

AGENDA.

Ordinary Council Meeting

27 September 2022

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 27 September 2022 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

23 September 2022

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Councillor Mary Choy – Impartiality Interest in Item 10.4.3 as ‘The Finbar Group Executive Chair, Managing Director and his wife are known to me.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 27 SEPTEMBER 2022

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23 August 2022

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 23 August 2022 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 20 September 2022

Officers of the City presented background information and answered questions on Items to be considered at the September Ordinary Council Meeting at the Council Agenda Briefing held 20 September 2022.

Attachments

7.2.1 (a): Briefing Notes

7.2.2 Concept Briefings and Workshops

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

Date	Subject	Attendees
29 August 2022	Professional Development Session 6 - The role of elected members in developing and setting strategy	Mayor Greg Milner and Councillors Carl Celedin, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas.
30 August 2022	Professional Development Session 7 - Emotional Intelligence	Councillors Carl Celedin, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas, Mary Choy.
5 September 2022	Professional Development Session 8 - Driving organisational performance through agreed strategies and plans	Councillors Carl Celedin, André Brender-A-Brandis, Blake D'Souza, Stephen Russell, Jennifer Nevard, Mary Choy.
12 September 2022	Professional Development Session 9 - Operating at a strategic level, avoiding getting immersed in operational details	Mayor Greg Milner and Councillors Carl Celedin, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Mary Choy, Ken Manolas.

Attachments

Nil.

Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 20 September 2022
- 7.2.2 Concept Briefings and Workshops

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 Support for the Recreation and Aquatic Facility (RAF)

The following petition was received from Mr George Watts of Yallambee Place, Karawara together with 2016 verified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007.

The text of the petition reads:

'We express our strong and overwhelming support for the Recreation and Aquatic Facility (RAF) at Collier Park Golf Course. The Council has endorsed the Business Case documents in November 2020 and the findings of an independent review by Deloitte in March 2021. We believe the Council needs to get on with this project. Progress to date has been dismal, beset by continued indecision by the elected Council. We request that the Council reconsider the 28 June 2022 Council meeting decision, to not appoint a Project Manager for the RAF Project.

For the following reasons:

- *The June 2022 Council meeting decision failed to fairly represent and act in the best interests of the entire community for which they were elected to represent;*
- *The indefensible decision exposes the City to serious reputational risk with other levels of government, and places the already secured \$20 million funding from the Federal Government in jeopardy;*
- *By appointing a project manager, it fulfils a key requirement of the federal funding and allows the City to continue to lobby State Government for further funding for the project;*
- *Continuing to pursue the RAF project address the City's 'Strategic Community Plan' which includes "plan for and promote the development of recreation and aquatic facilities to service community needs.'*

Officer Recommendation

That the petition received from Mr George Watts of Yallambee Place, Karawara, together with 2016 verified signatures in relation to the Recreation and Aquatic Facility (RAF) be forwarded to the relevant Director for consideration.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 20 September 2022.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Tender 06/2022 Provision of James Miller Oval Floodlighting Upgrade

File Reference: D-22-44915
Author(s): Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s): Steve Atwell, Acting Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 6/2022 for the James Miller Oval Floodlighting Upgrade.

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

Officer Recommendation

That Council:

1. Accepts the tender submitted by Greenlite Electrical Contractors Pty Ltd for the provision of James Miller Oval Floodlighting Upgrade in accordance with Tender Number 06/2022 for the period of supply up to 30 June 2023 inclusive;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that tender price will be included in the Ordinary Council Meeting Minutes.

Background

A Request for Tender (RFT) for the James Miller Oval Floodlighting Upgrade was advertised in The West Australian on 23 July 2022 and closed at 2.00pm on 16 August 2022.

The scope of work comprises of upgrades to the sports field lighting and includes, but is not limited to the following services:

- Demolition and removal of redundant services.
- Replacement of the existing switchboard.
- Installation of underground conduits, cabling and cable pits.
- Installation of 4x new Floodlighting Poles providing up to 100 Lux amateur sports competition lighting
- Installation of community lighting luminaries on each pole
- Installation of Intelligent lighting control system.
- Conduct Testing and Commissioning

Tenders were invited as a Lump Sum Contract and the contract is for the period until 30 June 2023 inclusive.

Comment

At the close of the tender advertising period four (4) submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submission	
1.	Burgess Enterprises Australia Pty Ltd T/a Kalamunda Electrics
2.	Future Power WA Pty Ltd
3.	Greenlite Electrical Contractors Pty Ltd
4.	Hender Lee Electrical Instrumentation Contractors Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Company Experience, Past Performance and Understanding of the Works	40%
2. Methodology & suitability of works program	30%
3. Company Profile, Resources and skills and experience of key personnel	30%
Total	100%

All tender submissions received higher than the minimum qualitative score of 6 and progressed to the value assessment.

Based on the assessment of all submissions received for Tender 6/2022 of James Miller Oval Floodlighting Upgrade, it is recommended that Council accept the tender submission from Greenlite Electrical Contractors Pty Ltd.

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

Consultation

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

Policy and Legislative Implications

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

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

10.1.1 Tender 06/2022 Provision of James Miller Oval Floodlighting Upgrade

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

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

The following Council Policies also apply:

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

Financial Implications

The City’s 2022/23 Budget makes provision for the James Miller Sports Lighting Upgrade Project at a total cost of \$309,000. The City has been successful in sourcing a significant amount of external funding and other financial contributions totalling \$160,349 for this project, comprised of \$103,077 from the Department of Local Government, Sport and Cultural Industries via its Club Night Lights Program; \$27,272 from the Manning Rippers Amateur Football Club; and \$30,000 from the Australian Football League (AFL) Facilities Fund.

The forecast project cost is within the City’s budget allocation. The preferred supplier’s contract sum is outlined in **Confidential Attachment (a)**.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.
Risk rating	Low
Mitigation and actions	Approval of the report in a timely manner

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 Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

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

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Tender 2/2022 Provision of Annual and Perennial Weed Control in Natural Areas

File Ref: D-22-44925
Author(s): Paul Reed, Natural Areas Supervisor
Reporting Officer(s): Steve Atwell, Acting Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 2/2022 for the Provision of Annual & Perennial Weed Control in Natural Areas.

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

Officer Recommendation

That Council:

1. Accepts the tender submitted by Bunyip Contracting for the provision of Annual & Perennial Weed Control in Natural Areas in accordance with Tender Number 2/2022 for the three year period of supply up to October 2025 inclusive with the option to extend for a further one year at the absolute discretion of the City;
2. Accepts the tender price included in **Confidential Attachment (a)**; and
3. Notes that tender price will be included in the Ordinary Council Meeting Minutes.

Background

The City of South Perth manages a number of conservation quality Natural Areas that are unique to the Swan Coastal Plain as well as extensive foreshore reserves within the Swan and Canning Riverpark. Since 2013, targeted weed control programs have successfully managed to reduce the impact of environmentally invasive species. The implementation of this program is the single most significant maintenance measure which supports the continuing revegetation and conservation activities protecting and improving biodiversity in these reserves.

The weed control program targets 11 significant conservation reserves and provides for the application of a number of selective herbicides for the control of weeds within bushland / riverine areas. Tenders were invited to submit a schedule of rates for the application of herbicides to treat different annual and perennial weeds within the reserves.

Request for Tender (RFT) 2/2022 for the Provision of Annual & Perennial Weed Control in Natural Areas was advertised in The West Australian on Saturday 18 June 2022 and closed at 2pm on Tuesday 12 July 2022.

The contract is for a period of three years with an option of a one year extension at the absolute discretion of the City. The total value of the contracted works is estimated at \$900,000 over the possible four-year contract period. Funds to facilitate these works are allocated annually within the Parks & Environment operating budget.

Comment

At the close of the tender advertising period one submission had been received as stated in Table A below:

TABLE A – Tender Submissions

Tender Submissions
Bunyip Contracting

The Tender having been assessed as conforming was reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as described in Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Strong technical skills in the area of weed control in sensitive conservation areas	30%
2. Demonstrated understanding of the tender brief	30%
3. Extensive experience in undertaking weed control in the environmentally sensitive areas such fresh water and ground water fed wetlands, sanctuary and restoration areas	30%
4. Sound project progress reporting skills	10%
Total	100%

The conforming tender offer from Bunyip Contracting received a satisfactory qualitative criteria score.

Tender pricing was reviewed separately and was assessed as being an industry competitive bid despite being the only submitted offer.

It is recommended that tender submission, 2/2022 Provision of Annual & Perennial Weed Control in Natural Areas from Bunyip Contracting be accepted by Council.

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

Consultation

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

Policy and Legislative Implications

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

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

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

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

The following Council Policies also apply:

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

Financial Implications

The full cost of the works is included in the 2022/23 operating budget/s, and any extensions would be included in future budgets.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome
Risk rating	Low
Mitigation and actions	Approval of the report in a timely manner.

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:	3.3 Enhanced environment and open spaces
Strategy:	3.3.4 Provide proactive enhancement of the environment, maintaining open space and effective management of the Swan and Canning River foreshores

Attachments

10.3.1 (a):	Recommendation Report (<i>Confidential</i>)
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10.3.2 Tender 5/2022 - Provision of Verge Side Collection Service

File Reference: D-22-44922
Author(s): Dave Beresford, Waste and Fleet Coordinator
Reporting Officer(s): Steve Atwell, Acting Director Infrastructure Services

Summary

This report advises of the failure to execute a contract under Tender 5/2022 for the Provision of Verge Side Collection Service with company Western Maze as authorised by Council at its 23 August 2022 OCM and proposes Council accept an alternative tender offer which is now considered the most advantageous to the City .

Officer Recommendation

That Council:

1. Revokes the Council decision of 23 August 2022 to award Tender 5/2022 – Provision of Verge Side Collection Service to Western Maze.
2. Accepts the alternative tender submitted by Western Tip Waste Management for the provision of Verge Side Collection Service in accordance with Tender Number 5/2022 provision of Verge Side Collection Service for the period of supply up to June 2023 inclusive with the option to extend for a further two years (one + one) at the absolute discretion of the City;
3. Accepts the tender price included in **Confidential Attachment (a)**; and
4. Notes that tender price will be included in the Ordinary Council Meeting Minutes.

Absolute Majority Required

Background

A Request for Tender (RFT) 5/2022 for the Provision of Verge Side Collection Service was advertised in The West Australian on Saturday 9 July 2022 and closed at 2pm on Monday 25 July 2022.

The City provides all rateable residential properties with one hard waste collection and two green waste verge side collections per year. The green waste collections commence in Autumn and Spring. The green waste collection is conducted over a six week period with each week dedicated to a defined area of the City.

The hard waste collection commences at the end of October and runs for an eight week period with each week dedicated to a defined area of the City. Items in this collection are typically household furniture, whitegoods, mattresses and general junk. Recyclable materials including metals/whitegoods, mattresses and eWaste are recovered and recycled.

A City-wide hard waste collection is scheduled to commence on Monday 10 October 2022.

Tenders were invited as a Lump Sum Contract.

The contract is for the period of one year, with the option to extend for a further two years (one + one) at the absolute discretion of the City.

Comment

This matter was previously considered by Council at its 23 August OCM, where it resolved to award the Verge Waste Collection tender to waste company Western Maze, as it was the single remaining tenderer following the withdrawal of a competing offer from West Tip Waste Management.

West Tip Waste Management had been unable to comply with the City’s tender requirement that the collected waste be delivered to the City’s specified disposal site during the first collection period of the contract. West Tip Waste Management requested that the City vary its tender condition that the collected waste be disposed at the City’s nominated sites. The company proposed disposing the collected waste to its own recovery facility so that it could also continue to meet existing contracted obligations. This request rendered the West Tip offer non conforming. This tenderer withdrew its offer.

