based upon TPS6, which allows for single house land use, no refusal of the application is allowed and on the other hand the published version of Amendment 61 (A61), which does not allow single house land use, should be afforded significant weight in a planning decision. To this effect based upon the Officer's report there is no certainty for a decision maker to make a legally acceptable decision. Furthermore, as the law firm representing the Applicant has made reference to the Attachment (a) statement, then it is considered judicious for Council to defer this motion to seek clarification from the City.
3. Within the letter from the Applicant's legal firm there are a number of statements (items 14 & 15) that seem to contradict the statement within the City's substantive report, being "In accordance with clause 67 (b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the decision maker is required to have due regard to 'any other proposed planning instrument that the local government is seriously considering adopting or approving'. To this effect and in this regard, it is uncertain as to what is and what is not legally binding for a decision maker. Therefore, it is considered judicious for the Council to defer this motion to seek clarification from the City.
4. Due to the transition of the planning framework from TPS6 to ACP & A61, there is a resulting complexity that the Elected Members as decision makers needs surety against. Seeking clarification and thoroughly analysing this clarification aids this objective.
Only then can Council as a decision-making body make an informed and legally supportive decision for which our community expect from us.

LOST (2/7)

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

During the debate, Councillor Carl Celedin foreshadowed the following motion.

0921/167**Officer Recommendation AND COUNCIL DECISION**

Moved: Councillor Carl Celedin
Seconded: Councillor Samantha Bradder

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a four-storey single house on Lot 2 No. 15 South Perth Esplanade, South Perth **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.
4. Prior to the submission of a building permit application, a certification from a consulting engineer to confirm adequate water proofing has been achieved to the gymnasium on the ground floor must be submitted to, and approved in writing by, the City.
5. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City. Prior to occupation of the dwelling, the endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City.
6. Prior to the submission of a building permit application, details of the surface of the boundary walls to the garage (northern side) and the blade wall and garage (southern side), not visible from the street shall be provided and the surface finish is to match the external walls of the neighbour's dwelling, unless the owner(s) of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City, to the satisfaction of the City.
7. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.

8. Prior to the submission of a building permit application, details of the proposed lighting to pathways and car parking areas shall be provided, to the satisfaction of the City.
9. Prior to the submission of a building permit application, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total contribution value of development (maximum \$500,000 contribution) shall be submitted and approved in writing by the City of South Perth. The approved public art concept shall be to the satisfaction of the City.
10. Prior to occupation of the dwelling, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City.
11. Prior to occupation of the dwelling, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
12. Prior to occupation of the dwelling, the surface of the boundary walls to the blade and pier walls visible from the street, on the northern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
13. Prior to occupation of the dwelling, all visual privacy screening to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans shall be visually impermeable and comply in all respects with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, to the satisfaction of the City.
14. Prior to occupation of the dwelling, external clothes drying facilities shall be provided and shall be screened from view from all streets or any other public place.
15. Prior to occupation of the dwelling, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
16. No wastewater/backwash from the swimming pool or water feature is to be discharged onto the land, into the river or the local government drainage system, to the satisfaction of the City.
17. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.

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

CARRIED (9/0)

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

Against: Nil.

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	607 sqm
Building height limit	13 m
Development potential	Residential Single House, Grouped Dwellings and/ or Multiple Dwellings

(a) Background

In June 2021 the City received an application for a four-storey single house on Lot 2 No. 15 South Perth Esplanade, South Perth.

This application was presented to the City of South Perth Design Review Panel (DRP) at a pre-lodgement stage in April 2021 and subsequently, as a development application in July 2021.

At the more recent meeting in July 2021 the DRP concluded that the proposed development is well articulated and appropriate to the locality”.

Scheme Amendment 61 & South Perth Activity Centre Plan

Scheme Amendment 61 (Amendment 61) and the South Perth Activity Centre Plan (SPACP) are currently being considered by the Planning Minister and Western Australian Planning Commission (WAPC), respectively. The subject site will change from ‘Residential’ to ‘Centre’ as a result of the Scheme Amendment and SPACP.

Amendment 61 proposes to introduce development controls for land within the ACP area, including:

- Land use permissibility;
- Plot ratio and building height limits;
- Podium setbacks, height and site cover;
- Tower setbacks, separation and maximum gross floorplate area;
- Architectural design quality; and
- Requirements to achieve additional development potential.

The South Perth ACP contains further guidance for development in the form of objectives and supplementary development requirements, which are to be read in conjunction with the development controls proposed by Amendment 61.

In accordance with clause 67 (b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the decision maker is required to have due regard to ‘*any other proposed planning instrument that the local government is seriously considering adopting or approving*’.

To this end, consideration is given to the four step test set out in *Nicholls v Western Australian Planning Commission [2005] WASAT 40* in regards to determining the weight that should be applied to a draft planning instrument:

- (1) *The degree to which the draft addresses the specific application.*
- (2) *The degree to which the draft is based on sound town planning principles.*
- (3) *The degree to which its ultimate approval could be regarded as 'certain'.*
- (4) *The degree to which its ultimate approval could be regarded as 'imminent'.*

In January 2021, the City received direction from the Minister for Planning to modify Amendment 61. The City has since resubmitted a modified version of Amendment 61 to the Minister, which is awaiting final approval. In March 2021, the ACP was considered by the WAPC Statutory Planning Committee (SPC) and the City was directed to make modifications prior to resubmission for final determination.

Given the substantial progression of both Amendment 61 and the South Perth ACP, it is considered that final approval of both documents should be considered as certain and imminent.

The ACP and Amendment 61 are both applicable to the proposal and based on sound town planning principles. As such, both documents should be afforded significant weight in any planning decision. An assessment against Amendment 61 and the ACP can be found in **Attachment (a)**.

(b) Description of the Surrounding Locality

The site is zoned residential and has a frontage to South Perth Esplanade to the east, adjoins a three storey single house to the north, a four storey multiple dwelling to the south, and a two storey grouped dwelling to the west(rear) boundary as seen in **Figure 1** below:

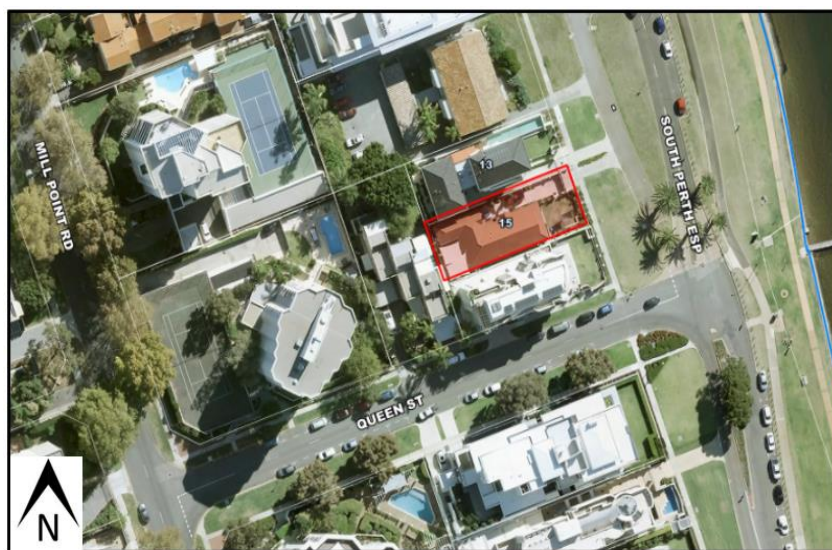


Figure 1: Aerial photo of subject site.

(c) Description of the Proposal

The application proposes demolition of a single storey dwelling and construction of a four-storey single house on the development site. The proposed works include 5 bedrooms, 5 bathrooms, a study, a gymnasium, multiple outdoor living areas, a pool, and spa (site photographs can be found in **Attachment (b)** of this report and the proposed plans of development are provided at **Attachment (c)** to this report).

The following components of the proposed development require discretionary assessment against TPS6, Amendment 61, ACP, the R-Codes and Council Policy requirements.

TPS6 Variations

- (i) Finished Ground Levels - Minimum

Scheme Amendment 61 Variations

- (ii) Land Use
(iii) Tower setbacks

Draft South Perth Activity Centre Plan Variations

- (iv) Car Parking

Local Policies

- (i) Significant views

R-Codes Variations

- (v) Lot boundary setbacks
(vi) Sight lines
(vii) Visual privacy
(viii) Solar access

The proposal complies with TPS6, Amendment 61, ACP, the R-Codes, and relevant Council policies, except for the non-complying aspects identified above, which are discussed below:

TPS6 Variations**(d) Finished Ground Levels – Minimum**

Clause 6.9(2)(b) of TPS6 specifies the minimum ground and floor levels for development within the City.

Element	Proposed	Deemed- to-comply
Habitable Room - Gymnasium	Habitable room – 1.75m above Australian Height Datum (AHD)	Habitable Room – 2.3m above AHD

Notwithstanding, the local government may permit land to be developed to lower levels in accordance with clause 6.9(3) where:

- (a) provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;

- (b) the applicant provides the local government with certification from a consulting engineer that adequate waterproofing has been achieved; and
- (c) the applicant satisfies the local government in such manner as the local government may specify that the proposed levels are acceptable having regard to the 100-year flood levels applicable to the lot.

The application has been referred to the Department of Biodiversity Conservation and Attractions and is discussed in the consultation section of this report. A recommended condition has been included in this report requiring certification from a consulting engineer to illustrate adequate water proofing of the gymnasium has been achieved.

Scheme Amendment 61 Variations

(e) **Land Use**

An assessment of the proposal has been undertaken against Amendment 61 as modified by Council following consultation, being the latest publicly accessible version of the Amendment. It is noted that modifications to Amendment 61 have been received from the Minister, however the Amendment is yet to be finalised.

Officers have considered the objectives for this ward which are located in clause 3.0 of the ACP, and cited below:

- i. To encourage land uses that will contribute to the desired character of each character area.
- ii. To ensure population growth is accompanied by employment growth in appropriate locations having regard to the character area statements and objectives.
- iii. To ensure residents, workers and visitors to South Perth are well served by a range of appropriate retail and entertainment options.
- iv. To locate land uses to best focus activity and vitality in South Perth, generate economies of agglomeration, and create a place of distinction and community value.
- v. To direct uses with high employment, residential or visitor intensity around current and future nodes of public transport.

The application has satisfied the objectives of the ACP and is supported for the following reasons:

- The land use is consistent with existing single house uses along the South Perth Esplanade and is of a high design quality reflective of the character area.
- The proposed landscaping within the front setback area coupled with the large building setback compliments the provision for the existing and proposed streetscape character intended for the Mill Point character area.
- The proposed development providing low and transparent fencing enhances the inconspicuous separation between the public and private realm.

- A single house is a permitted land use in the Residential zone (the current zoning of this property).

The proposed single house is a Prohibited land use within the Mill Point character area. Notwithstanding, as the land use permissibility of a Single House in the Residential zone under TPS 6 is currently 'P' permitted, the proposed land use is therefore considered to be appropriate for the subject site.

