

# AGENDA.

## Ordinary Council Meeting

28 February 2023

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 28 February 2023 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

24 February 2023

# 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
6. PUBLIC QUESTION TIME
  - 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE  
Nil.
  - 6.2 PUBLIC QUESTION TIME: 28 FEBRUARY 2023
7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS
  - 7.1 MINUTES
    - 7.1.1 Ordinary Council Meeting Held: 13 December 2022

#### **Officer Recommendation**

That the Minutes of the Ordinary Council Meeting held 13 December 2022 be taken as read and confirmed as a true and correct record.

## 7.2 CONCEPT BRIEFINGS

### 7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
14 December 2022	Draft Local Planning Scheme No 7 (LPS7) Briefing 2	Mayor Greg Milner and Councillors Glenn Cridland, Jennifer Nevard, Stephen Russell, Ken Manolas.
30 January 2023	Collier Park Village Briefing	Mayor Greg Milner and Councillors Glenn Cridland, André Brender-A-Brandis, Mary Choy, Stephen Russell.
13 February 2023	Confidential Legal Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Mary Choy, Ken Manolas.
13 February 2023	Draft Local Planning Scheme No 7 (LPS7) Briefing 3	Mayor Greg Milner and Councillors André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Mary Choy, Ken Manolas.

#### Attachments

Nil.

### 7.2.2 Council Agenda Briefing - 21 February 2023

Officers of the City presented background information and answered questions on Items to be considered at the February Ordinary Council Meeting at the Council Agenda Briefing held 21 February 2023

#### Attachments

7.2.2 (a): Briefing Notes

#### Officer Recommendation

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 21 February 2023

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil.

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

Nil.

### **8.3 DEPUTATIONS**

Deputations were heard at the Council Agenda Briefing held 21 February 2023.

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 City of South Perth Community Safety and Crime Prevention Plan 2022-2027

File Ref: D-23-7362  
Author(s): Patrick Quigley, Manager Community, Culture and Recreation  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

##### Summary

The City's Strategic Community Plan 2021-2031 includes a range of strategies related to supporting a diverse and accessible community.

The City had a former Community Safety and Crime Prevention Plan 2017-2021 that has recently expired.

A new draft Community Safety and Crime Prevention Plan 2022-2027 has been developed by the City to outline how community safety outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future.

The draft Community Safety and Crime Prevention Plan requires public advertising to invite community and stakeholder comment. The revised draft Plan will then be re-presented to Council for final endorsement.

##### Officer Recommendation

That Council agrees to advertise the draft City of South Perth Community Safety and Crime Prevention Plan 2022–2027, as shown in **Attachment (a)**.

##### Background

The City had a former Community Safety and Crime Prevention Plan 2017-2021 that has recently expired. Some of the successes of this previous Plan are outlined below:

- Facilitated community safety forums on home safety initiatives
- Partnered with WA Police and adjacent local governments to discuss and implement home safety programs
- Facilitated 'Streets Meets' and '1000 Playstreets' programs to encourage neighbourhood connections
- Investigated the development of a Home Safety Equipment Rebate Program
- Activation of suburban parks through community events
- Installed additional CCTV in public spaces
- Incorporated lost child service at the City's community events
- Assisted local community groups and sporting clubs to undertake community safety projects
- Worked with WA Police to enhance community safety in public places



### 10.1.1 City of South Perth Community Safety and Crime Prevention Plan 2022-2027

- Partnered with Kensington Police to address local anti-social behaviour issues
- Partnered with Kensington PCYC to deliver youth recreation programs
- Assisted to establish the Community Safety Collective
- Facilitated various community safety campaigns to reduce theft from motor vehicles e.g. 'The Gone in Less Than Sixty Seconds' initiative, 'Remove it or Lose it'
- Distributed anti-theft number plate screws to the community
- Partnered with WA Police to promote various community safety campaigns e.g. 'Slow Down Consider our Kids', 'Fatality Free Friday' and 'Road Safety Week' campaigns
- Installed 10 Speed Awareness Signs to reduce speeding around school zones and aged care facilities
- Implemented Bike Plan to improve safety for road users and cyclists
- Partnered with Constable Care Foundation to facilitate road safety education at local schools and community events.

#### Comment

Community safety and crime prevention is a shared responsibility amongst various stakeholders, including federal government (particularly Australian Federal Police and Department of Home Affairs), State Government (particularly WA Police and Department of Communities), local government (City of South Perth), community organisations, businesses and local residents.

The draft Community Safety and Crime Prevention Plan is shown as **Attachment (a)**.

This Plan details how the City intends to enhance community safety and perceptions of safety; to assist in the prevention of crime; to coordinate actions to increase actual and perceived safety; and outline how community safety outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future.

Following a review of the key findings from the City's preliminary stakeholder and community engagement phase; reviewing the community safety and crime prevention priorities of the Western Australian Police; and reviewing the existing initiatives and emerging trends, the City has identified four main priority areas for its Community Safety and Crime Prevention Plan 2022-2027 (in no particular order of priority) as follows:

- Priority Area 1 – Promote Home Safety Awareness
- Priority Area 2 – Reduce levels of theft of possessions from motor vehicles.
- Priority Area 3 – Address levels of Anti-Social Behaviour
- Priority Area 4 – Increase Road Safety

The Plan outlines the proposed actions; the City's level of involvement (Planner, Supporter, Partner, Coordinator and/or Provider); and the recommended timeframe over a five-year period. Measuring the success of the actions will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data.

Following the proposed community and stakeholder consultation period for the draft Plan, it will be reviewed and re-presented to Council for final endorsement.

The final Community Safety and Crime Prevention Plan will then be graphically designed and communicated to the community and associated stakeholders through the City's usual communication channels (website, social media, Peninsula Magazine etc.).

### Consultation

The draft Community Safety and Crime Prevention Plan has been developed following preliminary engagement detailed below:

- Stakeholder Engagement - The City undertook engagement with WA Police (Officers from the Kensington Police Station and the Western Australian Police Community Engagement Team); Department of Communities (Housing); Office of Geoff Baker MLA for South Perth; Manning Community Association and other stakeholders to determine if the community safety priority areas outlined in the former Plan were still current or if new priorities need to be addressed in the new Plan.
- External Engagement – the City undertook community engagement between July and August 2022 and included online engagement via the City's 'Your Say South Perth' engagement portal; hard copy feedback forms distributed within local community facilities; and an online question and answer tool where participants could ask questions about the project.
- Councillor briefing held on 30 November 2022.

Information about the Community Safety and Crime Prevention Plan project (including the opportunity to participate) was provided to the community through multiple communication mediums, including Peninsula Magazine, the City's website, the City's Facebook and Instagram pages, Peninsula Snapshot e-Newsletter, posters, postcards and direct mail. All relevant feedback gathered during the preliminary consultation processes has been incorporated into the draft Community Safety and Crime Prevention Plan.

A Stakeholder Engagement Overview Report for the Community Safety and Crime Prevention Plan will be provided when the final Plan is presented for Council endorsement.

### Policy and Legislative Implications

The following City policies and legislation are relevant to this report:

- Policy P103 Stakeholder Engagement
- Policy P107 Access and Inclusion
- Policy P116 - Installation, Use and Management of Closed-Circuit Television (CCTV) and other Monitoring Technology
- Policy P401 – Graffiti Management
- Policy P695 – Risk Management
- *Local Government Act 1995*

### Financial Implications

The Community Safety and Crime Prevention Plan is intended to be delivered over a period of five financial years from 2022/23 to 2026/27 inclusive. No additional City staff resources are being sought to implement the Plan.

There are 22 actions within the Plan. Of these, the majority (15 actions or 68%) will be delivered using existing staffing resources. It is estimated that approximately 19 hours of staff time per week (800 hours per annum) will be allocated towards implementing the actions.

Five actions (22%) will require a community safety operational budget allocation namely: Home Safety and Security Rebate Program; community safety forums; community safety merchandise; community safety equipment (e.g. anti-theft number plate screws); and Constable Care partnership. The City's 2022/23 Budget includes an allocation of \$70,000 to implement year one actions in the Plan, which is considered sufficient to implement the initial scheduled actions.

Two actions (9%) will require a capital budget allocation, namely: mobile CCTV trailer; and additional CCTV cameras in public spaces, which will be presented for future Council consideration.

Funds required for year two to year five actions will be sought using a combination of City funds, external funding and/or contributions from external stakeholders, and will be requested as part of the annual budget process for future Council approval.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The proposed Community Safety and Crime Prevention Plan will mitigate potential reputational damage against the City by having a detailed operational plan in place to enhance community safety and perceptions of safety. Without a Community Safety and Crime Prevention Plan, the City's risk rating for reputational damage would be significantly higher.

### 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:	1.3 Community safety and health
Strategy:	1.3.1 Enhance community safety in conjunction with other agencies

### Attachments

10.1.1 (a):	Draft City of South Perth - Community Safety and Crime Prevention Plan 2022-27
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## 10.1.2 City of South Perth Access and Inclusion Plan 2022-2027

File Ref: D-23-7363  
Author(s): Patrick Quigley, Manager Community, Culture and Recreation  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

### Summary

The City's Strategic Community Plan 2021-2031 includes a range of strategies related to supporting a diverse and accessible community.

The City had a former Disability, Access and Inclusion Plan (DAIP) 2017-2021 that has recently expired.

A new Access and Inclusion Plan (AIP) 2022-2027 has been developed by the City to outline how access and inclusion outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future.

The Access and Inclusion Plan has a broader scope than the former DAIP and includes access and inclusion actions for all, including people with disability, people from diverse backgrounds and people who are disadvantaged.

The draft Access and Inclusion Plan was advertised for community and stakeholder comment during November and December 2022.

The final Access and Inclusion Plan 2022-2027 is now presented to Council for final endorsement.

### Officer Recommendation

That Council adopt the City of South Perth Access and Inclusion Plan 2022-2027, as shown in **Attachment (a)**.

### Background

The City had a former Disability, Access and Inclusion Plan (DAIP) 2017-2021 that has recently expired. A new Access and Inclusion Plan (AIP) 2022-2027 was presented to Council on 22 November 2022, with Council subsequently resolving for the City to advertise the draft AIP for community and stakeholder comment. The City undertook engagement for the draft AIP during November and December 2022 and the revised AIP is now presented to Council for final endorsement.