The City subsequently corresponded with Western Maze seeking to execute the Verge Waste collection contract RFT 5/2022 as authorised by Council, however Western Maze responded advising that it was unable to enter into the contract, as it was unable to secure the necessary staff resources to complete the specified works.

The local Government (Functions and Regulations) 1996 at Regulation 18 (6) allow a local government that has accepted a tender but is unable to create a contract, to within a six month period, accept a tender from the other bids received, to establish the most advantageous outcome to the local government (refer Policy and Legislative Implications below).

In view of the above, the City met with West Tip Waste Management, to review its original tender bid, in particular its proposal to dispose hard waste during the first collection period (October 2022) to its own waste recovery facility, the commentary below and the attached Confidential Tender Assessment Report recognise these changed circumstances.

Tender Evaluation Process

At the close of the tender advertising period two submissions had been received as stated in the table below:

TABLE A – Tender Submissions

Tender Submission
West Tip Waste Management
Western Maze

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

Tender pricing was reviewed separately but in the context of the qualitative assessment.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar projects and referees	40%
2. Plant & equipment and skills & experience of key personnel	30%
3. Collection Methodology	30%
Total	100%

During the tender evaluation process, both tender submissions were identified as being capable of delivering the specified service.

West Tip Waste Management was initially identified as the preferred tenderer, it received a higher qualitative criteria score at a marginally higher delivery cost, its offer was however subject to the City agreeing to vary a condition of the tender, which it (the City) did not consider at that time, and tender offer was subsequently withdrawn.

This had resulted in only one conforming tender bid being available to consider, and the offer from Western Maze was recommended as the preferred tenderer to the Council at the 23 August 2022 OCM. Council resolved to award RFT 5/2022 to Western Maze, however this company subsequently decline to execute the contract.

In light of the above It is recommended that tender submission, 5/2022 Provision of Verge Side Collection Service, from West Tip Waste Management be accepted by Council.

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

Consultation

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

Policy and Legislative Implications

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

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

10.3.2 Tender 5/2022 - Provision of Verge Side Collection Service

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

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

Regulation 18 of the Local Government (Functions and General) Regulations 1996 - Regulation states:

- (6) *If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenderers the tender which it thinks it would be most advantageous to the local government to accept.*

The following Council Policies also apply:

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

Financial Implications

The full cost of the works is included in the 2022/2023 operating budget/s, and any extensions would be included in future budgets.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome
Risk rating	Medium
Mitigation and actions	Approval of the report in a timely manner

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

10.3.2 (a):	Recommendation Report (<i>Confidential</i>)
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10.3.3 Proposed Modification to Condition of Planning Approval. Lot 24, No. 19 Redmond Street, Salter Point

File Ref: D-22-44916
Author(s): Matthew Andrews, Urban Planner
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

To consider an application to modify a condition of planning approval for a single residential house operating as a display home at Lot 24, No. 19 Redmond Street, Salter Point.

This item is referred to Council as the application relates to the use of Display Home, and the application received objections during the advertising period. The application therefore falls outside of the delegation to officers.

For the reasons outlined in the report, it is recommended that the application to modify a planning condition be approved.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, condition (1) of the planning approval for Lot 24, No. 19 Redmond Street issued on 27 November 2018 (reference number 11.2018.321.1) be deleted and replaced with the following condition:

- The approval for the use of this site for the purpose of a Display Home is valid until 24 December 2022. At the end of this period, the use of the retained building will revert to a 'Single House.'

Development Site Details

The development site details are as follows:

Zoning	Residential
Density Code	R25
Lot Area	404sqm
Building Height Limit	7.0m
Development Potential	N/A
Plot Ratio Limit	N/A

Comment

(a) Background

In November 2018, the City issued planning approval for the property at 19 Redmond Street, Salter Point. This approval was for a Single House with conditions allowing for the property to be used for the purpose of Display Home on a temporary basis.

This approval included a condition that allowed the site to operate as a Display Home for a period of one year from the date of completion of the construction of the dwelling. The approval also included conditions relating to hours of operation, customer and staff parking, and management of openings by appointment only. The approval notice is included at **Attachment (a)**.

City records indicate that the building at 19 Redmond Street was completed in May 2021. As such, the use of this dwelling as a Display Home has now lapsed and the approved use for the site has reverted to Single House.

In February 2022 an enquiry was received regarding the use of the properties at 15, 17 and 19 Redmond Street, Salter Point as Display Homes. In response to this enquiry, compliance action was undertaken. Notices were issued to the owners of the properties at 15 Redmond Street and 17 Redmond Street advising that conditions of planning approval were not being met and remedial action was required to be undertaken by 17 March 2022. Approval for these properties to continue operating as a display home until 24 December 2022 was approved by Council at the 28 June 2022 Ordinary Council Meeting.

Following the outcome of this Council Meeting, in June 2022 an application was lodged for 19 Redmond Street seeking the same outcome. The application seeks to allow the property to continue to operate as a Display Home until 24 December 2022, being the same timeframe as the approved for 15 and 17 Redmond Street. Should the application be approved, all other conditions of the development approval will remain unchanged.

(b) Description of the Surrounding Locality

The site has a frontage to Redmond Street to the east, located adjacent to single residential dwellings to the north, south and west, as seen in **Figure 1** below:



Figure 1: Aerial view of the Site.

(c) Description of the Proposal

The application seeks to modify a condition of planning approval relating to the temporary use of the property as a Display Home.

Schedule 2, Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015 contains provisions allowing an owner of land to request that a local government amend or cancel a development approval. This includes amending or deleting any condition of an approval. A request under this clause shall be considered in the same manner as an application for development approval.

The condition requested to be modified, being condition (1) of the planning approval for Lot 24, No. 19 Redmond Street issued on 27 November 2018 (reference number 11.2018.321.1), is as follows:

The approval for the use of the site for the purposes of a Display Home is valid for a period of one (1) year from the date of completion of the dwelling construction. At the end of this period, the use of the retained building will revert to a 'Single House.' Continuation of this use for a Display Home past this date will be subject to a further application and approval by the City.

The application received from the owner of the land is to modify this condition to be as follows:

The approval for the use of this site for the purpose of a Display Home is valid until 24 December 2022. At the end of this period, the use of the retained building will revert to a 'Single House.'

(d) Land Use

The use of Display Home is not listed as a land use in Table 1 (Zoning – Land Use) of Town Planning Scheme No. 6. The use of Display Home at 19 Redmond Street, Salter Point was previously considered by the City to be appropriate for the site for a temporary timeframe of one year, subject to a number of conditions to manage the use on the site.

The current application relates to modifying a condition to permit the dwelling to continue to be used for the purpose of a Display Home until 24 December 2022. In considering the application, consideration shall be given to:

- Whether the planning framework has changed substantially since the development approval was granted; and
- Whether the development would likely receive approval now.

Changes to the planning framework

Since 2018 a number of changes have been made to the state planning framework. Most significantly, amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were gazetted. These changes to the local or state planning framework however are not considered to be relevant to the applications, seeking to modify a condition of approval.

Would the application receive approval now?

In 2018, the use of properties in this area as Display Homes was considered appropriate given that a majority of Salters Landing were vacant blocks for sale. Since this time development of the area has progressed. Of the 27 lots in Salters Landing, 17 are completed, seven are under construction and three lots are vacant.

Given that construction is ongoing for a number of sites, and some sites remain undeveloped, the use of Display Home is still considered appropriate for the area at this time. As such, it is likely that the applications approved in 2018 would receive approval now, for a temporary timeframe.

Having regard to the changes in the planning framework and in considering if the application would be approved in the current context, the land use of Display Home is considered appropriate for a temporary timeframe until 24 December 2022.

(e) Display Home Conditions

Apart from the conditions approving the site to be used as a Display Home for a temporary period, a number of other conditions were imposed on the property to manage the impact of the use on the surrounding residential area. The conditions of the development approvals relevant to use as a Display Home are as follows:

- Hours of operation be limited to 1-5pm Wednesdays, Saturdays and Sundays
- Display Home to be open by appointment only with a maximum of one appointment at any point in time.
- Customer parking is to occur within the property boundary.
- All employees parking shall be within the garage.
- At the expiry of the use of Display Home, all carparking and signage associated with the Display Home shall be removed from the site and the land reinstated, to the satisfaction of the City.

The above conditions continue to apply to the properties and will continue to apply should the use be extended.

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

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

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

(g) 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 of Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

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

Consultation

(h) 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'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies identified by the City as being potentially affected by the proposal were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised). This included properties up to 300m from the sites.

During the advertising period, a total of 90 consultation notices were sent and 4 submissions were received, all of which were against the proposal.

The comments of the submitters, together with officer responses are summarised below.

Submitters Comments	Officer Response
Use of Display Home is not appropriate for the Residential zone and does not meet the objectives of the Scheme.	The use of Display Home was considered to be appropriate for the area at the time the application was approved in 2018. An extension to 24 December 2022 is consistent with recent approvals for neighbouring properties at 15 and 17 Redmond Street. Extension of the use of Display Home is therefore considered appropriate.
Impact on traffic and parking including: <ul style="list-style-type: none"> • Increased traffic generation • Increased street parking • Parking management. 	Subject to compliance with the conditions of the approval, it is considered that the impact on parking and traffic in the area is negligible. This is due to the existing conditions of the approval limiting viewing to one group at a time, requiring parking to be contained on the site, and the hours of operation limited to particular days and times. Compliance with the conditions of approval will continue to be monitored and appropriate actions taken, where necessary. It is also noted that Redmond Street and the surrounding streets do not currently have any formalised parking controls.
Non-compliance with the conditions of approval relating to on-site parking, opening hours, and being open by appointment only.	As addressed in this report, the operators of the display homes will need to comply with the conditions of approval. Any noncompliance with these conditions will be addressed as a

	separate matter by the City's Compliance department.
Display homes are no longer required as the area is mostly developed.	The function of the display homes is not selling land solely within Salters Landing and therefore are not linked to the overall development of the area. Given the area is mostly developed as per the recommendation, an extension of time to the end of 2022 is considered appropriate.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Sustainability Implications

This decision has no sustainability implications.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape, subject to the existing conditions of approval being adhered to. It is also considered that the temporary approval until the end of 2022 is an appropriate extension, given construction works within the area are still ongoing and having regard to recent decisions of Council for properties at 15 and 17 Redmond Street.

Accordingly, it is considered that the application to modify a condition of approval should be approved.

Attachments

10.3.3 (a): Approval Notice - 19 Redmond Street, Salter Point -
11.2018.321.1

10.3.4 Proposed Change of Use to Use Not Listed 'Short Term Accommodation' on Lot 2, Unit 1/45 Mary Street, Como

Location: Lot 2, Unit 1/45 Mary Street, Como
Ward: Como Ward
Applicant: Batavia Bay Pty Ltd
File Reference: D-22-44929
DA Lodgement Date: 28 June 2022
Author(s): Heidi Miragliotta, Urban Planner
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

To consider an application for development approval for a Change of Use to a 'Use Not Listed' (Short Term Accommodation) at Lot 2, Unit 1/45 Mary Street, Como.

This item is referred to Council as the proposed land use is a 'Use Not Listed' in Town Planning Scheme No. 6 and therefore falls outside of the delegation to the officers.