(f) Tower setbacks

The proposed residential dwelling is considered to meet the definition of 'Tower' in the ACP and therefore due regard is considered towards the tower setback provisions. Variations proposed to tower setbacks are required to meet the relevant objectives of the ACP. The objectives of tower setbacks found in clause 4.1.3 of the ACP are cited below:

- To ensure amenity for building occupants is maintained by providing adequate separation between towers.
- To minimise the potential for closely located buildings to create an effect of cumulative bulk.
- To ensure wind impacts are effectively managed by separation of buildings.
- To enable sightlines, breezes and sunlight to penetrate adequately between buildings.

Element	Proposed	Deemed-to-comply
4.1.3 Side tower setback	<u>North</u> Ranges from Nil (0m) at ground floor to 6.4m <u>South</u> Ranges from Nil (0m) at ground floor to 2m	4m
4.1.3 Rear tower setback	Ground Floor – 2m	

North

The application has satisfied the objectives of the ACP and is supported for the following reasons:

- Adequate separation has been provided between the subject site and northern dwelling through the use of articulated walls, which mitigates building bulk.
- The proposed development is adjacent to a 3m wide vehicle access leg which enables breeze and sunlight to penetrate between buildings.

- The separation distance between the subject site and northern property (No. 13 South Perth Esplanade) is a minimum of 4.7m allowing for wind penetration.

South

The applicant has satisfied the objectives of the ACP and is supported for the following reasons:

- Adequate separation has been provided between the subject site and southern dwelling through the use of articulated walls, which mitigates building bulk.
- The proposed development is adjacent to a multiple dwelling building with varying setbacks, blank walls and stairwells, and portions of major openings facing north east to maintain sufficient sunlight and ventilation to the existing multiple dwellings.

Draft South Perth Activity Centre Plan Variations

(g) Car Parking

The car parking provisions for a single dwelling vary from the R-Codes and the ACP.

The objectives of clause 4.3.8 Vehicle Parking and Access are considered in the assessment of the ACP, which are copied below:

- To ensure car parking access is safe and convenient, and where possible coordinated between developments.
- To reduce car dependence and facilitate a modal shift towards sustainable transport options.
- To encourage new development to explore and implement alternatives including car-share schemes.
- To ensure parking provides for mobility needs but to also encourage a modal split towards alternative forms of transport.

Element	Proposed	Deemed- to-comply
4.3.8 Car parking	4 bays	<u>2+ bedrooms</u> Min. 1 bay per dwelling Max. 2 bays per dwelling <u>Visitors</u> Min. 0.15 bays per dwelling

The proposed development is considered to meet the relevant objectives of clause 4.3.8 of the ACP and is supported for the following reasons:

- The total proposed car parking bays exceed the deemed-to-comply requirement by 1 car parking bay. Given the number of bedrooms within the dwelling, the bays provided ensure car parking is serviced on site and is concealed from the South Perth Esplanade.

- The car parking access on the dwelling is safe and within close proximity to the dwelling, allowing convenience for residents.
- The proposed number of car parking bays are compliant with the deemed-to-comply provisions of the R-Codes which is the current planning framework applicable to this site.

Local Policy Variations

(h) Significant views

Council Planning Policy P350.09 requires the consideration for the loss of significant view from neighbouring properties. The objective of the policy is to give balanced consideration to the reasonable expectations of both existing residents and applicant's proposed new development with regard to a significant view. The elements of the proposal considered in the assessment of impacts on a significant view under Policy p350.09 are:

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

The neighbouring properties to the north, south and west currently have views to the Swan River and the Perth City Skyline.

Whilst it is acknowledged that the proposed building will cause some obstruction of views of the Swan River and Perth City skyline from the adjoining properties, the extent of obstruction is not considered to be significant as to warrant refusal, as the adjoining properties will still retain a substantial portion of views of the Swan River and Perth City Skyline.

In addition, the proposed four storey single house is compatible with the dwellings situated to the north and south and dwellings to the rear, which have building height limits exceeding the 13m building height limit of the subject site.

Notwithstanding, the proposed development is considered to meet the relevant discretionary criteria in Council Planning Council Policy P350.9 (Significant Views) and is supported for the following reasons:

- The proposed development has a compliant building height limit and setback requirements to the rear which mitigate loss of views.
- The applicant has proposed a reduced roof pitch in order to minimise significant views and demonstrate compatibility with roof forms along the South Perth Esplanade.
- The proposed development is located within the ACP where there is a tiered structure of building heights proposed (14.4m to 17.5m) along the foreshore, specifically lots situated behind the site which have a building height significantly greater than the subject site.
- The significant view impacts to the rear property (No. 9 Queen Street) has a side view to the Swan River due to the orientation of the dwelling situated along Queen Street, with some portions of major openings on the upper floor that will be affected.

R-Codes Variations(i) **Lot boundary setbacks**North

Element	Required	Proposed
Level 1: Living Wall	2.3m	2.0m
Level 1: Dining Wall	2.7m	2.2m
Level 2: Void Wall	3.0m	1.5m
Level 2: Balcony	4.8m	3.5m
Level 3: Bed 2 Wall	8m	3.5m

** It is noted the setback requirements under the ACP for towers require a 4m setback from adjoining lot boundaries.*

The application has satisfied the design principles of the lot boundary setbacks section of the R-Codes and is supported for the following reasons:

- The northern lot boundary setbacks on the ground floor to the third floor are considered to be a sufficient distance so as to reduce building bulk impacts on the northern adjoining property. The multiple articulations in the walls on these floors with numerous heights and lengths are not considered to result in adverse building bulk impacts.
- The northern lot boundary setback variation is adjacent to a 3m wide access leg to the adjoining three storey single house, including walls with no major openings or sensitive areas which abut the adjoining house.
- There is considered to be a reasonable setback to the northern adjoining property to facilitate the infiltration of sunlight and ventilation.
- Due to the orientation of the site there will be no overshadowing impact from the proposed additions to this side.
- There will be no overlooking to sensitive areas on the northern adjoining property as a result of the setback variations.
- It is noted the setback requirements under the ACP for towers require a minimum of 4m.

South

Element	Required	Proposed
Level 1: Pool to Lift Wall	1.6m	1.2m
Level 1: Kitchen Wall	2.7m	2.0m

Level 2: Master Bed Wall	1.8m	1.5m
Level 3: Bed 4 Wall	3.4m	1.3m
Level 3: Sitting Room	5.6m	2.0m

The applicant has satisfied the design principles section of lot boundary setbacks of the R-Codes and the design is supported for the following reasons:

- The southern lot boundary setbacks from the ground floor to fourth floor are considered to be a sufficient distance so as to reduce building bulk impacts on the southern adjoining property. The multiple articulations in the walls on these floors with numerous heights and lengths are not considered to result in adverse building bulk impact.
- Portions of the wall to the south included in the technical assessment are made up of articulated design features and walls less than 1.6m in height (such as the pool wall) which further reduce the impact of the wall and deemed-to-comply setback.
- The applicant has provided amended plans removing major openings, so as to comply with visual privacy and setback requirements along the southern boundary.
- The southern lot boundary is located adjacent to a 2.3 – 2.9m boundary wall on the ground floor and stairs, drying courts, bathrooms and a portion of habitable room facing north east on levels 1 to 4.
The applicant has provided hatched areas on the development plans found in **Attachment (c)**, which indicate the separation distance between the dwellings, allowing for air flow, sun penetration and wind access.
- The shadow cast onto the southern property is considered to meet the design principles of the R-Codes as discussed in the solar access section below.
- There is no overlooking into sensitive areas as a result of the setback variations to the south.

(j) **Sight lines**

Element	Required	Proposed
Clause 5.2.5 – Sight Lines	Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences or other structures adjoin a driveway that intersects a street.	Existing pier 2.1m in height and 0.3m in width, within 1.5m truncation.

The applicant has satisfied the design principles section of sight lines in the R-Codes and is supported for the following reasons:

- The pier within the truncation area is erected on the existing neighbouring property and is part of the existing neighbouring dividing wall.
- The applicant has amended their plans to propose 90% visually permeable open slat fencing to increase line of sight when entering and exiting the dwelling.
- The proposed car parking configuration allows for vehicles to exit in forward gear.
- The existing verge is 11.4m in length which provides ample length for additional surveillance when entering the dwelling.

(k) Visual privacy

North

Element	Required	Proposed
Clause 5.4.1 - Visual Privacy – Unenclosed Outdoor Active Habitable Spaces Level 1 – Alfresco	6m	1.5m
Clause 5.4.1 - Visual Privacy – Unenclosed Outdoor Active Habitable Spaces Level 2 and 3 – Balcony		3.5m

The application has satisfied the design principles section of the R-Codes and is supported for the following reasons:

- The proposed visual privacy variations result from the alfresco and balconies on levels 1, 2 and 3. The cone of vision from the alfresco and balconies falls within the vehicle access leg of the adjoining northern property and therefore no outdoor active habitable spaces or sensitive areas are being compromised as shown in Figures 2 and 3 below.
- The cone of vision from the alfresco includes the front porch which is open to the street and is highly visible from the public realm.
- The cone of vision from the alfresco also overlooks the stairwell to the northern property; however, this is not considered a major opening or sensitive area.

