

AGENDA.

Ordinary Council Meeting

24 May 2022

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 24 May 2022 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

20 May 2022

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 1 May 2022 to 30 May 2022 inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.5.3 as ‘I am an honorary member of the Salter Point Sea Scouts’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 24 MAY 2022

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 April 2022

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 26 April 2022 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 17 May 2022

Officers of the City presented background information and answered questions on Items to be considered at the May Ordinary Council Meeting at the Council Agenda Briefing held 17 May 2022.

Attachments

7.2.1 (a): Briefing Notes

7.2.2 Concept Briefings and Workshops

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

Date	Subject	Attendees
2 May 2022	Professional Development Introduction	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Carl Celedin, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.
3 May 2022	Budget Workshop #3	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Carl Celedin, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.

Attachments

Nil.

Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 17 May 2022
- 7.2.2 Concept Briefings and Workshops

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

A Deputation was heard at the Council Agenda Briefing held 17 May 2022.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 eQuote 02/2022 Provision of Road Resurfacing, Rehabilitation and Ancillary Services

File Reference: D-22-24146
Author(s): Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s): Mark Taylor, Director Infrastructure Services

Summary

This report considers submissions received from advertising eQuote 02/2022 for the Provision of Road Resurfacing, Rehabilitation & Ancillary Services under the WA Local Government Association (WALGA) Preferred Supplier Panel – Roads, Infrastructure and Depot Services.

This report outlines the assessment process used during evaluation of the eQuotes received and recommends approval of the submission(s) that provides the best value for money and level of service to the City.

Officer Recommendation

That Council:

1. Accepts the schedule of rates submissions for eQuote 02/2022 –Provision of Road Resurfacing, Rehabilitation & Ancillary Services, as per the conditions and prices of the WALGA Preferred Supplier Panel – Roads, Infrastructure and Depot Services, for the period of supply up to five years inclusive, from:
 - i. Asphaltech Pty Ltd; and
 - ii. WCP Civil Pty Ltd .
2. Accepts the eQuote prices included in **Confidential Attachment (a)**; and
3. Notes that the estimated eQuote prices will be included in the Ordinary Council Meeting Minutes.

Background

The City undertakes numerous road renewal projects annually to ensure its roads are maintained such that they continue to meet the required service standards.

A Capital Works budget of \$4M per annum is anticipated to be allocated for road related projects over the term of the contract.

The eQuote request makes provision to award two (2) contracts to one or more (up to two) contractors. Contracts will comprise of sub-projects (separable portions) awarded annually, on a value for money basis over the term of the contract.

The ability to allocate resources concurrently is a key risk management strategy used to distribute the effort and risk across contractors. This approach improves efficiency by maximising resources and generates an opportunity to execute multiple projects simultaneously.

This approach increases the likelihood of projects being delivered within the allotted timeframe and on budget. It also increases the City’s available options in mitigating any unforeseen issues that may arise during the annual program.

Comment

At the close of the eQuote advertising period two submissions had been received and these are tabled below:

TABLE A – eQuote Submissions

eQuote Submission	
1.	Asphaltech Pty Ltd
2.	WCP Civil Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
Price	100%
Total	100%

Based on the assessment of all submissions received for eQuote 02/2022 Provision of Road Resurfacing, Rehabilitation and Ancillary Services, it is recommended that:

- The quotation submissions from Asphaltech Pty Ltd and WCP Civil Pty Ltd should be awarded a contract.

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

Consultation

WALGA Preferred Supplier Panel eQuotes were invited in accordance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

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 Council Policies also apply:

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

Financial Implications

The projected budgets to implement this contract have been included in the City’s five year forward works program and Long Term Financial Plan. The road projects proposed for the 2022/2023 Capital Works budget will be considered by Council at the June 2022 Ordinary Council meeting.

Key Risks and Considerations

Risk Event Outcome	<p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome</p>
Risk rating	High
Mitigation and actions	<p>City expenditure on roads is projected to increase over the next five years to meet renewal demand.</p> <p>There is risk that a single contractor may not be available to complete works within the required time period for a number of reasons, including COVID, weather and alternative work.</p> <p>By awarding two separate contracts, the City has reduced the risk of works not being completed on time.</p>

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Effectively develop, manage and optimise the use of the City’s properties, assets and facilities

Attachments

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

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Amendment To Approved 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-22-24147
DA Lodgement Date:	9 February 2022
Author(s):	Laura Kelliher, Senior Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services

Summary

To consider an application for planning approval for an amendment to a previously approved four storey Single House on Lot 2, No. 15 South Perth Esplanade, South Perth.

The item is referred to Council as the building height exceeds 9.0m and therefore falls outside of the delegation to officers. The building height of the proposed development complies with the height requirements of Town Planning Scheme No. 6 and the South Perth Activity Centre Plan.

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for amendments to an approved 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.

