

MINUTES

Ordinary Council Meeting

25 October 2022

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 25 October 2022 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

28 October 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 - 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 25 October 2022.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.02pm.

Councillor Glenn Cridland contacted the City requesting to attend the meeting via telephone.

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996, Council must approve (by absolute majority) the attendance of a person, not physically present at a meeting of council, by telephone or other means of instantaneous communication. The person must be in a 'suitable place' as approved (by absolute majority) by Council which must be a townsite or other residential area located 150km or further from the place of the meeting.

COUNCIL DECISION

1022/157

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

1. Council approves Councillor Glenn Cridland to attend the City of South Perth Council meeting held 25 October via telephone in accordance with regulation 14A(1) of the Local Government (Administration) Regulations 1996.
2. Council approves Hamilton Queanbeyan Motel, 53 Tharwa Road, Queanbeyan West, New South Wales, 2620 as a suitable place for Councillor Glenn Cridland's attendance in accordance with regulation 14A(4) of the Local Government (Administration) Regulations 1996.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

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 (via audio link)

Councillor Blake D'Souza

Councillor André Brender-A-Brandis

Councillor Jennifer Nevard

Councillor Stephen Russell

Councillor Mary Choy

Councillor Ken Manolas

Officers

Chief Executive Officer

Director Corporate Services

Director Development and Community Services

A/Director Infrastructure Services

Manager Development Services

Manager Finance

Manager Governance

Communications and Marketing Coordinator

Governance Coordinator

RAF Project Advisor

Governance Officer

Mr Mike Bradford

Mr Garry Adams

Ms Vicki Lummer

Mr Steve Atwell

Ms Fiona Mullen

Mr Abrie Lacock

Ms Bernadine Tucker

Ms Karys Nella (retired at 7.14pm)

Ms Toni Fry

Ms Rebecca de Boer (retired at 7.14pm)

Mr Morgan Hindle

Gallery

There were approximately 16 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 25 October 2022 to 1 November 2022 inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.0.1 as ‘My family are members of the Manning Community Toy Library.’
- Mayor Greg Milner – Impartiality Interest in Item 10.1.2 as ‘A number of the nominees are personally known to me.’
- Councillor Carl Celedin – Impartiality Interest in Item 10.1.2 as ‘I know many of the nominees personally.’
- Councillor Glenn Cridland - Impartiality Interest in Item 10.1.2 as ‘some of the nominees are known to me.’
- Councillor Ken Manolas – Impartiality Interest in Item 10.1.2 as ‘some of the nominees are known to me.’
- Councillor Carl Celedin – Impartiality Interest in Item 15.1.2 as ‘the complaint relates to me.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 25 OCTOBER 2022

The Presiding Member opened Public Question Time at 6.07pm.

Written questions were received prior to the meeting from:

- Mr Kiely Hodsdon of Manning.
- Dr Louise Johnston of Como.
- Ms K Poh of Como.
- Mr Trevor Hill of South Perth.

At 6.21pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

COUNCIL DECISION

1022/158

Moved: Mayor Greg Milner
Seconded: Councillor Mary Choy

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

CARRIED (9/0)

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

Against: Nil.

- Ms Tracy Destree of Manning

- Mr Peter Scott of Como..

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

There being no further questions, the Presiding Member closed Public Question Time at 6.30pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 27 September 2022

Officer Recommendation AND COUNCIL DECISION

1022/159

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Stephen Russell

That the Minutes of the Ordinary Council Meeting held 27 September 2022 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 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
3 October 2022	Professional Development Session 10 - Engaging with community members and avoiding being drawn into operational issues	Mayor Greg Milner and Councillors André Brender-A-Brandis, Jennifer Nevard, Ken Manolas, Mary Choy.
10 October 2022	Recreation and Aquatic Facility Briefing	Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas, Mary Choy.
11 October 2022	Lease and License Agreement Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Ken Manolas, Mary Choy.

17 October 2022	Long Term Financial Plan and Corporate Business Plan workshop	Mayor Greg Milner and Councillors Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas, Mary Choy.
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Attachments

Nil.

7.2.2 COUNCIL AGENDA BRIEFING - 18 OCTOBER 2022

Officers of the City presented background information and answered questions on Items to be considered at the October Ordinary Council Meeting at the Council Agenda Briefing held 18 October 2022.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

1022/160

Moved: Councillor Mary Choy

Seconded: Councillor André Brender-A-Brandis

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 18 October 2022

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard and 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 18 October 2022.

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 Presiding Member advised that Item 10.4.4 – Metro Inner-South Joint Development Assessment Panel Member and Item 15.1.2 – Councillor Code of Conduct were new reports.

The Presiding Member also advised that Councillor Mary Choy had withdrawn Item 12.2 Notice of Motion – Councillor Mary Choy – Policy & Fact Sheet for Petitions.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 18 October 2022 with the exception of Item 10.4.4 and 15.1.2.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.3.1 Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como
- 10.4.3 Elected Member Superannuation
- 10.4.4 Metro Inner-South Joint Development Assessment Panel Member
- 15.1.1 Former Manning Library – 144 Manning Road, Karawara
- 15.1.2 Councillor Code of Conduct

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

COUNCIL DECISION

1022/161

Moved: Councillor Carl Celedin

Seconded: Councillor André Brender-A-Brandis

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

- 10.0.1 Proposed Licence Agreement for Manning Community Toy Library Inc located at Manning Community Centre
- 10.1.1 City of South Perth Arts Advisory Group - 2021/22 Annual Report
- 10.1.2 City of South Perth Volunteer of the Year Awards - Assessment and Recommendations for 2022
- 10.4.1 Listing of Payments September 2022
- 10.4.2 Monthly Financial Statements September 2022

CARRIED (9/0)

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

Against: Nil.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

Item 10.0.1 was referred from the 23 August 2022 Ordinary Council Meeting.

Mayor Greg Milner disclosed an Impartiality Interest in Item 10.0.1.

10.0.1 Proposed Licence Agreement for Manning Community Toy Library Inc located at Manning Community Centre

File Ref: D-22-49354
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Garry Adams, Director Corporate Services

Summary

This item has been brought back before Council after having being considered at the Ordinary Council Meeting held August 23 2022, where the Officer and Property Committee recommendation was not supported. Following an alternative motion, Council resolved for the item to be reconsidered after a Councillor Briefing Session was held to review the City's legal advice, policies and documents in relation to Leases and Licences. This briefing was held on Tuesday 11 October 2022.

This report seeks for Council to reconsider the approval for the City to enter into a new licence agreement with Manning Community Toy Library Inc. for its continued use of a portion of the Manning Community Centre located at Lot 803 on Plan 69206 (2 Conochie Crescent, Manning), for a five-year term with an option of renewal for a further five-year term.

Officer Recommendation AND COUNCIL DECISION

1022/162

Moved: Councillor Carl Celedin
Seconded: Councillor André Brender-A-Brandis

That Council:

1. Approves a licence agreement between the City of South Perth and Manning Community Toy Library Inc. for its continued use of a portion of the Manning Community Centre located at Lot 803 on Plan 69206 (2 Conochie Crescent, Manning), subject to the following terms and conditions:
 - a. A term of five years;
 - b. A further term of five years (renewal option);

10.0.1 Proposed Licence Agreement for Manning Community Toy Library Inc located at Manning Community Centre

- c. A Licence Fee of \$1 (if demanded) to reflect the Toy Library's small-scale operation; and in recognition of the community benefits provided by the Toy Library to local families; and
- d. Payment of a contribution to utilities and minor building maintenance costs as required.
- e. Other terms and conditions as negotiated and agreed by the Chief Executive Officer.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

The Manning Community Toy Library was established at the site in 2018 and has more than 600 toys, puzzles, games available in its collection to be loaned to local families, mainly for children aged between six months and six years.

The Manning Community Toy Library Inc. is a small community group that currently has capacity to operate one day per week (Saturday mornings from 9am to 10.30am). The Toy Library has a current membership of approx. 200 people who predominantly live in the suburbs of Manning, Salter Point and surrounds, with 20 families on average loaning toys each week.

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

The City has the power to use the land as required, which may include granting a license to a third party.

Comment

The Toy Library currently uses the Centre under a casual hire arrangement, which does not provide them with certainty over their tenure. Both parties have agreed to enter into a licence agreement, which will address the tenure issue and provide clearer operational guidelines on the roles and responsibilities of each party, including building maintenance etc. Having a longer-term agreement in place will also assist the Toy Library with its operational planning and may assist them to source external grants and sponsorship.

Until the licence agreement can be developed, the Toy Library continues to provide a toy sharing service at the site under a casual hire arrangement with the City.

The Toy Library is an acceptable licensee as it meets an ongoing community need, especially assisting local families to share/borrow toys and games for their children who may otherwise not be able to have access to certain toys and games.

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

- Has a long history of facilitating a toy sharing/loan service within the local community, and is willing and able to continue this role;
- Operates on a low annual operating budget and has agreed to be responsible for paying outgoings, utilities and building maintenance costs; and

10.0.1 Proposed Licence Agreement for Manning Community Toy Library Inc located at Manning Community Centre

- Has low-income generation ability that is mainly achieved through membership fees and grants.

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

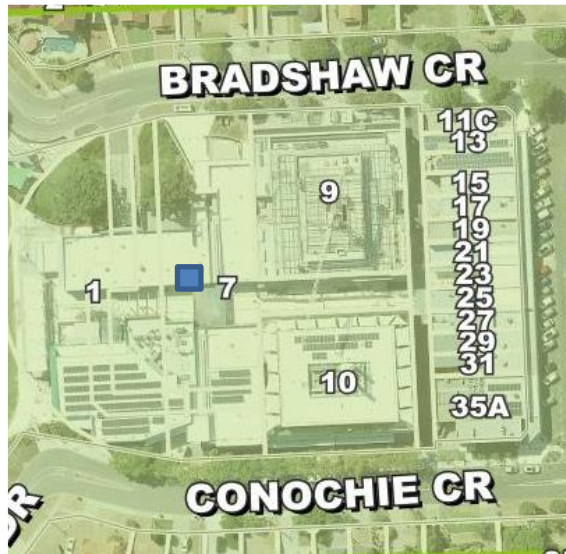


Figure 1: Aerial photograph of the subject site (2021).

Consultation

The City has undertaken recent consultation with the Toy Library Inc. regarding the proposed licence agreement, who expressed its support to enter into a licence agreement with the City, subject to a nil licence fee arrangement. The Toy Library has been operating at the site for many years and is keen to remain at its current site into the future. Granting a licence of the premises will ensure continued provision of a toy sharing/loaning service at this location for the local community.