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a Change of Use to a 'Use Not Listed' (Short Term Accommodation) at Lot 2, Unit 1/45 Mary Street, Como, be **approved** subject to:

1. This approval pertains to the temporary approval of a 'Use Not Listed' (Short Term Accommodation) for the purposes of short-term accommodation.
2. A maximum of six temporary occupants are permitted on site at any one time in relation to the 'Use Not Listed'.
3. The approval of the 'Use Not Listed' for purposes of Short Term Accommodation is valid for a period of 12 months from the date of this determination. At the end of this period the building will revert to 'Multiple Dwelling'. A new development approval will be required to extend past this time.
4. The approved Management Plan must be implemented and adhered to for the life of the temporary approved use.
5. All parking associated with the 'Use Not Listed' (Short Term Accommodation) is to be contained on the site.
6. The four car bays within the street setback area are to be marked as bays exclusively for the use of Unit 1.

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

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R30/R40
Lot area	1073m ²
Building height limit	7.0 m
Development potential	Residential Single House, Grouped Dwellings and/ or Multiple Dwellings

(a) Background

In March 2022, the City received an application for a Change of Use to Use Not Listed (Short Term Accommodation) on Lot 2, Unit 1/45 Mary Street, Como.

(b) Description of the Surrounding Locality

The existing development on the site is a two storey multiple dwelling development comprising a total of four units (two units at ground level and two units on the upper floor) as depicted in the site photographs at **Attachment (a)**. The subject unit is on the ground floor and located closest to the street.

The site has a frontage to Mary Street to the east and is surrounded by grouped dwelling developments to the north, west and south as seen in **Figure 1** below:

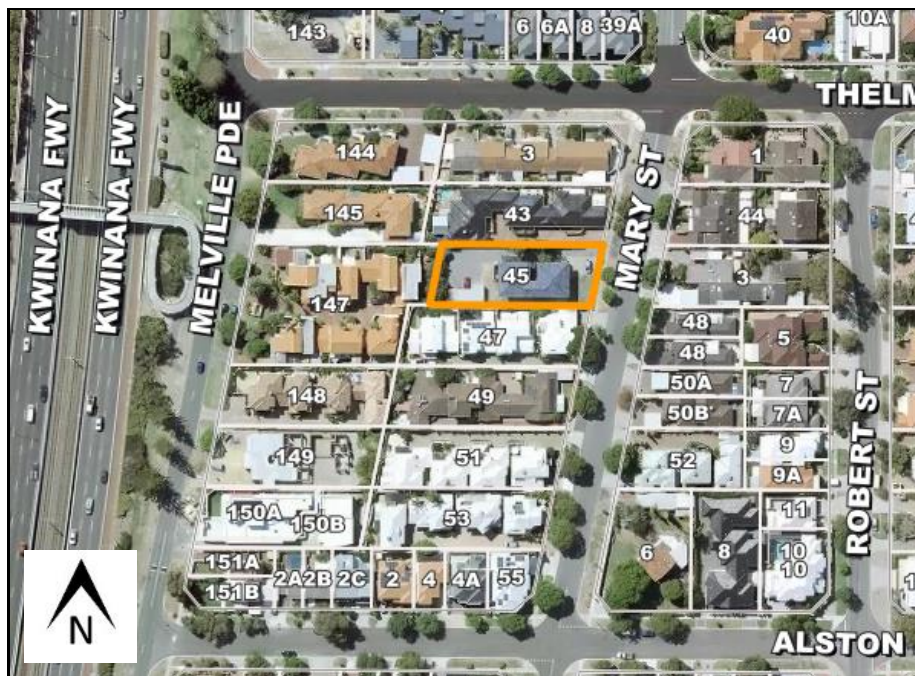


Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The proposal seeks approval for one of the ground floor units to be utilised for the purposes of short term accommodation (Use Not Listed), as depicted in the submitted plans and Management Plan at **Attachment (b)**.

10.3.4 Proposed Change of Use to Use Not Listed 'Short Term Accommodation' on Lot 2, Unit 1/45 Mary Street, Como

The Management Plan outlines the following guidelines for the proposed short term accommodation:

- A maximum number of guests not to exceed six people;
- check in time is 2pm;
- check out time is 10:30am;
- all guest vehicles are to be parked on site in the bays marked and set exclusively aside for the short term accommodation; and
- parties and functions are not permitted.

The proposal does not involve any alterations or additions to the existing building.

The following components of the proposed change of use require discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) and Council Policy requirements:

Town Planning Scheme No. 6

- (i) Land use (clause 3.3 (7))

Local Planning Policy

- (ii) Short-term accommodation (P350.18)

The proposal complies with the Scheme and relevant Council policies, except for the non-complying aspects, which are discussed below.

(d) Land Use

The proposed use for the site as 'Short Term Accommodation' is not considered to meet the definitions of any land use listed under TPS6. As per clause 3.3 (7) of TPS6, a use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the uses defined in Schedule 1 may only be approved if notice of the development is first given through advertising the application as a complex application under the City's Policy P301 – Advertising of Planning Proposals. Furthermore, the appropriateness of this use will be discussed in the assessment below as per clause 3.3 (5) of TPS6, against the objectives of TPS6 listed in clause 1.6 and clause 67 of the Deemed Provisions for Local Planning Schemes.

(e) Council Policy P350.18 – Short-Term Accommodation

In determining the outcome of the proposed 'Short Term Accommodation', the use is to be assessed in accordance with Council Policy P350.18. The policy provides guidance in respect to the appropriateness of various forms of tourist accommodation, as determined by the locality, the appropriateness of facilities and the scale of the proposal. In considering the application for a 'Short Term Accommodation', the City will have regard to the matters of clause 2 of Council Policy P350.18.

The proposed short term accommodation is considered to satisfy the above discretionary criteria in the following ways:

- In defining sites and features to be of 'tourism significance' in Policy P350.18, the Council policy has included examples such as Perth Zoo, regional foreshore reserves, activity centres and Curtin University. The subject site is located less than 400m walking distance from the Swan River, the Preston Street Precinct and Como Jetty all of which fall into the category of a site, feature or area considered to be of tourism significance. The Preston Street Precinct is regarded as an activity hub made up of several cafes, restaurants, small retail shops, a tavern, supermarket and cinema.
- The proposed site is considered to be highly accessible as it is within 250m from a high frequency bus service that travels along Thelma Street during peak times providing access to Canning Bridge Train Station and the Perth CBD.
- The maximum number of guests on site at any one point in time is limited to a total of six. The plans accompanying the application indicate four on site car parking spaces to the front of the property. Should the Management Plan be adhered to, there would be a maximum number of three vehicles arriving for guests and one vehicle arriving for the property manager to conduct the check in process and three vehicles departing the property daily, which would not be likely to result in a noticeable difference in traffic volume. This traffic volume would also be considered similar in comparison with the traffic volume generated by a family with two to four vehicles departing for work and study in the morning and arriving in afternoon and evening periods. It is noted that the street also provides an ample supply of on street parking.
- The proposal will not offer additional facilities or communal areas outside of the existing dwelling.
- The scale of the use in comparison with the intensity of development of the broader locality is not considered too dissimilar. The street consists of mostly grouped dwelling developments and some single houses. Given the number of guests can range from anywhere between two to six persons within the unit, it is reasonable to expect the average number of guests would be similar to the number of occupants within other dwellings in the vicinity.
- A Management Plan has been submitted with the development application, outlining terms and conditions to limit impacts of noise, traffic and other factors which may result in reduced amenity of the locality. The Management Plan is considered to outline appropriate measures in place for issues such as antisocial behaviour, noise, limitation of guest numbers and vehicle parking management.
- The Management Plan addresses the matters set out in clause 3(a) of Policy P350.18 in the following ways:
 - Specifies that check in can be any time after 2pm and check out by 10:30am;
 - limits excessive noise to be contained between the hours of 7am and 7pm Monday to Saturday, and 9am to 7pm on Sundays and public holidays;

- outlines that the dwelling is explicitly not to be used for the purposes of parties or functions. The neighbours will also be given contact details of the property manager in the case that compliance with this requirement is not upheld; and
- provides vehicle parking of four bays to the front of the property and prohibits parking outside of the lot.
- With regard to the adjoining residents' current levels of amenity, the Management Plan submitted is an appropriate tool in limiting the impact of noise and antisocial behaviour. Furthermore, the contact details of the managing agent will be provided to neighbouring landowners.

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

In considering the application, the Council is required to have due regard to and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) Maintain the City's predominantly residential character and amenity.*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development.*
- (g) Protect residential areas from the encroachment of inappropriate uses.*

In assessing the application against the objectives outlined in TPS6, the proposed short term accommodation is considered to address the criteria in the following ways:

- The site remains utilised for the purposes of accommodation, as per the existing multiple dwelling and therefore is considered to maintain the predominant residential character of Mary Street and the immediate locality.
- The residential character will be maintained given that there are to be no physical external alterations or additions to the existing building on the site.
- The proposal is considered satisfactory in relation to protecting the residential zone from intensive and inappropriate uses.

Clause 4(a) of Council Policy P350.18 enables the City to grant approval for a 'Use Not Listed' on a temporary basis for a period of 12 months under clause 72 of the Deemed Provisions. Given the proposal of short term accommodation has capacity to be a concern to the amenity of neighbouring properties, it is considered appropriate to limit the approval for 12 months. This will enable the City to review the operator's adherence to the Management Plan and also any concerns raised by neighbours.

At the conclusion of the 12 month period, the approval shall lapse and be of no further affect unless the City resolves to grant approval to a new development application, amend the original approval to delete the condition limiting the time of approval or extends the term of the approval under clause 77 of the Deemed Provisions.

(g) 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 matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matter	Officer's Comment
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	For the reasons outlined in the report, the proposal is considered to be consistent with the relevant provisions of TPS6 and Policy P350.18.
<i>(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</i>	The Management Plan is considered an appropriate measure to safeguard the amenity of neighbours, as well as limit any significant changes to the character of the area and social impacts of the 'Short Term Accommodation'.
<i>(y) any submissions received on the application;</i>	The submissions against the application have been noted and in response, the application will only be granted a temporary approval until it is determined whether the Management Plan is adequate and adhered to by the occupiers.

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

Consultation**(h) Neighbour Consultation**

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

A total of 318 consultation/information notices were sent, with relevant property owners, occupiers and/or strata bodies being invited to inspect the plans and to submit comments during a minimum 28 day period. A sign was also placed on the site for a 28 day period.

During the advertising period, ten submissions were received, one of which was in support of the proposal, eight of which objected to the proposal and one of which noted the proposal and provided advice.

Attachment (c) provides a Schedule of Submissions detailing the submitters full submission. The key issues raised together with an Officer response are provided in the table below.

Issue Raised	Officer Comments
<p><u>Proposed Use & Location</u></p> <p>Concern that the proposed use is not in keeping with the surrounding area which is predominantly residential.</p>	<p>The site will still be used for the purpose of accommodation as it would for a multiple dwelling.</p>
<p><u>Vehicle Parking & Traffic</u></p> <p>Increase in local traffic and resultant parking issues.</p>	<p>The short term accommodation will not result in an increase to the residential density in the area. The traffic generated by the proposed use would not exceed the amount of traffic generated by a family with two to four vehicles departing for work and study and returning later in the day.</p>
<p><u>Noise</u></p> <p>Increase in noisy gatherings and noise in general to what is considered a relatively quiet street.</p>	<p>The Management Plan outlines the times in which noise is to be limited. Any unreasonable noise can be reported to the City's Environmental Health Services.</p>
<p><u>Management Plan</u></p> <p>Property not being adequately managed by the landowner/applicant.</p>	<p>At this stage, the Management Plan is considered an appropriate measure to safeguard the amenity of neighbours, as well as limit any significant changes to the character of the area and social impacts of the short term accommodation. The application will only be granted a temporary approval until it is determined whether the Management Plan is adequate and adhered to by the occupiers.</p>
<p><u>Increase in Anti-Social Behaviour</u></p> <p>Proposed use will encourage anti-social behaviour and lead to an increase in crime in the area.</p>	<p>There has been no evidence to suggest that there will be increases to antisocial behaviour and crime due to the proposed use.</p>

10.3.4 Proposed Change of Use to Use Not Listed 'Short Term Accommodation' on Lot 2, Unit 1/45 Mary Street, Como

(i) **Environmental Health comments**

Comments were invited from the City’s Environmental Health business unit, who provided comments with respect to the proposed use and Management Plan. They raised no objections and have recommended advice notes be attached to the determination notice.