Background

The development site details are as follows:

Zoning	Centre
Density coding	R-AC0
Lot area	607 sqm
Building height limit	Primary building height limit of 4 storeys (Maximum 20m – ground floor to ceiling of the 4 th storey)
Development potential	Residential Single House, Grouped Dwellings and/ or Multiple Dwellings

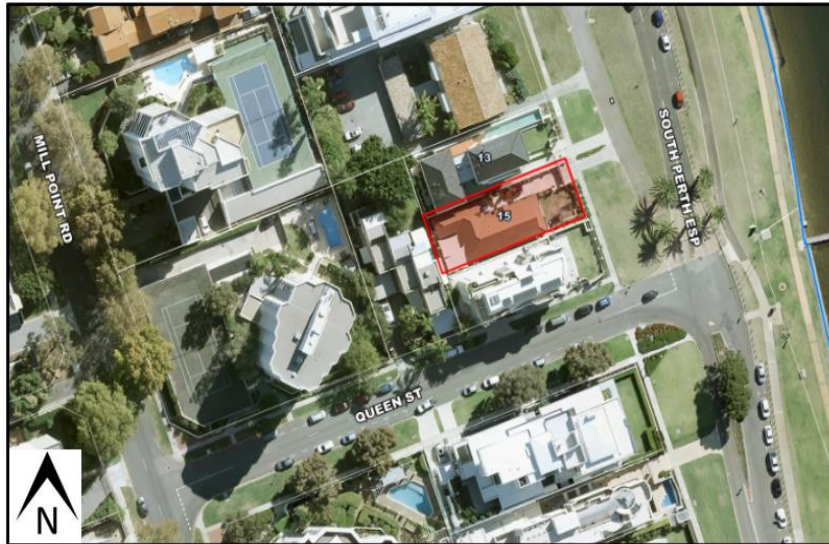
(a) Background

In February 2022 the City received an application to amend an application for a four storey single house on Lot 2 No. 15 South Perth Esplanade, South Perth, which has been previously approved by Council in September 2021. The proposed amendments seek to raise the ground levels and overall building height by 1.5m (from 12.5m to 14.0m) through an increase in floor to ceiling heights of each level. These modifications have occurred as a result of the gazettal of the South Perth Activity Centre Plan (ACP) and an updated Town Planning Scheme (TPS6), which now assesses building height requirements in storeys, with a single storey being no greater than 5.0m in height, (and not metres as per previous assessment requirements).

Due to the nature of amendments, this application did not require further review by the City's Design Review Panel (DRP).

(b) Description of the Surrounding Locality

The site is zoned Centre 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:



(c) Description of the Proposal

The application proposes to raise the finished floor level (FFL) of each level, thereby marginally increasing the building on boundary wall heights and increasing the overall building height by 1.5m. The demolition of the single storey dwelling on site occurred in January 2022. This proposal is consistent with the previous approval in that 5 bedrooms, 5 bathrooms, a study, a gymnasium, multiple outdoor living areas, a pool, and spa is proposed. All lot boundary setbacks and visual privacy setbacks remain the same. Site photographs can be found in **Attachment (a)** of this report and the proposed plans of development are provided at **Attachment (b)** to this report.

The following components of the proposed amendments to the approved single house require discretionary assessment against TPS6, South Perth Activity Centre (ACP) and Council Policy requirements. All other variations previously approved remain the same or are now compliant, since the amended planning framework has been implemented.

TPS6 Variations

- (i) Finished Ground Levels - Minimum

South Perth Activity Centre Plan

- (ii) Tower setbacks

Local Policies

- (iii) Significant views

The proposal complies with TPS6, South Perth 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 floor level – 2.043m above Australian Height Datum (AHD) (previous application approved this floor level at 1.757m)	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 original application had been referred to the Department of Biodiversity Conservation and Attractions (DBCA, however given the minor changes to the ground floor level and by virtue of the fact the proposed floor level is being raised from what was previously approved, a referral of the amended DA was not considered necessary in this instance. The applicant has advised that the proposed amendment will assist in addressing any water table issues and reduces the extent of the variation to TPS6 requirements.

DBCA’s previous recommended condition has been included in the recommended conditions, which requires certification from a consulting engineer to illustrate adequate water proofing of the gymnasium has been achieved.

South Perth Activity Centre Plan

(e) Tower setbacks

The proposed residential dwelling is considered to meet the definition of ‘Tower’ in the ACP and while all lot boundary setbacks are consistent with those previously approved; 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:

- i. To ensure amenity for building occupants is maintained by providing adequate separation between towers.
- ii. To minimise the potential for closely located buildings to create an effect of cumulative bulk.
- iii. To ensure wind impacts are effectively managed by separation of buildings.

- iv. To enable sightlines, breezes and sunlight to penetrate adequately between buildings.

Element	Proposed	Deemed-to-comply
4.1.3 Side tower setback	<p><u>North</u></p> <p>Nil (0m) to 6.4m at ground floor 1.5m – 2.0 at 1st & 2nd floor 3.5m – 6.56m at 3rd floor</p> <p><u>South</u></p> <p>Nil (0m) to 2.0m at ground floor 1.5m to 2.0m at 1st floor 1.27m to 2.0m at 2nd & 3rd floor</p>	4m
4.1.3 Rear tower setback	<p>2m at ground floor 4.0m from 1st to 3rd floor</p>	

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 multiple articulations in the walls on these floors with numerous heights and lengths are not considered to result in adverse building bulk impacts.
- The proposed development is adjacent to a 3m wide vehicle access leg which enables breeze and sunlight to penetrate between buildings. Due to the orientation of the site there will be no overshadowing impact from the proposed amendments to the neighbouring property. Additionally there will be no loss of privacy or overlooking to sensitive areas of the adjoining property.
- The separation distance between the subject site and southern property (No. 13 South Perth Esplanade) is a minimum of 4.7m which adequately allows 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 multiple articulations in the walls on these floors with numerous heights and lengths are not considered to result in adverse building bulk impacts.