Policy and Legislative Implications

The Public Places and Local Government Property Local Law 2011 provides the power for the CEO to grant licences.

Policy P609 Management of City Property, provides guidance for leases and provides that leases with community groups are negotiated consistently with the following principles:

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

Policy P609 also makes provision for Council, to grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the local community. This guidance has also been applied to the proposed licence, however the CEO has chosen not to exercise his delegated authority in this matter due to the deviation from the rental (licence fee) guidance provided by the Policy.

Financial Implications

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

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

The Toy Library will become responsible for payment of utilities and some minor building maintenance costs. The City will be responsible for the cost of preparation and lodgement of the licence document.

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 licence agreement will mitigate a potential legislative breach by outlining the terms and conditions regarding the approved use of the land by the licensee. It will also enable the parties to comply with legislative requirements relating to licensing 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: 1.2.1 Plan, develop and facilitate community infrastructure to respond to changing community needs and priorities

Attachments

10.0.1 (a): Manning Community Toy Library - Profit and Loss Statement and Balance Sheet (*Confidential*)

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 City of South Perth Arts Advisory Group - 2021/22 Annual Report

File Ref: D-22-49361
Author(s): Duncan McKay, Arts Officer
Reporting Officer(s): Patrick Quigley, Manager Community, Culture and Recreation

Summary

This report presents the Arts Advisory Group's 2021/22 Annual Report

Officer Recommendation AND COUNCIL DECISION

1022/163

Moved: Councillor Carl Celedin
Seconded: Councillor André Brender-A-Brandis

That Council receives the Arts Advisory Group's 2021/22 Annual Report.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

The City's Public Art Advisory Group was established in 2015.

In 2021 the Public Art Advisory Group was re-named the Arts Advisory Group (AAG) to reflect a wider scope in providing advice about a diverse range of art projects/activities, including public art, the City's art collection and other arts initiatives.

The Arts Advisory Group is made up of elected members, community industry specialists, community representatives and City Officers.

In accordance with Policy P112 Community Advisory Groups, the City is to provide Council with an annual report reviewing the terms of reference, activities and achievements for each community advisory group. The Arts Advisory Group Annual Report 2021/22 is provided to Council in fulfilment of this policy commitment and is shown as **Attachment (a)**.

Comment

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

Some of the achievements of the Arts Advisory Group during the year included:

- Assessment of nine public art projects by private developers in alignment with the City's Policy P316 – Developer Contributions to Public Art and Public Art Spaces, and the Canning Bridge Activity Centre Plan.

10.1.1 City of South Perth Arts Advisory Group - 2021/22 Annual Report

- Completion of the 'Vehicles of Change' public art commission in partnership with the RAC, delivering the sculpture *R/evolve* by Ben Jones, Angela McHarrie and Tony Jones, which was launched on 31 August 2021.
- Assisted with the development and implementation of two public art trails – Southside Summer Kids Art Trail (live from 21 January – 6 February 2022) and the Artwalk Mindeerup is available in hardcopy (since early May 2022) and more recently on the Discover South Perth application.
- Assisted with the content for the inaugural *City of South Perth Public Art Masterplan 2022-2025* to provide guidance, tools and information, which will provide direction to all those involved in creating public art in the City.

The Arts Advisory Group's Terms of Reference were revised in September 2021 to reflect its new name; wider scope; and broader membership provisions to enable community representatives.

Consultation

The Arts Advisory Group was consulted during the development of the attached Annual Report in August 2022.

Policy and Legislative Implications

The following are relevant:

- Policy P112 Community Advisory Groups
- Policy P101 Public Art
- Policy P316 Developer Contribution to Public Art and Public Art Spaces
- Canning Bridge Activity Centre Plan

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	Low
Mitigation and actions	The provision of an Annual Report of the City's Arts Advisory Group is an effective risk management mitigation strategy as it provides a high-level summary of achieved outcomes to optimise community awareness and transparency of the Advisory Group's operations.

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

Attachments

10.1.1 (a): Arts Advisory Group - Annual Report 2021/22

Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland and Ken Manolas disclosed Impartiality Interests in Item 10.1.2.

10.1.2 City of South Perth Volunteer of the Year Awards - Assessment and Recommendations for 2022

File Ref: D-22-49376
Author(s): Marie Walker, Community Development Officer
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report seeks Council's approval of the eligible nominations submitted for the 2022 City of South Perth Volunteer of the Year Awards Program.

Officer Recommendation AND COUNCIL DECISION

1022/164

Moved: Councillor Carl Celedin
Seconded: Councillor André Brender-A-Brandis

That Council approves the Award recipients for the City of South Perth Volunteer of the Year Award Program for 2022, as shown in **Confidential Attachment (a)** in the following categories:

- a. Volunteer of the Year – Adult (over 25 years);
- b. Volunteer of the Year - Youth (18-25 years); and
- c. Volunteer of the Year - Junior (under 18 years).

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

In December each year International Volunteer Day is celebrated around the world to recognise the important role that volunteers play in building healthy and vibrant communities.

Local governments are encouraged to acknowledge and reward those individuals who volunteer their time and expertise in their communities.

The City facilitates a combined 'Thank a Volunteer and Stakeholder Function' in December each year to acknowledge and celebrate the contributions of volunteers who service our community and of our stakeholders. As part of this event, the City of South Perth Volunteer of the Year Awards are presented to recognise outstanding individual volunteering contributions in the community.

There are three Volunteer of the Year Award categories, as follows:

1. *Adult Volunteer of the Year Award*

This Award is open to individuals who reside or volunteer within the City of South Perth and are aged over 25 years.

2. *Youth Volunteer of the Year Award*

This Award is open to individuals who reside or volunteer within the City of South Perth and are aged between 18 and 25 years.

3. *Junior Volunteer of the Year Award*

This Award is open to individuals who reside or volunteer within the City of South Perth and are aged under 18 years.

Nominations were assessed by a panel comprising the City's Manager Community, Culture and Recreation, Community Development Coordinator and Community Development Officer; against three selection criteria, namely:

1. The level of involvement of the volunteer;
2. The significance of the volunteering contribution to the local community; and
3. The inspiring impact of the volunteering activity to enhance community life.

Presentation of the Awards will be made at the City's combined 'Thank a Volunteer and Stakeholder Function' event on 1 December 2022. The winner of each category will be recognised with a certificate and trophy. All other eligible nominees will receive a certificate and public acknowledgement of their volunteering contributions at the event.

Comment

This year the City received a total of 50 nominations comprising:

- 37 x Adult Volunteer of the Year nominations;
- 3 x Youth Volunteer of the Year nominations; and
- 10 x Junior Volunteer of the Year nominations

A summary of the nominations; the City's assessment scores; and recommended award recipients is attached as Confidential Attachment (a).

Overall, the assessment panel found that the standard of nominations this year was strong, however there were a couple of individuals who stood out and who scored very strongly. All eligible nominations were considered meritorious, as they demonstrated the variety of ways that volunteers make significant contributions to the local community. A letter will be sent to all nominees to thank them for their outstanding volunteering contributions and inviting them to attend the event to be held in December 2022.

Consultation

The City commenced promotion of the Volunteer of the Year Award Program in August 2022. Emails were sent to community groups, sporting clubs, schools and volunteer organisations listed in the City's Community Information Directory. The Award Program was also advertised in the City Update and on the City's website. Nominations closed on 30 September 2022.

Policy and Legislative Implications

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

Financial Implications

Funds are allocated in the City's 2022/23 Operating Budget for costs associated with the Volunteer of the Year Award Program.

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	The City could potentially face adverse reputational impacts if it didn't acknowledge local volunteers each year. The City's Volunteer of the Year Awards is an effective risk management mitigation strategy as it provides a suitable method of acknowledging the contributions made by local volunteers.

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:	1.1 Culture and community
Strategy:	1.1.4 Encourage volunteering that benefits our community

Attachments

10.1.2 (a):	City of South Perth Volunteer of the Year awards 2022 - Assessment and Recommendations (<i>Confidential</i>)
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10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

Councillor Blake D'Souza left the Chamber at 6.38pm and returned at 6.41pm.

Councillor Carl Celedin left the Chamber at 6.53pm and returned at 6.54pm.

10.3.1 Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como

Location: 112 Lockhart Street and 11 McDougall Street, Como
Ward: Como Ward
Applicant: Norup + Wilson
File Reference: D-22-49365
DA Lodgement Date: 26 May 2022
Author(s): Matthew Andrews, Urban Planner
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

To consider an application for development approval for 7 x Grouped Dwellings (4 x four-storey and 3 x five-storey) at Lot 229, No(s) 112 Lockhart and 11 McDougall Street, Como.

This 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 is considered to satisfy with the maximum height requirements prescribed by the Canning Bridge Activity Centre Plan.

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

Alternative Motion

Moved: Councillor Stephen Russell

Seconded: Councillor Jennifer Nevard

That, pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 7 x Four and Five Storey Grouped Dwellings at Lot 229, No(s) 112 Lockhart and 11 McDougall Street, Como be refused.

Reasons for Change

1. The City has noted that the proposed development includes three dwellings that are five-storeys in height which is greater than the prescribed height limit of four storeys^[1]. Clause 67(2) of the Deemed Provisions for local planning schemes in Planning and Development (Local Planning Schemes) Regulations states "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: (a) the aims and provisions of this Scheme; in this case Town Planning Scheme 6 (TPS6). As TPS6 7.8 states that the power of discretion shall not be exercised by the local government with respect to Building Height Limits

referred to in clause 6.1A and as clause 6.1A(10)(b) refers to the Building Height Limits of the Canning Bridge Activity Centre Plan (CBACP), then no discretion is allowed. Hence this proposal cannot be approved on this basis.

Furthermore, Clause 67(1)(b) of the Deemed Provisions for local planning schemes in Planning and Development (Local Planning Schemes) Regulations notes “Development approval cannot be granted on an application for approval of development that otherwise does not comply with a requirement of this Scheme, unless —

- i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
- ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses.

Now as the development does not comply with height restrictions set out ultimately by the scheme and as sub-clauses (i) and (ii) are not valid, then approval cannot be given under the regulations.

Notwithstanding the non-discretion interpretation, the vision for the H8 to H4 transition is covered under CBACP requirement 3.8, whereby for a H8 building across the road from a H4 building, then the H8 building shall be designed to reduce undue impact on the residential street by being limited to a building height of 20 metres for that part of the development within 5 metres of the street boundary i.e. the CBACP only considers the H8 building’s scale & form near to the street to be built-down to meet transition.