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

Nil.

10.3.4 Proposed Change of Use to Use Not Listed 'Short Term Accommodation' on Lot 2, Unit 1/45 Mary Street, Como

Conclusion

It is considered that the proposal meets all of the relevant Scheme and Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. The amenity impact concerns raised by neighbours are acknowledged and therefore it is considered appropriate to recommend a temporary approval for a period of 12 months to enable Council to review the use and its appropriateness within the locality, as well as the applicant's ability to properly enforce the Management Plan and compliance procedure. Accordingly, it is recommended that the application be approved subject to conditions.

Attachments

- 10.3.4 (a):** Attachment (a) - Site Photographs
- 10.3.4 (b):** Attachment (b) - Development Plans and Management Plan
- 10.3.4 (c):** Attachment (c) - Summary of Submissions and Responses

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments August 2022

File Ref: D-22-44932
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 August 2022 to 31 August 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(363)	\$3,154,098.50
Cheque Payment to Creditors	(5)	\$4,780.85
Total Monthly Payments to Creditors	(368)	\$3,158,879.35
EFT Payments to Non-Creditors	(73)	\$175,996.33
Cheque Payments to Non-Creditors	(10)	\$14,679.65
Total EFT & Cheque Payments	(451)	\$3,349,555.33
Credit Card Payments	(7)	\$21,857.54
Total Payments	(458)	\$3,371,412.87

Officer Recommendation

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

Background

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

Comment

The payment listing for August 2022 is included at **Attachment (a)**.

The attached report includes a "Description" for each payment. City officers have used best endeavours to redact (in black) information of a private or confidential nature.

10.4.1 Listing of Payments August 2022

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non-Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

10.4.1 Listing of Payments August 2022

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 August 2022

10.4.2 Monthly Financial Statements August 2022

File Ref: D-22-44930
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 August 2022.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. 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 variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains only the Original Budget. A Revised (adjusted) Budget has not been presented as no budget adjustments have been presented to Council for approval.

Comment

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

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. To curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate, the latest being .5% in September. The current cash rate is 2.35%, increases for the last five months amounted to 2.25%, 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 continues to extend the state of emergency initially enacted 30 March 2020, however public health measures are easing and the mask mandate has not been reimposed.

10.4.2 Monthly Financial Statements August 2022

Actual income from operating activities for August year-to-date (YTD) is \$59.42m in comparison to budget of \$59.10m, favourable to budget by 0.54% or \$318k. Actual expenditure from operating activities for August is \$10.94m in comparison to the budget of \$11.30m, favourable to budget by 3.22% or \$364k. Variations year to date for August are common with a lower activity following Budget adoption, as well as many year-end processes currently undertaken. The August Net Operating Position of \$48.48m was \$682k favourable in comparison to budget.

Actual Capital Revenue YTD is \$192k compared to a budget of \$31k with a favourable variance of \$161k. Actual Capital Expenditure YTD is \$710k in comparison to the budget of \$394k, \$316k or 80% unfavourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. Timing variations such as these are not uncommon in August. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there may be a number of Capital projects that may require a Budget adjustment.

Cash and Cash Equivalents amounted \$69.01m, this is 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 3.08% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of August 2022 the City held 37.59% 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 Action on Condition of Planning Approval - Civic Heart

File Ref: D-22-44931
Author(s): Vicki Lummer, Director Development and Community Services
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report to Council is for information purposes and explains the action taken in regard to a condition of planning approval for the Civic Heart development

Officer Recommendation

That Council notes the officers resolution of condition 14 of DAP/9/01559 Development Approval for 1 Mends Street, South Perth, as contained in this report.

Background

In December 2018, an application was lodged for the development of 1 Mends Street, South Perth known as Civic Heart. The owner of the property is South Perth Civic Triangle Pty Ltd, however Finbar acts for the owner in this matter.

The application included the use of Tenancy T5, a 65m² ground floor level tenancy fronting Labouchere Road, which would be provided to the City for local government 'shop-front' services at a peppercorn rate for a 10 year period. This was offered in the development application to satisfy the development requirement at Schedule 13, Element 14.1 of the Town Planning Scheme No.6 which stated:

“At least one facility available for use by external parties (groups or individuals), such as a meeting room, boardroom, lecture theatre, presentation space or function room, shall be included in all comprehensive new development.”

The officers Responsible Authority Report in July 2019 noted that:

The DAP must be satisfied as to whether the benefit obtained from this facility achieves compliance with the Development Requirement.

The City will agree to lease this space as generally stipulated in the applicant's proposal. During the period of the City's lease, the City management of the place will ensure that an actual public benefit is provided. An approval will require planning conditions to ensure the benefit is provided.

The applicant's proposal referred to in the above paragraph was :

An approximately 65m² ground floor commercial tenancy and associated car parking bay that will be leased to the City of South Perth at a peppercorn rate for a period of 10 years from the date of practical completion. This tenancy is expected to be used as a “shop-front” for council services within the local community, promoting greater physical access for local residents and ratepayers on matters within the responsibility of the City of South Perth;

(South Perth Civic Site Development Application December 2018 / 18-285 by element)

10.4.3 Action on Condition of Planning Approval - Civic Heart

The application was refused by the JDAP in a later meeting on 4 October 2019, however given this matter was not included in the reasons for refusal, it is considered that this was acceptable to the decision maker.

In October 2019 the Minister for Planning determined that in accordance with s246(1) of the *Planning and Development Act 2005*, she should determine the application that had been submitted to the State Administrative Tribunal for the review of the JDAP decision.

In the Minister's reason for her decision, again no mention was made of this matter, hence the community benefit was accepted in granting the approval.

The Minister's approval of the application included the following condition:

14. Prior to the submission of an occupancy permit application (relevant to the occupation of the commercial tenancies), a Leasing Strategy and Management Plan for the on-going operation of ground floor commercial tenancy T5 (and one nominated carbay) as a community benefit space, must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to at all times, unless otherwise approved by the City of South Perth.

None of the above development application processes included decisions by Council, as the JDAP and then the Minister for Planning were the determining authorities.

Further, when conditions of planning approval have the following wording, "approved by the City..." or "to the satisfaction of the City..." details are resolved at officer level in local governments, including at the City of South Perth.

As a result of the above, Council is being asked to note the proposed resolution of the Community Benefit condition and this report is provided for public transparency.

The Civic Heart development is currently under construction with completion estimated in late 2023.

Comment

In April 2022 Council resolved :

- 1. The CEO to evaluate the efficiency of City operations, and how savings can be achieved to reduce expenditure, without reducing services to the community or the maintenance of the existing City's assets.*
- 2. The CEO to present a report to Council at a workshop on or before 1 June 2022 on potential cost saving options for the 2022/2023 Budget, together with the benefits and downsides of each option.*

In accordance with the above resolution, the City presented cost savings at a Budget Workshop on 25 May 2022. At this workshop the estimated costs of utilising the ground floor commercial tenancy at Civic Heart were discussed. The City has also considered how we might use the space for "shop front services", in accordance with the approved application and condition. The costs of utilising the space have been estimated at \$180,000 per annum. This figure consists of

- Strata fees of \$2,442.46 per annum.
- Utilities and outgoings
- Additional fit-out/branding
- IT and communications provision and support (one off \$20,000)
- 2 x Staffing resources to maintain an active 9-5 presence

10.4.3 Action on Condition of Planning Approval - Civic Heart

The resulting consideration is that the City does not require the tenancy for providing services to the community and that the costs are not able to be justified given the current budgetary constraints and Council’s clear direction to save costs.

Accordingly, the City advised Finbar that it would not be utilising the ground floor tenancy and began discussion on how best to reach a suitable outcome in regard to community benefit delivered by the development.

The City looked to the recently approved South Perth Activity Centre Plan – Community Benefit Framework for guidance, as the Plan includes the Community Benefits Contribution Framework Project List (project list).

The applicant also calculated the cost of providing the commercial tenancy as proposed over the 10 year period through a Net Present Value calculation that provides an industry standard benchmark of the present day commercial value of the expected monetary benefit of an asset. The value is \$153,308 ex. GST. The City has supported the proposal for a cash contribution to be provided in lieu of the commercial tenancy and that contribution is to be utilised to deliver a project from the project list.

The City examined a number of projects within the project list and the highest value for money project is considered to be the sixth project identified within the project list. This relates to Mends Street (South) – Local Streetscape Upgrade. This project is rated as high value to the local community and is triggered by the completion of Civic Heart.

No.	Upgrade Type	Project Information			Estimated Cost			Value			Timing
		Project	Project description	Document or source	Approximate community benefit contribution	Approximate municipal capital funding (like for like asset replacement cost)	Approximate Total Cost	Reach (Local &/or regional)	Impact (Minor &/or major improvement)	Value Score (Gain of criteria)	Triggers
Mends Character Area											
	Community facilities Streetscape and public realm Street trees and landscaping Upgrades to public open space Transport infrastructure Placemaking initiatives	Mends Street (South) - Local Streetscape Upgrade	Upgrades to the street to tie in with Civic Heart streetscape upgrades. Upgrades include new street furniture, landscaping and footpath treatments.	Connect South Mends Street	\$80,000	\$100,000	\$180,000	3	3	6	Civic Heart Completion of Civic Heart development

The latest estimate for the project includes \$166,115 community benefit contribution and \$44,070 as a City contribution, for a total of \$210,185. The City’s contribution, including any escalation, will be sought in the appropriate annual budget (2023/24)

Some of the keys considerations in this project are :

- The verge works include 14 new trees which supports the City’s Urban Forest Strategy and will make a significant contribution to the final amenity of Mends Street.
- Traffic management for the verge works will be cost effective if the project is completed while the site is being controlled by the builder and before Civic Heart opens.

Condition 14 of the planning approval will need to be amended in order to resolve the matter. The Minister has provided the ability to amend conditions in this instance by virtue of condition No.1 of the approval , which states :

The Minister for Planning may approve any modification to the approved development, or amend or waive any condition of approval, provided such proposed modification or amendment or waiver would not substantially change the development approved.

The Minister for Planning will again make the final determination on the amended condition and the Department of Planning, Lands and Heritage prior to advising the Minister has asked for the City’s comment.

10.4.3 Action on Condition of Planning Approval - Civic Heart

The City has advised the Department that it supports the provision of the above cash contribution and will work with the applicant to deliver the above project.

Consultation

Elected Members were consulted on this matter via the Councillors Bulletin on 14 April 2022 and at the Budget Workshop held on 25 May 2022.

Policy and Legislative Implications

The outcome is in accordance with the South Perth Activity Centre Plan and associated Town Planning Scheme No.6 provisions.

Financial Implications

This report sets out the cost savings as follows:

Cost savings by not utilising the ground floor tenancy	\$180,000 pa X 10 years = \$1, 800, 000
Cost of the project to be delivered as a community benefit	\$153,308
Total :	\$1,953,308

Key Risks and Considerations

Risk Event Outcome	Financial Loss An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services
Risk rating	Medium
Mitigation and actions	Officers have mitigated the risk of financial loss by seeking other methods for the delivery of community benefit, as discussed in the report.