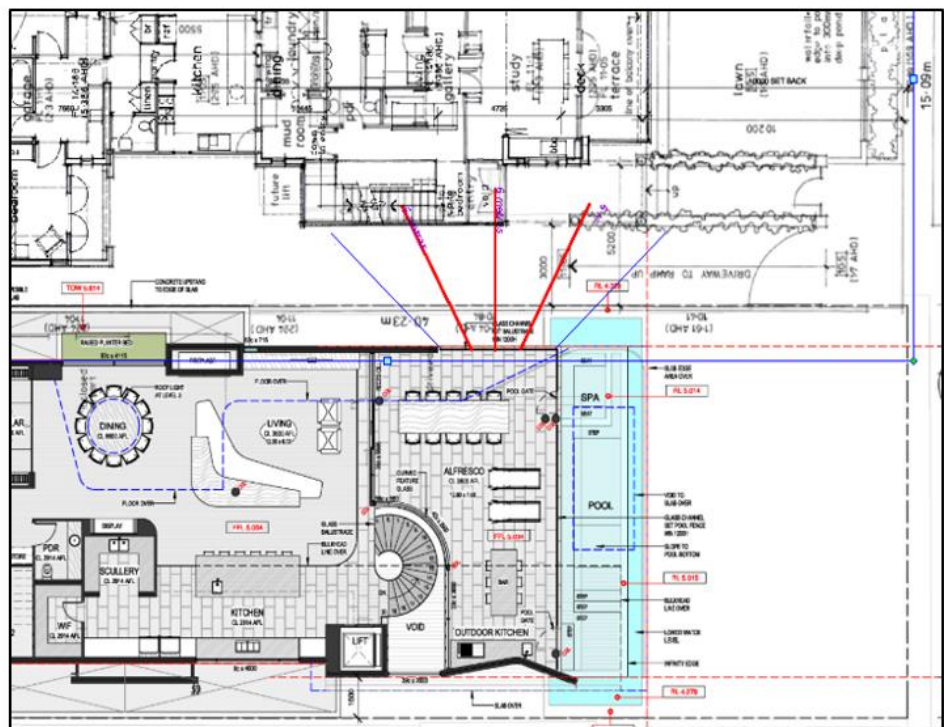


Figure 2: Cone of vision from Level 1 Alfresco

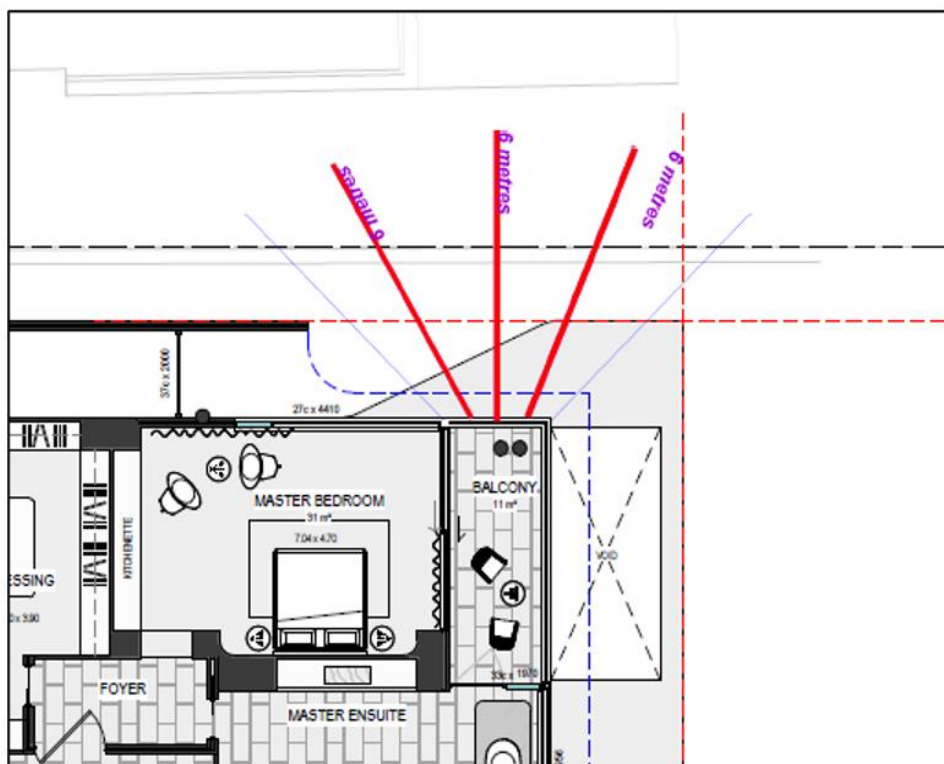


Figure 3: Cone of vision from Level 2 Balcony (Level 3 is located above Level 2 balcony)

(I) Solar access (affecting southern lots)

Element	Max. Permitted	Proposed
Clause 5.4.2 – Solar Access for adjoining southern site	50% (303.5m ²)	61% (374m ²)

The application has satisfied the design principles section of solar access of the R-Codes and is supported for the following reasons:

- The proposed development scale and floor levels are consistent with those of the existing adjoining dwellings to the north and south, therefore providing a visually balanced streetscape.
- The adjoining property to the south will be overshadowed by the proposed building as a consequence of the east-west orientation of the subject site.
- The adjoining property in winter, will receive direct sunlight throughout the day. The adjoining lot will receive east and north east afternoon sunlight from the north west, with north sunlight provided to the upper level during the day.
- The development adequately meets the street setback and building height requirements whilst trying to respond to the changing local planning framework along the South Perth Esplanade.
- The proposed shadow cast is consistent with the maximum requirement of the ACP (being no more than 80% of the adjoining southern lot for more than 2 hours between 9am – 3pm on June 21st). Shadow diagrams are contained in the development plans in **Attachment (c)**.
- The development incorporates shading and glare control to minimise heat and glare by including covered balconies, awnings and louvres into the design of the building.

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

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

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

(n) Amendment 61 Provisions:

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in the provisions of Amendment 61 which are, in the opinion of the Council, relevant to the proposed development.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

(o) ACP Objectives: Clause 2.1 of Activity Centre Plan

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 2.1 of the ACP, which are, in the opinion of the Council, relevant to the proposed development.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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

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

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

Consultation

(a) **Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Advertising of Planning Proposals'. Under the standard consultation method, individual property owners and/or occupiers were invited to inspect the plans and to submit comments relating to potential loss of views during a minimum 14-day period.

During the advertising period, a total of 64 consultation notices were sent, and five submissions were received, one with no objections and the remainder raising concern with the proposal.

A redacted copy of all submissions is provided at **Attachment (f)**. The comment of the submitters, together with an officer response is summarised below.

Submitters' Comments	Officer's Responses
Significant Views	<p>A significant view assessment has been carried out in accordance with Policy P350.9 Significant Views which confirms that there is no impact on significant views as a result of this development proposal.</p> <p>In addition to the above, the applicant has submitted written justification and imagery which demonstrate views are still available from neighbouring properties. Please refer to Attachment (e).</p> <p>These comments are NOTED.</p>
Bulk and Scale	<p>The plans have been modified to reduce the number of setback variations proposed and a compliant building height limit. Amended plans have been submitted which incorporates walls with multiple articulation to reduce the perceived bulk from adjoining properties.</p> <p>These comments are NOTED.</p>
Overshadowing impact	<p>The proposed development does not comply with the overshadowing requirements of the R-Codes.</p>

To adjoining dwellings (to the south and south west)	<p>The applicant is seeking a variation of 11% (66.7m²) to the southern boundaries. The applicant has reduced the building height and southern setback variations to mitigate shadow cast to these boundaries.</p> <p>The overshadowing plans at Attachment (c) submitted by the applicant demonstrates the extent of shadow cast which will fall onto the neighbouring southern property in both winter and summer months.</p> <p>These comments are NOTED.</p>
Reflective roofing material	<p>The City does not have a framework which legislates the material of roofing and the level of reflection; however the application has been considered by the City's Design Review Panel who were supportive of the built form/design proposed.</p> <p>These comments are NOT UPHOLD.</p>

(b) City of South Perth Design Review Panel

This application has been presented to the City's Design Review Panel (DRP) at two formal meetings, the first at pre-lodgement stage and the second after the development application had been lodged with the City. The City's DRP formed the view that the plans submitted for development approval are supported in relation to each design principle. Whilst Principle 1 'Context and Character' was the only principle in the traffic light rating system of State Planning Policy 7.0, that did not score green, the panel were supportive of the design however recommended the previous proposal for the verge design be considered. The City's Urban Design Officer has reviewed the plans and is supportive of the proposed landscaping plans. Furthermore, the DRP concluded that the proposed development is "Well articulated and appropriate to the locality". Amended plans have been submitted to the City which respond to the suggested changes of the DRP and the City considered the amended plans satisfactory.

Refer to **Attachment (d)** for more comprehensive details on the DRP reporting and minutes.

(c) Urban Design

The City's Urban Design Officer reviewed the proposed landscaping plan and the officer advised they have no concerns or comments with the proposal.

(d) External Agencies

Comments were also invited from the Department of Biodiversity, Conservation and Attractions (DBCA).

DBCA supported the development with recommended conditions regarding wastewater from the swimming pool, which have been included in this report.

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, Amendment 61, ACP, the R-Codes and Council policies, where relevant.

Financial Implications

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

Strategic Implications

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

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	3.2 Sustainable Built Form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs.

Sustainability Implications

Noting the favourable orientation of the lot, the outdoor living areas living and dining rooms will have access to winter sun. The proposed development is therefore seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

Overall, the development is considered to appropriately respond to the planning framework. It is considered that the proposal meets all of the relevant Scheme, Amendment 61, ACP, R-Codes and Council Policy objectives and provisions, in particular the design elements in relation to building height, solar access, significant views and visual privacy. Where discretions are sought, these are considered to be supportable for the reasons set out in this report. The proposal is considered to improve the amenity of the site and will not have any significant impact on adjoining residential properties.

The development is of a bulk and scale which is consistent with the existing built form and consistent with the future framework of the surrounding area. The development proposes a well-resolved design to mitigate the impacts of amenity to achieve compatibility with the surrounding area.

Accordingly, it is considered that the application should be approved subject to conditions.

Attachments

- 10.3.2 (a): Scheme Amendment 61 Assessment - Lot 2 No. 15 South Perth Esplanade
- 10.3.2 (b): Site Photographs - Lot 2 No.15 South Perth Esplanade, South Perth
- 10.3.2 (c): Amended Development Plans - Lot 2 No.15 South Perth Esplanade, South Perth
- 10.3.2 (d): Design Review Panel Comments - Lot 2 No.15 South Perth Esplanade
- 10.3.2 (e): Applicant Justification (Views) - Lot 2 No.15 South Perth Esplanade
- 10.3.2 (f): Full Copies of Submissions (Redacted)

10.3.3 Proposed Four Two-Storey Grouped Dwellings on Lot 801, No. 1A Brandon Street, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	New Imperial Co
File Reference:	D-21-72573
DA Lodgement Date:	17 June 2021
Meeting Date:	28 September 2021
Author(s):	Kevin Tang, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for 4 x Two-Storey Grouped Dwellings at Lot 801, No. 1A Brandon Street, South Perth.

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

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

Alternative Motion

Moved: Councillor Stephen Russell

Seconded: Councillor Glenn Cridland

Defer the determination of the application for development approval for 4 x Two-Storey Grouped Dwellings on Lot 801, No. 1A Brandon Street, South Perth to the October Ordinary Council Meeting to allow the following items to be resolved and presented to Council within the Officers future report:

1. Vehicle swept path diagrams, based upon AS 2890.1 (latest revision) B85 vehicle, showing the feasibility of a vehicle successfully performing a forward gear in / reverse gear out and a reverse gear in / forward gear out manoeuvre for all Unit's B, C & D car bays. The diagrams shall be of sufficient detail to allow determination if all wheels are within the confines of the ROW bitumen area and if contact with adjacent fencing / gating or other obstacles occurs.
2. The legality of No.s 4 & 6 Dyson Street partial fence line & gating being located within the lot area of the public ROW.