There are no provisions for the H4 building to be built-up to meet an across the street H8 building. The proposed development is therefore considered not meeting the H8 to H4 transition of the CBACP.

Footnote [1]. It must be noted that the 16m NGL height limit is not a singular limit in itself. It is to be used with the 4-storey limit to ensure that no 4 storey developments exceed 16m NGL e.g., 4 storeys of 5m heights resulting in a building height of 20m NGL.

2. The CBACP requirement 1.15 states that in Q4, development be designed in accordance with Residential Design Codes Vol. 2 Element 4.9 in respect to universal design. An acceptable outcome of Element 4.9 is that either a Silver or Platinum level of the “Liveable Housing Design Guidelines” be incorporated into the design. The application makes no reference to these guidelines and how its elements are incorporated into the design.

Furthermore, as the Western Australian State Government is not a signatory to the National Construction Code (NCC) 2022 provisions for Livable housing design for all new dwellings such as being proposed, then it is in my opinion, essential that

where current planning instruments require Livable Housing, then these should be applied.

3. The CBACP Q4 refers to the provisions of Parts 3 & 4, of the Residential Design Codes Volume 2 which includes 3.3 'Tree canopy and deep soil areas (DSA)' and 4.12 'Landscape design' elements. These elements which detail, amongst other items, the locality & quantity of DSA and the proposed size & species of new trees are typically covered within a Landscape Plan. The Residential Design Code Annex 5 notes that a Landscape Plan is an appropriate material when submitting a development application. A Landscape Plan has not been furnished by the Applicant and therefore these elements cannot be appropriately considered.

Furthermore, the Applicant's arborist report is incomplete as it does not report on two on-site trees. The Residential Design Codes Volume 2 Element 3.3 'Tree canopy and deep soil areas' objective 3.3.1 states 'Site planning maximises retention of existing healthy and appropriate trees' which is met by Acceptable Outcomes A3.3.1 and A3.3.2. Without a complete arborist report then it is indeterminate if the element objective or potential alternative solutions to satisfy this objective, is being met.

COUNCIL DECISION

1022/165

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Stephen Russell be granted an additional five minutes to speak.

CARRIED (9/0)

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

Against: Nil.

Alternative Motion and COUNCIL DECISION**1022/166****Moved:** Councillor Stephen Russell**Seconded:** Councillor Jennifer Nevard

That, pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 7 x Four and Five Storey Grouped Dwellings at Lot 229, No(s) 112 Lockhart and 11 McDougall Street, Como be refused.

Reasons for Change

1. The City has noted that the proposed development includes three dwellings that are five-storeys in height which is greater than the prescribed height limit of four storeys^[1]. Clause 67(2) of the Deemed Provisions for local planning schemes in Planning and Development (Local Planning Schemes) Regulations states “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: (a) the aims and provisions of this Scheme; in this case Town Planning Scheme 6 (TPS6). As TPS6 7.8 states that the power of discretion shall not be exercised by the local government with respect to Building Height Limits referred to in clause 6.1A and as clause 6.1A(10)(b) refers to the Building Height Limits of the Canning Bridge Activity Centre Plan (CBACP), then no discretion is allowed. Hence this proposal cannot be approved on this basis.

Furthermore, Clause 67(1)(b) of the Deemed Provisions for local planning schemes in Planning and Development (Local Planning Schemes) Regulations notes “Development approval cannot be granted on an application for approval of development that otherwise does not comply with a requirement of this Scheme, unless —

- iii) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
- iv) the development is permitted under a provision of this Scheme in relation to non-conforming uses.

Now as the development does not comply with height restrictions set out ultimately by the scheme and as sub-clauses (i) and (ii) are not valid, then approval cannot be given under the regulations.

Notwithstanding the non-discretion interpretation, the vision for the H8 to H4 transition is covered under CBACP requirement 3.8, whereby for a H8 building across the road from a H4 building, then the H8 building shall be designed to reduce undue impact on the residential street by being limited to a building height of 20 metres for that part of the development within 5 metres of the street

boundary i.e. the CBACP only considers the H8 building's scale & form near to the street to be built-down to meet transition.

There are no provisions for the H4 building to be built-up to meet an across the street H8 building. The proposed development is therefore considered not meeting the H8 to H4 transition of the CBACP.

Footnote [1]. It must be noted that the 16m NGL height limit is not a singular limit in itself. It is to be used with the 4-storey limit to ensure that no 4 storey developments exceed 16m NGL e.g., 4 storeys of 5m heights resulting in a building height of 20m NGL.

2. The CBACP requirement 1.15 states that in Q4, development be designed in accordance with Residential Design Codes Vol. 2 Element 4.9 in respect to universal design. An acceptable outcome of Element 4.9 is that either a Silver or Platinum level of the "Liveable Housing Design Guidelines" be incorporated into the design. The application makes no reference to these guidelines and how its elements are incorporated into the design.

Furthermore, as the Western Australian State Government is not a signatory to the National Construction Code (NCC) 2022 provisions for Livable housing design for all new dwellings such as being proposed, then it is in my opinion, essential that where current planning instruments require Livable Housing, then these should be applied.

3. The CBACP Q4 refers to the provisions of Parts 3 & 4, of the Residential Design Codes Volume 2 which includes 3.3 'Tree canopy and deep soil areas (DSA)' and 4.12 'Landscape design' elements. These elements which detail, amongst other items, the locality & quantity of DSA and the proposed size & species of new trees are typically covered within a Landscape Plan. The Residential Design Code Annex 5 notes that a Landscape Plan is an appropriate material when submitting a development application. A Landscape Plan has not been furnished by the Applicant and therefore these elements cannot be appropriately considered.

Furthermore, the Applicant's arborist report is incomplete as it does not report on two on-site trees. The Residential Design Codes Volume 2 Element 3.3 'Tree canopy and deep soil areas' objective 3.3.1 states 'Site planning maximises retention of existing healthy and appropriate trees' which is met by Acceptable Outcomes A3.3.1 and A3.3.2. Without a complete arborist report then it is indeterminate if the element objective or potential alternative solutions to satisfy this objective, is being met.

CARRIED (6/3).

For: Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell.

Against: Mayor Greg Milner, Councillors Carl Celedin and Glenn Cridland.

Officer Recommendation

That, pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for 7 x Four and Five Storey Grouped Dwellings at Lot 229, No(s) 112 Lockhart and 11 McDougall Street, Como **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 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. The approved public art concept shall be to the satisfaction of the City.
3. Prior to occupancy of the dwellings, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
4. Prior to the submission of a building permit application, an acoustic report shall be provided demonstrating the development will meet noise targets set out in State Planning Policy 5.4 Road and Rail Noise, to the satisfaction of the City.
5. Prior to occupation of the dwellings, any recommendations of the Acoustic report required under Condition 4 shall be implemented, to the satisfaction of the City.
6. 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.
7. 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.
8. Prior to the submission of a building permit application, a hydraulic design plan shall be submitted with the appropriately certified statement signed by a suitably qualified Practising Engineer stating that the stormwater design meets the design requirements of the City. The submitted hydraulic design plan shall be to the satisfaction of the City.
9. Prior to the submission of a building permit application, the applicant is to demonstrate to the satisfaction of the City, that the development incorporates either:
 - i) One significant energy efficiency initiative that exceeds minimum practice in reference to Clause 4.15 of the State Planning Policy 7.3 – Volume 2; or
 - ii) All dwellings exceed the minimum NATHERS requirement by 0.5 stars.
10. Prior to the submission of a building permit application, a detailed landscape plan shall be submitted to and approved in writing by the City.
11. Prior to occupation of the dwellings, landscaped areas shall be installed in accordance with an approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
12. Prior to the submission of a building permit application, a tree protection zone (TPZ) shall be indicated on the plans and implemented during construction until

- occupancy stage, to protect the trees on site identified for retention as well as the verge tree at all times, to the satisfaction of the City.
13. 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 dwellings, the endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City.
 14. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
 15. Prior to occupation of the dwellings, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans shall be installed and remain in place permanently, to the satisfaction of the City.
 16. Prior to occupation of the dwellings, 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.
 17. Prior to occupation of the dwellings, 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.
 18. As noted on the approved plans, kerbside waste collection shall be from McDougall Street only. For the avoidance of doubt, no kerbside collection shall be undertaken from Lockhart Street.
 19. No street tree shall be removed, pruned or disturbed in any way, without prior approval from the City.
 20. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
 21. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades, in accordance with Requirements 15.1 and 16.1 of the Canning Bridge Activity Centre Plan.
 22. 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.
 23. Prior to the submission of a building permit application, details of the proposed lighting to pathways, communal areas and car parking areas shall be provided, to the satisfaction of the City of South Perth.
 24. All grouped dwellings shall be provided with a mechanical dryer prior to the occupancy or use of the development.
 25. Any external clothes drying areas shall be screened from view from all streets or any other public place.

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

Development Site Details

The development site details are as follows:

Zoning	Centre Canning Bridge Activity Centre Plan Q4 - Davilak
Density coding	H4 – Residential four-storey
Lot area	1,044 sqm
Building height limit	16m

(a) Background

In May 2022, the City received an application for 7 x Grouped Dwellings (4 x four-storey and 3 x five-storey) at Lot 229, No(s) 112 Lockhart and 11 McDougall Street, Como (the site).

The site is located within the Davilak Quarter (Q4) and is zoned H4 (Residential Development up to 4 storeys) under the Canning Bridge Activity Centre Plan (CBACP). The CBACP was initially approved by the Western Australian Planning Commission (WAPC) in April 2016 and amended in September 2020 to introduce Parts 3 and 4 of the R-Codes Volume 2 and other built form changes to Q3, Q4 and Q5 being those quarters within the City of South Perth. Due regard shall be given to the CBACP when considering this application for development approval.

The proposal has been considered by the City’s Design Review Panel (DRP) on two occasions; in April 2022 prior to lodgement, and in June 2022 shortly after lodgement.

(b) Description of surrounding locality

The site is located on the corner of Lockhart Street and McDougall Street, Como. The site adjoins single-storey grouped dwellings to the east and the south as seen in Figure 1 below.



Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The proposal involves the construction of seven grouped dwellings in the typology of townhouses. The proposed townhouses have a frontage to McDougall Street with each dwelling having direct pedestrian access and separate letterboxes; vehicular access to the dwellings is proposed via a common accessway from Lockhart Street. Four of the proposed townhouses are four-storeys in height and three are five-storey in height inclusive of the roof terraces. All seven dwellings are three-bedroom, two-bathroom, and include a double lockup garage. The development plans are provided at **Attachment (a)**.