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

Nil.

10.4.4 Property Committee

File Ref: D-22-44938
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report recommends that Council abolish the Property Committee and note that all items in relation to property and requiring a decision of Council will be submitted directly to Council.

Officer Recommendation

That Council

1. Resolves to abolish the Property Committee, and those matters relating to property and requiring a Council decision be referred directly to Council.
2. Requests the Chief Executive Office to formally write to the external members to advise them of Council's decision and thank them for their contribution to the Committee.

Absolute Majority Required

Background

The Property Committee was established in September 2016 under section 5.8 of the *Local Government Act 1995* and does not hold any delegated power.

At its Special Council meeting held 18 October 2021 Council resolved to appoint all nine elected members to the Property Committee and two professional independent members with expert knowledge in property matters.

Meetings are held on a quarterly basis where all elected members, external members, the executive team, relevant managers and support staff attend.

Under the Property Committee's Terms of Reference:

"The objective of the Committee is to provide recommendations to Council on property investment strategies and concepts to deliver long term financial and social returns to the City."

Areas of responsibility

The Property Committee is responsible for advising Council on all matters relating to:

- *Property Asset Management;*
- *Expected levels of financial performance for the City's property and asset holdings;*
- *Financial performance of operating community facilities;*
- *The categorisation of the City's Property Assets;*
- *Consideration of valuations in relation to the sale or lease of the City's property and asset holdings;*

10.4.4 Property Committee

- *Proposals for investment, purchase, disposal, development or redevelopment of any of the City's investment and development property holdings; and*
- *Being the Project Reference Group for the Recreation and Aquatic Facility. “*

Comment

The Committee primarily considers leases and licences where appropriate within the City with ad hoc reports on matters such as property redevelopment, property disposals and the Recreation and Aquatic Facility project.

Over time, it has become apparent that the Property Committee is not meeting its objectives.

Section 5.8 of the *Local Government Act 1995*, provides that “a local government may establish committees of 3 or more persons to **assist** the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees”.

All nine Councillors are members of the Property Committee. In local government, it is unusual for all Councillors to form a Committee as it has the effect of the Council essentially making a decision twice. As such, the Property Committee cannot really be seen as **assisting** Council to exercise its powers.

Although the Property Committee membership also consists of two property experts, these experts have raised concerns with the CEO regarding the value of their roles and questioned whether their ongoing involvement in the Property Committee is needed. This view is based on decisions made by Council relating to leases and licenses that differ significantly from those made by the Property Committee.

As such, it is questionable whether the Property Committee is meeting its objective of delivering long term financial and social returns to the City through property investment strategies and concepts. In fact, it could be argued that the Committee represents an unnecessary and costly layer of decision-making that adds little value to the ratepayers of South Perth.

Efficiencies will be made by saving staff time and resources in developing and distributing a Property Committee Agenda, compiling Minutes and then replicating those Minutes in a subsequent Council report. There will also be financial savings in relation to catering, staff overtime and external Committee Member reimbursements. This aligns to the Council direction of finding savings for the City.

Based on the above, it is recommended the Property Committee be abolished and all property items be presented directly to Council. This move will also facilitate efficiencies for stakeholders as property matters will not have to wait for a quarterly Property Committee meeting and instead can be considered in a timely manner at monthly Ordinary Council Meetings.

Consultation

Nil.

Policy and Legislative Implications

Part 5, Division 2 of the *Local Government Act 1995*

Financial Implications

By abolishing the Property Committee, the City will save \$6,000 per annum for the reimbursement of expenses for Committee members and approximately \$2,800 in catering. The costings do not take into account staff costs to prepare and attend the meetings.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>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.</p>
Risk rating	Low
Mitigation and actions	To ensure transparency and effective decision making for the greater good of the whole community, independent professional advice in relation to property management will be procured on a case by case basis and presented to Council.

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

Nil.

10.4.5 Proposed Council Meeting Schedule 2023

File Ref: D-22-44934
Author(s): Toni Fry, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks Council's endorsement of the City of South Perth 2023 Meeting Schedule.

Officer Recommendation

That Council endorses the Council meeting dates, times and places proposed for 2023 as detailed in Table (1) within this report.

Background

The *Local Government Act 1995* and the Local Government (Administration) Regulations 1996 require local governments to give local public notice of the dates on which and the time and place at which the ordinary council meetings are to be held over the next 12 months.

All City of South Perth Council meetings commence at 6pm and are held in the Council Chamber, corner Sandgate Street and South Terrace, South Perth.

Typically, the City of South Perth holds Council Agenda Briefings on the third Tuesday of each month, and the Ordinary Council Meetings on the fourth Tuesday of each month.

Comment

It is proposed that all Council Meetings for the 2023 calendar year continue to be held at 6pm in the City of South Perth Council Chamber.

Following on from previous years, it is proposed to have a recess in January and for the November and December Agenda Briefings and Council Meetings to be brought forward by one week to fit in with the Christmas period.

The Agenda Briefing and Council Meeting in April will also need to be brought forward by a week due to Anzac Day falling on the fourth Tuesday of the month.

10.4.5 Proposed Council Meeting Schedule 2023

The Proposed Meeting Schedule for 2023 is as follows:

Council Agenda Briefing City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.	Ordinary Council Meeting City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.
6pm Tuesday 21 February	6pm Tuesday 28 February
6pm Tuesday 21 March	6pm Tuesday 28 March
6pm Tuesday 11 April	6pm Tuesday 18 April
6pm Tuesday 16 May	6pm Tuesday 23 May
6pm Tuesday 20 June	6pm Tuesday 27 June
6pm Tuesday 18 July	6pm Tuesday 25 July
6pm Tuesday 15 August	6pm Tuesday 22 August
6pm Tuesday 19 September	6pm Tuesday 26 September
	6pm Monday 23 October Special (to swear in new Elected Members and appoint members to Committees)
6pm Tuesday 24 October	6pm Tuesday 31 October
6pm Tuesday 14 November	6pm Tuesday 21 November
6pm Tuesday 5 December	6pm Tuesday 12 December

10.4.5 Proposed Council Meeting Schedule 2023

The 2023 Western Australian Public Holidays as shown below do not affect the proposed City of South Perth Council Meeting Schedule except for Anzac Day falling on the fourth Tuesday of the month:

Public Holiday	2023
New Year's Day	Monday 2 January
Australia Day	Thursday 26 January
Labour Day	Monday 6 March
Good Friday	Friday 7 April
Easter Monday	Monday 10 April
ANZAC Day	Tuesday 25 April
WA Day	Monday 5 June
Queen's Birthday	Monday 25 September
Christmas Day	Monday 25 December
Boxing Day	Tuesday 26 December

Consultation

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, the details for the 2023 meetings will be placed on the City's website and on the notice board in the Civic Centre, and at both of the City's Libraries before the beginning of 2023.

Policy and Legislative Implications

Sections 5.25(1)(g) of the *Local Government Act 1995*.

Regulation 12 of the Local Government (Administration) Regulations 1996.

Financial Implications

Nil.

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	An annual report is scheduled to have the Council meeting dates, times and places proposed for the following 12 months endorsed.

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

Attachments

Nil.

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Annual Policy Review

File Ref: D-22-44912
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

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

1. Notes that the following policies having been reviewed with 'no changes' except for updating the year of the City of South Perth Community Strategic Plan where required being proposed:

- P102 Community Funding Program
- P104 Community Awards
- P105 Cultural Services and Activities
- P106 Use of City Reserves and Facilities
- P107 Access and Inclusion
- P108 Honorary Freeman of the City
- P110 Support of Community and Sporting Groups
- P112 Community Advisory Groups
- P113 Community Gardens
- P116 Installation, use and Management of Closed Circuit Television (CCTV) and other Monitoring Technology
- P117 Library Services and Programs
- P118 Library Collection Development
- P119 City of South Perth Local History Collection
- P204 Chemical Use
- P206 Urban Forest
- P208 Ecologically Sustainable Building Design
- P354 Stormwater Drainage Requirements for Proposed Buildings
- P361 Street Addressing
- P402 Alfresco Dining
- P403 Charity Clothing Bins on City Managed Land
- P610 Collier Park Village – Financial Arrangements
- P630 Workplace Health and Safety
- P637 Employee Separation Payments
- P639 CEO Recruitment, Performance and Termination
- P648 Motor Vehicles

- P665 Use of Council Facilities
- P668 Mayoral Portraits
- P669 Elected Member Continuing Professional Development
- P673 Audio Recording of Council Meetings
- P674 Management of Corporate Records
- P675 Legal Representation
- P677 State Administrative Tribunal
- P687 Development of Council Owned Land
- P689 Application for Planning Approval Applicants Responsibility
- P692 Sustainability
- P693 Retiring Elected Member Gift
- P695 Risk Management
- P696 Related Party Transactions
- P697 Financial Hardship Assistance
- P698 Attendance at Events

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

- P103 Stakeholder Engagement
- P202 Energy Conservation
- P203 Ground Water Management
- P205 Tree Preservation
- P207 Natural Areas
- P209 Shade Structure
- P211 Water Sensitive Urban Design
- P212 Waste Management
- P213 Phytophthora Management
- P311 Subdivision Approval – Early Release from Conditions
- P353 Crossings/Crossovers
- P356 Electricity Substations
- P357 Right-of-Way (ROW) Maintenance and Development
- P358 House Numbers on Kerbs
- P401 Graffiti Management
- P501 Paths – Provision and Construction
- P502 Cycling Infrastructure
- P510 Traffic Management Warrants
- P511 Road Thoroughfare Infrastructure Management
- P605 Purchasing
- P607 Tenders and Expressions of Interest
- P611 Pre-Qualified Supplier Panels
- P613 Capitalisation & Valuation of Fixed Assets

3. Adopts the following revised policies with major amendments in **Attachment (b)**:

- P210 Street Verges
- P603 Investment of Surplus Funds
- P688 Asset Management

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Officer Recommendation

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

1. Notes that the following policies having been reviewed with 'no changes' except for updating the year of the City of South Perth Community Strategic Plan where required being proposed:

- P102 Community Funding Program
- P104 Community Awards
- P105 Cultural Services and Activities
- P106 Use of City Reserves and Facilities
- P107 Access and Inclusion
- P108 Honorary Freeman of the City
- P110 Support of Community and Sporting Groups
- P112 Community Advisory Groups
- P113 Community Gardens
- P116 Installation, use and Management of Closed Circuit Television (CCTV) and other Monitoring Technology
- P117 Library Services and Programs
- P118 Library Collection Development
- P119 City of South Perth Local History Collection
- P204 Chemical Use
- P206 Urban Forest
- P208 Ecologically Sustainable Building Design
- P354 Stormwater Drainage Requirements for Proposed Buildings
- P361 Street Addressing
- P402 Alfresco Dining
- P403 Charity Clothing Bins on City Managed Land
- P610 Collier Park Village – Financial Arrangements
- P630 Workplace Health and Safety
- P637 Employee Separation Payments
- P639 CEO Recruitment, Performance and Termination
- P648 Motor Vehicles
- P665 Use of Council Facilities
- P668 Mayoral Portraits
- P669 Elected Member Continuing Professional Development
- P673 Audio Recording of Council Meetings
- P674 Management of Corporate Records
- P675 Legal Representation
- P677 State Administrative Tribunal
- P687 Development of Council Owned Land
- P689 Application for Planning Approval Applicants Responsibility
- P692 Sustainability
- P693 Retiring Elected Member Gift
- P695 Risk Management
- P696 Related Party Transactions
- P697 Financial Hardship Assistance