10.3.1 Proposed Amendment To Approved Four Storey Single House on Lot 2, No. 15 South Perth Esplanade, South Perth

- The proposed development is adjacent to a multiple dwelling building with varying setbacks, blank walls and stairwells, and portions of major openings facing north to maintain sufficient sunlight and ventilation to the existing multiple dwellings.
- The southern lot boundary wall is located adjacent to a 2.3 – 2.9m boundary wall on the ground floor, stairs, drying courts, bathrooms and a portion of habitable room facing north east on levels 1-4.
- 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 – 3 pm on June 21st)
- Additionally there is no overlooking into sensitive areas as a result of the setbacks to the south.
- The separation distance between the subject site and northern property (No. 17 South Perth Esplanade) from the 1st floor upwards is a minimum of 2.5m and maximum of 5.0m which adequately allows for wind penetration.

Rear

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 western grouped dwelling through the use of articulated walls, which mitigates building bulk. 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 proposed development is adjacent to a grouped dwelling building with varying setbacks, and both major and minor openings facing east maintain sufficient sunlight and ventilation to the existing grouped dwelling.
- The neighbouring property's existing side setbacks enables breeze and sunlight to penetrate between buildings. Due to the orientation of the site there will be no direct overshadowing impact from the proposed amendments to the neighbouring property. Additionally there will be no loss of privacy or overlooking to sensitive areas of the adjoining property as sufficient setbacks have been provided.
- The separation distance between the subject site and western property (No. 9 Queen Street) at ground floor is a minimum of 4.0m for the majority of the boundary, noting the neighbouring property has a portion of its dwelling on the boundary for approximately 5.0m. This separation distance is considered to adequately allow for wind penetration and all other floor levels are setback the required 4.0m from the rear boundary.

Local Policy Variations

(f) Significant View

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 have views to the Swan River and the Perth City Skyline.

The previous application acknowledged that the proposed dwelling would cause some obstruction of views of the Swan River and Perth City skyline from the adjoining properties, the extent of obstruction was not considered to be significant as to warrant refusal, as the adjoining properties would still retain a substantial portion of views of the Swan River and Perth City Skyline. In addition, the proposed four storey single house was compatible and in keeping with the existing surrounding built form of dwellings to the north, south and rear.

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 continues to have a compliant building height limit.
- There are no changes proposed to any of the lot boundary setbacks to the north, south and rear from the previous proposal.
- There has been no change to the roof pitch previously approved which was a reduced roof pitch in order to maximise significant views from surrounding lots and to demonstrate compatibility with existing 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 for future development along the foreshore, specifically lots situated behind the site which have primary building height limits of seven storeys, are significantly greater than the primary building height limit of four storeys for the subject site.
- A view corridor to the Swan River from No. 9 Queen Street (property to the rear) are accessible through the side and rear setbacks provided which have remained unchanged from the previous approval.
- Additionally, an analysis of the view shed impacts of the proposed amendment has been submitted which demonstrates that vertically one additional floor of the multiple dwellings located at 1 Queen Street is impacted. However, as illustrated in the diagrams at **Attachment (a)**, views from this building are afforded to either side of the dwelling as the rear and side lot boundary setbacks have remained unchanged.

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

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

10.3.1 Proposed Amendment To Approved Four Storey Single House on Lot 2, No. 15 South Perth Esplanade, South Perth

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

(h) **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. It is noted that the advertising radius followed for this proposal was the same as that advertised to for the original proposal.

During the advertising period, a total of 64 consultation notices were sent, and three submissions were received, all three submissions raising concern with the proposal. A copy of all submissions is provided at **Attachment (c)**. The comments of the submitters, together with an officer response is summarised below.

Submitters' Comments	Officer's Responses
Significant Views	<p>As identified earlier in the report, a significant view assessment has been carried out in accordance with Policy P350.9 (Significant Views) which confirms that there is no major impact to adjoining significant views as a result of this development proposal.</p> <p>The applicant has submitted viewing corridor plans which demonstrate views are still available to either side of the dwelling from neighbouring properties as a result of the proposed amendment. Please refer to Attachment (a).</p> <p>The proposed changes do not alter the view corridors from other surrounding properties as the side and rear setbacks have remained unchanged from those approved in September 2021.</p>
Height	<p>The proposed building height is compliant under the current planning framework and the proposal is not seeking discretion relating to building height requirements.</p>

Loss of access to sunlight (to the west)	The setbacks to the rear and side boundaries remain unchanged as those previously approved. The building separation provided to dwellings on abutting sites, which allows for access to sunlight, have also remained the same as previously approved.
Reflective roofing material	The City does not have a framework which legislates the material of roofing and the level of reflection; however the application was previously considered by the City's Design Review Panel who were supportive of the built form/design proposed.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
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, R-Codes and Council Policy objectives and provisions, in particular the design elements in relation to ground levels and significant views. 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.

Attachments

10.3.1 (a):	Amended Development Plans
10.3.1 (b):	Site Photographs
10.3.1 (c):	Submissions & Applicants Response

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments April 2022

File Ref: D-22-24148
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 April 2022 to 30 April 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(398)	\$4,749,033.46
Cheque Payment to Creditors	(2)	\$438.30
Total Monthly Payments to Creditors	(400)	\$4,749,471.76
EFT Payments to Non-Creditors	(39)	\$27,212.58
Cheque Payments to Non-Creditors	(6)	\$2,563.10
Total EFT & Cheque Payments	(445)	\$4,779,247.44
Credit Card Payments	(6)	\$9,131.26
Total Payments	(451)	\$4,788,378.70

Officer Recommendation

That Council receives the Listing of Payments for the month of April 2022 as detailed in **Attachment (a)**.