### Comment

The Access and Inclusion Plan is shown as Attachment (a) and is intended to outline how access and inclusion outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future.

The AIP makes provision for supporting people who reside, work, volunteer and/or study in the City. The aim is to make the City more liveable for all by addressing, reducing or removing access and inclusion barriers faced by people in the community.

The AIP will again be comprised of seven outcome areas (as legislated), namely:

1. Access to services and participation at events
2. Access to buildings and Facilities
3. Access to information is in appropriate formats
4. Quality of service
5. Opportunity to make complaints
6. Opportunity to participate in public consultation
7. Opportunity to access employment and training with the City.

The AIP outlines the proposed actions; the City's level of involvement (Planner, Supporter, Partner, Coordinator and/or Provider); and the recommended timeframe over a five-year period. Measuring the success of the actions will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data. Once endorsed by Council, the final Access and Inclusion Plan will be graphically designed and communicated to the community and associated stakeholders through the City's usual communication channels (website, social media, Peninsula Magazine etc.).

### Consultation

The final Access and Inclusion Plan has been developed following comprehensive engagement by the City that included internal engagement with relevant City staff; Councillor briefing; and external engagement with the community and stakeholders, including the Department of Communities (Disability Services) and the City's Inclusive Community Advisory Group (ICAG). ICAG has provided its overall support for the proposed new Access and Inclusion Plan. ICAG also made two associated recommendations that are outlined in the table below, alongside the City's responses.

Inclusive Community Advisory Group's Feedback about the City's Access and Inclusion Plan	City's Responses
That the City considers setting employment targets consistent with the state government employment targets for: People with disability, Aboriginal and Torres Strait Islander people	<p>The City has a diverse workforce and makes adequate provision to provide workplace opportunities for people with disability, Aboriginal and Torres Strait Islander people and People from culturally and linguistically diverse backgrounds. A range of actions are outlined in the City's Workforce Plan 2022-2025, Innovate Reconciliation Action Plan 2021-2023 and Access and Inclusion Plan 2022-2027 relating to employment, namely:</p> <ul style="list-style-type: none"> <li>• The City participates in the 'Lighthouse Project' to increase the employment of people with disability in local government. The City aspires to have five percent (5%) representation of employees who identify as having a disability by 2025.</li> </ul>

<p>and People from culturally and linguistically diverse backgrounds.</p>	<ul style="list-style-type: none"> <li>• The City also participates in the Kaleidoscope Initiative, which is a collaboration with other local governments to advocate for cultural diversity in the workforce.</li> <li>• The City's Innovate Reconciliation Action Plan contains actions and deliverables to increase First Nations participation in our workforce; build workforce cultural capability; and outline how our workforce will advance reconciliation. The RAP aims to increase the percentage of Aboriginal and Torres Strait Islander employees in line with local Australian Bureau of Statistics data (which is approximately 1.5%).</li> </ul>
<p>That actions are included in the City of South Perth's Access and Inclusion Plan to make provision for inclusion of all people (including target groups) in all areas of public life, being mindful of the current demographic profile of the City's population and reflecting the state governments inclusion policy.</p>	<p>The Access and Inclusion Plan includes a number of actions to make provision for all people in all areas of public life, including: access to services and participation at events; access to buildings and facilities; access to information in appropriate formats; opportunities for all people to make complaints; opportunity for all people to participate in public consultation; and opportunity for all people to access employment and training with the City.</p> <p>The City's Access and Inclusion Plan aligns with the state government's diversity and inclusion aims and objectives. Specifically, to optimise opportunities for people from different backgrounds and ensuring all people experience a sense of belonging and inclusion in public life.</p> <p>The City undertakes an annual review of its community programs and services to ensure that current and future programs and services best reflect the community's changing needs, including the changing demographic profiles. Demographic changes across Australia are recorded by the Australian Bureau of Statistics (ABS). This data provides information about the characteristics of our community; how it is changing over time; and how it compares to other areas. The data helps to inform the City's decision-making as it comprises community profile information (population, age structure, ethnicity, ancestry, religion, income, disability, disadvantage, volunteering, childcare, family structure, housing tenure etc.); economic profile information (gross regional product, local jobs, local businesses, employment); and social atlas profile information (series of maps that demonstrate how particular population groups are distributed across the local area).</p> <p>Some of the current strategies undertaken by the City to make provision for all people in public life include:</p> <ul style="list-style-type: none"> <li>• A diverse range of community events, programs and services are facilitated by the City and partnering organisations to optimise participation by specific demographic groups, such as children's programs, youth programs, seniors programs, Aboriginal programs, CaLD programs and programs for people with disability.</li> <li>• Civic and community facilities are designed and constructed to incorporate specialised features/functionality and equipment to accommodate access for all, such as access ramps, ACROD</li> </ul>

	<p>parking, hearing loops, accessible toilets, culturally appropriate signage etc.</p> <ul style="list-style-type: none"> <li>• The City uses a range of Aboriginal and disability service enterprises as contractors and suppliers to meet its procurement requirements.</li> <li>• Cultural awareness training is facilitated on an ongoing basis for City officers and elected members.</li> </ul>
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The engagement methods used for the Access and Inclusion Plan included the City's 'Your Say South Perth' engagement portal; hard copy feedback forms distributed within local community facilities; an online question and answer tool where participants could ask questions about the project. Multiple communication mediums were used including the City's website, the City's Facebook and Instagram pages, Peninsula Snapshot and Peninsula Snapshot Newsletter and Club Spirit Newsletter.

All relevant feedback gathered during the consultation processes has been incorporated into the final Access and Inclusion Plan. An Engagement Overview Report for the Access and Inclusion Plan is shown as **Attachment (b)**.

### Policy and Legislative Implications

The following policies and legislation are relevant to this report:

- Policy P103 Stakeholder Engagement
- Policy P107 Access and Inclusion
- Policy P605 Purchasing
- Policy P625 Equal Employment Opportunity
- *Disability Services Act 1993* (Western Australia, amended 2004)
- Disability Services Act Regulations 2004

*Note: The City has consulted with the Department of Communities about the proposed widened scope for its Access and Inclusion Plan. The Department has confirmed its support and acknowledged that it would fulfill the City's legislative requirements for disability access and inclusion planning.*

### Financial Implications

The Access and Inclusion Plan is intended to be delivered over a period of five financial years from 2022 to 2027 inclusive. Funds required for the Access and Inclusion Plan will be sought using a combination of City funds, external funding and/or contributions from external stakeholders, and will be requested as part of the annual operational budget process for assessment by Council. No additional City staff resources are being sought to implement the Access and Inclusion Plan. The City's 2022/23 Budget includes an allocation of \$25,000 to implement initiatives in the Access and Inclusion Plan.



### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The Access and Inclusion Plan will mitigate a potential legislative breach by the City having a plan in place, that will provide operational guidance on optimising access and inclusion of local community facilities, events, programs and services. Without an Access and Inclusion Plan, the City's risk rating for legislative breach would be significantly higher.

### Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.1 Culture and community
Strategy:	1.1.1 Develop and facilitate events, services and programs to respond to community needs and priorities

### Attachments

- 10.1.2 (a): City of South Perth Access and Inclusion Plan 2022-2027
- 10.1.2 (b): Access and Inclusion Plan - Engagement Overview Report

### 10.1.3 Response to Councillor Mary Choy Notice of Motion

File Ref: D-23-7364  
Author(s): Rebecca de Boer, Project Lead  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

#### Summary

This report provides an update to Council in response to Council Resolution Number 0922/154, Item 12.1 Notice of Motion – Councillor Mary Choy – RAF from its meeting held 27 September 2022.

#### Officer Recommendation

That Council notes the update as provided by the City in the body of the report.

#### Background

At its meeting held 27 September 2022 Council resolved as follows:

*“That, acknowledging the Chief Executive Officer’s meeting with the Hon. David Templeman MLA on 28<sup>th</sup> 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.*

### 10.1.3 Response to Councillor Mary Choy Notice of Motion

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."*

#### **Comment**

As per Councils Resolution from its meeting held 27 September 2022, the letters can be found at **Attachments (a-c)**. At the December 2022 OCM the City tabled the letters and noted that response had not been received.

Upon publication of the Minutes of the December 2022 OCM on the City's website, the City forwarded the letters to the Federal Member for Swan, Ms Zaneta Mascarenhas MP, for her information.

The City has now received a response to the letters sent to the Hon. David Templeman MLA and the WA Department of the Treasury and can be found at **Attachments (d-e)**. Minister Templeman noted that the State Government had not made a final decision on the City's funding request. The WA Department of the Treasury advised that it does not have the authority to accept the City's request to review and comment on asset investment proposals.

The City responded to the letter from Minister Templeman **Attachment (f)** and continues to actively lobby the State Government for provision of funding for indoor playing courts at the RAF (proposed Stage 2). The proposed Stage 1 of the RAF (Indoor Aquatics + Recreation) does not require funding from the State Government to proceed.

#### **Consultation**

Nil.

#### **Policy and Legislative Implications**

Nil.

#### **Financial Implications**

Nil.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	Not Applicable
<b>Risk rating</b>	Not Applicable
<b>Mitigation and actions</b>	Not Applicable

### 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

### Attachments

- 10.1.3 (a): Letter to Minister Templeman
- 10.1.3 (b): Letter to Mr Geoff Baker MLA
- 10.1.3 (c): Letter to Under Treasurer, Mr Barnes PSM
- 10.1.3 (d): Minister Templeman - Response
- 10.1.3 (e): Department of Treasury - Response
- 10.1.3 (f): City's Response

## 10.2 STRATEGIC DIRECTION 2: ECONOMY

### 10.2.1 Lease of Property - Former Manning Library - 144 Manning Road, Karawara

File Ref: D-23-7365  
Author(s): Toni Fry, Governance Coordinator  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report provides an update on the public submissions received for a lease to Be Our Guest Holdings Pty Ltd for a portion of the building (Old Manning Library) located within Reserve 33639, 144 Manning Road, Karawara.