- P698 Attendance at Events
2. Adopts the following revised policies with minor amendments in **Attachment (a)**:
- P103 Stakeholder Engagement
 - P202 Energy Conservation
 - P203 Ground Water Management
 - P205 Tree Preservation
 - P207 Natural Areas
 - P209 Shade Structure
 - P211 Water Sensitive Urban Design
 - P212 Waste Management
 - P213 Phytophthora Management
 - P311 Subdivision Approval – Early Release from Conditions
 - P353 Crossings/Crossovers
 - P356 Electricity Substations
 - P357 Right-of-Way (ROW) Maintenance and Development
 - P358 House Numbers on Kerbs
 - P401 Graffiti Management
 - P501 Paths – Provision and Construction
 - P502 Cycling Infrastructure
 - P510 Traffic Management Warrants
 - P511 Road Thoroughfare Infrastructure Management
 - P605 Purchasing
 - P607 Tenders and Expressions of Interest
 - P611 Pre-Qualified Supplier Panels
 - P613 Capitalisation & Valuation of Fixed Assets
 - P624 Media Communications
 - P625 Equal Employment Opportunity
3. Adopts the following revised policies with major amendments in **Attachment (b)**:
- P101 Public Art & Art Collections
 - P210 Street Verges
 - P603 Investment of Surplus Funds
 - P672 Agenda Briefings, Concept Forums and Workshops
 - P680 Electronic Agendas
 - P688 Asset Management
4. Revokes the following policy in **Attachment (c)**:
- P661 Complaints
5. Adopts the following new policies in **Attachment (d)**:
- P601 Strategic Financial Management – Preparation of Long Term Financial Plan
 - P701 Variations to Contract

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

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

10.5.1 Annual Policy Review

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

All Policies that have been listed with 'no changes' will have the year of the City of South Perth Community Strategic Plan 2021-2031 updated as per Council Resolution Number 1221/259 from its meeting held 14 December 2021. These Policies can be found on the City of South Perth [website](#).

The Director Development and Community Services advises that the City's Planning Policies are not considered in this review. As Council has been previously advised, the City's Strategic Planners will review all of the existing local planning policies as part of the preparation of the policy framework for draft Local Planning Scheme 7. This will take place later this year and early 2023. Where appropriate policies will also be reviewed as required in line with amendments to planning legislation and ongoing implementation requirements.

At its meeting held 22 March 2022 Council carried the Committee's recommendation to defer the Annual Policy Review report to the next Audit, Risk and Governance Committee meeting. Given the feedback provided, a workshop was scheduled for 16 May 2022, however due to COVID it had to be cancelled and given the number of workshops scheduled it was not possible to reschedule it prior to the next Committee meeting being 14 June 2022.

A workshop was held 2 August 2022 where the policies were presented and discussed. Following the workshop some further amendments have been made and they are now submitted for consideration.

It should also be noted that the following policies have been removed from this review and will be considered separately at a future meeting:

P609 Management of City Property

Given the reason to hold a Councillor Briefing as per Council's resolution (0822/118) from its meeting held 23 August 2022 to clarify the remit over licence agreements and the apparent interchangeability between lease and licence terms and conditions this policy has been removed to be further discussed at that briefing.

P649 Mayoral Vehicle

This policy requires further amendments to clearly articulate the requirements.

P694 Fraud and Corruption Prevention

This policy has been removed so it can be aligned to the Fraud and Corruption Control Framework that is being developed.

Comment

Minor Changes

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

P103	Stakeholder Engagement
P202	Energy Conservation
P203	Ground Water Management
P205	Tree Preservation
P207	Natural Areas
P209	Shade Structure
P211	Water Sensitive Urban Design
P212	Waste Management
P213	Phytophthora Management
P311	Subdivision Approval – Early Release from Conditions
P353	Crossings/Crossovers
P356	Electricity Substations
P357	Right-of-Way (ROW) Maintenance and Development
P358	House Numbers on Kerbs
P401	Graffiti Management
P501	Paths – Provision and Construction
P502	Cycling Infrastructure
P510	Traffic Management Warrants
P511	Road Thoroughfare Infrastructure Management
P605	Purchasing
P607	Tenders and Expressions of Interest
P611	Pre-Qualified Supplier Panels
P613	Capitalisation & Valuation of Fixed Assets
P624	Media Communications
P625	Equal Employment Opportunity

Major Changes

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

P101 Public Art & Art Collections

Additional wording has been added to P101 to reflect the City's current practice that involves seeking advice from a suitably qualified art valuer when considering decision-making about decommissioning of artworks. Additionally, it is recommended that P101 be amended to clarify that the Arts Advisory Group is not a 'decision-making' body, but an advisory group who make recommendations to the City/Council. The revised wording for P101 is more compatible with the Advisory Group's Terms of Reference. Furthermore, amendments have been made to incorporate several references to the City's new Public Art Masterplan and make provision for community representatives onto the City's Arts Advisory Group.

P210 Street Verges

The Infrastructure Reinstatement Requirements section of this policy has been removed as it is duplicated in Policy P511 Road Thoroughfare Infrastructure Management.

P603 Investment of Surplus Funds

This policy has a slight amendment to allow a minimum of 70% instead of 80% of the portfolio to be invested in Standard & Poor rating A-1, and a maximum of 30% instead of 20% in Standard & Poor rating A-2 short term. The amendment will allow the City greater flexibility to achieve better investment returns because the smaller A-2 banks typically offer better returns than the larger A-1 banks. A-1 banks are defined as follows “**has strong capacity to meet its financial commitments**. It is rated in the highest category by Standard & Poor's. Within this category, certain obligors are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitments is extremely strong”. A-2 banks are defined as “**has satisfactory capacity to meet its financial commitments**. However, it is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in the highest rating category”.

P672 Agenda Briefings, Concept Forums and Workshops

This policy has been amended to include a paragraph in relation to the submission of notices of motions from Councillors. It provides a timeframe and reasoning behind it.

P680 Electronic Agendas

The Data Usage section in this policy has been updated following a move from Telstra to Optus where the shared data plan is larger. The Treatment of the Device on Cessation of Service has also been amended to align with the Management Practice M643 ICT Asset Management and Disposal.

The Acceptance of Terms of Use of Device has also been removed as when elected members are sworn in to office they required to read out and sign Form 7 – Declaration by elected member of council as per the Local Government (Constitution) Regulations 1998 which covers off on observing the code of conduct.

P688 Asset Management

Following the workshop held 2 August 2022 this policy has been amended, all amendments to this policy better reflect:

- A commitment by the City and continual improvement in the management of asset management
- A stronger directive to set strategic direction for asset management
- Improved communication throughout the organisation
- Referencing ISO 55001
- A stronger framework of asset management within the objectives listed

Policy to be revoked

The policy listed below and at **Attachment (c)** is recommended to be revoked for the reasons detailed:

P661 Complaints

The City's Councillor Code of Conduct guides decisions, actions and behaviours of council members, elected and unelected committee members and candidates in the local government elections, with all complaints received being managed in accordance with policy P699 Councillor Code of Conduct.

10.5.1 Annual Policy Review

The City values complaints as they provide feedback on our operations which allows us to continuously improve. The City's Employee code of Conduct sets standards of behaviour that employees, volunteers, contractors and agency staff are to observe in relation to their conduct. The code is based on the City's values being Accountable, Respectful, Supportive and Unified. Administrative complaints received in relation to services provided by the City and or alleged behaviour of employees, volunteers and/or contractors will be processed in accordance with legislative requirements, the City's Customer Service Charter and best practice guidelines provided by Ombudsman WA.

It is therefore recommended that the complaints management policy be revoked.

New Policies

P601 Strategic Financial Management – Preparation of Long Term Financial Plan

This policy has been developed as per Council's resolution from its meeting held 22 March 2022.

P701 Variations to Contract

This policy has been developed as per Council's resolution from its meeting held 22 March 2022 and has been amended following the workshop held 2 August 2022.

Both these policies can be found in **Attachment (d)**.

Consultation

The policies are considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

Policy and Legislative Implications

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

Financial Implications

Nil.

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	Yearly review of all policies.

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

- 10.5.1 (a): Revised policies with minor amendments
- 10.5.1 (b): Revised policies with major amendments
- 10.5.1 (c): Revoked policy
- 10.5.1 (d): New policies

10.5.2 Audit Register Progress Report

File Ref: D-22-44911
Author(s): Rose Jordan, Integrated Planning Advisor
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Councillor Blake D'Souza

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

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

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

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

Comment

It is important to note that the Audit Register contained in **Confidential Attachment (a)** counts actions and totals by "Finding #". Each finding may have more than one "Recommendation" and associated "Agreed Management Action", previously counted as **one** action. This can mean that some Recommendations within an Action will be completed (100%) and some will not. Only when all assigned Recommendations/Agreed Management Actions are marked as 100% complete will the Audit, Risk and Governance Committee (ARGC) approve the Finding for closure.

10.5.2 Audit Register Progress Report

The Audit Register has been formatted to ensure clarity as below:

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

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

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

A review of the Strategic Internal Audit Plan (SIAP) by management and the City’s Internal Auditor, Paxon has been undertaken.

The new SIAP was presented at the Audit, Risk and Governance Committee Meeting held on 8 March 2022. Progress against this Plan has been limited due to staff availability (caused by resignations and illness) and the availability of the contractor.

It should be noted that Finding #65 which contains 3 Management Actions, had the first Action completed on 27 August 2021, however, this finding will not be considered closed until all 3 Actions are completed.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

The External Audit function (WA Auditor General) has a budget of \$65,000 for the audit work undertaken during the 2021/22 financial year.

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	Medium
Mitigation and actions	<p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.</p>

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

10.5.2 (a): Audit Register - 13 September 2022 (*Confidential*)

11. APPLICATIONS FOR LEAVE OF ABSENCE



12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR MARY CHOY - RAF

File Ref: D-22-44913
Author(s): Rebecca de Boer, Advisor - RAF
Reporting Officer(s): Steve Atwell, Acting Director Infrastructure Services
Garry Adams, Director Corporate Services

Summary

Councillor Mary Choy submitted the following amended Notice of Motion prior to the Council Agenda Briefing held Tuesday 20 September 2022.

Amended Notice of Motion Recommendation

That, acknowledging the Chief Executive Officer's meeting with the Hon. David Templeman MLA on 28th September 2022 to discuss the City's Recreation & Aquatic Facility (RAF) project and in the event a funding commitment is not resolved at that time, Council request the Chief Executive Officer to:

1. Write a formal letter to the Minister for Culture and the Arts; Sport and Recreation; International Education; and Heritage, the Hon. David Templeman MLA, to respectfully seek:
 - (a) Reasons for not providing a formal response to the Council of the City of South Perth on the Treasury Business Case, submitted in October 2021, for the City's RAF project;
 - (b) Feedback on the RAF Treasury Business Case as received, with clarification on any issues raised by Treasury, and commentary on anything else the City of South Perth needs to do or provide the State Government to receive the requisite funding commitment, so that the RAF project as contemplated under the Business Case may proceed;
 - (c) Support for the RAF project, including funding support of at least \$20 million, preferably at the upcoming State Government Mid-year Financial Review, to match the Federal Government and Local Government funding commitment (noting funding in the 2022-23 State Budget was not forthcoming as anticipated); and
 - (d) A response be given within one month from receipt of letter.
2. Write a letter to the Member for South Perth, Mr Geoffrey Baker MLA, to respectfully seek:
 - (a) Reasons as to why no State funding has been forthcoming to date for the RAF project, and to confirm the Member's support for the project for the benefit of the district; and
 - (b) A response be given within one month from receipt of letter.
3. Write a letter to the W.A. Department of Treasury, to respectfully seek:
 - (a) An evaluation and review of costing of the RAF project capital

construction cost, operating expenditure and cash flow assumptions and revenue forecasts, and cost benefit analysis, based on the Treasury Business Case submitted in 2021, in light of current market conditions and factors (including, but not limited to, inflation, materials and construction costs escalations, labour shortages etc); and

- (b) A response be given within one month from receipt of letter.
4. Carry out (1)-(3) within one calendar month; and
 5. Upon receipt of responses (1)-(3), if any received, include the responses along with a copy of the Chief Executive Officer's letters, for noting before or at the December 2022 Ordinary Council Meeting.
 6. Forward any received responses (1)-(3), along with a copy of this motion, to the Federal Member for Swan, Ms Zaneta Mascarenhas MP, for her information.