Background

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

Comment

The payment listing for April 2022 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.

10.4.1 Listing of Payments April 2022

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.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Monthly Financial reporting time lines exceeding statutory requirements

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

10.4.1 (a): Listing of Payments April 2022

10.4.2 Monthly Financial Statements April 2022

File Ref: D-22-24149
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 30 April 2022.

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 an Original and Revised Budget column for comparative purposes.

Comment

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

COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. In Western Australia Omicron is well and truly out in the community with case numbers now exceeding ten thousand per day, hospitalisation figures are also increasing. The above factors contribute to very uncertain economic circumstances with steep rises in inflation in Australia and other countries. The Perth CPI for the March quarter represented an increase of 7.6% over the corresponding quarter for the previous year, the increase is highest in 20 years.

In framing the Annual Budget 2021/22, the City considered the economic environment and the impact of COVID-19, it may well be that the impact of ending Western Australia's isolation, Omicron and the war in Ukraine has unforeseen budgetary outcomes. As Western Australia remains at risk the State Government continues to extend the state of emergency initially enacted 30 March 2020, however public health measures have been easing.

The Legislated Budget Review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 22 February 2022. Budget Review entries have been processed, budget phasing was also revised as part of the review.

10.4.2 Monthly Financial Statements April 2022

Actual income from operating activities for April year-to-date (YTD) is \$72.59m in comparison to budget of \$71.11m, favourable to budget by 2.07% or \$1.48m. Actual expenditure from operating activities for April is \$60.98m in comparison to the budget of \$62.23m, favourable to budget by 2% or \$1.25m. The April Net Operating Position of \$11.60m was \$2.73m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.88m, budget \$2.48m with an unfavourable variance of \$602k on budget. Actual Capital Expenditure YTD is \$6.54m in comparison to the budget of \$7.72m, \$1.17m or 15% favourable. Timing variations are mainly responsible for the variances included in the above, an analysis is provided within **Attachment (e)** the Significant Variance Analysis. Capital spending typically accelerates in the later part of second half of the year, as projects move from the design and procurement phase to construction. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there have been a number of capital projects that required budget adjustment during the midyear review process.

Cash and Cash Equivalents amounted \$68.12m, higher than the prior year comparative period as a result of the Underground Power Loan funds received in late April 2022. Payment and spending trends are similar to previous years. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Although interest rates are improving the record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 1.27% for investments under 12 months. The rates however appear to be starting to rise. 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 April 2022 the City held 23.53% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Monthly Financial reporting time lines exceeding statutory requirements

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction: Leadership
 Aspiration: A local government that is receptive and proactive in meeting the needs of our community
 Outcome: 4.3 Good governance
 Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

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 and Expenditure
- 10.4.2 (e): Significant Variance Analysis
- 10.4.2 (f): Capital Revenue and Expenditure
- 10.4.2 (g): Statement of Council Funds
- 10.4.2 (h): Summary of Cash Investments
- 10.4.2 (i): Statement of Major Debtor Categories

10.4.3 Councillor Code of Conduct - Disclosure of Political Interests

File Ref: D-22-24151
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

As requested by Council, this report presents an amendment to the Councillor Code of Conduct to incorporate the disclosure of political interests.

Officer Recommendation

That Council amends the Councillor Code of Conduct as contained within **Attachment (a)**, to require Elected Members and Committee Members to disclose:

- Membership of a political party;
- Employment by a political party.

Absolute Majority Required

Background

At its meeting held 26 March 2022, Council resolved:

1. *That the Chief Executive Officer present to Council for endorsement by May 2022, an updated Councillor Code of Conduct that includes a requirement for all Elected Members and Elected Member Candidates to advise the Chief Executive Officer of the following, if applicable: a) Membership of a political party; b) Employment by a political party.*
2. *That Council request the Chief Executive Officer to create a 'Political Interest Register' to include the above information and to make this publicly available on the City's website.*

Comment

The City sought legal advice to prepare the amendment as resolved by Council. This advice provided the following:

A Council has the power to add to its Code of Conduct further requirements that are not in the Model Code of Conduct (as set out in Schedule 1 to the Local Government (Model Code of Conduct) Regulations 2021). However, any further requirements that are added to a Code of Conduct of that type –

- (1) can be expressed to apply only to Council members or committee members – not to candidates (see section 5.104(3)(a) of the *Local Government Act 1995*);
- (2) can apply only to that part of the Code of Conduct relating to 'behaviour' (ie in Division 3) – not to the general principles (in Division 2) or the Rules of Conduct (in Division 4) (see section 5.104(4)); and
- (3) cannot be inconsistent with the Model Code of Conduct (see section 5.104(3)(b)).

10.4.3 Councillor Code of Conduct - Disclosure of Political Interests

As such, Council can amend Division 3 of the Code of Conduct to require a Council or Committee Member to disclose their affiliation with a political party. However, this requirement cannot be imposed on a candidate in a local government election.

The amendment to the Councillor Code of Conduct, a new clause 10A in **Attachment (a)**, has been drafted to reflect the intent of Council and to be in accordance with the *Local Government Act 1995*. In relation to this amendment, political party has not been defined as (in the context of a Code of Conduct) the ordinary meaning would apply.

Any amendments to the Councillor Code of Conduct must be adopted by Absolute Majority of Council.

Once the amendment is adopted, the City will display a Political Interest Register on the website and will update the register upon notification of a disclosure.

