

AGENDA.

Ordinary Council Meeting

12 December 2023

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 12 December 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

8 December 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

- Councillor Glenn Cridland for the period 11 December 2023 to 30 January 2024 inclusive.

5. DECLARATIONS OF INTEREST

- Councillor Nic Coveney – Item 10.2.1 – Impartiality Interest as ‘like I did with most business owners on Angelo Street and Mends Street during my election campaign, I briefly met with the owner of Nextdoor. Similarly, like I have with most cafés/restaurants on Angelo Street and Mends Street, I have previously eaten at Nextdoor.’
- Councillor Jennifer Nevard – Item 10.2.1 – Impartiality Interest as ‘some of the local regular customers of the local businesses in the vicinity of 79 Angelo Street and some of the traders are known to me. I undertake to vote in accordance with the interests of the entire City.’
- Councillor Hayley Prendiville – Item 10.3.1 – Impartiality Interest as ‘some of the staff at Wesley College are known to me.’
- Councillor Bronwyn Waugh – Item 10.3.1 – Impartiality Interest as ‘my son attends Wesley College.’
- Councillor Mary Choy – Item 10.3.1 – Impartiality Interest as ‘my husband is a Wesley College ‘old boy’ and our sons attend Wesley College.’
- Councillor Jennifer Nevard – Item 10.3.3 – Impartiality Interest as ‘I am a Ward Councillor for Moresby and Kensington forms part of that Ward. I undertake to vote in accordance with the interests of the entire City.’
- Councillor Hayley Prendiville – Item 10.4.4 – Impartiality Interest as ‘I have a family member who is a member of Collier Park Golf Club.’
- Councillor Jennifer Nevard – Item 10.4.4 – Impartiality Interest as ‘I know a number of golfers and active lobbyists who use Collier Park Golf Course or have campaigned in the interests of the Golf Course. The Course is in Moresby Ward for which I am an Elected Member. I undertake to vote in accordance with the interests of the entire City.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 12 DECEMBER 2023

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 21 November 2023

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 21 November 2023 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 matter at Concept Briefings and Workshops:

Date	Subject	Attendees
21 November 2023	Infrastructure Services Induction (for New Elected Members)	Councillors Nic Coveney, Hayley Prendiville, and Bronwyn Waugh.
27 November 2023	Long Term Financial Plan IPR Presentation	Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Blake D'Souza, Jennifer Nevard, Hayley Prendiville, Bronwyn Waugh.
28 November 2023	Collier Park Golf Course Tender Briefing	Councillors André Brender-A-Brandis, Nic Coveney, Mary Choy, Blake D'Souza, Jennifer Nevard, Hayley Prendiville. Briefed individually: Mayor Greg Milner and Councillors Glenn Cridland, Bronwyn Waugh.
4 December 2023	Let's Talk Dogs Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Bronwyn Waugh.

6 December 2023	Planning Basics and Local Heritage Framework	Councillors André Brender-A-Brandis, Nic Coveney, Jennifer Nevard, Hayley Prendiville. Briefed individually: Councillor Bronwyn Waugh.
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Attachments

Nil.

7.2.2 Council Agenda Briefing - 5 December 2023

Officers of the City presented background information and answered questions on Items to be considered at the December Ordinary Council Meeting at the Council Agenda Briefing held 5 December 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 - 5 December 2023

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 Opposition to Parklet Proposal at No. 79 Angelo Street

The following petition was received from Kaylene Cousins of Angelo Street, South Perth together with 126 verified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007.

The text of the petition reads:

'We the undersigned electors of the City of South Perth request:

That the Council strongly oppose the application and trial for the Parklet Proposal that will occupy two on-street parking bays located in front of 79 Angelo Street.

For the following reasons:

Current street parking on Angelo Street South Perth is very limited. There are 33 shop fronts along Angelo Street (this does not include any businesses or shop front in the Coles complex or Angelo Street Market complex). There are only 56 bays to service these 33 shops. To take away another two bays would impact customers' ability to find parking, cause congestion and deter customers from coming to the Angelo Street precinct. Currently the street parking is for all the surrounding businesses and consumers of Angelo Street. The proposed parklet does not meet the needs of any other business or customer besides 79 Angelo Street.