3. If the ROW in way of the under bitumen sewage manhole (refer to Site Plan dwg 33005001) prevents vehicle usage.

Reasons for change:

The reasons for deferring this motion are as follows:

1. It is the opinion that ensuring that vehicles are able to perform successful manoeuvring when entering and exiting their respective car bays is a planning approval item and should not be considered post development planning approval. This opinion agrees with SPP7.3 Volume 1 Deemed-to-comply C4.1 which states "Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1."
2. The City has noted that the ROW is a public ROW. For the reasons of public safety and for occupiers of Unit B, C & D accessing their car bays in a practical, convenient and safe manner, then it is judicious for vehicles to move within the ROW and enter / exit a public ROW from a public street (Brandon St) in a forward gear. To effect forward gear movement then vehicles servicing Units B, C & D must be able to perform a reversing manoeuvre for both entering and exiting their respective car bays. As the City has advised that Policy P350.03 parking design requirements were downgraded to guidance only and replaced by the R-Codes which cite AS2890.1, then the vehicle swept path analysis shall be against AS2890.1 utilising the same B85 vehicle.
3. It would seem that a partial length of the fence line and rear gating for No.s 4 & 6 Dyson have been installed within the lot area of the public ROW. As a consequence, this has possibly shortened the ROW bitumen's permissible length and therefore restricting vehicle manoeuvring adjacent to the proposed Unit B crossover. Hence the legality of such installations is needed by the Applicant when performing a swept path analysis and also by Council in carrying out its duties as an informed decision making body.

LOST (4/5)

For: Councillors Samantha Bradder, André Brender-A-Brandis, Glenn Cridland, Stephen Russell.

Against: Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas.

During the debate, Councillor Carl Celedin foreshadowed the following motion.

0921/168

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Mayor Greg Milner

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for 4 x Two-Storey Grouped Dwellings on Lot 801, No. 1A Brandon Street, South Perth, **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The approved plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
4. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.
5. Prior to the submission of a building permit application, a tree protection zone shall be indicated on the plans for each verge tree and implemented during construction until occupancy stage, to protect each verge tree at all times, to the satisfaction of the City.
6. Prior to the submission of a building permit application, the applicant is to submit a final materials, colours and finishes schedule to the satisfaction of the City of South Perth. The endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City.
7. Prior to the submission of a building permit application, details of the surface of the boundary wall to the Garage of Unit D not visible from the street on the southwestern side of the lot shall be provided. The finish of the boundary wall is to be compatible with the external walls of the neighbour's dwelling, unless the owner(s) of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City.
8. The existing crossover on Brandon Street shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
9. The surface of the boundary wall to the garage visible from the street shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
10. Prior to occupation of the dwelling, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual

privacy requirements of the Residential Design Codes of WA.

The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City.

11. Prior to occupation of the dwelling, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
12. Prior to occupation of the dwellings, landscaped areas shall be installed in accordance with the approved landscape plan. All landscaped areas shall be maintained thereafter to the satisfaction of the City.
13. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
14. External clothes drying facilities shall be provided for each dwelling and shall be screened from view from all streets or any other public place.
15. Fences within primary street setback area shall achieve 80% visual permeability where above 1.20m in height up to a maximum height of 1.80m.
16. The height of any wall, fence or other structure shall be no higher than 0.75m within 1.5m of where any driveway meets any public street, to the satisfaction of the City.

Note: City Officers will include relevant advice notes on the development approval notice.

CARRIED (7/2)

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

Against: Councillors André Brender-A-Brandis, Stephen Russell.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	1095 sqm.
Building height limit	7.0 m
Development potential	5 dwellings (pre-scheme provisions)
Plot ratio limit	n.a.

(a) **Background**

In June 2021, the City received an application for 4 x Two-Storey Grouped Dwelling on the subject property (the site). The existing site area of 1095m² does not meet the minimum and average lot size requirements of 580m² and 660m² per dwelling respectively, to accommodate four grouped dwellings on a R15 coded site, as prescribed in the Residential Design Codes (Volume 1) (R-Codes).

The application has been considered against special provisions for Pre-Scheme Development in accordance with clause 6.2A of the City's Town Planning Scheme No. 6 (Scheme). The current development on site is a two storey Grouped Dwelling (town houses) building comprising five town houses held in single ownership.

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

The site is surrounded by low to medium density residential properties and is a corner lot with frontages to Brandon Street and a public right of way, as seen in **Figure 1** below:



Figure 1: Aerial image of site

(c) **Description of the Proposal**

The application proposes 4 x Two-Storey Grouped Dwellings on the site and amended plans were received following the Design Review Panel meeting and the City's planning assessment.

The applicant's amended development plans are provided at **Attachment (a)**. Each of the proposed two storey grouped dwellings contain four bedrooms, two bathrooms and a double garage. The two dwellings facing Brandon Street have a pitched roof forms while the rear two dwellings propose skillion roofs. Three dwellings will have vehicular access from the right-of-way while the fourth dwelling will be accessed via Brandon Street. Once developed, the land use will remain as grouped dwellings due to the meter boxes being located on common property. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (b)**.

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

- Dwelling density;
- Street setbacks;
- Lot boundary setbacks;
- Open space;
- Outdoor living area; and
- Parking;

(d) Dwelling Density (Pre-Scheme Development)

The development qualifies for assessment in accordance with clause 6.2A of TPS6 as the existing building on site was constructed in the 1970s and exceeds the number of dwellings that are permitted under the current planning framework. Clause 6.2A of TPS6 allows a pre-scheme development site to be developed to the same residential density as the existing building regardless of the current R-Codes requirement, subject to satisfying a range of criteria.

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

- The proposed housing typology is consistent with the existing grouped dwelling typology on site and the proposed two-storey built form is also consistent with the surrounding properties.
- The development is proposed at a lesser density compared with the existing number of dwellings on-site; the current building contains five town houses while this proposal involves four dwellings.
- The pre-scheme development has remained on the site at the time of determination of the application.
- The Grouped Dwellings provide an improved amenity for future residents by way of access to generous floor space and flexible living areas and quality outdoor spaces.
- The development will be an improvement to the existing streetscape as compared with the existing building.
- The proposal has been reviewed by the City's Design Review Panel (DRP) and has been considered against the 10 principles of design in *State Planning Policy 7.0 – Design of the Built Environment*. The Town House typology was supported by the DRP, noting in general terms the development represents a well resolved and high quality design.

It is however noted that clause 6.2A(1)(c)(iv) of TPS6 refers to '*no external wall of the replacement building is to extend higher than the highest point of the corresponding external wall of the Pre-Scheme Development*'. The application proposes an increase to the height of the external wall from the existing building by approximately 1.86m.

To this end, this discretion is considered against clause 7.8 of TPS6, which enables variations to Scheme requirements. This power can be exercised if the decision maker is satisfied that:

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

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

- The additional height is considered to be consistent with orderly and proper planning of the precinct, as it would not detrimentally impact adjoining sites. The current building height is below the height permitted under clause 6.1A and the proposed development would comply with the prescribed 7m building height limit.
- The proposed pitched roof form of the front dwellings respects the streetscape requirements outlined under Council Policy P351.05, which only permits certain types of roof form in Arlington precinct.
- The additional building height of 1.86m would not have an adverse impact on the locality as the proposal is consistent with the surrounding residential development in terms of building bulk, height and scale.
- There is no precinct plan specifically relating to building above the height of an existing building in this location.

(e) **Street Setbacks**

Element	Deemed-to-comply	Proposed
Unit B Right of Way setback	1.5m(minimum)	1.0m
Unit C first floor right of way setback	2.5m (average)	1.92m
Unit D first floor right of way setback	2.5m (average)	1.92m

Unit B right of way setback

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

- The proposed dwelling would contribute to and be consistent with the established streetscape that is featured by low to medium density housing.
- The proposed dwelling would be an improvement to the existing locality noting the existing houses on the site were constructed in the 1970s.
- The proposed dwelling would provide adequate visual privacy and open space as it meets the design principles of the R-Codes in relation to visual privacy and open space.
- There is sufficient space within the proposed right of way setback area to accommodate site planning requirements such as vehicular manoeuvring, landscape and utilities.
- The proposed dwellings would increase the use of the right of way and promote mutual surveillance and activation.
- The Unit B complies with the primary street setback requirement on Brandon Street.
- The proposed setback variation to the right of way is a minor variation of 0.5m.

Units C and D right of way setback variations

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

- The proposed dwellings would contribute to and be consistent with the established streetscape that is featured by low to medium density housing.
- The proposed new dwellings would be an improvement to the existing locality noting the existing dwellings on the site were constructed in the 1970s.
- The proposed dwelling would provide adequate visual privacy and open space as they meet the design principles of the R-Codes in relation to visual privacy and open space.
- There is sufficient space within the proposed right of way setback area to accommodate site planning requirements such as vehicular manoeuvring, landscape and utilities.
- The right of way is currently underutilised with one garage accessing. The proposed dwellings would increase the use of the right of way and promote mutual surveillance and activation.

(f) Lot boundary setbacks (internal strata lot boundary)

Element	Deemed-to-comply	Proposed
Units B northwest first floor Balcony wall	2.5m	0.93m
Unit B northwest first floor Living to Bedroom 3 wall	1.8m	0.93m
Unit C southwest first floor Bathroom and WC wall setback	2.7m	1.4m
Unit D northeast first floor Bathroom and WC wall setback	2.7m	1.4m

Unit B northwest first floor Balcony wall

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

- The proposed balcony setback variation is not considered to present a significant building bulk impact as the affected Unit A has a similar building form and bulk.
- The variation would not adversely impact winter solar access of the adjoining Unit A as it is located to the southeast side of this dwelling. There is sufficient separation distance between the two buildings (3m) to allow adequate ventilation.
- There is no visual privacy impact as the balcony would only overlook the front setback area and a neighbouring driveway.
- The setback variation only relates to internal strata lot boundaries and all strata lots are under the same ownership.

Unit B northwest first floor Living to Bedroom 3 wall

- The proposed setback variation is not considered to present a significant building bulk impact as the affected Unit A has a similar building form and bulk.
- The variation would not adversely impact winter solar access of the adjoining Unit A as it is located to the southeast side of this dwelling. There is sufficient separation distance between the two buildings (3m) to allow adequate ventilation.
- There is no visual privacy impact as no major openings would be facing into the adjoining property.
- The setback variation only relates to internal strata lot boundaries and all strata lots are under the same ownership.

Setback variations between Units C and D

- The proposed setback variation is not considered to present a significant building bulk impact as both Units C and D have a similar building form and bulk.
- The variation would not adversely impact solar access and ventilation as both units contain identical design and no major openings would be affected by this setback variation.
- There is no visual privacy impact as no major opening would be facing into the adjoining property.
- The setback variation only relates to internal strata lot boundaries and all strata lots are under the same ownership.

(g) Open space

Element	Deemed-to-comply	Proposed
Unit B	45%(121.6m ²)	41%(110.3m ²)

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

- The proposed 4 grouped dwelling development is consistent with the overall development context as permitted under the local planning framework, more specifically clause 6.2A of TPS6.
- The proposed dwelling would have ample access to natural sunlight due to its northern exposure and north-facing major openings.
- The proposed Landscaping Plan, which would provide an attractive setting for the development, has been reviewed and approved by the City's DRP and Urban Design department.
- Sufficient space is proposed for residents to use space external to the dwelling for outdoor pursuits and access within/around the site.