Consultation

Nil

Policy and Legislative Implications

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

Councillor Code of Conduct

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Not Applicable
Mitigation and actions	Association with a current political party does not impinge on the City's reputation.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

10.4.3 (a):	Proposed amendment to the Councillor Code of Conduct
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10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Proposed Lease Agreement for South Perth Baseball Club

File Ref: D-22-24152
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report seeks Council's approval to enter into a new lease agreement with the South Perth Baseball Club for its continued use of part of Crown Reserve R36435 known as Bill Grayden Reserve, which is located at 145 Thelma Street, Como, for a five-year term with an option of renewal for a further five year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Nigel McCombe
Seconded: Councillor André Brender-A-Brandis

That the Property Committee recommends to Council that it:

1. Approves a new lease between the City of South Perth and the South Perth Baseball Club for its continued use of part of Crown Reserve R36435 known as Bill Grayden Reserve, which is located at 145 Thelma Street, Como, subject to the following terms:
 - a. Use of Bill Grayden Pavilion and the baseball batting cage;
 - b. Seasonal use only to use/occupy the facilities during the 'Summer Season' from 1 October to 31 March each year;
 - c. A period of five years with an option of renewal for a further five-year term;
 - d. An annual rental of \$2,581 per annum (plus GST), which is reviewed each year that is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 (plus GST);
 - e. Payment of outgoings, utilities and building maintenance costs; and
 - f. Ministerial consent being provided.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease documentation between the City of South Perth and the South Perth Baseball Club.
3. Notes approval of the lease agreement is subject to Ministerial consent.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Lewis Brock and Mr Nigel McCombe.

Against: Nil.

Background

The South Perth Baseball Club was established in 1947 and is located at Bill Grayden Reserve at 145 Thelma Street, Como. This is a portion of Crown Reserve 36435 under a Management Order to the City. The land is vested to the City under a management order to be provided for parks and recreational purposes, which includes the power to lease the land for any term not exceeding 21 years subject to the approval of the Minister for Lands.

A former lease agreement was in place with the South Perth Baseball Club that has now expired. In the interim until a new lease agreement can be developed, the tenant continues to provide baseball activities at the site under a 'holding over' arrangement with the City.

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

Comment

South Perth Baseball Club is an acceptable tenant as it caters to baseball players of all ages and abilities. The Club has teams in all divisions including juniors, adults and seniors.

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

- Has a long history of facilitating baseball within the local community, and is willing and able to continue this role;
- Operates on a low annual operating budget and has agreed to be responsible for paying an annual rental fee, outgoings, utilities and building maintenance costs; and
- Has low-income generation ability that is mainly achieved through fund raising, membership fees and sourcing grants and corporate sponsorships.

The site plan is highlighted in **Figure 1** below.



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

10.5.1 Proposed Lease Agreement for South Perth Baseball Club

There are two main sporting tenants located at Bill Grayden Reserve, being the South Perth Baseball Club and the Trinity Aquinas Football Club, who share use of the facilities according to their respective sporting seasons. For this reason, the proposed new lease agreement with the South Perth Baseball Club will include a clause relating to this 'shared use' arrangement between the Clubs (i.e. the Baseball Club will have approval to occupy the facilities during the 'Summer Season' only from 1 October to 31 March each year). A separate agreement is already in place between the City and the Trinity Aquinas Football Club who use/occupy the facility during the Winter Season from 1 April to 30 September each year.

Additionally, the proposed duration for the new agreement with the South Perth Baseball Club will be 10 years, which is the same duration as their previous agreement; and is the same length of time agreed between the City and the Winter season tenant i.e. Trinity Aquinas Football Club.

The South Perth Baseball Club has 150 active playing members.

Consultation

The City has been in consultation with South Perth Baseball Club over a new lease agreement and they have agreed to the proposed terms and conditions. The South Perth Baseball Club has been a good tenant and the agreed terms represent an appropriate outcome for both parties. The agreement will require consent from the Minister for Lands.

Policy and Legislative Implications

The following legislation and policies are relevant:

- *Local Government Act 1995*
- City of South Perth Policy P609 'Management of City Property'

Local Government Act 1995

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

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. As the South Perth Baseball Club is a not-for-profit sporting club and is seeking use of local government property for recreation purposes, the intended use of the land is exempt from section 3.58 of the Act.

City of South Perth Policy P609 'Management of City Property'

Under Policy P609 Management of City Property, leases for not-for-profit sporting clubs are to be negotiated consistently with the following principles:

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

Financial Implications

The majority of the operating costs associated with the South Perth Baseball Club will be the responsibility of the lessee.

The new lease agreement will attract lease fee income for the City of \$2,581 per annum (plus GST) reviewed each year; and recovery of costs from the Club through its payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

The South Perth Baseball Club is financially viable/sustainable, which is evidenced by its current financial position. The Club’s Profit and Loss Statement and Balance Sheet is attached in **Confidential Attachment (a)**.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Low
Mitigation and actions	The proposed new lease agreement will mitigate a potential legislative breach by outlining the terms and conditions regarding the approved use of the land by the lessee. It will also enable the parties to comply with legislative requirements relating to leasing of local government property.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Effectively develop, manage and optimise the use of the City’s properties, assets and facilities

Attachments

10.5.1 (a):	South Perth Baseball Club - Profit and Loss Statement & Balance Sheet (<i>Confidential</i>)
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10.5.2 Proposed Lease for the South Perth Child Health Clinic, Cnr Sandgate Street and South Terrace, South Perth