On the afternoon of the Agenda Briefing Councillor Mary Choy provided the above amended motion. The reason for the amended motion was as follows:

'Noting some of the comments in the Officer Report for my Notice of Motion this month, I have tidied it up a bit.'

Councillor Mary Choy also amended her original reasons for the Notice of Motion which are as follows:

At the October 2018 Ordinary Council Meeting, Council resolved to "commence formal engagement with the State Government to gauge their interest, support and involvement in a regional scale multi-use leisure and aquatic facility located within the City", with it being noted in the Officers Report under the Comments section at page 24 of the Minutes that "formal approaches to key stakeholders... to quantify... funding opportunities" was necessitated, with "resultant partnerships would... substantiate (or otherwise) the feasibility of the RAF". Also, at page 25 it was noted that, "preliminary engagement has been undertaken with a number of parties including Local State MP's... and State Government Departments..." and "...acknowledging the risk of raising community expectations prior to conclusion of... funding commitments."

At the September 2019 Ordinary Council Meeting, Council resolved for the Chief Executive Officer "to seek external funding support" for the RAF, with the Officers Report outlining in the Background section to include "partnerships with... State stakeholders... to assist in capital and life cycle funding" and in the Comments section at page 90 of the Minutes, that "engagement at a State level has taken the form of a number of meetings with key representatives of the Department of Local Government, Sport & Cultural Industries and Department of Planning, Lands & Heritage." In the Timeline section at page 95, the key decision gateways for Council, for which there are 3, included under gateway 1 "...approval to proceed to finalise financial partners..." by March 2020 and under gateway 2 "confirmation of financial partners..." by August 2020 (noted that some slippage has occurred since then due to COVID and other factors). Under the Next Steps section at page 97, that "...engagement with potential funding partners would continue to finalise the full level of funding required to progress the project to construction."

At the 15 March 2021 Special Council Meeting, Council endorsed the RAF Business Plan, to allow amongst other things, progressing of more active discussions with and further formal approaches to the State Government, noting the progress made to seek funding for the project, included “actively lobbying the State Government”. As noted at page 13 of the Minutes, additional information was provided to the Premier’s office on request, with a follow-up meeting anticipated in February 2022 as soon as the RAF Business Plan had been approved by Council, which it was the same month. It is unclear whether this meeting ever took place and if it did what transpired. The State Opposition was also briefed on the RAF and it was reportedly well received, with consideration given to the project as part of election commitments.

At the July 2021 Ordinary Council Meeting, it was noted in the Comments section of the Officers Report at page 13 of the Minutes, that “the City remains actively engaged with the State Government... regarding funding commitments for the project.”

Following a Council resolution at the August 2021 Ordinary Council Meeting, the City submitted a formal funding proposal (also known as the ‘Investment Business Case’ or Treasury Business Case) to Minister Buti, then Minister for Finance; Lands, Sport and Recreation; Citizenship and Multicultural Interests in October 2021, with the Minister acknowledging receipt.

At the December 2021 Ordinary Council Meeting, in the Summary to Council at page 16, Council was advised that the City was still awaiting a response from the State Government on the formal

funding proposal submitted. This indicates that the City anticipated a formal response from the State Government, for which it or Council has not received.

I understand the Chief Executive Officer and the Mayor have had regular on-going meetings with various State MP’s, including the Member for South Perth, to garner support for the RAF project.

Despite all these efforts and attempts to date to secure State Government support for the RAF project, Council have not received any further updates as to the State’s support or otherwise.

Consequently, the view is, Council decisions are being made on the RAF project, with a lack of certainty around State Government support and an equal funding commitment as envisaged by the Business Case, including deferral of Concept and Schematic design works for the RAF at the August 2021 Ordinary Council Meeting and appointment of a Project Manager at the December 2021 and June 2022 Council Meetings.

Considering all this, and in the context of the Business Case assumptions, that anything less than an \$80M RAF facility; that is a scaled-down version of the RAF based on a reduced funding package, might not be capable of being financially self-sustaining, and that it has been just shy of a year since the Treasury Business Case for the RAF project was submitted to the State Government, it is the view that the requests as outlined in the motion are reasonable and necessary for clarity, transparency and accountability to the City of South Perth community.

The Officer's report is based on the original Notice of Motion and has not been changed as it is still relevant to the amended Notice of Motion.

Original Notice of Motion Recommendation

That, acknowledging the Chief Executive Officer's meeting with the Hon. David Templeman MLA on 28th September 2022 to discuss the City's Recreation & Aquatic Facility (RAF) project and in the event a funding commitment is not resolved at that time, Council authorise the Chief Executive Officer to:

1. Write a letter to the Minister for Culture and the Arts; Sport and Recreation; International Education; and Heritage, the Hon. David Templeman MLA, to respectfully request:
 - (a) Reasons for not providing a formal response to the Council of the City of South Perth on the Treasury Business Case, submitted in October 2021, for the City's RAF project;
 - (b) A funding commitment of at least \$20 million for the RAF project at the upcoming State Government Mid-year Financial Review (noting funding in the 2022-23 State Budget was not forthcoming as anticipated);
 - (c) Clarification on any issues raised by Treasury with the RAF Treasury Business Case as received and what else the City of South Perth needs to do or provide the State Government to receive the requisite funding commitment so that the RAF project may proceed; and
 - (d) A response be given within one month from receipt of letter.
2. Write a letter to the Member for South Perth, Mr Geoffrey Baker MLA, to respectfully request:
 - (a) Reasons as to why no State funding has been forthcoming to date for the RAF project; and
 - (b) A response be given within one month from receipt of letter.
3. Write a letter to the W.A. Department of Treasury, to respectfully request:
 - (a) An evaluation and review of costing of the RAF project capital construction cost, operating expenditure and cash flow assumptions and revenue forecasts, and cost benefit analysis, based on the Treasury Business Case submitted in 2021, in light of current market conditions and factors (including, but not limited to, inflation, materials and construction costs escalations, labour shortages etc); and
 - (b) A response be given within one month from receipt of letter.
4. Carry out (1)-(3) within one calendar month; and
5. Upon receipt of responses (1)-(3), include the responses along with a copy of the Chief Executive Officer's letters, for Council noting before or at the December 2022 Ordinary Council Meeting.
6. Forward the received responses (1)-(3), along with a copy of this motion, to the Federal Member for Swan, Ms Zaneta Mascarenhas MP, for her information.

Background

Councillor Mary Choy submitted a Notice of Motion regarding the RAF. The reasons for the motion given are as follows:

At the October 2018 Ordinary Council Meeting, Council resolved to *“commence formal engagement with the State Government to gauge their interest, support and involvement in a regional scale multi-use leisure and aquatic facility located within the City”*, with it being noted in the Officers Report under the Comments section at page 24 of the Minutes that *“formal approaches to key stakeholders... to quantify... funding opportunities”* was necessitated, with *“resultant partnerships would... substantiate (or otherwise) the feasibility of the RAF”*. Also, at page 25 it was noted that, *“preliminary engagement has been undertaken with a number of parties including Local State MP’s... and State Government Departments...”* and *“...acknowledging the risk of raising community expectations prior to conclusion of... funding commitments.”*

At the September 2019 Ordinary Council Meeting, Council resolved for the Chief Executive Officer *“to seek external funding support”* for the RAF, with the Officers Report outlining in the Background section to include *“partnerships with... State stakeholders... to assist in capital and life cycle funding”* and in the Comments section at page 90 of the Minutes, that *“engagement at a State level has taken the form of a number of meetings with key representatives of the Department of Local Government, Sport & Cultural Industries and Department of Planning, Lands & Heritage.”* In the Timeline section at page 95, the key decision gateways for Council, for which there are 3, included under gateway 1 *“... approval to proceed to finalise financial partners...”* by March 2020 and under gateway 2 *“confirmation of financial partners...”* by August 2020 (noted that some slippage has occurred since then due to COVID and other factors). Under the Next Steps section at page 97, that *“...engagement with potential funding partners would continue to finalise the full level of funding required to progress the project to construction.”*

At the 15 March 2021 Special Council Meeting, Council endorsed the RAF Business Plan, to allow amongst other things, progressing of more active discussions with and further formal approaches to the State Government, noting the progress made to seek funding for the project, included *“actively lobbying the State Government”*. As noted at page 13 of the Minutes, additional information was provided to the Premier’s office on request, with a follow-up meeting anticipated in February 2022 as soon as the RAF Business Plan had been approved by Council, which it was the same month. It is unclear whether this meeting ever took place and if it did what transpired. The State Opposition was also briefed on the RAF and it was reportedly well received, with consideration given to the project as part of election commitments.

At the July 2021 Ordinary Council Meeting, it was noted in the Comments section of the Officers Report at page 13 of the Minutes, that *“the City remains actively engaged with the State Government... regarding funding commitments for the project.”*

Following a Council resolution at the August 2021 Ordinary Council Meeting, the City submitted a formal funding proposal (also known as the ‘Investment Business Case’ or Treasury Business Case) to Minister Buti, then Minister for Finance; Lands, Sport and Recreation; Citizenship and Multicultural Interests in October 2021, with the Minister acknowledging receipt.

At the December 2021 Ordinary Council Meeting, in the Summary to Council at page 16, Council was advised that the City was still awaiting a response from the State Government on the formal funding proposal submitted. This indicates that the City anticipated a formal response from the State Government, for which it or Council has not received.

12.1 Notice of Motion - Councillor Mary Choy - RAF

I understand the Chief Executive Officer and the Mayor have had regular on-going meetings with various State MP's, including the Member for South Perth, to garner support for the RAF project.

Despite all these efforts and attempts to date to secure State Government support for the RAF project, Council have not received any further updates as to the State's support or otherwise.

Consequently, Council decisions are being made on the RAF project, with a lack of certainty around State Government support and an equal funding commitment as envisaged under the Business Plan, including deferral of Concept and Schematic design works for the RAF at the August 2021 Ordinary Council Meeting and appointment of a Project Manager at the December 2021 and June 2022 Council Meetings.

Considering all this and that it has been just shy of a year since the Treasury Business Case for the RAF project was submitted to the State Government, it is the view that the requests as outlined in the motion are reasonable and necessary for clarity, transparency and accountability to the City of South Perth community.

Comment

It should be noted that the steps that the motion purports to "authorise" the CEO to take, are steps that the CEO can already take in performing his administrative functions under s5.41 of the *Local Government Act 1995* and as such do not require Council authorisation. It should also be noted that the wording of this motion is such that the CEO may not be able to comply with it, given there is no guarantee that there will be responses to the three letters requested, in time for inclusion in the Agenda for the December 2022 Ordinary Meeting of Council.