(h) Outdoor living areas (OLA)

Element	Deemed-to-comply	Proposed
Unit B	Overall area requirement – 24m ² Unroofed area requirement – 16m ² Minimum dimension – 4m	Overall area requirement – 48m ² Unroofed area requirement – 17m ² Minimum dimension – 3.67m

It is considered that the proposed outdoor living area variation satisfies the design principles of R-Codes for the following reasons:

- While the minimum dimension does not comply with the deemed to comply requirements, the overall size of OLA for Unit B is 48m² with 17m² uncovered area, which would meet the deemed to comply requirements.

- The OLA is directly accessible from the Living Room.
- The OLA contains sufficient space for the planting of a tree and landscaping.

(i) **Parking**

Element	Deemed-to-comply	Proposed
Visitor parking bay	1 bay	0 bay

It is considered that the proposed variation satisfies the design principles of R-Codes for the following reasons:

- There are six on-street parking bays available on the opposite side of Brandon Street in close proximity to the development site. These bays are controlled by the local government and available to the public at all times.

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

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

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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

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

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) **Design Review Panel (DRP) Comments**

The application was presented to the City's DRP in July 2021 and the proponent has implemented a range of amendments in response to this feedback. A copy of the DRP minutes from the meeting as well as applicant responses to feedback and officer's comments, can be found at **Attachment (c)**. The panel were supportive of the overall design elements of the application which features a suburban housing typology in a suburban setting and the quality of the development is considered to be generally of a high standard. Upon review of the amended plans in August 2021, the DRP were satisfied with the design responses to the feedback. It is considered that the amended plans have addressed the 10 principles of design in State Planning Policy 7.0 in a satisfactory manner.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Advertising of Planning Proposals'. All affected individual property owners, occupiers and/or strata bodies along Brandon Street, Mill Point Road and Dyson Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 13 consultation notices were sent and three submissions were received, providing comments on the proposal. A redacted copy of all submissions is provided at **Attachment (d)**. The comment of the submitters, together with an officer response is summarised below.

Submitters' Comments	Officer's Responses
Visitor parking bay – no provision has been made for visitor parking bays within the development.	As discussed in the preceding sections, there are six existing public street parking bays available within close proximity to the site. The comment is NOTED .
Potential damages to council verges	The City has a verge bonding process whereby any damages caused by the construction activities will be required to be rectified by the builder. The comment is NOTED .
Errors regarding the site feature survey data	The survey plan included in this proposal was produced by a licensed land surveying company. The submitter has not provided any further justification regarding this allegation upon officer's request for clarification. The comment is NOT UPHELD .
Concerns about proposed density	For reasons discussed in the preceding sections, the site can be developed to the same density as the existing development, which includes five grouped dwelling units, subject to meeting the requirements of clause 6.2A. The comment is NOTED .
Visual privacy concerns from the proposal	The proposal is fully compliant with the deemed to comply provisions of R-Codes relating to visual privacy. The comment is NOT UPHELD .
Roof form and building bulk of the rear dwellings inconsistent with the existing streetscape	While the development site is located in Arlington Precinct policy area, policy P351.5 only applies to the portion that is visible from the street (within 12m

	<p>from Brandon Street alignment). The front two dwellings of this development are consistent with this policy in terms of roof form and design elements. The rear dwellings are not subject to this policy requirement and propose a skillion roof form.</p> <p>The comment is NOTED.</p>
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(c) Asset and Design

The City's Assets and Design business unit was invited to comment on issues relating to car parking, street parking and crossover design arising from the proposal. This department raises no objection to the proposal.

(d) Urban Design

The City's Urban Design business unit was invited to comment on issues relating to landscaping and verge treatment.

Accordingly, planning conditions are recommended to address issues raised by this business unit.

(e) Streetscape

The City's Streetscape business unit was invited to comment on issues relating to street trees.

Accordingly, planning conditions are recommended to address issues raised by this business unit.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

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

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

Sustainability Implications

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

Conclusion

It is considered that the proposal meets all the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. Where discretions are sought, these are considered to be supportable for the reasons set out in this report. The proposal is considered to improve the amenity of the site and will not have any significant impact on adjoining residential properties.

The proposed additional building height is within the 7.0m Building Height Limit for the property and compatible with surrounding residential developments. The number of dwellings has been decreased from the existing five dwellings to four dwellings. The development is supported against the discretionary provisions under clause 6.2A (Pre-Scheme Developments) of TPS6, and proposes a well-resolved design that respects the existing character of Arlington Precinct.

Accordingly, it is considered that the application should be approved subject to conditions.

Attachments

- 10.3.3 (a):** Amended Development Plans - No. 1A Brandon Street, South Perth - 11.2021.215.1
- 10.3.3 (b):** Site Photos - No. 1A Brandon Street, South Perth - 11.2021.215.1
- 10.3.3 (c):** Response to City of South Perth Design Review Panel - No. 1A Brandon Street, South Perth - 11.2021.215.1
- 10.3.3 (d):** Full copy of submissions (Redacted) - No. 1A Brandon Street, South Perth

Councillors Blake D'Souza and Ken Manolas disclosed a Financial Interest in Item 10.3.4 and accordingly left the meeting at 6.50pm prior to discussion of the Item.

10.3.4 Proposed Upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth - Section 31 Reconsideration.

Location: Various
Ward: Manning Ward, Mill Point Ward and Moresby Ward
Applicant: JCDeacux
File Reference: D-21-72579
DA Lodgement Date: 23 August 2021
Meeting Date: 28 September 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

The City received an application for development approval for the upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth in July 2020.

The application was refused by Council at its meeting held 23 March 2021 and the applicant subsequently sought a review of that decision by the State Administrative Tribunal (SAT). The original proposal has been modified following mediation sessions and as such SAT issued an order on 28 July 2021 inviting Council to reconsider the matter under s31 of the *State Administrative Tribunal Act 2004*.

This modified proposal is considered acceptable in light of further technical information that has been provided in response to concerns raised in respect to vehicle sight lines, potential driver distraction and pedestrian and universal accessibility standards. In addition, a draft Sign Management Strategy has been provided to address concerns relating to the maintenance and management of advertising content. Finally, the number of payphone proposals are being reduced from three to two. Accordingly, the application is recommended for approval.

0921/169

Amended Motion and COUNCIL DECISION

Moved: Mayor Greg Milner
Seconded: Councillor Carl Celedin

That the consultant's recommendation be amended as follows:

That pursuant to Section 31 of the *State Administrative Tribunal Act 2004* Council reconsider its decision of 23 March 2021 and this application for development

approval for the upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth be approved subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The illuminance of the signs shall be in accordance with Australian Standard *AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City. Within 30 days of practical completion of the development, the applicant shall supply a report to the City, completed by a suitably qualified consultant, demonstrating that the illuminance of the signs meets the requirements of Australian Standard, to the satisfaction of the City.
3. The signage shall not flash, pulsate, strobe, chase or be animated in its form, to the satisfaction of the City.
4. The third party signage shall not exceed a maximum display of six advertisements per minute (with instantaneous transitions between advertisements) and shall be limited to the display of static images only with no animated images. The third party advertising shall be limited only to the rear external signage panel of the payphones.
5. Prior to commencement of works, a finalised Sign Management Strategy shall be prepared to the satisfaction of the City which reaffirms the ongoing requirements as set out in conditions 2, 3 & 4 above.
6. Any structures, ground coverings or treatments within the City's road reservation that are modified as a result of the development works shall be reinstated at the applicant's cost, to meet the provisions of the City's Verge Street Guidelines, to the satisfaction of the City.
7. This approval relates to the upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) in the following locations:
 1. George Street road reserve, approximately 20m north-east of the George/Kennard Street intersection.
 2. Ley Street road reserve, approximately 20m south of the Manning Road/Ley Street intersection.

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

Reasons for change:

Condition 7 makes it clear that only these two locations are being recommended for approval.

CARRIED (7/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Stephen Russell.

Against: Nil.

Consultant Recommendation

That pursuant to Section 31 of the *State Administrative Tribunal Act 2004* Council reconsider its decision of 23 March 2021 and this application for development approval for the upgrading of Telecommunications Infrastructure (Telstra Smart City Payphones) across various locations within the road reserve of the City of South Perth be approved subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The illuminance of the signs shall be in accordance with Australian Standard *AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City. Within 30 days of practical completion of the development, the applicant shall supply a report to the City, completed by a suitably qualified consultant, demonstrating that the illuminance of the signs meets the requirements of Australian Standard, to the satisfaction of the City.
3. The signage shall not flash, pulsate, strobe, chase or be animated in its form, to the satisfaction of the City.
4. The third party signage shall not exceed a maximum display of six advertisements per minute (with instantaneous transitions between advertisements) and shall be limited to the display of static images only with no animated images. The third party advertising shall be limited only to the rear external signage panel of the payphones.
5. Prior to commencement of works, a finalised Sign Management Strategy shall be prepared to the satisfaction of the City which reaffirms the ongoing requirements as set out in conditions 2, 3 & 4 above.
6. Any structures, ground coverings or treatments within the City's road reservation that are modified as a result of the development works shall be reinstated at the applicant's cost, to meet the provisions of the City's Verge Street Guidelines, to the satisfaction of the City.

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

Background**(a) Background**

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

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

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

In November 2020, in the case of Telstra Corporation Limited v Melbourne City Council [2020] FCA 305, the Federal Court of Australia (FCA) ordered that the Telstra Smart City Payphones shall not be classified as 'low impact facilities' in accordance with the *Telecommunications Act 1997* (Cth). The effect of this decision is that the payphone cabinets are not exempt from the need to obtain development approval. To this end, both the digital signs and the cabinet structures are assessed as part of this application.

In September 2020, the Applicant amended the number of sites the subject of the application, removing the two sites located on Mends Street in South Perth.

The application was recommended for conditional approval by the City's planning staff but refused by the Council at its meeting held 23 March 2021. The reasons for refusing the application recorded as the resolution from that meeting are as follows –

Reasons for Change

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

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

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

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

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

- (a) a use or business carried on that site;*
- (b) the name of one or more of the occupiers of that site; or*
- (c) merchandise sold on that site.*

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

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

On 19 April 2021, the applicant lodged an Application for Review of Council's determination with the State Administrative Tribunal (SAT). The original proposal has been modified following mediation sessions, and as such, SAT issued an order on 28 July 2021, to enable Council to reconsider the matter under s31 of the SAT Act. The modifications arising from the mediation sessions are described in the following sections.

(b) Description of the Sites

The modified proposal relates to the following two sites:

1. George Street road reserve, approximately 20m north-east of the George/Kennard Street intersection (adjoining Kensington IGA X-press and various other shops at No. 45-49 George Street).
2. Ley Street road reserve, approximately 20m south of the Manning Road/Ley Street intersection (adjoining "Krankin Café" and various other shops at No. 71 Manning Road, Manning).