File Ref: D-22-24154
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report seeks Council's approval for the City of South Perth to enter into a lease agreement with the Child and Adolescent Health Service for continued use of a portion of the South Perth Community Centre by the existing tenant known as the South Perth Child Health Clinic, located on the corner of Sandgate Street and South Terrace, South Perth, for a five-year term with an option of renewal for a further five-year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Lewis Brock
Seconded: Councillor André Brender-A-Brandis

That the Property Committee recommends to Council that it:

1. Approves a lease agreement between the City of South Perth and the Child and Adolescent Health Service for continued use of a portion of the South Perth Community Centre by the existing tenant known as the South Perth Child Health Clinic, located on the corner of Sandgate Street and South Terrace, South Perth, subject to the following main terms and conditions:
 - a. A term of five years;
 - b. A further term of five years (renewal option);
 - c. An annual rental of \$1,000 per annum (plus GST), which is reviewed each year that is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum; and
 - d. Payment of all rates, taxes, outgoings, utilities and building maintenance costs.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth and the Child and Adolescent Health Service.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Lewis Brock and Mr Nigel McCombe.

Against: Nil.

Background

The South Perth Child Health Clinic has been operating from the lower section of the South Perth Community Centre for approximately 10 years. The Clinic is situated on the corner of Sandgate Street and South Terrace, South Perth; which is located within Lot 3 on Plan 14563 being land owned freehold by the City. The City has the power to lease the land or use it as required.

Child health clinics in Western Australia are managed by the Child and Adolescent Health Service (CAHS), as part of the state government's Department of Health. The CAHS is a legal entity that can acquire property and/or enter into property arrangements with other parties, such as lease agreements.

A current lease agreement is in place between the City and the CAHS that is due to expire on 31 May 2022; and the CAHS has recently expressed its desire to continue occupation of the premises under a new lease arrangement.

Comment

CAHS is an acceptable tenant as it offers maternal, child and family health services for people in the local community, including: health and development checks; immunisation advice; and support to families with young children.

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

- Is a state government statutory authority that provides free community health programs and services that benefits people in Western Australia;
- Has a long history of providing a child health service for the local community, and is willing and able to continue this role;
- Operates on a high annual operating budget and is responsible for the following operational costs at the child health clinic: staffing, utilities, internal building maintenance, repairs, rates/taxes, rubbish collection service, advertising/marketing, cleaning, consumables, depreciation, insurance, security, and telephone/computer; and
- Has agreed to payment of rent, rates, taxes, outgoings, utilities and building maintenance costs (*Note: under the previous lease agreement, the lessee did not pay rent as a peppercorn arrangement was in place*).

The site plan for the proposed lease of the South Perth Child Health clinic is highlighted in **Figure 1** below.

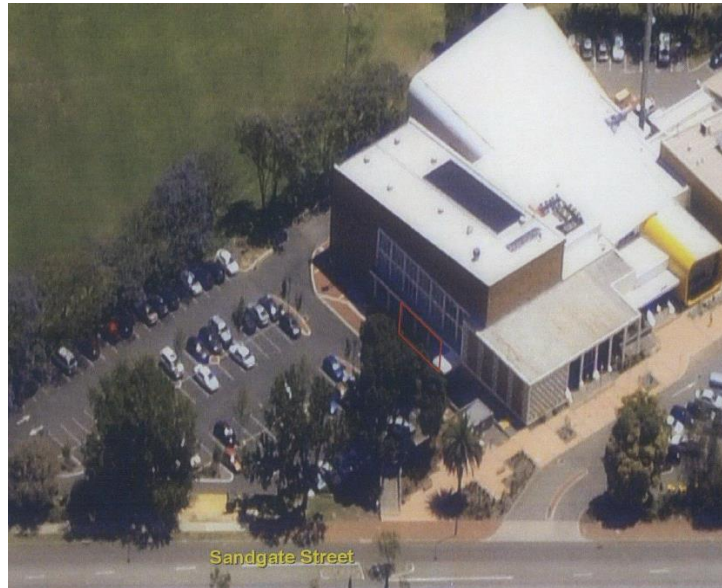


Figure 1: Aerial photograph of the subject site.

Consultation

The City has been in consultation with the CAHS over a new lease agreement and they have agreed to the proposed terms and conditions.

Policy and Legislative Implications

The following legislation and policies are relevant:

- *Local Government Act 1995*
- *Health Services Act 2016*
- City of South Perth Policy P609 'Management of City Property'

Local Government Act 1995

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

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

Health Services Act 2016

Under Section 32 of the *Health Services Act 2016*, the Minister for Health issued an order to establish five new health service providers in Western Australia as follows:

1. Child and Adolescent Health Service (CAHS)
2. North Metropolitan Health Service (NHMS)

10.5.2 Proposed Lease for the South Perth Child Health Clinic, Cnr Sandgate Street and South Terrace, South Perth

3. East Metropolitan Health Service (EMHS)
4. South Metropolitan Health Service (SMHS)
5. WA Country Health Service (WACHS)

Under Section 36 of the *Health Services Act 2016*, each of the above health services can acquire property as they are legal entities.

City of South Perth Policy P609 ‘Management of City Property’

Under Policy P609 ‘Management of City Property’, leases with government bodies are to be negotiated consistently with the following principles:

1. Leases will be granted for a period of 5 years with a 5 year option; and
2. Leases are to be for an annual rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum.
3. The City may by resolution of Council grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the local community.