Section 5.41 (c) of the *Local Government Act 1995* lists one of the functions of the CEO as "cause council decisions to be implemented". Part 4 of the decision by Council at the November 2020 Ordinary Council Meeting regarding the RAF (Agenda Item 10.7.8), requested the CEO to pursue additional funding from the State Government and other project partners to deliver the RAF. In response to this, and subsequent resolutions of Council, the CEO and the City have been working towards securing the total funding for the RAF project and ensuring the project can reach final decision phase. Some of the actions undertaken by the CEO include:

- Finalised the detailed business plan (Investment Business Case) and submitted to then Minister for Sport Tony Buti MLA in October 2021
- Met with then Minister for Sport Tony Buti MLA in September and November 2021 and the new Minister for Sport David Templeman MLA in March 2022 to discuss the RAF and potential funding commitment from the State Government
- Provided briefing to the Premier's office in October 2021 and March 2022
- Provided briefing to all Cabinet members in March 2022 in lieu of scheduled briefing to Cabinet as part of the proposed Community Cabinet to be hosted in South Perth (cancelled due to Covid-19)
- Met with the Premier's Office to discuss the RAF in May 2021
- Regular meetings with the local State Member of Parliament, Mr Geoff Baker MLA to discuss the RAF
- Held discussions with, and presented to, major sporting bodies regarding potential indoor court usage and/or shared space at the RAF

12.1 Notice of Motion - Councillor Mary Choy - RAF

- Instructed the City to undertake a 'market sounding' exercise of potential RAF Operators to gauge market interest and test the assumptions of the RAF Financial and Operational models, including capital commitment
- Met with representatives of the Federal Government to re-negotiate the \$20 million Federal Funding Agreement for the aquatic elements of the RAF as the City is 'in breach'
- Ongoing discussions with the previous member for Swan, the Hon Steve Irons MP and briefing provided to both Federal candidates of the major parties in the context of the Federal election campaign.

The proposed motion potentially undermines the work that has been undertaken to date by the City in relation to the RAF Project. It is unlikely to encourage productive working relationships with the State Government in respect of this project and potential future jointly funded projects.

Implementation of the prescribed actions potentially interferes with the negotiations already being undertaken by the CEO and possibly impact the progress of any decision by the State regarding funding for the RAF project. The decision by Council not to appoint a Project Manager may already have sent a signal to the State - that Council is not fully supportive of the RAF project - and it is feared that this motion may add to the potential negative sentiment.

The CEO is scheduled to meet again with Minister Templeman on 28 September 2022 to discuss the RAF project and it is likely that the CEO will have better gauge of State support after this meeting. It is unreasonable to expect that a funding commitment for the RAF will be resolved at the time of the meeting with the Minister as it is likely to be subject to Cabinet decision making processes. For Council to pass a motion such as this, prior to the meeting, is pre-emptive and unlikely to achieve any meaningful positive outcome for the people of South Perth and the neighbouring local government areas who will benefit from a facility such as the RAF.

Many of the issues raised in Councillor Choy's motion are matters for Government and the relevant Minister(s). While the CEO may respectfully request the reasons why a decision on the RAF project has not been forthcoming to date, the Minister has no obligation to respond or respond within the proposed timeframes.

It is not the role of the WA Department of the Treasury to undertake analysis on behalf of local governments. The City has employed a range of technical and specialist experts to provide advice and develop the RAF Financial and Operational models. The documents (known as the RAF Business Case) were independently reviewed by Deloitte. In their review, Deloitte noted the 'comprehensive planning process' undertaken by the City for the RAF project and did not identify any 'fundamental barriers' to the project progressing to the next stage. The key issues identified in the Deloitte Review have been addressed by the City in subsequent planning and project development. Council endorsed the findings of the Deloitte review in March 2021 and has been kept updated on progress on implementation of the findings of the Deloitte review.

Previous decisions of Council

Strategy 1.2.3 of the City's Strategic Community Plan (SCP) is to plan for and promote the development of recreation and aquatic facilities to service the City's needs. Council has previously decided that a fully integrated, financially viable facility such as the proposed RAF is the best way to achieve this objective.

Project planning for a large scale project such as the RAF is a dynamic process. There has been considerable slippage and changes since the endorsement of the RAF Business Case documents in November 2020. The City has kept Council informed and updated throughout. The City has also noted that progression of the project (and various project stages) is not a sequential process and multiple processes such as procurement, securing funding and design can occur in parallel. Project stages can overlap.

A decision from the State Government regarding the RAF was not relevant to the appointment of the Project Manager (PM) or whether to commence design. The Officer Recommendation of August 2021 to commence Concept and Schematic Design was designed to give Council greater certainty about the RAF Operational and Financial models, construction costs and inform future decision making. It also addressed one of the recommendations of the independent review of the RAF by Deloitte to prepare a 'detailed functional brief' for the RAF Project. Acceptance of the Officer Recommendation would not have bound Council to future decisions about the RAF Project, as the final decision about whether to proceed with the RAF will be made at a much later date and after the Design Stage (Concept, Schematic and Detailed) was complete.

The Officer Recommendations regarding appointment of the Project Manager (PM) to the RAF Project considered in December 2021 and June 2022 aimed to ensure compliance with the conditions of a legally binding \$20 million Funding Agreement that the City has with the Federal Government and meet the requirements of Milestone 2. As part of the proposed contractual arrangements for the PM, the contract was divided into Gateway stages. Written approval from the City was required before progression to the next stage and no costs would be incurred unless the (Council) decision was made to progress to the next stage.

Council has not yet been asked to make the 'final decision' on the RAF. Appointment of the PM and commencement of Design are necessary prerequisites for decision making and would give greater certainty to Council and other project partners (such as the State Government) about the costs associated with construction as well as the operational and financial viability of the proposed RAF. Commencement of Design would also allow the City to undertake more detailed analysis about the impact of escalation on the RAF project and further test the assumptions of the Business Case documents (Project Definition Plan and Operational Feasibility Report) to ensure financial sustainability. Any updates to the Business Case documents would be presented to Council for review and endorsement as part of the decision making process.

At the time of 'final decision' on the RAF, the City envisages that the total project funding will be secured (subject to decision from Council to commence and finalise procurement of the RAF Operator). In accordance with the November 2020 decision of Council, the City recognises that the RAF Business Case documents will need to be amended for Council consideration should the total funding package be more or less than \$80 million.

Federal Funding Agreement

The City has been advised by the Commonwealth that it is 'in breach' of the Federal Funding Agreement and is working with the Commonwealth to resolve this.

Consultation

Nil.

Policy and Legislative Implications

Failure to secure funding for the RAF Project will result in the City being unable to deliver Strategy 1.2.3 of the Strategic Community Plan.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>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.</p>
Risk rating	High
Mitigation and actions	The City is working hard to secure the remaining funding for the RAF project. It will continue to act in good faith and lobby the State Government and other project partners to secure the remaining funding and deliver the RAF.

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: 1.2.3 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs

Officer Comment

Given the comment above, the City does not support the proposed notice of motion.

Attachments

Nil.

12.2 NOTICE OF MOTION - COUNCILLOR CARL CELEDIN - INVESTIGATE TRAFFIC IMPACT IN CANNING BRIDGE ACTIVITY CENTRE PLAN DUE TO RECENT DEVELOPMENT APPROVALS IN THE AREA

File Ref: D-22-44710
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

Councillor Carl Celedin submitted the following Notice of Motion prior to the Council Agenda Briefing held on Tuesday 20 September 2022.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 79)

That Council request the Chief Executive Officer to investigate traffic impact in the Canning Bridge Activity Centre Plan area due to recent development approvals in the area.

Background

Councillor Carl Celedin submitted a Notice of Motion regarding the impact on traffic in the Canning Bridge Activity Centre Plan (CBACP) as a result of recent development approvals in the area. The reasons for the motion given are as follows:

One recent development was approved within the Canning Bridge Activity Centre Plan area with over 50% excess car parking bays for residents as stipulated in CBACP. There is concern within the community that by greatly exceeding the 'expected' car bays, then this will exacerbate the already tenuous issue in this area related to traffic management and over development. The City administration is therefore requested to consider the impact on traffic in the CBACP area due to development being approved by the Joint Development Assessment Panel (JDAP) with significantly higher numbers of residents car parking bays.

Comment

The adopted Integrated Transport Plan (ITP) considers the Canning Bridge Activity Centre Plan (CBACP) 2016 as a key strategic document that contributes toward the vision and actions of the ITP. It refers to the CBACP as a guide for development in the precinct surrounding the Canning Bridge Station on both sides of the Canning River and comprising land within both the City of Melville and the City of South Perth.

A key objective of the CBACP is to ensure that there is sufficient development intensity and land use mix to support an increase in high frequency public transport, and that access is maximised through active transport while reducing private vehicle trips. This includes the development of a legible street network and quality public spaces by concentrating certain land uses, particularly those that generate pedestrian activity, within the Centre. The ITP supports the objectives of the CBACP.

12.2 Notice of Motion - Councillor Carl Celedin - Investigate Traffic Impact in Canning Bridge Activity Centre Plan due to Recent Development Approvals in the Area

In relation to parking and servicing, the following CBACP objective states:

- *To ensure that adequate vehicle parking and access is provided for multi- storey development, to ensure that off-street parking is linked to pedestrian routes and to ensure car parking and servicing activities do not dominate the street.*

Desired outcomes for parking are further articulated as follows to balance the provision of parking on site with a need to discourage private vehicle parking:

- *Parking is an important element to consider for development, and considerable analysis has been undertaken to respond to this need. Parking should be provided to ensure that the CBACP area can provide for its residents and guests but should balance this need with a need to discourage private vehicle travel generally. Alternative transport is encouraged by way of providing for bicycle parking and storage, and motorcycle and scooter parking. Basement and multi storey car parks can present long blank walls to the street, or a gap with undesirable views into the basement car park, which should be avoided.*

Consultation

Nil.

Policy and Legislative Implications

Planning and Development (Local Planning Schemes) Regulations 2015
Canning Bridge Activity Centre Plan
City of South Perth Integrated Transport Plan 2021-2031

Financial Implications

The appointment of an external traffic engineer to undertake an assessment of the cumulative impact of approved development on traffic management within the CBACP area will cost in the region of \$10,000 to \$20,000 which is unbudgeted.

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	Communications with key stakeholders involved.

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

Suggested Alternative Recommendation:

That Council request the Chief Executive Officer to:

1. Provide a summary of development approved by the Joint Development Assessment Panel (JDAP) since September 2020, to include the parking ratios for each development and the City's reasoning for supporting the levels proposed.
2. Review the impact on traffic in the Canning Bridge Activity Centre Plan area due to developments being approved by the JDAP.
3. Consider what action (if any) is required by the City emanating from (2.).

Reason for Alternative Recommendation

In September 2020 modifications were made to the CBACP area that related to parking requirements. Since that time, there have been a number of development applications approved by the JDAP and it is considered appropriate to summarise the parking provision within each development as they relate to the CBACP and the City's rationale and assessment as part of the Responsible Authority Report.

In the CBACP area, any development application proposing development over three storeys is required to submit a Traffic Impact Assessments compliant with the *WAPC Transport Assessment Guidelines for Development*. Such an assessment takes account of the impact of the development within the CBACP area however a review of the cumulative impact of development approved since September 2020 will provide information to the City to assess whether further modification of the CBACP in relation to car parking is required and/or whether a policy is required in relation to parking provision specific to this area.

It should be noted that the City may need to appoint a professional traffic engineer to undertake an assessment of the cumulative impact of development. as this level of expertise sits outside the current skill set within the City.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS: 27 SEPTEMBER 2022

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

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

15.1.1 Honorary Freeman of the City Nomination

15.1.1 Honorary Freeman of the City Nomination

*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-22-44910

Author(s): Patrick Quigley, Manager Community, Culture and Recreation

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

16. CLOSURE