In response to concerns raised in mediation, the applicant has removed the Moresby Street proposal that formed part of, and was determined in, the original application. The applicant advised that, pending the reconsideration of this matter, it does not intend pursuing the replacement of the booth at Moresby Street Kensington. This site will therefore remain as is.

(c) Description of the Proposal

The modified proposal further reduces the number of payphones to the two sites, and which are proposed within the abovementioned portions of the respective George Street and Ley Street road reserves and can be found at **Attachment (a)**.

The overall dimensions for each payphone are 2.72m high, 1.2m wide and 1.01m deep (i.e. from awning/canopy to rear external signage panel).

Further details of each specific payphone are as follows:

- George Street

The George Street booth alignment and orientation remains unchanged. Specifically, the proposed payphone will be installed at the existing booth location, with a 0.9m setback from the kerb line and a horizontal clearance of 5.7m for pedestrians between the payphone and the adjoining façade of the Kensington IGA.

Its rear external signage panel will face north-east and will be visible to traffic and pedestrians travelling south-east along George Street.

- Ley Street

The payphone is to be installed in what is effectively the same location as the existing payphone. However, the latest revision to the proposal is for the booth to be relocated closer to Ley Street (0.6m from the kerb line in lieu of the current 2m setback). Between the proposed location and the adjoining commercial premises is a horizontal clearance of approximately 5.4m (in lieu of 4.3m previously).

The rear external signage panel will face south, away from the Manning Road/Ley Street intersection, and will be visible to northbound traffic and pedestrians along Ley Street.

(d) Signage

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

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

Each payphone will contain two digital LED panels. One of these is located above the phone handset/keypad area within the awning/canopy area and is approximately 0.4m high and 0.7m wide (total surface area approximately 0.28m²). This panel will be used to display Telstra telecommunications notices.

The other panel is located on the rear external surface of the payphone and is 1.6m high and 0.9m wide (total surface area 1.44m²). It is this panel that will contain the proposed third party signage and will be illuminated via a 'backlit' arrangement from within the panel.

As part of the modified proposal, the applicant has prepared a draft Sign Management Strategy which details maintenance obligations of the operator, a process for dealing with any content complaints regarding third party signage as well as a "default off" setting will display an entirely black screen when no content is being displayed or when a malfunction occurs.

It is considered that the proposed signage panels address the relevant TPS6 provisions, as well as the objectives of P308 on the basis of the following:

- The modified location of the Ley Street payphone provides additional horizontal clearance from the adjoining building line. This will increase accessibility and safety for pedestrians and other footpath uses within proximity of the payphone.
- The areas adjacent to the proposed signage panels contain commercial tenancies, typically in a "strip" scale of development and the signage panels are considered to be of commensurate size to this setting.
- The signage panels area considered to be of "pedestrian scale" to minimise any proliferation of advertisements and are orientated away from major road intersections.
- The aforementioned will further assist with the maintenance and management of advertising content.

In addition, the applicant has indicated a willingness to enter into a memorandum of understanding with the City to establish the use of the external signage panel of each payphone for occasional advertising of City of South Perth content including, but not limited to, community events and services. As this would be a commercial arrangement, it is a matter that should be distinct to any consideration of planning approval.

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

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

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

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

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

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

Consultation

(a) Neighbour Consultation

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

(b) Internal Administration

The revised information for both payphone locations has been assessed by the City's relevant internal departments as being acceptable with respect to technical considerations including vehicle sight lines, potential driver distraction and pedestrian and universal accessibility standards.

(c) Western Power

A referral was conducted to Western Power due to the proximity of the relocated payphone facility to a power pole on Moresby Street. Western Power provided feedback on the distance from the payphone facility to the power pole, and amended plans were subsequently provided by the applicant to meet these requirements. However, given that the Moresby Street has been removed from the application, this is no longer a consideration.

Policy and Legislative Implications

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

Financial Implications

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

However, should the Council reaffirm its earlier decision to refuse the application, the matter is likely to progress to a final hearing at the State Administration Tribunal and this will incur further consultant and solicitor's fees.

Strategic Implications

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

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

Conclusion

The application now only includes two sites that have a commercial setting, and it is considered that the modified proposal development would not adversely impact the amenity of the public realm in respect to both the context and the positioning of the proposals. Therefore, the application is supported having considered the City's planning provisions relating to signage.

Conditions of approval have been recommended to mitigate any potential adverse impacts relating to driver distraction, illumination and content management. These will also be further detailed in a Sign Management Strategy.

For these reasons, it is recommended that the application is conditionally approved.

Attachments

10.3.4 (a): Phone Booth Layout Site Plans

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - August 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72582
Meeting Date:	28 September 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 August and 31 August 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(395)	\$2,956,609.69
Cheque Payment to Creditors	(1)	\$639.40
Total Monthly Payments to Creditors	(396)	\$2,957,249.09
EFT Payments to Non-Creditors	(71)	\$90,911.63
Cheque Payments to Non-Creditors	(6)	\$10,456.06
Total EFT & Cheque Payments	(473)	\$3,058,616.78
Credit Card Payments	(7)	\$27,691.23
Total Payments	(480)	\$3,086,308.01

0921/170

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

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 August 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 August 2021

10.4.2 Monthly Financial Statements - August 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72586
Meeting Date:	28 September 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.

0921/171

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 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. A double-dip recession is possible as COVID lockdowns damage the Australian economy. In the Eastern States the economic impact will be larger than in previous lockdowns. 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 10 September 2021, with significant interstate travel restrictions remaining in place.

Actual income from operating activities for August year-to-date (YTD) is \$61.98m in comparison to budget of \$62.22m, unfavourable to budget by 0.39% or \$243k. Actual expenditure from operating activities for August is \$12.46m in comparison to budget of \$13.16m, favourable to budget by 5.33% or \$701k. Variations in the month of August are common with a lower activity following Budget adoption, as well as many year-end processes currently undertaken. The August Net Operating Position of \$49.52m was \$457k favourable in comparison to budget.

Actual Capital Revenue YTD is \$53k in comparison to the budget of \$93k. Actual Capital Expenditure YTD is \$748k in comparison to the budget of \$641k. Timing variations such as these are not uncommon in August. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there may a number of Capital projects that may require a Budget adjustment.

Cash and Cash Equivalents amounted \$63.30m Traditionally the August cash balance is higher following the rates being issued and payments being received during August. 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 0.25% 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 August 2021 the City held 33.07% 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

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72587
Meeting Date:	28 September 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 provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee (ARGC).

0921/172

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

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

Comment

It is important to note that the Audit Register **Confidential Attachment (a)** counts actions and totals by "Finding #".

Each finding may have more than one "Recommendation" and associated "Agreed Management Action", previously counted as **one** action.

This can mean that some Recommendations within an Action will be completed (100%) and some will not. Only when all assigned Recommendations/Agreed Management Actions are marked as 100% complete will the ARGC approve the Finding for closure.

As requested, following the September 2020 ARGC meeting, the Audit Register has been formatted to ensure clarity with;

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

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

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

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

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

A review of the Strategic Internal Audit Plan (SIAP) is underway with initial discussions held with the City’s Internal Auditor, Paxon. The intention with this review is to expand the scope to be a Strategic Audit Plan (SAP) so that we can adequately plan for and report against all audits, internal and external.

It is anticipated that this review and the new SAP will be presented at the next Audit, Risk and Governance Committee Meeting to be held 15 November 2021.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2021/22 financial year, and it is anticipated that a budget of a similar amount is to be adopted each year. Officers’ effort to undertake the improvements and report on progress has not been estimated.

10.5.1 Audit Register - Progress Report

The External Audit function (WA Auditor General) has a budget of \$65,000 for the audit of the 2020/21 Annual Financial Statements, undertaken and incurred during the 2021/22 financial year.

Strategic Implications

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

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

Attachments

10.5.1 (a): Audit Register - September 2021 (*Confidential*)

10.5.2 Risk Management Policy and Framework

Location: City of South Perth
Ward: Not Applicable
Applicant: City of South Perth
File Ref: D-21-72588
Meeting Date: 28 September 2021
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

This report presents to the Audit, Risk and Governance Committee the City's updated Risk Management Policy P695 and the new Risk Management Framework which will replace the Risk Management Strategy endorsed by Council in September 2018.

0921/173

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

1. Adopts revised Risk Management Policy P695 in **Attachment (a)**.
2. Revokes Risk Management Strategy 2018 in **Attachment (b)**.
3. Adopts Risk Management Framework in **Attachment (c)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

The City implemented its first organisational Risk Management Strategy in 2003 after recognising the need to 'develop a responsible Risk Management Strategy to identify, monitor and proactively control business, financial and physical risks to the City's operations'.

In accordance with the principle of facilitating continual improvement of the City's Risk Management Program, practices evolved with the strategy being reviewed in 2009 and 2018.

Following the adoption of the Risk Management Strategy 2018 (Strategy) a significant review was commenced in 2020 to align the Strategy to AS/NZS ISO 31000:2018 Risk Management guidelines. This review was presented to the Audit Risk and Governance Committee in March 2021 with the recommendation that the updated Strategy be recommended to Council for adoption. However, the Audit Risk and Governance Committee recommended the item relating to Risk Management Strategy 2021 be deferred to a future workshop.

The Committee Recommendation was subsequently endorsed by Council at its meeting held 23 March 2021.

Comment

Following feedback received from members of the Audit, Risk and Governance Committee, the hierarchy of Risk Management documentation was amended, and a Risk Management Framework developed.

A workshop was held with the City's elected members and the external members of the Audit, Risk and Governance Committee on 2 August 2021 at which point an updated version of Risk Management Policy P695 and the new Risk Management Framework were presented.

Following feedback from this workshop the below two documents are presented to the Audit Risk and Governance Committee, for adoption:

Risk Management Policy P695

Risk Management Policy P695 is the highest-level document which sits above the Risk Management Framework and all subsequent risk management documentation.

The risk management policy is intended to express the Council's strategic intent in the management of risk at the City of South Perth.

Risk Management Framework

The Risk Management Framework (framework) provides a practical framework for the implementation of Risk Management across all operations of the City. The framework details:

- Who is responsible for risk management and to what degree they are responsible;
- How we incorporate risk management across all levels of the City's operations;
- How we manage and subsequently report on risks;
- How we integrate the 'Three Lines Governance Model' into the management of risks and creating value from opportunities across the City.

Consultation

The Risk Management Framework has been presented to both the City's elected members and external members of the Audit, Risk and Governance Committee and the internal Risk Management Committee, which includes representation of managers and officers from across the City's operations.

Policy and Legislative Implications

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

17. CEO to review certain systems and procedures

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

(a) risk management

Financial Implications

Nil.

Strategic Implications

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

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

Attachments

- 10.5.2 (a): Policy P695 Risk Management
10.5.2 (b): Risk Management Strategy 2018
10.5.2 (c): Risk Management Framework

10.5.3 2020/2021 Annual Financial Statements (External) Audit - Interim Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72589
Meeting Date:	28 September 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 tables the Interim Audit report from the Office of the Auditor General relating to the 2020/21 Annual Financial Statements. Usually the report includes findings, risk ratings, recommendations and management comments. The report confirms that the Interim Audit had no findings to report and the outcome of the interim audit is regarded as satisfactory.