#### Officer Recommendation

That Council:

1. Notes the public submissions received on the proposed lease conditions with Be Our Guest Holdings Pty Ltd for the purpose of a Community Centre including a Kiosk and Kitchen for a portion of the building (Old Manning Library) located with Reserve 33639, 144 Manning Road, Karawara as contained in **Confidential Attachment (a)**;
2. Authorises the Chief Executive Officer to finalise the lease documentation; and
3. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the proposed lease between the City of South Perth and Be Our Guest Holdings Pty Ltd for the purpose of a Community Centre including Kiosk and Kitchen located with Reserve 33639, 144 Manning Road, Karawara.

#### Background

At its meeting held 25 October 2022, Council resolved as follows:

*“That Council:*

1. *Does not proceed with the demolition of the old Manning Library.*
2. *Subject to compliance with s 3.58 of the Local Government Act 1995, authorises the Chief Executive Officer to enter into a lease agreement with ‘Be Our Guest Holdings Pty Ltd’ for a portion of the building (old Manning Library) located within Reserve 33639 (144 Manning Road, Manning) for the purpose of a Community Centre including a Kiosk and Kitchen, under the following conditions:*
  - a. *Provision of a 21-year lease with a 21-year extension (subject to Ministerial approval);*
  - b. *Years 1 to 13 - \$1.00 per annum (plus GST);*
  - c. *Year 14 - \$10,000 per annum (plus GST);*
  - d. *Years 15 to 21 – increasing by \$5,000 per annum (plus GST);*
  - e. *Lessee to be responsible for the full maintenance of the building including the exclusive and non-exclusive areas;*

- f. *Lessee to be responsible for all rates payable;*
  - g. *the grant of the lease to be subject to and conditional on –*
    - i. *all necessary approvals being obtained under relevant legislation for the grant of the lease; and*
    - ii. *the City obtaining consent from the Minister for Lands.*
3. *Subject to Ministerial approval, authorises the Chief Executive Officer to enter into a licence agreement with “Be Our Guest Holdings Pty Ltd” for the non-exclusive areas of the redeveloped Old Manning Library building for a period that aligns to the lease agreement as per recommendation 2 above.”*

### Comment

In accordance with section 3.58 of the *Local Government Act 1995*, a Public Notice on the disposition of property (by way of lease) for a portion of the building (old Manning Library) located within Reserve 33639 (144 Manning Road, Karawara) was placed in the local paper, Perth Now Southern on Thursday 8 December 2022. In addition, it was also posted on the City’s website, included within eNews and placed on the City’s Public Notice Board at the Main Administration Building and Libraries. The Public Notice invited submissions on the proposed disposition until 4pm Friday 23 December 2022.

At the close of the public submission period, five submissions were received. The table below captures the comments received and officers have noted all the comments.

No.	Submission
1	<p><i>It seems good that community use could be allowed. Hopefully this will encompass groups such as the South Perth Bicycle Users’ Group that doesn’t charge fees and has very few members who meet in person. It could also be good for the City of South Perth Environment Association which is in a similar situation except that it’s members meet only once per year. It could be good if an environmental reading library could be incorporated (perhaps books could be donated). Maybe council management plans could be made available for reading over a cup of coffee? There is scope to use the outlook to the Goss Ave bushland in some way.</i></p> <p><i>Perhaps there could be promotional displays such as by the McDougall Park Community Garden Group or the Friends of Manning Bushland Group?</i></p>
2	<p><i>I just want to let you know that I think the old Manning Library would be a great spot for a local café – good parking, toilets, tree outlook!</i></p>
3	<p><i>The Old Manning Library has been unused for about nine years. At one stage the South Perth Bridge Club Inc., perhaps encouraged by the City of South Perth, considered moving there from its Como headquarters. A main impediment was the triangular shape of the library building. It would have necessitated the building of a large rectangular playing area.</i></p> <p><i>I strongly favour the use of such a community building by community groups ahead of private business interests. Many such groups might be identified in the City, including Cycling, Rugby League, Goss Avenue bushland, City of south Perth Environmental Association and Curtin University students groups.</i></p>

4	<p><i>The Council is proposing to give significant valuable consideration to a private business without appropriate recompense. The proposed lessee is not a community not for profit enterprise. Little to no community consultation has been conducted by the CofSP [sic] since 2017 when the council first resolved to demolish the site.</i></p> <p><i>The terms of the lease are not appropriate, \$1 pa for years 1 to 13! The refurbishment and maintenance responsibility for the entire site, viz exclusive and non-exclusive (public) areas, is not at face value fair consideration. All commercial hospitality and catering businesses establishing a new venue will be liable for leasehold improvements at the same time as being liable for commercial leasing rates. The strength of the lessee may result in an initial rent free period but not 13 years as proposed.</i></p>
5	<p><i>As it stands, I believe that your proposal is that the building will be offered for a 21 year lease.</i></p> <p><i>There are annual fees of over \$10,000.00 and that the lease holder is responsible for maintaining the building and surrounding areas.</i></p> <p><i>The rest of the details are a bit sketchy to me, that is why I would have preferred to have a conversation with you about it.</i></p> <p><i>Obviously, in my proposal, I offered to caretake the building in return for short term use.</i></p> <p><i>I offered to do this over the holiday season to mitigate further vandalism to the building.</i></p> <p><i>I can still offer this, before a full time lease holder takes up the building.</i></p> <p><i>I am not in a position financially to take on a lease of that magnitude, as stated in my previous email, I am a pension card holder.</i></p>

Based on the above submissions it is recommended that Council proceed with the disposition of a portion of the building to Be Our Guest Holdings.

### Consultation

Under section 3.58(3) of the *Local Government Act 1995* the City is required to give local public notice of the proposed disposition of the property inviting submissions for at least two weeks. The public consultation period commenced on 8 December 2022 and closed on 23 December 2022. Only five submissions, as detailed above were received. Council is required (under s3.58 (3) (b)) to consider these submissions prior to making a decision to progress with the lease.

### Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995* allows the City to dispose of the property.

### Financial Implications

The leasing of this site has significant long term financial benefits for the City as Be Our Guest Holdings is responsible for all building works (approximately \$3.5 million) and all associated maintenance and utility costs. They are also responsible for the associated costs of preparing the lease.

10.2.1 Lease of Property - Former Manning Library - 144 Manning Road, Karawara

The City will save on the costs of demolition of the building and or the ongoing costs of maintenance. As previously noted, after an initial rent free period, the City will receive a discounted rent from year 13 to year 21 and a market rent from year 21 onwards.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Officers follow the requirements of the <i>Local Government Act 1995</i> to dispose of the property.

**Strategic Implications**

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

- Strategic Direction: Economy
- Aspiration: A thriving City activated by attractions and opportunities that encourage investment and economic development
- Outcome: 2.2 Activated places
- Strategy: 2.2.3 Facilitate increased use of and visitation to City assets and destinations

**Attachments**

- 10.2.1 (a): Submissions (*Confidential*)



## 10.2.2 Lease of Property - Boatshed Cafe

File Ref: D-23-7366  
Author(s): Toni Fry, Governance Coordinator  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

This report provides an update on the public submissions received for a lease to Millar Holdings Pty Ltd trading as Boatshed Café for approximately 1,574m<sup>2</sup> of land on Lot 1203, on Plan 28824 and approximately 310m<sup>2</sup> of land on Lot 11835, on Plan 240379 to be excised from Crown Reserve 34565.

### Officer Recommendation

That Council:

1. Notes that no public submissions were received on the proposed lease conditions with Millar Holdings Pty Ltd trading as Boatshed Café to accommodate restaurant and alfresco dining for approximately 1,574m<sup>2</sup> of land on Lot 1203, on Plan 28824 and approximately 310m<sup>2</sup> of land on Lot 11835, on Plan 240379 to be excised from Crown Reserve 34565.
2. Authorises the Chief Executive Officer to finalise the lease documentation; and
3. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the proposed lease between the City of South Perth and Millar Holdings Pty Ltd trading as Boatshed Café to accommodate restaurant and alfresco dining for approximately 1,574m<sup>2</sup> of land on Lot 1203, on Plan 28824 and approximately 310m<sup>2</sup> of land on Lot 11835, on Plan 240379 to be excised from Crown Reserve 34565.

### Background

At its meeting held 13 December 2022, Council resolved as follows:

*“That Council:*

1. *Authorises the Chief Executive Office to enter into an agreement to lease with Millar Holdings Pty Ltd T/A Boatshed Café for Lot 1203 on Plan 28824, and approximately 310 square metres to be excised from Crown land Lot 11835 on Plan 240379, subject to the following conditions –*
  - a. *Provision of a 21 year lease (subject to Ministerial approval);*
  - b. *Rent of \$130,000 (plus GST) per annum to be reviewed every three (3) years and increased in accordance with CPI;*
  - c. *All outgoing costs to be the responsibility of the lessee;*
  - d. *The grant of the lease is subject to and conditional on –*
    - i. *All necessary approvals being obtained under relevant legislation for the grant of the lease; and*

## 10.2.2 Lease of Property - Boatshed Cafe

- ii. *The City obtaining a head lease for Lot 1203 on Plan 28824 and the portion of the excised land from Lot 11835 on Plan 240379 from the Minister for Lands; and*
2. *Approve the giving of local public notice of the proposed lease of the land identified in (1) to Millar Holdings Pty Ltd T/A Boatshed Café in accordance with section 3.58 of the Local Government Act 1995; and*
3. *Requests the Chief Executive Officer to report to Council on any submissions made during the local public notice period.”*

### Comment

In accordance with section 3.58 of the *Local Government Act 1995*, a Public Notice on the disposition of property for approximately 1,574m<sup>2</sup> of land on Lot 1203, on Plan 28824 and approximately 310m<sup>2</sup> of land on Lot 11835, on Plan 240379 to be excised from Crown Reserve 34565 was placed in the local paper, Perth Now Southern on Thursday 12 January 2023. In addition, it was also posted on the City’s website, included within eNews and placed on the City’s Public Notice Board at the Main Administration Building and Libraries. The Public Notice invited submissions on the proposed disposition until 4pm Friday 27 January 2023.