The development is further described in the applicants planning report provided at **Attachment (b)**. The site photographs contained at **Attachment (c)** show the relationship of the site with the surrounding built environment.

The following components of the proposed development require a discretionary assessment against Town Planning Scheme No. 6 (TPS6), the Canning Bridge Activity Centre Plan (CBACP), the Residential Design Codes (R-Codes Volume 2) and Council Policy requirements.

Canning Bridge Activity Centre Plan

- Building Height Limit
- Street Setback
- Side and Rear Setbacks

R-Codes (Volume 2)

- Building Separation
- Visual Privacy
- Orientation (overshadowing)
- Universal Access

The proposal meets the requirements of TPS6, CBACP, the R-Codes and relevant Council policies, except for the discretionary aspects identified above which are discussed below.

(d) Building Height

The maximum building height requirement for the site is four-storeys and 16.0m. The proposed development includes three dwellings that are five-storeys in height which is greater than the prescribed height limit (in storeys). This is as a result of the roof terrace for each dwelling having a non-permeable roof covering, therefore meeting the definition of storey.

The development is considered to be of a height that is consistent with the desired scale of the area and the H4 zone. It is located opposite the H8 zone (8 Storey building height limit) and therefore will not be out of character with any future surrounding development. The development as viewed from the street includes articulation, and varied materials and colours, and is further contrasted through extensive use of glazing and balcony landscaping. Additionally, the fifth storey of the three dwellings is setback from the street, open on three sides and uses lightweight design and colours to minimise impact.

It is noted that an additional storey above the height limit would generally not be supported by the City within the CBACP, however given that the development would otherwise meet the acceptable outcomes if the roof above the roof terrace was designed to be permeable, the additional storey is considered to be supportable. It is also noted that as the height requirements are contained within the CBACP and not the Scheme, discretion may be applied on height.

The variation in the height is considered to meet the desired outcomes of the CBACP and is supported.

(e) **Street Setback**

The street setback requirements for the site are a 4m minimum and 6m maximum setback. The development proposes a minimum 2.9m setback and 4m maximum setback to McDougall Street and a 1.9m setback to the corner truncation as shown in **Figure 2** below.



Figure 2: Street setback diagram

Grouped dwellings such as townhouses within higher density areas are generally setback less than 4m to the street having regard to the requirements of the R-Codes Volume 1. Notwithstanding, the 4m setback requirement contained in the CBACP applies to all development including grouped dwellings. The DRP noted that the development responds well to the context and character of the area and that the setbacks are not out of scale with the expected development for the area. The DRP also noted that the proposal provides an active and engaging streetscape through the landscaped courtyard, and low fencing which allows for the integration of the public verge with the private areas.

On the upper floors, greening is proposed on the façade through planter boxes on all levels. Additionally, glazing has been provided wherever possible to both minimise the impact on the street and to increase natural light to the dwelling from the northern aspect. The building is highly articulated for the full height of the building reducing the impact of bulk and scale and providing increased visual interest.

The street setback variation is considered to meet the desired outcomes of the CBACP and is supported.

(f) Lot Boundary Setback

The lot boundary setback requirements for the site are a 4.0m minimum. The development proposes a 3.5m setback to the eastern lot boundary as shown in Figure 3 below.

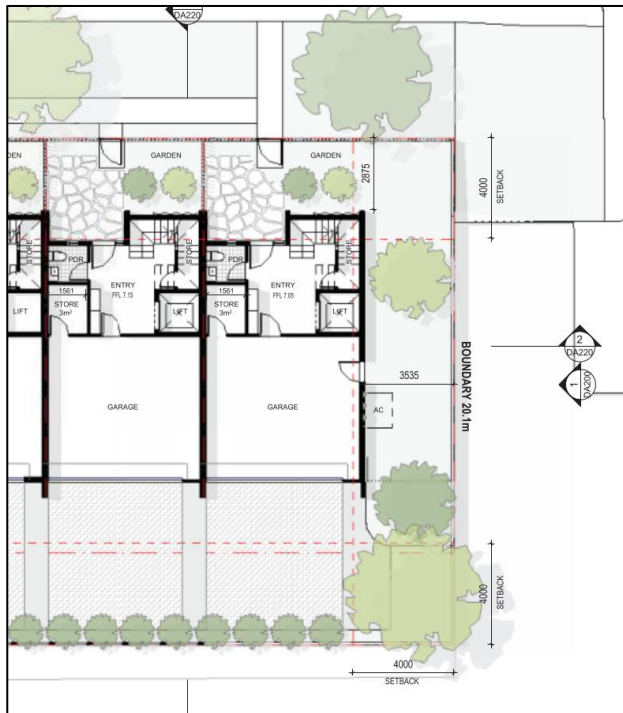


Figure 3: Lot boundary setback diagram

The reduced setback to the eastern boundary is not considered to impact on the opportunities for the adjoining site to access sunlight, ventilation or view corridors. Overlooking has been minimised with windows only from non-habitable rooms with angled louvers provided to further minimise overlooking. At the ground level the setback area between the building and the lot boundary is provided with landscaping including trees and vegetation which will reduce the impacts of building bulk. At the upper levels changes in height and materiality add increased visual interest and reduce impact on the adjoining properties amenity.

The City's DRP supported the proposed design with respect to its side boundary, stating "the reduced setback to the eastern boundary was considered appropriate given the townhouse typology being proposed". Additionally, it was noted that the portion of the building setback at 3.5m is between 12m and 13m in height, which is below the maximum building height of 16m.

The setback to the eastern boundary of the site is considered to meet the desired outcomes of the CBACP and is supported.

(g) Building Separation

The building separation requirements for the fifth storey is 9.0m from the lot boundary to habitable rooms and balconies as prescribed in the R-Codes Volume 2. As discussed in the building height section of this report, the roof terrace is considered to meet the definition of a storey due to the solid roof cover. As such, the building separation requirements apply to the roof terraces.

The development proposes a 6.6m setback to the southern boundary measured to the roof terrace balustrade, and an 8.4m setback to the southern boundary measured to the stairwell as shown in **Figure 4** below.

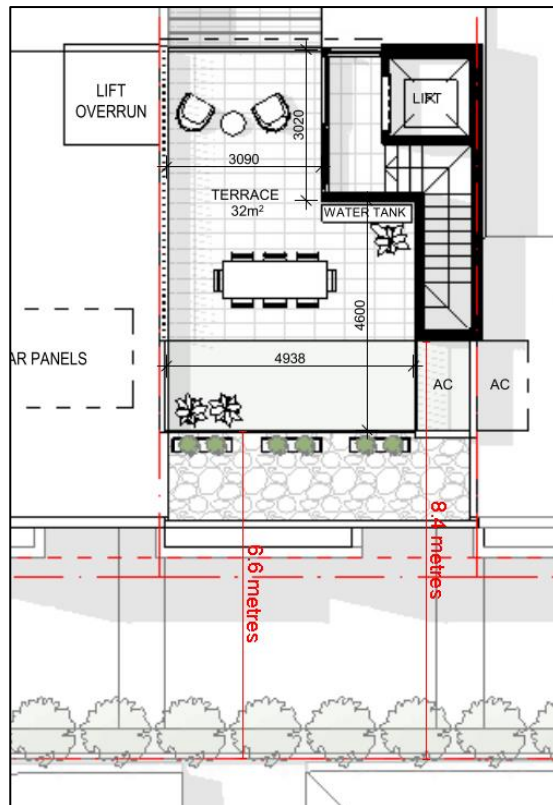


Figure 4: Building separation to roof terrace diagram

Three of the seven dwellings propose a roof terrace with the building separation as shown in Figure 4. The solid portions of building (stairwell and lift) are not habitable rooms and therefore are not required to meet the building separation and are only required to be setback 4m under the R-Codes Volume 2. As such only the accessible areas of the roof terrace do not meet the building separation requirements.

As noted in the building height section of this report the roof terrace is considered to meet the definition of a storey due to the roof terrace having a solid roof covering. If the roof was permeable the building separation requirements of the R-Codes Volume 2 would not apply. Notwithstanding, the setback to the roof terrace is considered to provide sufficient separation as there will be no impact on the adjoining property visually and will not create additional overshadowing. The roof terraces are setback from the main building line and are considered to have a reduced impact due to being open on three sides with a low profile roof.

The building separation to the southern boundary of the site is considered to meet the desired outcomes of the CBACP and the element objectives of the R-Codes Volume 2 and is supported.

(h) Visual Privacy

The acceptable outcomes contained in Element 3.5 – Visual Privacy of the R-Codes Vol. 2 prescribe that major openings to rooms other than bedrooms and studies be setback 4.5m. The development proposes a 4.0m setback from the major openings to the living rooms to the southern lot boundary for all seven dwellings. The windows setback at 4.0m are shown highlighted in **Figure 5** below.



Figure 5: Visual privacy diagram

The impact on visual privacy from the major opening has been minimised through a reduced window width and by separating two windows on the same wall. The reduced setback of 0.5m from the acceptable outcome requirement of 4.5m is not considered to increase the direct overlooking impact of the adjoining property. Further reduction in the size of the windows, or providing obscure glazing or screening, is not supported as this would limit light access to the main living space of the dwelling.

Based on the above the development is considered to meet the element objectives of the R-Codes Volume 2 and is supported.

(i) Orientation (overshadowing)

CBACP Requirement 5.8 stipulates overshadowing to be in accordance with R-Codes Element 3.2 – Orientation.

During the neighbour consultation period, a number of submitters raised concerns in regard to overshadowing, in particular from adjoining neighbours to the south of the development site. The proposed overshadowing is considered to meet the relevant Element Objectives of the R-Codes and is supported for the following reasons:

- Acceptable Outcome 3.2.3 of the R-Codes Vol. 2 stipulates there is a nil overshadowing requirement for lots coded R80 and above. Whilst the subject lot does not have a density coding, the proposed development is reflective of high-density development noting an R80 coded lot has an associated building height limit of 4 storeys under the R-Codes Vol. 2. The subject development proposes a height of 4-5 storeys. It is therefore considered that overshadowing from this development meets the Acceptable Outcomes.
- It is noted that the applicant has applied a range of design techniques to minimise the overshadowing of the neighbouring site by being well below the maximum building height for four of the seven units and stepping back the fifth-storey roof terrace for the remaining three units.