Financial Implications

The majority of the operating costs associated with the South Perth Child Health Clinic will be the responsibility of the lessee (Child and Adolescent Health Service).

The new lease agreement will attract lease fee income for the City of \$1,000 per annum (plus GST) reviewed each year; and recovery of costs from the Child and Adolescent Health Service through its payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

The Child and Adolescent Health Service is financially viable/sustainable, which is evidenced by its current financial position. The Child and Adolescent Health Service’s Profit and Loss Statement and Balance Sheet is attached in **Confidential Attachment (a)**.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	The proposed new lease agreement will mitigate a potential legislative breach by outlining the terms and conditions regarding the approved use of the land by the lessee. It will also enable the parties to comply with legislative requirements relating to leasing of local government property.

10.5.2 Proposed Lease for the South Perth Child Health Clinic, Cnr Sandgate Street and South Terrace, South Perth

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Effectively develop, manage and optimise the use of the City's properties, assets and facilities

Attachments

10.5.2 (a):	Child and Adolescent Health Service - Profit and Loss Statement and Balance Sheet (<i>Confidential</i>)
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10.5.3 Proposed Lease Agreement for Salter Point Sea Scouts

File Ref: D-22-24155
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report seeks Council's approval for the City to enter into a new lease agreement with the Scout Association of Australia Western Australia (trading as Scouts WA) for continued use of part of Crown Reserve R23967 on Lot 301 on Deposited Plan 4440 known as the Salter Point Scout Hall, which is located at 71 Elderfield Road, Salter Point, by the Salter Point Sea Scouts for a five-year term with an option of renewal for a further five year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Blake D'Souza
Seconded: Councillor André Brender-A-Brandis

That the Property Committee recommends to Council that it:

1. Approves a new lease between the City of South Perth and the Scout Association of Australia Western Australia (trading as Scouts WA) for continued use of part of Crown Reserve R23967 on Lot 301 on Deposited Plan 4440 known as the Salter Point Scout Hall, which is located at 71 Elderfield Road, Salter Point, by the Salter Point Sea Scouts subject to the following terms:
 - a. Use of the Salter Point Scout Hall;
 - b. A period of five years with an option of renewal for a further five-year term;
 - c. An annual rental of \$1,065 per annum (plus GST), which is reviewed each year that is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 (plus GST);
 - d. Payment of outgoings, utilities and building maintenance costs; and
 - e. Ministerial consent being provided.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease documentation between the City of South Perth and the Scout Association of Australia Western Australia (trading as Scouts WA); and
3. Notes approval of the lease agreement is subject to Ministerial consent.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Lewis Brock and Mr Nigel McCombe.

Against: Nil.

Background

The Salter Point Sea Scouts has a long operational history within the City of South Perth using the Salter Point Scout Hall that is located at 71 Elderfield Road, Salter Point. This is a portion of Crown Reserve R23967 that is vested to the City under a Management Order to be provided for parks and recreational purposes, which includes the power to lease the land for any term not exceeding 21 years subject to the approval of the Minister for Lands.

A current 'peppercorn' lease agreement is in place with the Scout Association of Australia Western Australia for use of the premises for a five-year term, which expires on 30 June 2022. The City has undertaken recent consultation with Scouts WA regarding a new lease agreement, with the organisation expressing its desire for the Salter Point Sea Scouts to continue occupation of the premises under a new lease arrangement.

Comment

Salter Point Sea Scouts is an acceptable tenant as it provides scouting activities for all ages and abilities, including: Joeys (6-7 years), Cubs (8-10 years), Scouts (11-14 years), Ventures (15-18 years) and Rovers (18-25 years).

The proposed terms for the new lease agreement have been negotiated based on the following considerations of the Club:

- Has a long history of facilitating scouting activities within the local community, and is willing and able to continue this role;
- Operates on a low annual operating budget and has agreed to be responsible for paying an annual rental fee, outgoings, utilities and building maintenance costs; and
- Has low-income generation ability that is mainly achieved through fund raising, membership fees and sourcing grants and corporate sponsorships.

The site plan is highlighted in **Figure 1** below.