At the close of the public submission period, no submissions were received. It is recommended that Council proceed with the disposition to Millar Holdings Pty Ltd trading as Boatshed Café.

### Consultation

Under section 3.58(3) of the *Local Government Act 1995* the City is required to give local public notice of the proposed disposition of the property inviting submissions for at least two weeks. The public consultation period commenced on 12 January 2023 and closed on 27 January 2023.

### Policy and Legislative Implications

Section 3.58 of the *Local Government Act 1995* allows the City to dispose of the property.

### Financial Implications

There are significant ongoing financial benefits for the City as Millar Holdings Pty Ltd trading as Boatshed Café will pay the prescribed rent to the City, which assist the City in funding the ongoing maintenance of Sir James Mitchell Park. The lessee is also responsible for the associated costs of preparing the lease.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Officers follow the requirements of the <i>Local Government Act 1995</i> to dispose of the property.

**Strategic Implications**

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

- Strategic Direction: Economy
- Aspiration: A thriving City activated by attractions and opportunities that encourage investment and economic development
- Outcome: 2.2 Activated places
- Strategy: 2.2.3 Facilitate increased use of and visitation to City assets and destinations

**Attachments**

Nil.

### 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

#### 10.3.1 Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como - Section 31 Reconsideration.

Location:	112 Lockhart Street and 11 McDougall Street, Como
Ward:	Como Ward
Applicant:	Norup+Wilson
File Reference:	D-23-7367
DA Lodgement Date:	26 May 2022
Author(s):	Fiona Mullen, Manager Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services

#### Summary

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

The application was refused by Council at its meeting held 25 October 2022 and the applicant subsequently sought a review of that decision by the State Administrative Tribunal (SAT). The original proposal has been modified following mediation sessions and as such SAT issued an order on 30 January 2023 inviting Council to reconsider the matter under s31 of the *State Administrative Tribunal Act 2004*.

This modified proposal is considered acceptable in light of additional modifications to the roof terraces to three of the dwellings which results in these structures not now meeting the definition of a storey in the R-Codes, further information that has been provided in relation to universal access and an agreement to provide minor modifications to the previously submitted Landscape Architecture Concept Design Report submitted as part of the original development application.

Accordingly, the application is recommended for approval.

#### Recommendation

That pursuant to Section 31 of the *State Administrative Tribunal Act 2004* Council reconsider its decision of 25 October 2022 and this application for planning approval for 7 x Four and Five Storey Grouped Dwellings at Lot 229, No(s) 112 Lockhart and 11 McDougall Street, Como **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total contribution value of development (maximum \$500,000 contribution) shall be submitted and approved in writing by the City. The approved public art concept shall be to the satisfaction of the City.

3. Prior to occupancy of the dwellings, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
4. Prior to the submission of a building permit applicant, an acoustic report shall be provided demonstrating the development will meet noise targets set out in State Planning Policy 5.4 Road and Rail Noise, to the satisfaction of the City.
5. Prior to occupation of the dwellings, any recommendations of the Acoustic report required under Condition 4 shall be implemented, to the satisfaction of the City.
6. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
7. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.
8. Prior to the submission of a building permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of the dwellings are compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth.
9. Prior to the submission of a building permit application, a hydraulic design plan shall be submitted with the appropriately certified statement signed by a suitably qualified Practising Engineer stating that the stormwater design meets the design requirements of the City. The submitted hydraulic design plan shall be to the satisfaction of the City.
10. Prior to the submission of a building permit application, the applicant is to demonstrate to the satisfaction of the City, that the development incorporates either: i) One significant energy efficiency initiative that exceeds minimum practice in reference to Clause 4.15 of the State Planning Policy 7.3 – Volume 2; or ii) All dwellings exceed the minimum NATHERS requirement by 0.5 stars.
11. Prior to the submission of a building permit application, a detailed landscape plan shall be submitted to and approved in writing by the City.
12. Prior to occupation of the dwellings, landscaped areas shall be installed in accordance with an approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
13. Prior to the submission of a building permit application, a tree protection zone (TPZ) shall be indicated on the plans and implemented during construction until occupancy stage, to protect the trees on site identified for retention as well as the verge tree at all times, to the satisfaction of the City.
14. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City. Prior to occupation of the dwellings, the endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City.

15. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
16. Prior to occupation of the dwellings, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans shall be installed and remain in place permanently, to the satisfaction of the City.
17. Prior to occupation of the dwellings, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
18. Prior to occupation of the dwellings, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
19. As noted on the approved plans, kerbside waste collection shall be from McDougall Street only. For the avoidance of doubt, no kerbside collection shall be undertaken from Lockhart Street.
20. No street tree shall be removed, pruned or disturbed in any way, without prior approval from the City.
21. The existing crossover shall be removed, and the verge and kerbing shall be reinstated to the satisfaction of the City.
22. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades, in accordance with Requirements 15.1 and 16.1 of the Canning Bridge Activity Centre Plan.
23. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
24. Prior to the submission of a building permit application, details of the proposed lighting to pathways, communal areas and car parking areas shall be provided, to the satisfaction of the City of South Perth.
25. All grouped dwellings shall be provided with a mechanical dryer prior to the occupancy or use of the development.
26. Any external clothes drying areas shall be screened from view from all streets or any other public place.

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

10.3.1 Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como - Section 31 Reconsideration.

**Development Site Details**

The development site details are as follows:

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

**(a) Background**

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

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



**Figure 1:** Aerial image of site

The site is located within the Davilak Quarter (Q4) and is zoned H4 (Residential Development up to 4 storeys) under the Canning Bridge Activity Centre Plan (CBACP).

The CBACP was initially approved by the Western Australian Planning Commission (WAPC) in April 2016 and amended in September 2020 to introduce Parts 3 and 4 of the R-Codes Volume 2 and other built form changes to Q3, Q4 and Q5 being those quarters within the City of South Perth.

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

The application was recommended for conditional approval by the City's planning staff but refused by the Council at its meeting held on 25 October 2022. The reasons for refusing the application recorded as the resolution from that meeting are as follows –

*Reasons for Change*

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

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

- (iii) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or*
- (iv) the development is permitted under a provision of this Scheme in relation to non-conforming uses. Now as the development does not comply with height restrictions set out ultimately by the scheme and as sub-clauses (i) and (ii) are not valid, then approval cannot be given under the regulations. Notwithstanding the non-discretion interpretation, the vision for the H8 to H4 transition is covered under CBACP requirement 3.8, whereby for a H8 building across the road from a H4 building, then the H8 building shall be designed to reduce undue impact on the residential street by being limited to a building height of 20 metres for that part of the development within 5 metres of the street*



*Now as the development does not comply with height restrictions set out ultimately by the scheme and as sub-clauses (i) and (ii) are not valid, then approval cannot be given under the regulations. Notwithstanding the non-discretion interpretation, the vision for the H8 to H4 transition is covered under CBACP requirement 3.8, whereby for a H8 building across the road from a H4 building, then the H8 building shall be designed to reduce undue impact on the residential street by being limited to a building height of 20 metres for that part of the development within 5 metres of the street boundary i.e. the CBACP only considers the H8 building's scale & form near to the street to be built-down to meet transition.*

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

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

2. *The CBACP requirement 1.15 states that in Q4, development be designed in accordance with Residential Design Codes Vol. 2 Element 4.9 in respect to universal design. An acceptable outcome of Element 4.9 is that either a Silver or Platinum level of the "Liveable Housing Design Guidelines" be incorporated into the design. The application makes no reference to these guidelines and how its elements are incorporated into the design. Furthermore, as the Western Australian State Government is not a signatory to the National Construction Code (NCC) 2022 provisions for Livable housing design for all new dwellings such as being proposed, then it is in my opinion, essential that where current planning instruments require Livable Housing, then these should be applied.*
3. *The CBACP Q4 refers to the provisions of Parts 3 & 4, of the Residential Design Codes Volume 2 which includes 3.3 'Tree canopy and deep soil areas (DSA)' and 4.12 'Landscape design' elements. These elements which detail, amongst other items, the locality & quantity of DSA and the proposed size & species of new trees are typically covered within a Landscape Plan. The Residential Design Code Annex 5 notes that a Landscape Plan is an appropriate material when submitting a development application. A Landscape Plan has not been furnished by the Applicant and therefore these elements cannot be appropriately considered.*

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

On 23 November 2022, the applicant lodged an Application for Review of Council's determination with the State Administrative Tribunal (SAT). Minor modifications have been made to the original proposal and as such, SAT issued an order on 30 January 2023, to enable Council to reconsider the matter under s31 of the *State Administrative Tribunal Act 2004 (WA)*. The modifications are described in the following sections which deal with the specified reasons for refusal.

**(b) Description of the Proposal**

The proposal involves the construction of seven grouped dwellings in the typology of townhouses. The proposed townhouses have a frontage to McDougall Street with each dwelling having direct pedestrian access and separate letterboxes; vehicular access to the dwellings is proposed via a common accessway from Lockhart Street. Four of the proposed townhouses are four-storeys in height and in the proposal considered by Council in October 2022, three of the town houses were described as five-storey in height inclusive of the roof terraces. All seven dwellings are three-bedroom, two-bathroom, and include a double lockup garage.

**(c) Building Height**

Town Planning Scheme No. 6 (TPS6) states that for development in the Canning Bridge Activity Centre Plan area (CBACP), building height limits are as described in the Activity Centre Plan, which states at Element 3 that "For Buildings in the H4 zone, notwithstanding the 4-storey limit, no building shall exceed 16 metre above NGL."

The building does not exceed 16m in height and therefore no discretion is sought in relation to height.

The roof terraces to three of the proposed dwellings indicated non-permeable roof coverings which met the definition of a storey, however, as indicated in the officer's report considered at the Ordinary Council Meeting of 25 October 2022, the variation in height was considered to meet the desired outcomes in the CBACP and would not be out of character with the future surrounding development.

Whilst no discretion in height was sought, the ability for variations to be approved is provided within the CBACP which states that "Council shall have due regard to the Guidelines when making decisions on development applications within the CBACP area." and in Clause 67 of the Deemed Provisions for local planning schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 which indicates that a Scheme is given "due regard" when considering an application for development approval.