10.3.1 **Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como**

(j) Universal Access

The development includes a number of universal design features such as lifts, direct access from the parking area to the entry and a toilet at the ground floor. These elements will help facilitate aging in place as well as providing living options for people with limited mobility.

(k) Waste Management

In accordance with the City's Waste Management Guidelines, kerbside collection is supported for this development. Based on advice from the City's waste department and discussions with the applicant, collection shall be from McDougall Street to avoid any conflict with the existing street trees or on-street parking bays.

Accordingly, a planning condition and advice notes are recommended to address this matter.

(l) 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

(m) 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

(n) Design Advisory Consultant Comments

Prior to lodgement of the development application, the proposal was presented to the City's DRP in April 2022. Following this review, the proponent implemented a range of modification to address the comments of the DRP.

Following lodgement, the proposal was again presented to the DRP in June 2022. The DRP were supportive of the project stating that it represents a "high quality and compact example of medium density town house design" as well as "a skilled and judicious arrangement of bulk form and scale with the massing of the project carefully arranged to create a successful street and roof scape composition".

A copy of the DRP minutes from both meetings can be found at **Attachment (d)**.

The proposal is considered to satisfactorily address the 10 principles of design in State Planning Policy 7.0 Design of the Built Environment.

(o) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Local Planning Policy P301 'Advertising of Planning Proposals'.

Advertising was undertaken for a period of 14 days between 27 June 2022 and 12 July 2022 . Advertising was undertaken to all properties identified by the City that may be affected by the proposal. A total of 45 advertising notices were sent and one submission was received.

A summary of the submitter's comments and the officers response to these comments are included in the table below.

Submitters' Comments	Officer's Responses
<p>Height</p> <p>Height is excessive for this area, in particular for that side of the street.</p>	<p>The proposed development is considered to meet the desired outcomes of the height requirements for the CBACP as discussed above.</p>
<p>Parking</p> <p>No additional parking is provided which may result in excessive verge parking.</p>	<p>The development proposes twice the number of car bays required in the CBACP. No visitor parking is required for development of 12 or less dwellings.</p>
<p>Traffic</p> <p>Impacts on traffic flow having regard to the property being on a bus route.</p>	<p>Given the number of dwellings proposed, a traffic impact statement was not required by the City Engineering Services, who have considered the overall traffic impact to be negligible.</p>
<p>Stormwater</p> <p>Lack of details as to how the development will retain stormwater on site.</p>	<p>A condition is recommended requiring that all stormwater be contained on site to the satisfaction of the City. It is noted that the proposal includes some stormwater retention measures including individual rainwater tanks and permeable paving. Further details will be required to be provided by the applicant prior to lodgement of a building permit application.</p>
<p>Overshadowing</p> <p>Lack of details as to how neighbouring properties will be impacted by overshadowing.</p>	<p>There is no maximum overshadowing requirement within the CBACP. Notwithstanding, potential impacts from overshadowing are addressed within the report.</p> <p>It is noted that the building height and southern lot boundary setback of the development meets the relevant requirements.</p>

10.3.1 Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como

(p) Urban Design

The City’s Urban Design business unit was invited to comment on issues relating to landscape design arising from the proposal.

Accordingly, planning conditions and advice notes are recommended to address matters raised

(q) Waste Services

The City’s Waste Services business unit was invited to comment on issues relating to waste collection from the proposal.

Accordingly, planning conditions and advice notes are recommended to address matters raised

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 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, officers observed 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.

Additionally, a sustainability report has been provided with the application that outlines the Ecological Sustainable Design (ESD) strategy for the proposed development. This report outlines that the building design is aiming to exceed the minimum requirements through the application of several additional sustainability strategies.

Conclusion

It is considered that the proposal meets all the relevant objectives and provisions of the Scheme, Canning Bridge Activity Centre Plan, R-Codes and Council Policies, and it is noted that the City's Design Review Panel described the development as being a high quality and compact example of medium density townhouse design.

The proposed grouped dwellings are consistent with the framework outlined in the Canning Bridge Activity Centre Plan. The development is of a bulk and scale visioned for the H4 zone of the CBACP and the proposed townhouses are of an acceptable size and scale with articulation that supports the setback variations and building separation. The design of the development has been supported by the City's DRP and addresses the CBACP in a satisfactory manner.

The development has been designed having due regard to the objectives, goals and provisions of the Canning Bridge Activity Centre Plan and is supported against the discretionary provisions under the CBACP as discussed in detail in the report.

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

Attachments

10.3.1 (a):	Development Plans
10.3.1 (b):	Planning Reports
10.3.1 (c):	Site Photos
10.3.1 (d):	DRP Meeting Minutes

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments September 2022

File Ref: D-22-49366
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 September 2022 to 30 September 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(470)	\$8,996,520.09
Cheque Payment to Creditors	(6)	\$1,972.36
Total Monthly Payments to Creditors	(476)	\$8,998,492.45
EFT Payments to Non-Creditors	(88)	\$403,127.52
Cheque Payments to Non-Creditors	(7)	\$4,988.57
Total EFT & Cheque Payments	(571)	\$9,406,608.54
Credit Card Payments	(6)	\$24,406.36
Total Payments	(577)	\$9,431,014.90

Officer Recommendation AND COUNCIL DECISION

1022/167

Moved: Councillor Carl Celedin
Seconded: Councillor André Brender-A-Brandis

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

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	<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	Monthly Financial reporting timelines 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 September 2022

10.4.2 Monthly Financial Statements September 2022

File Ref: D-22-49367
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 AND COUNCIL DECISION

1022/168

Moved: Councillor Carl Celedin
Seconded: Councillor André Brender-A-Brandis

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard and 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. Regulation 34(3) specifies that the nature or type classification must be used. 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 2022/23 budget adopted by Council on 28 June 2022, determined the material variance 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.

The ongoing impact of 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. It has resulted in steep rises in inflation worldwide including Australia.

The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year. As a result of rampant inflation the ABS will commence publication of a monthly CPI indicator on 26 October 2022. To curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate, the latest being .25% in October. The current cash rate is 2.60%, increases for the last six months amounted to 2.50%, exceeding initial market predictions.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. In Western Australia the State Government have moved to introduce legislation to end the state of emergency initially enacted 30 March 2020 and manage COVID-19 in a different manner as public health measures continue easing.

Actual income from operating activities for September year-to-date (YTD) is \$60.93m in comparison to budget of \$60.36m, favourable to budget by 0.94% or \$568k. Actual expenditure from operating activities for September is \$17.27m in comparison to the budget of \$17.86m, favourable to budget by 3.33% or \$594k. Variations year to date for September are common with a lower activity following Budget adoption, as well as many year-end processes currently undertaken. The September Net Operating Position of \$43.66m was \$1.16m favourable in comparison to budget.

Actual Capital Revenue YTD is \$261k compared to a budget of \$55k with a favourable variance of \$206k. Actual Capital Expenditure YTD is \$1,06m in comparison to the budget of \$849k, \$215k or 25% unfavourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. Timing variations such as these are not uncommon in September. 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 \$84.49m, higher than the prior year comparative period. 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).

Interest rates are improving, however the record low interest rates still have a residual impact on the City's investment returns, with banks offering average interest rates of 3.39% 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 September 2022 the City held 41.65% 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 timelines 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 Elected Member Superannuation

File Ref: D-22-49370
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides WALGAs request to local governments to provide feedback on implementing superannuation for Elected Members.

Officer Recommendation AND COUNCIL DECISION

1022/169

Moved: Councillor Carl Celedin
Seconded: Councillor Jennifer Nevard

That Council supports the position carried at the WALGA Annual General Meeting that superannuation should be mandatory for Elected Members of Band 1 and Band 2 Councils and optional for Band 3 and Band 4 Councils.

CARRIED (9/0)

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

Against: Nil.

Background

The Minister for Housing; Lands; Homelessness; Local Government has recently proposed to amend legislation to enable local governments to pay superannuation to Elected Members if determined by Council. WALGA subsequently distributed a draft policy proposal on Elected Member superannuation.

Comment

WALGA's Annual General Meeting was held on Monday 3 October 2022. At that meeting, a motion was moved requesting WALGA to advocate for compulsory superannuation for Elected Members in Band 1 and Band 2 Local Governments.

WALGA have requested feedback from local governments by Wednesday 2 November 2022 on the following:

Does Council support the position carried at the WALGA Annual General Meeting that superannuation should be mandatory for Elected Members of Band 1 and Band 2 Councils and optional for Band 3 and Band 4 Councils?

The WALGA Infopage relating to Elected Member Superannuation is attached at **Attachment (a)**.

10.4.3 Elected Member Superannuation

Consultation

WALGA is consulting with all local governments.

Policy and Legislative Implications

Nil.

Financial Implications

Based on the current Salaries and Allowances Tribunal (SAT) determination, the current superannuation guarantee of 10.5% would have a financial implication of \$31,877 for the City. Should the SAT determination remain the same for 23/24, the superannuation guarantee would be at 11% and would have a financial implication of \$33,395 per annum for the City.

Key Risks and Considerations

Risk Event Outcome	Not Applicable
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

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:	4.3.3 Maintain a culture of fiscal efficiency

Attachments

10.4.3 (a): WALGA Infopage

10.4.4 Metro Inner-South Joint Development Assessment Panel Member

File Ref: D-22-49395
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report considers the appointment of a new Metro Inner-South Joint Development Assessment Panel Member as Councillor Stephen Russell has resigned from this position.

Officer Recommendation AND COUNCIL DECISION

1022/170

Moved: Mayor Greg Milner
Seconded: Councillor Mary Choy

1. That Council nominates Councillor Carl Celedin as a member of the Metro Inner-South Joint Development Assessment Panel until 26 January 2024.
2. That the Minister for Planning be advised of the nomination of the City of South Perth's Joint Development Assessment Panel for the period ending 26 January 2024.

CARRIED (9/0)

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

Against: Nil.

Background

Development Assessment Panels were introduced into the Western Australian planning system in July 2011 and are decision-making panels that are intended to enhance the planning expertise in decision-making by improving the balance between technical advice and local knowledge.

The City of South Perth is part of the Metro Inner-South Joint Development Assessment Panel (JDAP). JDAP members will be required when a JDAP meeting is held and will sit on the JDAP with three specialist members, with one of the specialist members being the presiding member.

On 18 October 2021, Council resolved the following Councillors be appointed to the JDAP for the period 26 January 2022 to 26 January 2024:

Councillor Glenn Cridland	Member
Councillor Stephen Russell	Member
Councillor Carl Celedin	Alternate Member
Councillor Mary Choy	Alternate Member

10.4.4 Metro Inner-South Joint Development Assessment Panel Member

On Tuesday 18 October 2022, Cr Stephen Russell advised the CEO that he had resigned as a JDAP member on 16 September 2022 which the Minister had formally acknowledged.