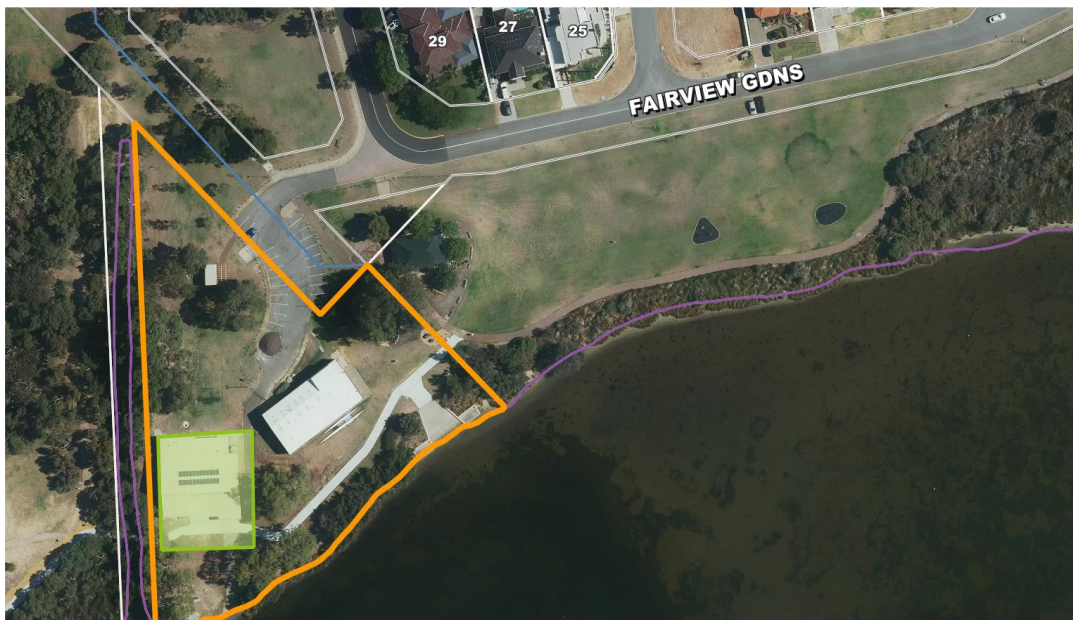


Figure 1: Aerial photograph of the subject site (2022).

The Salter Point Scout Hall is located nearby the Curtin University Boat Clubhouse in Salter Point that is leased from the City. The Curtin University Boat Club is proposed to redevelop their leased facility in the future, which may provide shared use opportunities for compatible users, such as the Salter Point Sea Scouts. For this reason, the lease agreement is planned to include a 'redevelopment' clause.

The Salter Point Sea Scouts currently has 73 active members.

Consultation

The City has been in consultation with Scouts WA and Salter Point Sea Scouts about a new lease agreement and they have agreed to the proposed terms and conditions. The Salter Point Sea Scouts have been a good tenant and the agreed terms represent an appropriate outcome for both parties. The agreement will require consent from the Minister for Lands.

Policy and Legislative Implications

The following legislation and policies are relevant:

- *Local Government Act 1995*
- City of South Perth Policy P609 'Management of City Property'

Local Government Act 1995

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

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. As Scouts WA is a not-for-profit community association and is seeking use of local government property for recreation purposes, the intended use of the land is exempt from section 3.58 of the Act.

City of South Perth Policy P609 'Management of City Property'

Under Policy P609 Management of City Property, leases for not-for-profit sporting clubs are to be negotiated consistently with the following principles:

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

Financial Implications

The majority of the operating costs associated with the Salter Point Sea Scouts will be the responsibility of the lessee.

The new lease agreement will attract lease fee income for the City of \$1,065 per annum (plus GST) reviewed each year; and recovery of costs from the Club through its payment of outgoings, utilities and building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

10.5.3 Proposed Lease Agreement for Salter Point Sea Scouts

The Salter Point Sea Scouts are financially viable/sustainable, which is evidenced by its current financial position. The Club's Profit and Loss Statement and Balance Sheet is attached in **Confidential Attachment (a)**.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	The proposed new lease agreement will mitigate a potential legislative breach by outlining the terms and conditions regarding the approved use of the land by the lessee. It will also enable the parties to comply with legislative requirements relating to leasing of local government property.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Effectively develop, manage and optimise the use of the City's properties, assets and facilities

Attachments

10.5.3 (a):	Scouts WA - Profit and Loss Statement and Balance Sheet <i>(Confidential)</i>
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11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Carl Celedin for the period 4 July 2022 to 8 July 2022 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the April 2022 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS: 24 MAY 2022

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

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

15.1.1 Former Manning Library - 144 Manning Road, Karawara

15.1.1 Former Manning Library - 144 Manning Road, Karawara

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

File Ref: D-22-24157

Author(s): Vicki Lummer, Director Development and Community Services

Reporting Officer(s): Vicki Lummer, Director Development and Community Services

16. CLOSURE

APPENDIX

13.1 QUESTIONS FROM MEMBERS taken on notice 26 April 2022

Councillor Stephen Russell	Responses provided by: Mark Taylor – Director Infrastructure Services
<p><i>[Preamble]</i></p> <p>With regard to Policy P356 “Electricity Substations” Clause (c) which states ‘the City will request that the infrastructure is suitably surrounded by appropriate landscaping or screening installed and maintained by the electricity supply authority. This is intended to minimise the visual impact on neighbouring properties’.</p>	
<p>1. Could the City please advise how this policy item is to be upheld for the new underground power substations that are now populating the Collier area?</p>	<p>The intent of this policy is for managing the impact of major substations, such as that required to be installed on the South Perth foreshore as part of the Connect South project. The result was extensive screening combined with artwork.</p> <p>In the case of the smaller underground power transformers, the City and Western Power endeavour to ensure they are located on public land (parks and reserves). Where that cannot be achieved, they are located on the side of corner blocks where they provide the least impact to residents.</p> <p>The City will consider landscaping / screening of transformers in certain circumstances, where residents are impacted to a greater degree. An example of this is as part of the Manning SUPP project on Welwyn Avenue in front of the Manning shopping precinct.</p>

Councillor Carl Celedin

Response provided by: Fiona Mullen – Manager Development Services

[Preamble]

There is a bit of a concern on the development site, or proposed development site at Keaney Place and Garvey Street in the Waterford Triangle, there is enormous number of mattresses on the verge, it looks like a Forty Winks store.

1. Can we just have someone have a look at that and maybe just follow up with where they are at with the demolition and just a bit of a clean up please?

The development of student accommodation at McKay St, Keaney Place and Garvey St, Waterford was approved by the Western Australian Planning Commission in June 2021, having been assessed by the SDAU.

As such, any compliance matters are to be dealt with by the Department of Planning, and officers have made contact with the Department to request the site is cleared in a timely manner.