Notwithstanding this point, the proposal has been modified by the conversion of the roof terrace structure to a pergola which therefore does not now meet the definition of a fifth storey. No change to the overall roof height has been made. The modified plans are provided at **Attachment (a)**

**(d) Universal Access**

The development as submitted included several universal design features such as lifts, direct access from the parking area to the entry and a toilet at the ground floor; elements which would help facilitate aging in place as well as providing living options for people with limited mobility.

The modified plans subsequently tabled now include a note which states “ALL TOWNHOUSES WILL BE BUILT TO COMPLY WITH SILVER LEVEL OF THE LHA LIVABLE HOUSING DESIGN GUIDELINES”. An additional recommended condition is included to reflect this statement.

**(e) Landscaping**

A Landscape Architecture Concept Design was submitted at the time of the original development application; however, this was not included in the attachments considered by Council.

The City’s Urban Design officer indicated at the time of the initial assessment that a modified landscaping plan would be required to remove the proposed Silver Birch as this species commonly causes allergies. The applicant has raised no objection to the standard condition wording included in the recommended conditions which requires the submission of a detailed landscaping plan prior to submission of a building permit application. The previously submitted Landscape Architecture Concept Design Report dated 17/05/2022 is provided as **Attachment (b)**.

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

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

**(g) Matters to be considered by Local Government: Planning and Development (Local Planning Schemes) Regulations 2015 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 (2) 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 was considered through the planning assessment. The proposed development is considered satisfactory in relation to all relevant matters, subject to the recommended conditions.

**Consultation**

**(h) Design Review Panel Comments**

The proposal was considered by the City’s Design Review Panel at their meetings held in April and July 2022.

**(i) Neighbour Consultation**

Neighbour consultation was undertaken for a period of 14 days between 27 June and 12 July 2022. A total of 45 advertising notices were sent and one submission was received, with comments relating to height, parking, traffic, stormwater, and overshadowing. Given the very minor nature of the amendments no further advertising was undertaken.

**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 minimal financial implications, however, should the Council reaffirm its earlier decision to refuse the application, the matter is likely to progress to a final hearing at the State Administration Tribunal and this will incur further consultant and lawyers’ fees.

To date the City has expended \$8,550.00 inclusive of consultant and lawyer fees and officer’s time and it is estimated a total amount of \$11,500 will be expended by the City in dealing with this matter.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	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

**10.3.1 Proposed 7 x Four and Five Storey Grouped Dwellings. Lot 229, No(s) 112 Lockhart Street and 11 McDougall Street, Como - Section 31 Reconsideration.**

**Conclusion**

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

The proposed grouped dwellings are consistent with the framework outlined in the Canning Bridge Activity Centre Plan and has been designed having due regard to the objectives, goals and provisions of the CBACP. The development is of a bulk and scale visioned for the H4 zone of the CBACP and the proposed townhouses are of an acceptable size and scale with minor amendments to the roof terrace increasing articulation. The design of the development has been supported by the City’s DRP and addresses the CBACP in a satisfactory manner.

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

**Attachments**

- 10.3.1 (a):** Modified Development Plans
- 10.3.1 (b):** Landscape Concept Design

### 10.3.2 Transition from Rivers Regional Council to Rivers Regional Subsidiary

File Ref: D-23-7369  
Author(s): Steve Atwell, Manager Programs Delivery  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

#### Summary

This report discusses enabling the execution of the Charter for the Rivers Regional Subsidiary and facilitate the windup of the Rivers Regional Council.

#### Officer Recommendation

1. That Council endorse the revised Charter for the Rivers Regional Subsidiary with an operative date of 31 March 2023, for execution by the Mayor and Chief Executive Officer.
2. That Council authorise the Chief Executive Officer to appoint an employee of the City as board member and a further employee as deputy board member of the Rivers Regional Subsidiary.

**Absolute Majority Required**

#### Background

At its meeting held 28 May 2019 Council resolved to approve the wind up of the Rivers Regional Council (RRC) and to support its transition to the Rivers Regional Subsidiary (RRS), other participating members resolved similarly within the period 2020/21. All participants subsequently agreed to and duly executed a Charter to govern the operations of the Subsidiary.

The RRC Establishment Agreement provides for the Regional Council to be wound up by agreement between the parties. A Deed of Dissolution will facilitate the Windup. All participating Councils have previously executed the Deed of Dissolution, Deed of Asset Transfer and Deed of Novation documents which will facilitate transfer of all Assets, Liabilities and Contractual Responsibilities from the RRC to the RRS

An application to form the RRS was submitted to the Minister for Housing, Lands, Homelessness and Local Government on 9 June 2021. Approval was delayed and then caught up in the review of the *Local Government Act 1995*.

#### Comment

Following several meetings with Ministerial and Department of Local Government Sport and Cultural Industries staff (DLGSC), an agreement was reached to allow the Regional Subsidiary to proceed. As this is the first Regional Subsidiary, the DLGSC representatives took a conservative approach, and some amendments which do not appear to adversely impact on the objectives of the RRS have been requested within the Charter.

The Minister has advised that all participating local governments are required to pass a resolution by absolute majority to adopt the revised charter before it can be formally submitted for approval.

### 10.3.2 Transition from Rivers Regional Council to Rivers Regional Subsidiary

A copy of the Charter with changes marked is included as **Attachment (a)**. The Final clean copy of the Charter is included as **Attachment (b)**.

The major changes required to the Charter involve: -

- Requirement for the CEO to be a natural person.
- Restrict the objectives to Waste Management Related Projects.
- Information requested by one participant to be provided to all participants.
- Clarifications on the contributions of participants and calculation methods.
- No participation (i.e. member) in another Body Corporate.
- Any agreement to undertake projects outside the current Waste Agreements to require approval of the RRS (i.e., all participants) regardless of who participates and shares the costs. Also, clarification on how projects are to be funded.

#### **Consultation**

Both the RRC and the City of South Perth resolved to publicly advertised its intention to create a Regional Subsidiary in October 2020, the RRS Business Plan and Charter were made available for inspection at the City's offices and on its website. The documents were available for a period of six weeks. Some minor amendment to the RRS Charter was initiated in response to a submission from the Shire of Serpentine Jarrahdale.

#### **Policy and Legislative Implications**

The rights and obligations under the Waste Agreements will be transferred to the RRS via the Deed of Novation which has been previously executed by the participants.

Ministerial approval is required for both winding up the RRC and transition to a regional subsidiary. The operative date for the RRC windup up is 60 days after the Minister has approved the RRS or 14 Days after receipt of the final Audit. It is anticipated subject to endorsement by all members that the operative date for creation of the Subsidiary would be 31 March 2023.

Participants are required to appoint a board member and deputy member under clause 8 of the Charter.

#### **Financial Implications**

The remaining funds from the RRC will be transferred to the RRS via the Deed of Asset Transfer which has been previously executed by all participants.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Business Interruption</b> 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.
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	Participation in the Rivers Regional Subsidiary is critical in ensuring the future efficient disposal of mixed waste streams and avoiding continued disposal to landfill.

### 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): Charter of the Rivers Regional Subsidiary - Markup
- 10.3.2 (b): Charter of the Rivers Regional Subsidiary - Final



## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments December 2022

File Ref: D-23-7370  
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 December 2022 to 31 December 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(496)	\$7,531,604.64
Cheque Payment to Creditors	(7)	\$3,588.56
<b>Total Monthly Payments to Creditors</b>	<b>(503)</b>	<b>\$7,535,193.20.</b>
EFT Payments to Non-Creditors	(100)	\$863,736.36
Cheque Payments to Non-Creditors	(35)	\$20,812.33
<b>Total EFT &amp; Cheque Payments</b>	<b>(638)</b>	<b>\$8,419,741.89</b>
Credit Card Payments	(7)	\$25,161.02
<b>Total Payments</b>	<b>(645)</b>	<b>\$8,444,902.91</b>

#### Officer Recommendation

That Council receives the Listing of Payments for the month of December 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 December 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 December 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**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Monthly Financial reporting timelines exceeding statutory requirements

### Strategic Implications

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

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

### Attachments

10.4.1 (a): Listing of Payments December 2022

## 10.4.2 Monthly Financial Statements December 2022

File Ref: D-23-7371  
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 December 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 material variance amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

### Comment

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

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. The September 2022 Perth CPI of 6% (corresponding quarter of the previous year) confirmed the continued inflationary pressure. At a national level, to curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate, the latest being a further .25% in December. Due to stubborn continued inflationary pressures, further interest rate increases are forecasted for 2023. The current cash rate is 3.10%, increases for the last nine months amounted to 3%, exceeding initial market predictions.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The City is currently performing it's mid-year budget review, the above factors will once more have an impact on the City's budget.

The Western Australia's State of Emergency and the Public Health State of Emergency came to an end at 12.01am Friday, 4 November 2022.

Actual income from operating activities for December year-to-date (YTD) is \$65.44m in comparison to budget of \$63.95m, favourable to budget by 2.33% or \$1.49m. Actual expenditure from operating activities for December is \$35.60m in comparison to the budget of \$36.22m, favourable to budget by 1.70% or \$617k. The December Net Operating Position of \$29.84m was \$2.11m favourable in comparison to budget.

Actual Capital Revenue YTD is \$716k compared to a budget of \$686k with a favourable variance of \$30k. Actual Capital Expenditure YTD is \$3.46m in comparison to the budget of \$4.28m, \$817k or 19.08% favourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there is a number of Capital projects that require a Budget adjustment during the midyear review.

Cash and Cash Equivalents amounted \$79.33m, 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, with banks offering average interest rates of 3.76% 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 December 2022 the City held 46.05% 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**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	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 Listing of Payments January 2023

File Ref: D-23-7373  
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 January 2023 to 31 January 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(346)	\$6,670,273.70
Cheque Payment to Creditors	(2)	\$398.60
<b>Total Monthly Payments to Creditors</b>	<b>(348)</b>	<b>\$6,670,672.30</b>
EFT Payments to Non-Creditors	(88)	\$790,773.05
Cheque Payments to Non-Creditors	(26)	\$34,577.76
<b>Total EFT &amp; Cheque Payments</b>	<b>(462)</b>	<b>\$7,496,023.11</b>
Credit Card Payments	(7)	\$16,963.26
<b>Total Payments</b>	<b>(469)</b>	<b>\$7,512,986.37</b>

#### Officer Recommendation

That Council receives the Listing of Payments for the month of January 2023 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 January 2023 is included at **Attachment (a)**.