Comment

Council are requested to appoint a new Member to the JDAP. The new Member can be an Alternate Member (in which case another Alternate Member will need to be appointed), or another Councillor.

In accordance with Regulation 30 of the Planning and Development (Development Assessment Panels) Regulations 2011, all JDAP members must attend and satisfactorily complete training provided by the Department before performing the functions of a JDAP member.

Consultation

Nil.

Policy and Legislative Implications

Planning and Development (Development Assessment Panels) Regulations 2011.

Financial Implications

The schedule of fees as per the Planning and Development (Development Assessment Panels) Regulations 2011 are as follows:

Planning and Development (Development Assessment Panels) Regulations 2011

Schedule 2 — Fees for DAP Members (Regulation 30, 31)

Item		Member fee
1.	Fee for presiding member per meeting to determine development applications	\$700
2.	Fee for any other member per meeting to determine development applications	\$425
3.	Fee per meeting for presiding member to determine applications to amend or cancel determination	\$200
4.	Fee per meeting for any other member to determine applications to amend or cancel determination	\$100
5.	Fee for presiding member attending proceeding in State Administrative Tribunal	\$700
6.	Fee for any other member attending proceeding in State Administrative Tribunal	\$425
7.	Fee for training for DAP members	\$400
8.	Fee for re-training for DAP members	\$200
9.	Fee for presiding member to determine dispute as to compliance with notice	\$200

Effective of 1 February 2017

Note: Only one member fee item applies per member for each meeting.

Example:

If a DAP meeting is scheduled to determine a Form 1 development application and a Form 2 application to amend or cancel a determination, the following DAP member fees apply if both applications are being considered by the same local authority:

- Presiding Member - \$700
- Specialist Members - \$425
- Local Government Members - \$425

The following DAP member fees apply if different local authorities are considering the Form 1 and Form 2 applications:

- Presiding Member - \$700
- Specialist Members - \$425
- Local Government Members considering the Form 1 application - \$425
- Local Government Members considering the Form 2 application - \$100

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	The City has two Alternate Members that can attend JDAP meetings.

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

Nil.

11. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR CARL CELEDIN - WASTE PLAN UPDATE

File Ref: D-22-49358
Author(s): Steve Atwell, Acting Director Infrastructure Services
Reporting Officer(s): Steve Atwell, Acting Director Infrastructure Services

Summary

Councillor Carl Celedin submitted the following Notice of Motion prior to the Council Agenda Briefing held 18 October 2022.

COUNCIL DECISION

1022/171

Moved: Councillor Carl Celedin
Seconded: Councillor Jennifer Nevard

1. That a report be provided in early 2023 on the current status of the City of South Perth Waste Plan, which is to include:
 - An update on discussions with the State Government and its objective to achieve separate Food Organics / Green Organics waste collection and processing;
 - A status report on the Rivers Regional Council (RRC) proposed transition to become a Regional Subsidiary;
 - An update in relation to completion and commissioning of the Avertas Waste to Energy Facility and any implications for the City's future waste disposal obligations;
 - Any pertinent reports that have been prepared for the Rivers Regional Council and the administration's assessment of these reports.
2. That a workshop be held prior to the presentation of the report to Council.

CARRIED (9/0)

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

Against: Nil.

Background

Councillor Carl Celedin submitted a Notice of Motion regarding the City's Waste Plan. The reason for the notice of motion are as follows:

Since 2019, Council have continually been told that the Rivers Regional Council will be wound up "within a few months". Many years have come and gone since that time and we have had little or no updates on the progress of the RRC.

It is noted that the Waste To Energy (WTE) plant in Kwinana is progressing and that Practical Completion date is currently unknown. This was shared with Councillors Cridland, Celedin, Brender-a Brandis and Nevard on a recent site visit.

However, given the City does not have a Waste Plan approved by the State Government, the City is currently heading towards an untenable situation where we are forced into three bin policy, and also punished financially for not meeting the contracted tonnages for the WTE plant (when it finally comes online). The Report should present different scenarios for cost assessment where a third bin is implemented, along with the penalties likely in the event the contracted tonnage is not met. A sensitivity analysis on the potential changes to the waste levy (including a levy on WTE tonnage) is to be considered.

Comment

The City will facilitate a workshop in the coming months which seeks to address the points raised within Councillor Celedin's Notice of Motion and to submit a subsequent Council report summarising the business of the workshop.

City staff continue to liaise with the Department of Water, Environment and Regulation in relation to the possible future requirement for the implementation of a third bin food and green organics collection system in the context of the City's Waste Management Plan.

The City understands that the Rivers Regional Council is progressing its negotiations with the Department of Local Government, Sport and Cultural Industries, with the intention of progressing to dissolve the Regional Council so as to facilitate the establishment of a Regional Subsidy, which will oversee the disposal of waste by participating Local Governments to the Waste to Energy facility.

Construction of the Avertas Waste to Energy facility is progressing and information relevant to the construction program, its commissioning and the above additional matters can be provided at the proposed workshop.

Consultation

Nil

Policy and Legislative Implications

Waste Avoidance and Resource Recovery Act 2007.

City of South Perth Public Places and Local Government Property Local Law 2011

City of South Perth Health Local Law 2002

City of South Perth Waste Local Law 2007

Policy P212 Waste Management

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Not Applicable
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

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:	3.4 Resource management and climate change
Strategy:	3.4.1 Actively manage and promote sustainable water, waste, land and energy practices

Attachments

Nil.

Councillor Mary Choy withdrew Item 12.2 prior to the commencement of the meeting.

12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - POLICY & FACT SHEET FOR PETITIONS

File Ref: D-22-49359
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 18 October 2022.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 56)

That Council requests the CEO to:

1. Create a new 'Petition Policy', which is to clearly communicate Council's expectations in relation to the information to be included in and/or with a petition submitted from a member of the public. Compliance requirements in the new Policy, in order for the petition to be accepted by the City, to include, *"language that is respectful, decorous and temperate, and not contain language disrespectful to Council"*. Any other additional information and requirements to be included as the CEO sees fit.
2. Create a new 'Petition Information Fact Sheet' for petitioners, that includes the compliance requirements outlined in (1) above, along with any other information as the CEO sees fit, to be accessible on the City's website together with the City's existing 'Petition Submission' template, as updated in (3) below.
3. Amend the City's 'Petition Submission' template form to include a 'Terms and Conditions' section (similar to the one included in the City's 'Request for a Deputation to Address Council' form), acknowledging that the relevant conditions as set out in the new 'Petition Policy' (1) above, have been met prior to petition submission.,
4. Present (1)-(3) to Council for consideration at the November 2022 Ordinary Council Meeting.

Background

Councillor Mary Choy submitted a Notice of Motion regarding a policy and fact sheet for petitions. The reasons for the Notice of Motion are as follows:

The view is:

1. *The right to the freedom of speech, which includes to petition, also comes with obligations and responsibilities. This includes not to use language that a reasonable person would consider to be defamatory or inflammatory or insulting or offensive to another person or persons.*

This standard of conduct should be expected to apply consistently to all persons present at any meeting of Council, including Agenda Briefings.

2. *Recently deputations and a petition have been presented before Council that included statements and language that could be considered not to be respectful, decorous and/or temperate.*
3. *The City has a duty of care to provide a healthy and safe workplace for all, including Elected Members. Visitors and residents attending open meetings of Council should also not be subjected to offensive discourse in their presence.*
4. *Other Local Government's Standing Orders Local Laws and/or Policies and/or information Fact Sheets, in relation to Petitions, include etiquette in their list of requirements for a petition to be accepted. The most common standards found to be applied for petitions, include to "be respectful and temperate in its language" and also "not contain language disrespectful to Council". Some of these local governments include, but are not limited to: The City of Perth, City of Melville, City of Belmont, City of Nedlands, City of Vincent, City of Stirling, City of Joondalup, Town of Bassendean, Town of Cambridge, Shire of Mundaring and Shire of Collie.*

The City of South Perth Standing Orders Local Law 2007, clause 6.9 Petitions, does not include any etiquette requirements or language standards and nor does the City have a Petition Policy or Fact Sheet outlining any requirements or information to assist lead Petitioners.

5. *Despite the existence of Part 6 of the Standing Orders, relating to Public Participation, including clauses that set out the expected standards of conduct by members of the public attending Council meetings, including clause 6.16(2), that requires any "person addressing the Council... to extend due courtesy and respect to the Council and the process under which it operates..." and clause 6.16(3) that any "person present or observing at a meeting"... must "not engage in inappropriate... behaviour at a meeting, including... (e) using abusive, inflammatory and/or derogatory language when addressing Council with a question or making a statement", Council has recently been advised these standards do not apply to petitions.*

The Presiding Member (usually the Mayor), is charged with ensuring compliance with these expected standards of behaviour, under clause 6.16(5) and it is the view that standards of conduct should cover the field, including for petitions, and should apply to all meetings of Council, including Agenda Briefings.

6. *Currently, petitioners run the risk of spending time and energy coordinating a petition that may not meet the reasonable expected standard of decorum, and which consequently may detract focus from the substance of the petition, being the actual request to Council. The same principle applies for deputations or any public submission.*
7. *Current advice is that for various reasons it is not practicable to amend the Standing Orders Local Law 2007 at this time to update clause 6.9 Petitions. As there appears to be a deficiency in the clause as outlined, and until such time as that can be rectified when the Standing Orders are next due for review and updating, a new Policy should be created to communicate the intended expectations in relation to language standards and due form.*

Comment

The City will develop a policy and fact sheet on Petitions. This policy and factsheet will align with the provisions as contained within the City of South Perth Standing Orders Local Law 2007. However, it is unreasonable for a policy and fact sheet on petitions to be developed in time for consideration at the November 2022 Ordinary Council Meeting. The City's Governance team is small and there are currently many competing priorities that would prevent this policy being given the required consideration in such a short timeframe. Further it is difficult to see that this is time critical given that the City on average receives only one or two petitions each year. In addition, point 3, amending the City's 'Petition Submission' template can't occur until after a policy and fact sheet have been developed and approved by Council. Therefore, a suggested alternative recommendation is provided below.

Consultation

The City will need to consult with other agencies such as WALGA and the Department of Local Government, Sport and Cultural Industries on a policy and fact sheet for petitions.