0921/174

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

1. Notes and accepts the Interim Audit Management letter in **Attachment (a)**

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

The External Audit, also known as Financial Audits or Audit of the Annual Financial Statements are conducted separately from Internal Audit. Internal Audit focuses on improving systems and processes, from a risk based approach. External Audit focuses on providing an objective independent examination of the financial statements prepared by the City, increasing the value and user confidence in the financial statements.

The *Local Government Amendment (Auditing) Act 2017* made legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General.

The Act allows the Auditor General to contract out some or all of the financial audits, but all audits will be the responsibility of the Auditor General.

The changes also allow for the Auditor General to undertake performance audits that focus on the economy, efficiency and effectiveness of any aspect of local government operations. These performance audits are akin to the Internal Audit function undertaken by the City's Internal Auditor (Paxon). Therefore the WA Auditor General may undertake both External and Internal Audits.

Following on from the last three years, the Office of the Auditor General (OAG) will undertake the City of South Perth 2020/21 Annual Financial Statements (External Audit). The External Audits occur in two steps, the first being an Interim Audit, with the final stage being the Audit work to attest the balances and notes that comprise the Annual Financial Statements.

All Audit recommendations, as well as the progress relating to the implementation of the opportunities for improvement are be incorporated within the City's Business Planning Process, as part of the Integrated Planning Framework to ensure continuous improvement. Progress are monitored by management, this Committee and Council.

Comment

In May 2021 the Interim Audit was conducted, with the Interim Audit Report **Attachment (a)** being produced. The report confirms that the Interim Audit had no findings to report and the outcome of the audit is regarded as satisfactory.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995 and Regulations.

Financial Implications

The Office of the Auditor General has estimated the fee for finalising the External Audit for the 2020/21 Annual Financial Statements is \$65,000 (exc GST).

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

10.5.3 (a): Interim Audit - Office of the Auditor General

10.5.4 Internal Audit Report - Audit Register Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72592
Meeting Date:	28 September 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 tables the Internal Audit Report – Audit Register Review, in accordance with the City’s Strategic Internal Audit Plan. The Audit Register is maintained by the Organisational Performance Business Unit within the Corporate Services directorate. Various Business Units are responsible for providing the quarterly updates of findings included in the Audit Register relating to their activities. These updates are reported to the Audit Risk and Governance Committee. This is the first Internal Audit Review of the Register. The report contains Paxon’s detailed finding, with notations relating to possible efficiencies and other observations.

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

0921/175

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

1. Notes the Internal Audit Report – Audit Register Review contained in **Confidential Attachment (a)**; and
2. Accepts and adds the recommendation contained in Section 5 of the Internal Audit Report – Audit Register Review to the Audit Register.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

For each Internal Audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations if there are detailed findings.

Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management respond to Paxon's recommendations, in relation to their findings, and these are listed in the Audit Register.

Comment

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

Internal Audit is an essential component of the City's continuous improvement process and findings are welcome. This is the first Internal Audit, Audit Register Review within the City. The report contains Paxon's detailed finding, with notations relating to possible efficiencies and other observations.

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2021/22 financial year and it is anticipated that a budget of a similar amount is to be adopted each year.

Strategic Implications

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

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

Attachments

10.5.4 (a): Internal Audit Report - Audit Register Review (*Confidential*)

10.5.5 Internal Audit Report - Regulation 17 Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72594
Meeting Date:	28 September 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 tables the Internal Audit Report – Regulation 17 Review. In accordance with the Local Government (Audit) Regulations 1996 Regulation 17, the CEO is to review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance. This review is also in accordance with the City's Strategic Internal Audit Plan, which deals with these areas separately (separate headings). The report contains Paxon's four detailed audit findings, with a number of notations relating to business improvements, possible efficiencies and other observations.

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

0921/176

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

1. Notes the Internal Audit Report – Regulation 17 Review contained in **Confidential Attachment (a)**; and
2. Accepts and add the four recommendations contained in Sections 5, 6 and 7 of the Internal Audit Report – Regulation 17 Review to the Audit Register.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

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

Comment

The Internal Audit Report – Regulation 17 Review is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City's continuous improvement process, findings and business improvement recommendations are welcome. The Regulation 17 Review report contains Paxon's four detailed findings with notations relating to possible efficiencies and other observations.

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

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulations 1996 (CEO's duties as to financial management) and regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2021/22 financial year and it is anticipated that a budget of a similar amount is to be adopted each year.

Strategic Implications

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

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

Attachments

10.5.5 (a): Internal Audit Report - Regulation 17 Review (*Confidential*)

Councillors Blake D'Souza and Ken Manolas returned to the meeting at 6.54pm prior to the consideration of Item 11.

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Stephen Russell for the period 1 October 2021 to 8 October 2021 inclusive.

0921/177

COUNCIL DECISION

Moved: Councillor Samantha Bradder

Seconded: Councillor Ken Manolas

That Council approve the Leave of Absence application received from Councillor Stephen Russell for the period 1 October 2021 to 8 October 2021 inclusive.

CARRIED (9/0)

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

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND - COUNCIL CARETAKER POLICY

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-72595
Meeting Date:	28 September 2021
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Councillor Glenn Cridland submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 September 2021.

0921/178

COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Samantha Bradder

That a report be prepared and provided to council in the next six months on the options for adoption of an appropriate council caretaker policy to cover inter alia council expectations and elected member and candidate conduct during the pre local government election period going forward.

CARRIED (9/0)

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

Against: Nil.

Background

Councillor Glenn Cridland has submitted a Notice of Motion requesting a report be prepared and provided to council in the next six months on the options for adoption of an appropriate Council Caretaker Policy to cover inter alia council expectations and elected member and candidate conduct during the pre local government election period going forward.

The reason provided for the notice of motion is that other local governments including our neighbours have a caretaker policies which deal with the pre-election period. WALGA supports these policies and has a draft / model policy for consideration. Despite this issue being on the agenda for the last 2 plus years and workshops having been undertaken by councillors, the South Perth Council has not yet adopted a caretaker policy. This motion provides the opportunity for the next Council to fill that hole in the City's good governance and accountability framework.

Comment

A report can be provided back to Council within the next six months on the options for an appropriate Council Caretaker Policy.

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.

12.2 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND - LIVE STREAMING OF COUNCIL MEETINGS

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-21-72597
Meeting Date: 28 September 2021
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Mike Bradford, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

Councillor Glenn Cridland submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 September 2021.

0921/179

COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Stephen Russell

That a report be prepared and provided to Council in the next six months on options (including costs) for internet live streaming Council meetings.

CARRIED (9/0)

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

Against: Nil.

Background

Prior to the Council Agenda Briefing, Councillor Glenn Cridland submitted a Notice of Motion requesting that a report be prepared and provided to Council in the next six months on the options (including costs) for internet live streaming of Council meetings.

The reason for the notice of motion is that some other local governments in WA live stream their council meetings and this public access is supported and promoted by the Minister. There are however some recognised difficulties and financial costs involved in live streaming.

This motion provides the opportunity for the next Council to re-consider live streaming (and associated costs and practical difficulties) of council meetings and potentially fill that hole in the City's transparency and accountability framework (if on balance a cost effective and appropriate solution is identified).

Comment

A report can be provided back to Council within the next six months on the options for live streaming of Council meetings.

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.

12.3 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND - AMENDMENTS TO THE CODE OF CONDUCT

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-21-72598
Meeting Date: 28 September 2021
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Mike Bradford, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

Councillor Glenn Cridland submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 September 2021.

0921/180

COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor André Brender-A-Brandis

That a report be prepared and provided to council in the next six months on the options, such as amendments to the Code of Conduct, to mandate public disclosure by elected members of the identity of persons, in particular developers, who have offered or provided donations or assistance to the elected members / elected member candidates and associated matters such as a requirement to disclose with specificity what has been offered or given to the member / candidate.

CARRIED (9/0)

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

Against: Nil.

Background

Councillor Glenn Cridland has submitted a Notice of Motion requesting a report be prepared and provided to council in the next six months on amendments to the Code of Conduct, to mandate public disclosure by elected members of the identity of persons, in particular developers, who have offered or provided donations or assistance to the elected members / elected member candidates and associated matters such as a requirement to disclose with specificity what has been offered or given to the member / candidate.

The reasons for the notice of motion are that in other States, because of the well known insidious and serious corrupting effects, donations and contributions from, and councillor dealings with, developers and their associates have been prohibited and criminalised for years.

For reasons that are not known, the WA State Government has not yet taken that step to catch up with the appropriate standards set in eastern States. In South Perth and throughout the State, elected members have received and been offered assistance and financial contributions by developers / their associates – as this is currently allowed. This motion simply provides the opportunity for the next Council to consider taking the lead on anticorruption and transparency matters by amending its Code of Conduct to require, as a minimum, full disclosure of the identities of developers and their associates who have made or offered financial assistance to elected members and City staff.

Comment

A report can be provided back to Council within the next six months on amendments to the Councillor Code of Conduct regarding electoral donations.

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.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

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

13.2 QUESTIONS FROM MEMBERS

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

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

Councillor Stephen Russell raised a motion to close the meeting to the public to ask questions relating to a confidential report.

0921/181

COUNCIL DECISION

Moved: Councillor Stephen Russell

Seconded: Councillor Glenn Cridland

That the meeting be closed to the public to allow Councillor Stephen Russell to ask questions relating to a confidential report in accordance with section 5.23(e) of the *Local Government Act 1995*.

CARRIED (9/0)

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

Against: Nil.

The Presiding member closed meeting to the public at 7.24pm. All members of the public gallery left the meeting.

0921/182

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

That the meeting be reopened to the public.

CARRIED (9/0)

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

Against: Nil.

The meeting was reopened to the public at 7.31pm and members of the public returned to the meeting.

16. CLOSURE

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

APPENDIX

6.2 PUBLIC QUESTION TIME: 28 September 2021

1. Ms Vicki Redden, South Perth Peninsula Action Group Received: 28 September 2021 (received at the meeting)	Responses provided by:
<i>[Preamble]</i> <i>At the Agenda Briefing last week Councillor Choy asked the question if there would be any damage done by deferring the Integrated Transport Plan tonight. From the response she received we understood Mr Giddens to say something along the lines of that it would not cause damage, nothing would change and all it would do is give people more time to read it.</i>	
1. Is this correct and are councillors of the opinion that nothing can be changed in the ITP?	Taken on notice

13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE OCM 24 August 2021

Councillor Blake D'Souza	Response provided by: Mark Taylor – Director Infrastructure Services
<i>About 1 hour before the meeting I received a call from Mr David Squires of Hope Avenue in Salter Point. I'm happy for these questions to be taken on notice.</i>	
1. What studies have been done on the removal on three (3) parking bays on Hope Avenue.	Given that there was no nett loss of parking, the City did not consider a study to be required. The PTA relocated a bus stop to the eastern side of 21 Hope Avenue from its original location on the western side of the same property due to the redevelopment of the lot.
2. What implications will this have in terms of parking issues along Hope Avenue.	There was no nett loss of parking availability. Essentially potential parking lost on the eastern side of 21 Hope Avenue due to the relocation of the bus stop has been regained to the western side, where the original bus stop was removed. Additional parking is also available nearby on Cornish Crescent and on Roebuck Drive for park users.