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

The report records payments classified as:

- **Creditor Payments**  
These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.
- **Non-Creditor Payments**  
These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.
- **Credit Card Payments**  
Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

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

**Consultation**

Nil.

**Policy and Legislative Implications**

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

**Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Monthly Financial reporting timelines exceeding statutory requirements



### Strategic Implications

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

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

### Attachments

10.4.3 (a): Listing of Payments January 2023

#### 10.4.4 Monthly Financial Statements January 2023

File Ref: D-23-7374  
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 January 2023.

##### Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2022/23 budget adopted by Council on 28 June 2022, determined the material variance amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

##### Comment

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

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. The September and December 2022 Perth CPI of 6% and 8.3% (corresponding quarter of the previous year) respectively confirmed the stubborn continued inflationary pressure. To curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate, the latest being a further .25% in February 2023. Due to persistent continued inflationary pressures, further interest rate increases are forecasted for 2023. The current cash rate target is 3.35%, increases over the last ten months amounted to 3.25%, exceeding initial market predictions.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The City is currently finalising it's mid-year budget review, the above factors will once more have an impact on the City's budget.

Western Australia's State of Emergency and the Public Health State of Emergency came to an end at 12.01am Friday, 4 November 2022.

Actual income from operating activities for January year-to-date (YTD) is \$66.91m in comparison to budget of \$65.13m, favourable to budget by 2.73% or \$1.78m. Actual expenditure from operating activities for January is \$42.15m in comparison to the budget of \$43.24m, favourable to budget by 2.51% or \$1.08m. The January Net Operating Position of \$24.75m was \$2.86m favourable in comparison to budget.

Actual Capital Revenue YTD is \$816k compared to a budget of \$907k with an unfavourable variance of \$91k. Actual Capital Expenditure YTD is \$4.51m in comparison to the budget of \$5.84m, \$1.33m or 22.83% favourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there is a number of Capital projects that require a Budget adjustment during the midyear review.

Cash and Cash Equivalents amounted \$74.71m, 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, with banks offering average interest rates of 3.76% 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 January 2023 the City held 45.18% 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

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	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

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

## 10.4.5 Tender 7/2022 "Provision of Cleaning Services"

File Reference: D-23-7375  
Author(s): Shirley King Ching, Building and Assets Coordinator  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

### Summary

This report considers submissions received from the advertising of Tender 7/2022 for the Provision of Cleaning Services.

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

### Officer Recommendation

That Council:

1. Accepts the tender submitted by Brightmark Group Pty Ltd for RFT 7/2022- Separable portion - Group 1 in accordance with Tender Number 7/2022 for the period of supply up to five years inclusive;
2. Accepts the tender submitted by Uniting Global Pty Ltd for the RFT 7/2022- Separable portions - Groups 2, 3 and 4 in accordance with Tender Number 7/2022 for a period of supply up to five years inclusive;
3. Accepts the tender price included in **Confidential Attachment (a)**; and
4. Notes that the tender price will be included in the Ordinary Council Meeting Minutes.

### Background

A Request for Tender 7/2022 for the Provision of Cleaning Services was advertised in the West Australian newspaper on 19 November 2022 and closed at 2:00 pm (AWST) on 10 January 2023.

The RFT is for the Provision of Cleaning Services. Cleaning services include regular cleaning, periodic, post function and ad hoc cleaning for all City owned and operated facilities such as administration buildings, libraries, halls, pavilions, senior citizen and recreation centres, public toilets and park barbeques. The Contractor will be required to provide all labour, plant and equipment, materials, supervision, administration and consumables necessary to carry out the cleaning services.

Tenders were invited as a Schedule of Rates Contract. The tender specifications allow for the cleaning contract to be awarded in four separable portions. These include:

- Group 1- Civic Centre Complex, John McGrath, Manning Community Centre & related post function cleans
- Group 2- Operation Centre Complex, Recreation & Senior Citizen Centres
- Group 3- Public toilets
- Group 4- Public barbeques (BBQs)

The contract is for the period of three years with option to extend a further two periods of one year at the absolute discretion of the City.

**Comment**

At the close of the tender advertising period, seven submissions had been received, these are listed in Table A below:

TABLE A – Tender Submissions

<b>Tender Submissions</b>
Brightmark Group Pty Ltd
Command51 Pty Ltd
DMC Corporation Pty Ltd as a Trustee for Panich Family Trust
Office Cleaning Experts (OCE) Pty Ltd
Pickwick Group Pty Ltd
Serco Facilities Management Pty Ltd
Uniting Global Pty Ltd

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

TABLE B - Qualitative Criteria

<b>Qualitative Criteria</b>	<b>Weighting %</b>
1. Company profile, relevant experience & practices	20%
2. Key Personnel, Skills & Resources	40%
3. Demonstrated Understanding	30%
4. Sustainability & Quality Management System	10%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for RFT 7/2022 "Provision of Cleaning Services", it is recommended that the tender submission for separable portion Group 1 from Brightmark Group Pty Ltd and tender submission for separable portions Groups 2, 3 and 4 from Uniting Global Pty Ltd be accepted as the most advantageous offers for the respective separable parts by Council.

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

Council is advised that Brightmark Group Pty Ltd, is the City’s current incumbent cleaning contractor, having accepted the contract at short notice, following the early termination of the previous contract with Bellrock Group due to performance irregularities. Brightmark has provided services for the past six months to a generally adequate standard.

#### 10.4.5 Tender 7/2022 "Provision of Cleaning Services"

Brightmark was assessed as the second most advantageous tenderer at the time of the previous tender RFT 2/2020.

It is noted that the tender process identified an industry increase in facility maintenance cleaning costs of approximately 10% reflecting broader economic market conditions. The additional costs will necessitate revision of the Building Service building maintenance budget during the Councils annual operating budget deliberations.

#### Consultation

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

#### Policy and Legislative Implications

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

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

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

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

The following Council Policies also apply:

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

#### Financial Implications

Funds for the delivery of contract cleaning services are provided within the City's 2022/23 budget Building Facilities operating maintenance budget. It has been noted above that the tender process has identified an increase in facility cleaning industry costs of approximately 10%, this increase will need to be considered in association with future budget allocations.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Business Interruption</b></p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.</p>
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	Continuous monitoring and management of contractor performance

**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**

**10.4.5 (a):** RFT 7/2022 Provision of Cleaning Services Panel Evaluation report (*Confidential*)



## 10.4.6 Budget Review for the Period ended 31 January 2023

File Ref: D-23-7376  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

A comprehensive review of the 2022/23 Adopted Budget, based on actual results for the period to 31 January 2023 has been completed, with comments on the identified variances. 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.

As is the case for prior years, officers have looked for opportunities to reduce and manage operating expenditure. This effort together with increased revenue has resulted in an improvement to the overall financial position of the City as reflected in this revised budget.

A Statement of Financial Activity is included, the same as the report included in each month's Council meeting agenda. It compares the original adopted budget to the reviewed budget, illustrating the movements within the review. A summary of the forecasted Financial Ratios is attached, as well as schedules of detailed adjustments. The underlying theme of the review was to deliver an improved budget outcome.

### Officer Recommendation

That Council:

1. Adopts the mid-year budget review and changes contained in the Statement of Financial Activity **Attachment (a)**, as well as the detailed changes contained in **Attachments (b), (c) and (d)**.
2. Amend the Fees and Charges schedule adopted as part of the 2022/23 Budget to remove the \$5.00 charge for Replacement Animal Tags

**Absolute Majority required**

### Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996, a local government is required to review the Adopted Budget and consider its financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year. The results of this Budget Review are forwarded to the Department of Local Government after adoption by Council.

### Comment

A Statement of Financial Activity is included, based on the statements of financial activity presented to Council each month. It illustrates the adopted original budget, compared to the reviewed budget.

It is recommended this report be reviewed first before considering the detail included within the schedules. In addition, a summary of the forecasted Financial Ratios has been included, illustrating the need for continued effort to focus on improving the Operating Surplus Ratio over time.

All adjustments are summarised within the Budget Review Statement of Financial Activity **Attachment (a)**. The detailed revenue and expenditure adjustments are described in **Attachment (b)**, with changes to capital and reserves contained in **Attachment (c)**.

A detailed examination of operating revenue and expenditure accounts along with capital revenue and expenditure has been undertaken to identify the required adjustments.

Where savings have arisen from completed capital projects, funds have been redirected towards other proposals. Projects and funding not carried forward from the prior financial year are now included, including the funding from capital grants. Adjustments to the transfers to and from Reserves and Municipal funds are accounted for.

The projected Budget Opening Position for 2022/23 was adjusted to reflect the actual figure at year end rather than the 'estimated' figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report. Forecast amended Ratios based on these adjustments are included at **Attachment (d)**.

Overall the City's financial position has improved since the adoption of the Budget.

The review also considered the phasing (pattern of expenditure during the year) of the budget.

### Consultation

Nil.

### Policy and Legislative Implications

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

### Financial Implications

The Budgeted Net Operating Deficit in **Attachment (a)**, the Statement of Financial Activity by Nature and Type is forecast to improve from \$2.21m by \$2.13m to a deficit of \$73k. The detail of movements in Operating Revenue and Expenditure are described below.

The projected (at Budget adoption) Opening Net Current Assets in the Statement of Financial Activity by Nature and Type **Attachment (a)** brought forward from 2021/22 was \$4.22m. This figure was adjusted to reflect the actual figure of \$10.07m at year end rather than the 'estimated' figure that was used in formulating the budget. The forecast net current assets closing position is \$7.73m which is an increase on the actual opening position.

Based on current projections, the FHI score will remain above 70, forecast at 72 by yearend. As is the case every year, the estimated Budget Closing Position will continue to be closely monitored during the remainder of the year.