Policy and Legislative Implications

City of South Perth Standing Orders Local Law 2007

Financial Implications

Nil

Key Risks and Considerations

Risk Event Outcome	Not Applicable
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

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:	4.3.4 Maintain a culture of continuous improvement

Suggested Alternative Recommendation

That a Petition Policy and Petition Information Fact Sheet be presented for Council's consideration by February 2023.

Reason for Alternative Recommendation

The development of a policy to align with the City of South Perth Standing Orders may take some time due to research into other local government policies, available staff to develop the policy and fact sheet, and consultation with other external agencies.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Blake D'Souza
- Councillor Stephen Russell
- Councillor Mary Choy

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

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation AND COUNCIL DECISION

1022/172

Moved: Mayor Greg Milner

Seconded: Councillor Carl Celedin

That the following Agenda Items 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

15.1.2 Councillor Code of Conduct

CARRIED (9/0)

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

Against: Nil.

The meeting was closed to members of the public at 7.14pm.

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-22-49360

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

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

Officer Recommendation AND COUNCIL DECISION

1022/173

Moved: Councillor Stephen Russell

Seconded: Councillor Jennifer Nevard

That Council:

1. Does not proceed with the demolition of the old Manning Library.
2. Subject to compliance with s 3.58 of the *Local Government Act 1995*, authorises the Chief Executive Officer to enter into a lease agreement with 'Be Our Guest Holdings Pty Ltd' for a portion of the building (old Manning Library) located within Reserve 33639 (144 Manning Road, Manning) for the purpose of a Community Centre including a Kiosk and Kitchen, under the following conditions:
 - a. Provision of a 21-year lease with a 21-year extension (subject to Ministerial approval);
 - b. Years 1 to 13 - \$1.00 per annum (plus GST);
 - c. Year 14 - \$10,000 per annum (plus GST);
 - d. Years 15 to 21 – increasing by \$5,000 per annum (plus GST);
 - e. Lessee to be responsible for the full maintenance of the building including the exclusive and non-exclusive areas;
 - f. Lessee to be responsible for all rates payable;
 - g. the grant of the lease to be subject to and conditional on –
 - i. all necessary approvals being obtained under relevant legislation for the grant of the lease; and
 - ii. the City obtaining consent from the Minister for Lands.
3. Subject to Ministerial approval, authorises the Chief Executive Officer to enter into a licence agreement with "Be Our Guest Holdings Pty Ltd" for the non-exclusive areas of the redeveloped Old Manning Library building for a period that aligns to the lease agreement as per recommendation 2 above.

CARRIED BY ABSOLUTE MAJORITY (9/0)

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

Against: Nil.

Councillor Carl Celedin disclosed an Impartiality Interest in Item 15.1.2.

15.1.2 Councillor Code of Conduct

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

File Ref: D-22-46991
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Officer Recommendation

Moved: Mayor Greg Milner
Seconded: Councillor Stephen Russell

That Council endorses the findings contained within **Confidential Attachment (a)**.

COUNCIL DECISION

1022/174

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

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Glenn Cridland be granted an additional five minutes to speak.

CARRIED (9/0)

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

Against: Nil.

Procedural Motion

Moved: Councillor Ken Manolas
Seconded: Councillor Jennifer Nevard

In accordance with Clause 11.1 (b) of the City of South Perth Standing Orders Local Law 2007 debate of this Item be adjourned to the November 2022 Ordinary Council Meeting.

Reasons

One of the things that concerns me is that when a Councillor moves a Notice of Motion we have to give 7 clear working days and this was not brought to us at the Agenda Briefing that there was an item coming up. It was put on as far as I know, I didn't notice anything until Friday and I did not see it until the weekend and I did not have time to read the whole report in detail.

LOST (4/5).

For: Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas and Jennifer Nevard.

Against: Mayor Greg Milner, Councillors Carl Celedin, Glenn Cridland, Blake D'Souza and Stephen Russell.

Officer Recommendation AND COUNCIL DECISION

1022/175

Moved: Mayor Greg Milner

Seconded: Councillor Stephen Russell

That Council endorses the findings contained within **Confidential Attachment (a)**.

CARRIED (6/3).

For: Mayor Greg Milner, Councillors Carl Celedin, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.

Against: Councillors André Brender-A-Brandis, Mary Choy and Jennifer Nevard.

COUNCIL DECISION

1022/176

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Stephen Russell

That the meeting be reopened to the Public.

CARRIED (9/0)

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

Against: Nil.

The Meeting was reopened to the Public at 7.54pm and motions passed behind closed doors were read out by the Mayor.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.58pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 25 October 2022

1. Mr Kiely Hodsdon, Manning Received: 19 October 2022	Responses provided by: Steve Atwell – A/Director Infrastructure Services
<i>[Preamble]</i> <i>I support the RAF project although I have some concerns regarding the financing of the project.</i>	
1. Can the council please advise the COSP rate payers, if the COSP does not succeed in getting the full funding for the RAF project how do they intend to pay for the RAF project and how will that affect the COSP rate payers now and in the future?	The November 2020 Council decision regarding the RAF notes the projected self-sustainability of the RAF and the total project budget of \$80 million (ex GST). It also noted that should either of these assumptions change, the Business Case would need to be amended for Council consideration. To date, these assumptions have not changed. As the RAF will be a financially viable and self-sustainable facility, there will be no impact on rates.
2. The cost of the RAF project was costed three years ago, this estimate was \$80 million, if the COSP is intending to keep to this estimate, what will the COSP cut from the RAF project to keep the cost to the \$80 million?	The final budget outcome for the RAF project is not known. Any decisions about changes to the RAF project scope are a matter for Council.

<p>2. Dr Louise Johnston, Como Received: 22 October 2022</p>	<p>Responses provided by: Mike Bradford– CEO</p>
<p><i>[Preamble]</i> <i>Having attended most of the Public Question Time sessions this year, my observation is that there are fundamental elements missing in this process; that of sufficient, honest, timely, logical, detailed and transparent communication about much of the City’s business in hand. Public Question Time presupposes that there is a public answer time. People who feel excluded or lack information that they consider important to themselves and their lives, become anxious, angry and even aggressive in their attempts to obtain it. In addition, rumours spread fast and well-intentioned citizens lose the respect and support of their colleagues.</i></p>	
<p>1. Does the City of South Perth believe that its business should be conducted in a democratic way; that is open, transparent, inclusive, detailed, honest and clear?</p>	<p>Yes.</p>
<p>2. Is it possible that the City can improve its level of communication with all those involved so that greater levels of transparency, responsiveness and inclusiveness are achieved?</p>	<p>The City always looks for ways to improve across all areas of its business, including communication and engagement - particularly in providing high levels of transparency and inclusiveness. I would be happy for you to provide us with feedback regarding specific instances where you believe this has not been achieved and we will look at how they could have been handled better.</p>
<p>3. Would it be possible for the City to use some of the many tools available, to provide timely transparent and detailed reporting to stakeholders on its business intentions and plans, as well as its project successes and set-backs?</p>	<p>The City uses a number of different communication channels to update stakeholders and the community, including the <i>Peninsula Snapshot</i> e-newsletters (distributed fortnightly), the <i>Peninsula</i> bimonthly publication, social media, the City’s website, Your Say South Perth and the Annual Report, media releases as well as a number of publicly available published plans and projects updates.</p>

3. Ms K Poh, Como Received: 23 October 2022	Responses provided by: Bernadine Tucker – Manager Governance
<p><i>[Preamble]</i></p> <p><i>In the previous Council Meeting, and in response to the questions I asked about the Management Order of Collier Reserve, Ms Tucker indicated that the Management Order was amended, at the request of the City in 2019 to allow them to (and I quote) 'formalise a long-standing agreement with Wesley College to use Collier Reserve', under a 'long-term lease or licence up to 21 years subject to the approval by the Minister'.</i></p>	
<p>1. The City has previously indicated (in the November 2020 OCM Officer's Report) that if the proposed WASP hockey facilities at Collier Reserve are approved, it would need to formalise a licence/lease agreement with Wesley College. Can Ms Tucker please advise whether this is the 'long-standing agreement' she was referring to?</p>	<p>No, this is not the agreement which was being referred to by Ms Tucker at the 27 September 2022 Ordinary Council Meeting. The long-standing agreement with Wesley College relates to the use of Collier Reserve and Pavilion by Wesley College for school sporting activities and recreation.</p> <p>The officer comment made in the report to 28 November 2020 Ordinary Council Meeting states: "If approved, it is anticipated the City would formalise a license/lease agreement with the Club", referring to the WASPS Hockey Club.</p> <p>It should be noted that Wesley College and WASPS Hockey Club are two separate entities currently with separate, unrelated individual uses of City reserves.</p>
<p>2. Based on your explanation, the previous Management Order gave the City the authority to hire out the reserve but not the power to provide long-term licence/lease agreements to third parties. So, without the amendment, the WASP proposal cannot be approved at a later stage. Is my understanding correct?</p>	<p>The City can at any point request the power to lease/licence land of which we are the management body under the <i>Land Administration Act 1977</i> (LAA).</p> <p>The power to lease/licence crown land is issued by the Department of Planning, Lands and Heritage.</p>

3. Correct me if I am wrong, but as far as I am aware, the amendment of the Management Order was requested by the City and approved by the DPLH and the Minister without prior Council approval. Ms Tucker, you stated that all leases and licences for the reserve is subject to Ministerial consent, but you did not say whether Council Resolution is also needed. Can I please clarify whether the latter is also required?

It is a requirement of Section 18 of the LAA that ministerial approval is required prior to a Local Government granting a lease or licence over any Crown Land of which the City is the management body under the LAA.

Whether a Council resolution is required prior to the City granting a lease varies according to the specific circumstances, as some leases can be approved under delegated authority from the Council. Additionally, the Public Places and Local Government Property Local Law 2011 provides the power for the City's CEO to grant licences.