Councillor Glenn Cridland	<p>Response to question 1 provided by: Fiona Mullen – Manager Development Services</p> <p>Response to question 2 provided by: Mark Taylor – Director Infrastructure Services</p>
<p><i>I think it was the last meeting, perhaps the one before I asked some questions about derelict houses. I have been contacted by a resident and I have been around to Roberts Street in Como, I've sent photos of the buildings to the other Councillors of the derelict buildings with refuse in their front yards, smashed windows, doors which are hanging open etc.</i></p>	
<p>1. Has the City taken any action to stop the further dumping of rubbish on those sites on Roberts Street and has the City taken any action in respect of ensuring the rubbish is removed that the grass is cut so that it's not so high and that it's not possible for people to enter and squat in those derelict buildings in Roberts and Street and in Thelma Street?</p>	<p>The City's Environmental Health team have recently inspected both sites.</p> <p>With regard to the Thelma Street property, whilst in a partly demolished state, the City does not consider the site requires formal action to be undertaken.</p> <p>In relation to the property on Robert Street, the City is currently liaising with representatives of the overseas owners to resolve the issues associated with this property. Elected Members will be updated once the matter has been resolved.</p>
<p><i>I think I raised this last meeting and it related to some reports I'd made a few months prior of park benches that were smashed and broken so you couldn't sit on them because they didn't have anything to sit on. At George Burnett and Bill Grayden Reserves, they still haven't been repaired.</i></p>	
<p>2. Is there any anticipated date when they will be usable again for the people who visit those ovals?</p>	<p>Program Delivery Services confirm that the two damaged seats installed at Bill Grayden Reserve have been removed for refurbishment and replaced with new concrete pads and seats.</p> <p>Subsequent to clarification with Councillor Cridland about the location of the damaged seat within the George Burnett site, action has been initiated to repair or replace the seating. This will be completed as quickly as practicable.</p>

13.2 QUESTIONS FROM MEMBERS OCM 28 September 2021

Councillor Stephen Russell	<p>Response to question 1 provided by: Bernadine Tucker – Manager Governance</p> <p>Response to question 2 provided by: Abrie Lacock – Manager Finance</p> <p>Response to question 3 provided by: Mark Taylor – Director Infrastructure Services</p> <p>Responses to question 4 provided by: Mark Taylor – Director Infrastructure Services and Vicki Lummer – Director Development and Community Services</p> <p>Response to question 5 and 6 provided by: Vicki Lummer – Director Development and Community Services</p>
<p>1. With reference to Public Places and Local Government Property Local Law 2011, there is a schedule of penalties. As these penalties are within the local law which was gazetted in 2011, then it would seem that these penalties are fixed at a 2011 value. However as we have all experienced a dollar today does not have the same purchasing power as a dollar in yr2011 e.g. a \$50 penalty in yr2011 would need to be circa \$59 today to be equivalent. Hence does the City escalate penalties with time and if so how does it do this? If not is it feasible to remove the penalties schedule from the local law and include it within the annual budget?</p>	<p>Local law penalties are fixed in value and any changes must be approved by the Joint Standing Committee on Delegated Legislation as part of the local law making process. It is not uncommon for penalties contained in Acts of Parliament, regulations and local laws to go unchanged for a number of years.</p> <p>Penalties contained within local laws are classified as modified penalties meaning a person can elect to pay the infringement or have the matter dealt with in court. Any penalty associated with a breach of the local law must be contained within the local law to be legally enforceable. Penalties for a breach of a local law cannot lawfully be contained within an annual budget.</p>
<p>2. Please advise the status and a target operational date of the 1system presentation of monthly financials for which the Council had a workshop</p>	<p>Based on previous feedback, the City has been working on a revised format for the Monthly Financial Reports. Revised draft Monthly Financial Reports have largely been prepared, however visual representation such as graphs and layout finalisation is still work in progress.</p>

<p>briefing back in October 2020 and for which incidentally I provided feedback for.</p>	<p>The revised 1System presentation of the Monthly Financials will be presented to Council for comment prior to deployment. It is anticipated that this will be presented to Council after the Council elections either toward the end of the last quarter of this year or in the 1st quarter of the new year.</p>
<p>3. Does the City have a parking cash-in-lieu register, that supports the parking reserve, which as a minimum presents as a function of development the parking shortfall, supplied funds and where the cash was used to alleviate parking demand?</p>	<p>No. The City reports the cash -in-lieu balance sheet under item “Cash Backed Reserves” which include the opening balance, interest , transfers in and funds applied funds in the annual budget report. As such it does not have a register but that is the method the City uses to register or understand how the parking reserves work.</p> <p><i>Cash in lieu of Car Parking bays</i> funds are administered in accordance with clause 6.3A “Cash in Lieu of Car Parking Bays” of Part VI - General Development Requirements of the City of South Perth Town Planning Scheme no.6, which does not require the cash-in-lieu register.</p> <p>The administration does not require a register for cash-in-lieu payments because the funds are spend in accordance with item 7) of clause 6.3A which states:</p> <p>“7) Cash-in-lieu payments received by the local government under this clause shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse the local government for any related expenses, including loan repayments, which it incurs in providing and maintaining transport infrastructure.”</p>
<p>4. Is it fair to say then that there is no auditable mechanism to track a cash in lieu to a development and the carpark shortfall for such?</p>	<p><i>Director Infrastructure Services - Mark Taylor:</i> I will probably need to take that on notice and consult with the financial people. I would suggest there possibly is, through the way that is recorded in the reserve transfers but I would need to take that on notice.</p>

	<i>Director Development and Community Services - Vicki Lummer:</i> I can add that cash in lieu payments are trackable through a DA approval. So that if it is a condition of approval then it would be trackable in that manner and then of course if the actual development is constructed then you could assume that the cash in lieu payment has been paid. So it is trackable and publicly trackable in terms of those items.
5. Does the City have a removal of an existing tree cash-in-lieu register in support of Policy P350.05 “Trees on Development Sites and Street Verges” Clause 7(c)(i). Would the City be amenable for that register to be published within the City’s Development webpage? In addition could the City please advise as of this month the number of trees and cash-in-lieu received since the adoption of the Policy for trees falling under Clause 7(c)(i).	This City does not have a tree cash-in-lieu register to support Clause 7(c)(i) of Policy P350.05. 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.
6. Can you advise me that since the policy was gazetted the numbers of trees and cash in lieu that was received thus far?	The answer would be no cash in lieu so far.

Councillor Mary Choy	Responses provided by: Mark Taylor – Director Infrastructure Services
I have had a number of queries lately from residents about our City's tree pruning regime, probably because it is Springtime. I understand there is a schedule for pruning.	
1. I am just wondering if this information is available on the City's website for residents or if it could be made available please?	There is a program of tree pruning, I am trying to recall if it is on the website. If it is not, then we can make that available.

Councillor Glenn Cridland	Response to questions 1 ,2,3 and 4 provided by: Fiona Mullen – Manager Development Services Response to question 5 provided by: Director Development and Community Services – Vicki Lummer and CEO Mike Bradford Response to question 6 and 7 provided by: Fiona Mullen – Manager Development Services Response to question 8 and 9 provided by: Bernadine Tucker – Manager Governance
<i>I have some questions in relation to some derelict properties and they relate to the questions that I have asked at the last two meetings. My first question relates to 170 and 167 Roberts Street. I hope I have got those addresses right.</i>	
1. Is the City aware of allegations that there have been squatters staying in those buildings that have been heard by neighbours and that there had been footprints in the sand coming from the fence adjacent to the derelict properties that lead into the neighbours property which was then broken into both in the shed and the underneath of the building. Is the City aware of that?	The City is not aware of that specific allegation. We have been made aware of squatters being in the property but not of the allegation you have stated just now.

<i>When I have looked at the property over the last 4 months I have noticed that it has high grass and the dumped rubbish has not moved, perhaps increased.</i>	
2. Is that situation going to be allowed to remain indefinitely on those Roberts Street properties?	Following the question taken on notice at the last meeting. Officers will be commencing action in order to secure the property and have refuse that has been for want of a better term dumped on the side cleared. Officers are continuing to monitor the property and I understand Officers have been out today to inspect the property.
<p><i>I am advised, or told rather by the neighbours that the City has said that the derelict properties are owned by foreign nationals in Asia and that for COVID 19 reasons they are unable to come and clean up their properties or demolish them. I was not obviously present for any of these conversations.</i></p> <p><i>CEO Mike Bradford: Could I just clarify Councillor Cridland that you are referring to two properties, 167 and 170 are we dealing with two properties or one?</i></p> <p><i>Director Development and Community Services Vicki Lummer: We are dealing with two properties, but they are not in the same ownership is my understanding.</i></p> <p><i>Councillor Glenn Cridland: To assist, the neighbours told me that they were told one was Singaporean and one was Malaysian owned</i></p>	
3. Is that the City's understanding? Is that the City's position? And are either of those reasons are basis to allow the derelict properties to remain as they have been for years?	Yes, Officers are of the same understanding that the properties are owned by overseas owners.
4. Is it the case that the City has the same powers to demolish or cause the demolition of derelict properties regardless of whether or not they are owned by foreign nationals or Australians?	In principle, yes the City may still take action and seek to recoup the cost of any action from the owners of the property?
5. Has the City received any correspondence from the Federal member Steve Irons about the matter?	<p><i>Director Development and Community Services Vicki Lummer: All I can say is that I have not seen any correspondence so far.</i></p> <p><i>CEO Mike Bradford: Something has been referred to but I have not seen it either. We will take that on notice.</i></p>

I might move on from Roberts Street to another derelict property to the one in Thelma Street. I understand that there has been a petition of a form which has been sent through to the City.

6. Are you aware of that?	I am aware of a petition being submitted but I will have to take that on notice.
7. Is the City aware of neighbours complaints that there are again itinerant undesirable people going through that property and there have been two break ins into cars of the neighbours immediately adjacent?	I am aware that people have accessed the property but I am not aware of car thefts in the area.
8. In respect of the Thelma Street property, should there be a petition within the City, will a report even if it is not entirely compliant with the Standing Orders, will there be some sort of report to a future Council meeting in respect of the Thelma Street derelict property?	If it is received by the City as a petition then that petition will be presented at a future Council meeting.
9. Presumably with some sort of covering report?	Yes.

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These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 26 October 2021

Signed _____ / /2021

Presiding Member at the meeting at which the Minutes were confirmed