### Operating Revenue

Operating Revenue is forecast to increase by a net amount of \$2.34m overall. The below commentary explains the significant contributors to this variance, commentary is not provided in this report on other less significant variances included in the totals as all adjustments are detailed in **Attachment (b)**. With reference to **Attachment (a)**, the Statement of Financial Activity by Nature and Type, the most significant favourable variance of \$1.78m in interest revenue is mainly due to much better than anticipated interest rates attained on term deposits, with banks offering average interest rates of 3.76% for investments under 12 months. Although the additional interest contributes significantly to a much lower operating deficit, a significant portion of the additional interest earnings totalling \$931k are transferred to reserves, meaning these funds are not available to fund municipal expenditures.

Fees and Charges are higher by \$601k compared to original budget mainly due to increased golf course revenue of \$481k. Other increases and reductions mostly offset, the balance of the increase related to increases in parking revenue and facility hire fees. Service charges are higher than original budget by \$117k due to an increased number of properties included in the underground power (UGP) boundary. These favourable variances are offset by unfavourable variances of \$110k in Other Revenue and \$50k in Operating Grants Subsidies and Contributions. The unfavourable variance in Other Revenue mainly from a reduction in the City's share in the container deposit scheme. The variance in the Operating Grants Subsidies and Contributions are principally a result of lower Financial Assistance Grant payments, due to the large pre-payment received at the end of the 2021/22 financial year.

### Operating Expenditure

Operating expenditure is forecast to increase by a net amount of \$204k from the Original Budget. Similar to Operating Revenue above, commentary is not provided in this report on other less significant variances included in the totals as all adjustments are detailed in **Attachment (b)**. With reference to **Attachment (a)**, the Statement of Financial Activity by Nature and Type, the favourable variance in Employee expenses of \$277k results mainly from delays in filling vacancies, these savings are offset by a projected co-payment in relation to the City's workers compensation policy. Utility charges have a favourable variance of \$34k mainly resulting from the installation of solar panels.

The most significant unfavourable variances are \$345k in Materials and Contracts, \$131k in Depreciation and Amortisation and \$35k insurance expenses. The Materials and Contracts variance includes the \$185k RAF budget adjustment approved by Council at the November 2022 Special Council Meeting, \$114k adjustment to the Information Technology budget to allow for system enhancements relating to cyber security recommendations resulting from audit findings. Increases in fuel and waste disposal costs which were higher than initially anticipated account for the balance of increase. The increase in Depreciation and Amortisation result from higher than anticipated asset capitalisations at the end of the 2021/22 financial year. The \$35k increase in insurance expenses were due to slightly higher than anticipated insurance premiums which includes increased building replacement costs.

### Capital Grants

Grant revenue is expected to increase by \$325k, largely the result of grant funded projects affected by carry forwards and funding being provided for new grant funded projects.

Significant additional grant funded projects include:

- Low Cost Urban Road Safety 2022/23 \$220k, 100% grant funded.
- Godwin Avenue & Davilak Crescent - Safe Active Street Project \$120k, 50% grant funded.
- Lighting South Perth Lawn Tennis Club \$94k, 67% grant funded.

Detailed adjustments are contained in **Attachment (c)**.

### Capital Expenditure

Complete detailed adjustments for all capital expenditure items are contained in **Attachment (c)**. Capital expenditure is anticipated to be only \$3k higher than the original budget. Building capital expenditure increased by \$32k, mainly due to a carry forward amount of \$25k in the budget for the Manning Bowling Club Toilet project. Other increases including a \$87k increase for the Nursery Production Room upgrade offset with decreases within the building capital expenditure budget.

The Acquisition of Technology increased by \$38k with \$20k to allow for system enhancements that also address audit findings. \$18k relates to digital screens provided at the City's libraries, one of these to the value of \$11k is fully grant funded.

Capital outlays required for Plant and Equipment increased by \$174k, being \$110k for CCTV replacements and/or installations. The balance relates to the timing of fleet replacements.

Capital outlays required for Infrastructure Assets reduced by \$242k. Overall capital infrastructure budget adjustments offset against each other, however two playground replacements being Bill Grayden Reserve and Hurlingham Playground totalling \$311k are larger individual items in this difference. The Hurlingham project was identified as a carry forward project when setting the original budget and delivered just before the end of the 2021/22 financial year. The Bill Grayden playground requires rebudgeting in 2023/24 to allow for community engagement and procurement during the remainder of the current financial year. Other significant variances are also discussed under the Capital Grants heading in this report.

### Reserve Transfers

Transfer from reserves increased by \$216k, mainly due to the \$185k RAF budget adjustment approved by Council at the November 2022 Ordinary Council meeting and transfers out of the Employee entitlements reserve of \$240k for entitlements relating to staff terminations. This movement is offset by reduced capital spending transfers of \$230k from the Waste Management Reserve. Transfer to reserves increased by \$931k because of improved interest earnings on reserve balances transferred to the reserves. Complete detailed adjustments are contained in **Attachment (c)**.

### Sustainability Implications

The purpose of the Budget Review was to assess the year-to-date actual results compared to the original adopted budget and make the required adjustments.

Over the past three years, various factors including the economic conditions predominantly a result of COVID-19 as well as the war in Ukraine, have caused uncertainty around setting budgets.

The challenge for the City remains to improve revenue and reduce costs to ultimately improve the Operating Surplus Ratio. An improved economy, as well as prudent financial management have seen the net operating result improve over time. This review has resulted in an improved Net Operating Position, with a projected \$73k deficit. The City was able to forecast \$2.34m Operating Revenue increases, mainly the result of improved interest earnings on investments and fees and charges. Regardless of cost challenges and significant inflationary pressure only marginal operating cost increases of \$204k are forecast. Overall, this is positive result confirming the City's commitment to an improved net operating result and FHI score. However, it should be noted that significant uncertainty still exists as a result of stubbornly high inflation and its impact on the City.

#### Amendment to the Fees and Charges schedule

The City currently charges a \$5.00 fee to issue a replacement animal tag. These replacement tags are not issued often and this year to 31 January only 68 have been issued. The charging process is not a customer friendly approach and has resulted in customer complaints. The City has reviewed this process and determined it not to be cost effective (ie; it costs more to process the fee than the fee itself) and therefore recommends that Council approve the removal of this fee from the current Fees and Charges schedule.

#### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> 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
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Budget review reporting time lines exceeding statutory requirements

### Strategic Implications

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

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

### Attachments

10.4.6 (a):	Budget Review 2022-23 Statement of Financial Activity
10.4.6 (b):	Amendments identified from normal operations in the 31 January 2023 Budget Review
10.4.6 (c):	Amendments identified from capital operations in the 31 January 2023 Budget Review
10.4.6 (d):	Financial Ratios

#### 10.4.7 Council Caretaker Policy

File Ref: D-23-7377  
Author(s): Garry Adams, Director Corporate Services  
Reporting Officer(s): Garry Adams, Director Corporate Services

##### Summary

On 22 November 2022, Council resolved that a draft Council Caretaker Policy be prepared. This report addresses this resolution.

##### Officer Recommendation

That Council adopts Policy P702 Council Caretaker Policy as contained in **Attachment (a)**.

#### Background

At its meeting held 22 November 2022, Council resolved (1122/196) as follows:

1. *That Council requests the Chief Executive Officer to develop a Council Caretaker Policy based on the WALGA model.*
2. *That the draft Council Caretaker Policy be circulated for elected member feedback.*
3. *That Council requests the Chief Executive Officer to present a draft policy, together with a report addressing the feedback received, for adoption at the February 2023 Ordinary Council Meeting”.*

Minister Carey has advised that legislation to enact the first tranche of reforms would be presented to Parliament in early 2023 - and that a standard Council Caretaker Period would be mandated to take effect prior to the next Local Government elections in October 2023.

The exact nature of the proposed Council Caretaker Period is not yet known; therefore Council should be aware that any policy adopted by Council prior to the mandated reforms being enacted may result in changes being required to the Policy.

#### Comment

City Officers circulated a copy of a Caretaker Policy (with wording taken directly from the WALGA template) to all elected members on 7 December 2022 and 5 January 2023 for review and feedback.

Feedback was received from Mayor Greg Milner, Councillors André Brender-A-Brandis and Stephen Russell.

All feedback has been considered and some minor amendments made. The policy is now presented to Council for adoption as shown in **Attachment (a)**.

#### Consultation

All Elected Members were consulted with three providing feedback.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

Nil.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Implementation of Caretaker Policy establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Local Government Election.

**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**

- 10.4.7 (a): Policy P702 Council Caretaker Policy



## 10.4.8 Local Government Elections

File Ref: D-23-7378  
Author(s): Toni Fry, Governance Coordinator  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

This report is to declare that the Electoral Commission will conduct the Local Government Ordinary Election for five vacancies to be held in October 2023, and for the election to be conducted by a postal method.

### Officer Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

**Absolute Majority Required**

### Background

Local government elections are held on the third Saturday in October every two years with the next election scheduled to occur on Saturday 21 October 2023. The *Local Government Act 1995* (Act) and associated regulations specify how local government elections must be conducted.

Section 4.20(1) of the Act provides for the Chief Executive Officer to be the returning officer for the local government elections unless Council appoint another person. If Council appoint a person other than the Chief Executive Officer, the Western Australian Electoral Commissioner must approve that person.

Under section 4.20(4) of the Act, Council can determine that the Western Australian Electoral Commissioner be responsible for the election, including the appointment of a returning officer and other arrangements associated with the election.

On 15 February 2023 the City received a letter from the Western Australian Electoral Commissioner **Attachment (a)** to conduct the local government election on the City's behalf and any other polls that may be required in 2023. In accordance with the Act, Council is requested to confirm the Electoral Commissioner as being responsible for conducting the City of South Perth Ordinary Election in 2023 and to endorse a postal voting method be undertaken.

### Comment

There are two methods for conducting local government elections, this being postal voting or voting in person. The *Local Government Act 1995* stipulates that postal elections must only be conducted by the Western Australian Electoral Commission.