<p>4. Mr Trevor Hill, South Perth Received: 24 October 2022</p>	<p>Responses provided by: CEO – Mike Bradford</p>
<p><i>[Preamble]</i></p> <p><i>It is common knowledge that at last month's OCM, a petition was lodged by a Mr George Watts and a motion to accept said petition was defeated 5 votes to 4. Resulting discussion around this petition and other points about the progress of the RAF project, have given rise to numerous negative comments about our council and our councillors. In my humble opinion, some of these comments, have bordered on being slanderous, even comments made in deputations to this council have been disingenuous towards councillors.</i></p>	
<p>1. Has the City of South Perth provided support or counselling to any councillor who may feel intimidated or pressured in any way, that may lead to them limiting their personal ability to fairly discharge the duties and obligations required of them?</p>	<p>The City works with, supports and provides advice to councillors on a number of levels. Support or advice provided to a councillor regarding their personal circumstances is typically done on a confidential basis and not able to be discussed publicly.</p>
<p>2. What measures has the City taken to address the negative sentiments expressed by some local main stream media outlets and social media, especially that which borders on the bullying and harassment of five of our Councillors who voted against receiving the petition and who are just discharging the duties and obligations required of them?</p>	<p>The City does not control what media outlets report or what people publish to social media and often we are not even aware of social media posts. If a councillor feels that a media story or social media post is inappropriate in terms of the impact on them then they have a number of options available to them including making complaints about the publisher or taking legal action.</p> <p>Particularly informative to that is that WALGA have published a guideline to local government council members on the use of social media and I will just quote from that 'if a Council Member becomes the subject of bullying or harassment, it is a personal, civil matter which may be subject to defamation or other legal action. The <i>Occupational Safety and Health Act 1984</i> does not apply, as Council Members are not employees of the Local Government.'</p>

<p>3. Is it normal practice for a CEO or Mayor to advise a community member on the wording or suitability of a petition before the petition is submitted to council?</p>	<p>Yes, members of the public often seek advice from the City on local government processes and procedures and compliance with policies etc . This can be done directly with officers of the City or via elected members.</p>
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5. Ms Tracy Destree, Manning
Received: 24 October 2022

Responses provided by: Manager Governance – Bernadine Tucker

[Preamble]

WA Salaries and Allowances Act 1976, Part 8 provides the “Extent of Expenses to be Reimbursed for Elected Members. Section 8.2 (3) defines the extent to which an elected member of a local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations as: “if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person’s place of residence or work to the meeting and back;...” Notably, this does not provide for reimbursement for travel where a Member travels from Work to a meeting and then to their residence, but only when a return trip to either Work or Home is made. This is consistent with ATO provisions where the reimbursement should not duplicate the normal travel that an elected member would travel from their place of work and their home, i.e. day to day work related journey travel. I refer to Agenda Item 10.4.1 Listing of Payments September 2022, Page 133, Reference 13225899 (NB: a reference used against several items), however for that dated 15.09.2022 for \$1308.22 for Mileage Reimbursement for Cr Brender-A-Brandis. Using the SAT approved reimbursement rates, and assuming this travel is all within the Metropolitan area, this would mean that the reimbursement would equate to: - Over 1392km for a Large Vehicle at 93.97c/km - >1931km for a medium vehicle at 67.72c/km - >2342km for a small vehicle at 55.85c/km The value of this claim equates to ~5% of a Councillors annual allowance. Other claims that have been made have been significantly less. In the interests of transparency and accountability and with due respect to the permitted reimbursement for all Elected Members, my questions to the City are:

1. Could you please clarify the period that the stated Reimbursed Claim relates to: The month of September 2022, or for the whole of 2022-2023 period to date (ie. first financial quarter Jun – Sept 2022); or for Mileage outside or including from 2022-2023 and for previous financial years?

The claim relates to the period October 2019 – June 2022.

2. What internal or external committees - other than Council and Audit Governance and Risk Committee - is Councillor Brender-A-Brandis formally appointed to represent Council on?

Yes. Councillor Brender-A-Brandis is also a Committee Member for the CEO Evaluation Committee, the Audit, Risk and Governance Committee and until recently, was also a member of the Property Committee. The Property Committee was abolished by Council in September 2022.



<p>3. Is the payment of Council or City staff travel reimbursement included in the City of South Perth Audit Protocol for 2022-2023, or at any time in the current normal three-year audit cycle?</p>	<p>City staff expenditure (e.g. salaries, wages and reimbursements) and elected member expenditure (meeting fees, allowances and reimbursements) is audited annually as part of the annual external audit performed by the Office of the Auditor General. The adopted Strategic Internal Audit plan 2021/22 – 2025/26 also makes allowance for an internal audit of HR/Payroll, during the period covered by the plan.</p> <p>If there are any claims that the City is unsure of, in terms of eligibility, the DLGSC are generally consulted for advice.</p>
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<p>6. Mr Peter Scott, Como Received: 24 October 2022</p>	<p>Responses provided by: Steve Atwell – A/Director Infrastructure Services</p>
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[Preamble]

According to my calculations, based on the financial data reported in the City’s financial statements, the Collier Park Minigolf facility is currently showing a simple payback period of 10.87 years. If a 2.5% interest rate is applied to the calculation to recognise the time value of money, the payback period becomes 12.84 years. This is a far cry from the 6 years the Councillors were told the payback would be when asked to approve the \$2 million expenditure.

<p>1. On previous occasions when asked about the poor performance of the minigolf, City Officers have refuted this claim. Will the City Officers carry out a full post investment review on this project and in order to accurately report to Council on the actual payback being achieved?</p>	<p>The original business case approved by Council calculated the payback period based on revenue generated. The business case assumptions along with the actual revenue generated are published every month in the City’s Monthly Financial Reports. The Minigolf facility is a new facility which in its first full year of operating generated \$259k in revenue calculating to a 7.7 year payback. Actual performance of the Minigolf is accurately reported to Council every month. It should also be noted that only the direct revenue from mini golf is reported and not the additional revenue generated from food and beverage sales attributable to mini golf clients.</p>
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<p>2. Who is accountable for determining the projected revenue and incorrect payback period that the Council relied upon to approve the Officer recommendation to spend the \$2 million on the mini golf project?</p>	<p>The Minigolf outcomes to date are not fundamentally different to those assumptions modelled in the business case. It would be pre-emptive to think that future mini golf revenue targets would not be met based on just one full year of operating figures.</p>
<p>3. If the expert advice used to predict the patronage of the minigolf facility got it so wrong and told Council the payback would be 6 years as opposed to the likely 11 years, how can the City be confident that the projections of revenue for the RAF used in the Business Case are not also well overstated?</p>	<p>The City engaged several reputable and recognised industry experts to assist with the development of the RAF Business Case documents. The documents have been independently reviewed by Deloitte and found to be sound with 'no fundamental flaws' to prevent the RAF Project to progressing to future stages. Deloitte also noted the 'comprehensive planning process' that the City had undertaken for the RAF Project.</p>

13.2 QUESTIONS FROM MEMBERS OCM 25 October 2022

Councillor Blake D'Souza	Responses provided by Telstra read by Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>I have some questions regarding Telstra's recent proposal to install 5G cells in certain areas of the City and these questions have been relayed to me by residents concerned about the location and obstructing their amenity.</i></p>	
<p>1. Why are these installations going to be located so close to a foreshore reserve? This is for the installations in Salter Point?</p>	<p>The series of questions that Councillor D'Souza has kindly provided in advance. I was able to forward them on to the planning consultant who is dealing with these for Telstra and he has responded so the answers I read will be the responses that Telstra has provided.</p> <p>The three proposed small cells, each of which is a 'low-impact facility' and covers only a small area around it, are intended to serve the residential areas to the west of Salter Point Parade, with no additional network services required along the Canning River or beyond. As such, placing the small cells on existing light poles along the foreshore allows for an efficient provision of service in the area.</p>
<p>2. Why are notices not forwarded to Postal addresses of all owners along Salter Point Parade Salter Point instead of being hand delivered to selected properties ?</p>	<p>As occurs each time Telstra intends to deploy a small cell, the properties closest to the proposed installation are notified by way of hand-delivered letter and in accordance with the requirements of Industry Code C564:2020 Mobile Phone Base Station Deployment (known as the Deployment Code and specifically with regard to section 5.2). Telstra does not have ready access to ownership details for individual properties and the hand-delivering of notification letter to affected properties is considered an effective communication method (complemented by the signage placed on the utility poles). Given a number of submissions and enquiries have already been received from nearby property owners, the method appears to be effective in this instance.</p>

<p>3. Why are they not located on major arterial roads where additional infrastructure would simply blend with the visual clutter that already exists ?</p>	<p>Small cells are small, low-powered base-stations designed for use in residential areas and cover only a small area around them (usually a few hundred metres or so). As such, placing them well away from the area of need would not provide the network improvements sought by Telstra.</p>
<p>4. Is there anyway Telstra can reconsider the siting of these Mobile phone plants?</p>	<p>The location of each of the three small cells proposed along Salter Point Parade have been carefully selected to provide network improvements (both coverage and network capacity) to the area, including the introduction of a reliable 5G service to the area. The Deployment Code consultation period runs until Thursday 3rd November and the community is encouraged to seek further information or make a submission if they have concerns about the locations or small cells themselves. Telstra will consider and respond to any submissions.</p>
<p>5. What are residents' options to potentially challenge this decision?</p>	<p>What I actually asked the planning consultant to answer was residents options in regard to this:</p> <p>As noted above, the Deployment Code consultation period runs until Thursday 3rd November and the community is encouraged to make a submission if they have any concerns about the proposed small cells or require further information. Telstra will consider and respond to any submissions.</p>

Councillor Stephen Russell	Responses provided by Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>I understand that the Collier Retirement Village residents did not receive support from the City for a cofounding grant for an outdoor fitness venue and this may have been one factor why they were unsuccessful in their application with Lotterywest.</i></p>	
<p>1. Hence to this effect, I am not asking for the reasons why support for cofounding was not given but rather what are the mechanisms for example delegated authority that applications like this and indeed others do not come to Council for decision making?</p>	<p>Taken on notice.</p>
Councillor Mary Choy	Responses provided by Garry Adams – Director Corporate Services
<p><i>[Preamble]</i></p> <p><i>I understand that the City is currently reviewing the Standing Orders Local Law 2007.</i></p>	
<p>1. I just wanted to confirm the anticipated timeframe for this review please and when Council may expect to see a report on the City’s review and any outcomes with any proposed changes including taking into account any recent local government reform outcomes?</p>	<p>We commenced a review some time ago in terms of administrative review and that review officially only commences once it comes to Council. The process for the review is set out in section 3.1 (2) of the <i>Local Government Act 1995</i> and regulation 3 of the Local Government (Functions and General) Regulations 1996. So we have to follow that process carefully. After we commenced our administrative review the government announced the reforms that were intended to be implemented and one of those reforms was to have standard meeting procedures. Our advice has been that the legislation that enacts the reforms will be brought before parliament in the first part of next year and that will then tell us if the standing meeting procedures will be imminent or some time away. Once we know the outcome of that we will decide whether to recommence the review or wait for the standing meeting procedures to come through.</p>

DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 22 November
2022

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