There are significant benefits for the elections to be conducted as a postal election:-

- It increases the voter turnout;
- Having an external person appointed by the Electoral Commission as the returning officer creates separation and proves independence to the process;
- It is easier for electors to vote.

### Consultation

Advice has been received from the Electoral Commissioner that he is willing to conduct a postal election for the City of South Perth Ordinary Election for 2023.

### Policy and Legislative Implications

Division 4 of Part 4 of the *Local Government Act 1995*.

### Financial Implications

It is estimated that the cost for the Western Australian Electoral Commission to conduct the 2023 City of South Perth Ordinary Election would be approximately \$164,000 inc GST.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- the cost of any casual staff to assist the Returning Officer on election day or night
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The costs associated with the election will need to be included in the 2023/24 budget.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Ordinary local government elections are to be run in accordance with the Act and regulations. Officers and the Western Australian Electoral Commission are aware of the obligations.

**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**

- 10.4.8 (a): Letter from the Western Australian Electoral Commission

11. APPLICATIONS FOR LEAVE OF ABSENCE



## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 12.1 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - AMENDMENT TO POLICY P665 USE OF COUNCIL FACILITIES

File Ref: D-23-7379  
Author(s): Garry Adams, Director Corporate Services  
Bernadine Tucker, Manager Governance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

Councillor Stephen Russell submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 February 2023.

#### Notice of Motion Recommendation (Suggested Alternative Recommendation page 71)

That with respect to Policy P655 “Use of Council Facilities”, I move that the CEO amend the Policy to reflect the following:

1. The title changed from “Use of Council Facilities” to “Use of Council Facilities and Mayoral Regalia”
2. The amendment of statement “This policy is relevant to officers and members of the community who would like to use Council facilities.” to “This policy is relevant to Elected Members, officers and members of the community in the use of the resources prescribed within.”
3. The addition of a bullet point stating “Mayoral Regalia- is for the use of the Office of Mayor in performing the functions of Mayor as per the *Local Government Act 1995*”
4. The amendment of statement “These facilities shall at all times be used in a responsible manner” to “These facilities shall at all times be used in a responsible manner. Mayoral Regalia shall only be worn at the following:
  - a. When presiding over meetings in accordance with the Act,
  - b. When carrying out civic and ceremonial duties at occasions that have been organised or managed by the City,
  - c. At civic and ceremonial occasions that have been invited by other parties through the City,
  - d. With the permission of the CEO and on an occasion-by-occasion basis, at civic and ceremonial occasions not covered under (a)(b)(c).

The wearing of the Mayoral Regalia does not extend to a person acting for the Mayor or delegated by the Mayor.”

5. The inclusion of a statement stating “Council facilities and Mayoral Regalia are classed as “local government resources” as per the Councillor Code of Conduct definition.”
6. The inclusion of the Councillor Code of Conduct as a reference document.

### Background

Councillor Stephen Russell submitted a Notice of Motion regarding an amendment to Policy P665 Use of Council Facilities. The reasons for the Notice of Motion are as follows:

*“The Mayoral Regalia, being the mayoral chain and robe, are historic assets of the City of South Perth and therefore when worn, dignify the Office of Mayor to recognise their special fiduciary duties towards the South Perth community, whilst representing the City. If the Regalia is not used in such a manner, then this would reflect poorly not only on the Office of Mayor but also on the City of South Perth. This policy amendment seeks to prevent this from occurring.”*

### Comment

The wearing of the Mayoral chain has until now been left to the discretion of the Mayor. By definition, the Mayoral Chain is only worn by the person elected as Mayor. There is no apparent reason to prescribe where and when the Chain can be worn. Although there are a few local governments that have a policy regarding the Mayoral Regalia, this is not the norm and in most instances it would be left to the discretion of the Mayor as to where and when the Mayoral Regalia is worn. The Town of Bassendean has a policy in relation to Council Protocols which outlines Council expectations with regard to the use of the Mayoral Chain, however, this policy gives the Mayor discretion as to whether to wear the chain at events that are not prescribed within the policy.

City of South Perth Policy P665 currently deals with use of Council Facilities only. There is no policy relating to Council Protocols or the use of the Mayoral Regalia. For clarity, if Council determines there is a need for prescribing the protocols for use of the Mayoral Chain, a stand alone policy may be more appropriate.

If Council determines that this amendment, or a stand alone policy is required, it is recommended that Part 4 (d) of the proposed motion is not included, as requiring the Mayor to seek permission from the CEO (in order to wear the chain in circumstances that are not prescribed), is not practical and places the CEO in a position that could cause unnecessary conflict with the Mayor and or Council. If Council prescribes the use of the Mayoral Chain, then it would reasonably be up to Council (not the CEO) to hold the Mayor to account if the Mayor was acting outside of the policy.

### Consultation

Nil.

### Policy and Legislative Implications

Amendment to Policy 665 Use of Council Facilities  
Amendment to Councillor Code of Conduct

**Financial Implications**

Not Applicable

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Policy to be adopted by Council. Mayor aware of policy conditions.

**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 the use of Mayoral Regalia is not prescribed in Council Policy but left to the discretion of the person elected to the position of Mayor.

Reason for Alternative Recommendation

The policy is unnecessary as the Mayoral Chain is by definition only used by the Mayor of the City of South Perth and should be used by the person occupying that position as per their own discretion.

**Attachments**

Nil.

## 12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - DONATION TO THE LORD MAYOR'S DISTRESS RELIEF FUND APPEAL FOR THE KIMBERLEY FLOODS

File Ref: D-23-7380

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

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

### Summary

Councillor Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 February 2023.

### Notice of Motion Recommendation (Suggested Alternative Recommendation page 74)

That Council:

1. Express its condolences to the victims of the devastating Kimberley floods; and
2. Approves the contribution of \$10,000 to the Lord Mayor's Distress Relief Fund in support of those affected by the Kimberley floods, to be funded from savings in the Elected Members expenditure budget.

### Background

Councillor Mary Choy submitted a Notice of Motion regarding a donation to the Lord Mayor's Distress Relief Fund Appeal for the Kimberley Floods. The reasons for the Notice of Motion are as follows:

1. *People in the Kimberley have experienced a one-in-100-year flood event, the worst flooding event in Western Australian history, with local communities left devastated.*
2. *In the given circumstances, we should extend our support and solidarity to those local government communities affected by the floods. The most effective way to do this is to make a donation of money to the Lord Mayors Distress Relief Fund (LMDRF).*
3. *As of 9 January 2023, the LMDRF was activated to help the victims of the Kimberley floods.*
4. *Elected Members are allocated annual funding for continuing professional development under Policy P669, which budget has been underspent, particularly during COVID restrictions."*

### Comment

The Lord Mayor's Distress Relief Fund was established in 1961 and is the recognised state emergency fund, providing relief for personal hardship and distress arising from natural disasters within Western Australia.

The Lord Mayor has recently activated the LMDRF to raise and coordinate donations to support those affected by the Kimberley floods.



The costs of administering the Fund are absorbed by the City of Perth, with all funds raised disbursed directly to victims. All donations over \$2 are tax deductible.

The City previously made a donation of \$10,000 to the LMDRF in 2016 to support people affected by the Waroona bushfires.

The City's Community Funding Program is a more appropriate account to allocate the donation to the Lord Mayors Distress Relief Fund, as this account has been established to be used to assist with community programs, services and projects.

### Consultation

Nil.

### Policy and Legislative Implications

Nil.

### Financial Implications

If approved, it is recommended the \$10,000 donation is allocated from the City's Community Funding Program Account (i.e. after transferring \$10,000 cost savings from the Elected Member's account during the mid-year budget review process).

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<p><b>Financial Loss</b></p> <p>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</p>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The risk of financial loss is low as the Lord Mayor's Distress Relief Fund is a reputable fund that has been established to assist to respond to natural disasters within Western Australia.

### 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:	1.3 Community safety and health
Strategy:	1.3.3 Implement effective Emergency Management arrangements

**Suggested Alternative Recommendation**

That Council:

1. Express its condolences to the victims of the devastating Kimberley floods;
2. Approves the contribution of \$10,000 to the Lord Mayor's Distress Relief Fund in support of those affected by the Kimberley floods;
3. Approves for the City's donation to be allocated from the City's Community Funding Program Account Number 300202-1110-63151; and
4. Approves for the City to transfer \$10,000 cost savings from the Elected Member's Account to the Community Funding Program Account during the mid-year budget review process.

**Reason for Alternative Recommendation**

The City's Community Funding Program is a more appropriate account to allocate the donation to the Lord Mayors Distress Relief Fund, as this account has been established to be used to assist with community programs, services and projects.

**Attachments**

Nil.

### **13. QUESTIONS FROM MEMBERS**

#### **13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

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

#### **13.2 QUESTIONS FROM MEMBERS: 28 FEBRUARY 2023**

### **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 are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the *Local Government Act 1995*.

### 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

#### Officer Recommendation

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

15.1.1 Councillor Code of Conduct - Matter 1

15.1.2 Councillor Code of Conduct - Matter 2

#### 15.1.1 Councillor Code of Conduct - Matter 1

*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-22-60712  
Author(s): Mike Bradford, Chief Executive Officer  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

#### 15.1.2 Councillor Code of Conduct - Matter 2

*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-22-60714  
Author(s): Mike Bradford, Chief Executive Officer  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

## 16. CLOSURE

## APPENDIX

### 13.1 QUESTIONS FROM MEMBERS taken on notice OCM 13 December 2022

Councillor Stephen Russell	Responses provided by Warren Giddens – A/Director Development and Community Services
<i>[Preamble]</i> <i>Just with regards to number 8 Kennard Street Kensington which was the subject of a number of public questions tonight.</i>	
1. Was the property subdivided to allow for the second dwelling or is the second dwelling considered an ancillary or auxiliary dwelling as per the R Codes indeed if the R Codes do apply?	The property has not been subdivided. The R Codes do apply to the development and allow for a side-by-side configuration for ancillary dwellings as proposed, however it is not considered that the currently proposed layout complies with the Deemed to Comply provisions of the R Codes.
2. Will the City be able to issue a rates notice for the second dwelling?	Properties are rated per individual title, as such if one title exists with two dwellings only one rates notice is issued.