Officer Recommendation

That Council note the petition received by Kaylene Cousins of Angelo Street, South Perth has been considered by Officer's in Item 10.2.1 of this Agenda in accordance with clause 6.9 (2) of the City of South Perth Standing Orders Local Law.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 5 December 2023.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.2 STRATEGIC DIRECTION 2: ECONOMY

10.2.1 Proposed Parklet (Nextdoor and Olsen Butchers) - Angelo Street Road Reserve (abutting No.79 Angelo Street, South Perth)

File Ref: D-23-57186
Author(s): Jessica Birbeck, Principal Strategic Planner
Sarah Kahle, Economic Development Officer
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider a licence application for a parklet adjacent of Nextdoor Restaurant and Olsen Butchers. The parklet is proposed to be installed in the road reserve within two existing on-street parking bays outside of the businesses, which are located at No. 79 Angelo Street, South Perth. The City recommends Council issue a 12-month licence as a trial basis.

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to issue a licence in accordance with Clause 8.2 (1) of the City of South Perth Public Places and Local Government Property Local Law 2011 for the proposed parklet adjacent Nextdoor Restaurant and Olsen Butchers within the Angelo Street Road Reserve abutting No. 79 Angelo Street, South Perth, subject to the following conditions:
 - (a) The licence is valid for 12 months only following which the parklet and associated infrastructure must be removed at the applicant's cost, and the parking bays reinstated to the satisfaction of the City of South Perth.
 - (b) The Licensed Area is to be shown in an agreed Licence Plan annexed to the licence.
 - (c) The applicant must hold a current Public Liability Insurance Policy with indemnity of not less than \$20,000,000. If requested, the Applicant is to provide a Certificate of Currency to the City of South Perth prior to the construction activity commencing.
 - (d) The applicant is to indemnify the City in connection with the death of or injury to any person or damage to property caused by or contributed to by the installation, operation, testing, maintenance, repair, replacement, alteration, removal or disposal of the Equipment.
 - (e) The applicant may not assign, sublicense, share or part with possession of the Licensed Area without the City of South Perth's prior written consent, which is to be withheld or given at the City of South Perth's sole discretion.

- (f) The applicant must ensure that no damage or obstruction is caused to a manhole, inspection pit, fire hydrant, water, gas, electrical or communications infrastructure, drainage or other service, within the location of parklet.
 - (g) The applicant does not have exclusive or uninterrupted use of the area. The parklet must be publicly available at all times.
 - (h) The road and footpath pavement areas must be kept clean and free of litter at all times.
 - (i) All furniture shall be durable, waterproof, rustproof and weather resistant, be maintained in good condition and be designed so that corners and fastenings do not create potential hazards for patrons and pedestrians. All furniture must be removed from the public realm at the close of business each day.
 - (j) Pergolas shall be maintained to a high standard and securely anchored in accordance with Australian Standard AS1170.2-2002 – Structural Design Actions – Wind Actions and/or any recommendations provide by the manufacturer.
 - (k) Alcohol consumption shall only be permitted where the necessary approvals have been obtained from the Department of Local Government, Sport and Cultural Industries (Racing, Gaming and Liquor).
 - (l) Smoking is not permitted within the facility. The applicant is required to provide appropriate non-smoking signage to ensure compliance.
2. In accordance with section 6.12 (1)(b) of the *Local Government Act 1995*, waive licence fees and alfresco dining fees for the parklet for the duration of the licence period.

Background

The City has received a proposal from the operators of Nextdoor Restaurant and Olsen Butchers for a parklet to be installed within two on-street parking bays adjacent to their premises.

Parklets are temporary moveable structures placed in car parking bays, providing publicly accessible seating and amenities for the community and local businesses. They are small pockets of public space that repurpose part of the street, providing open and engaging spaces for people to linger within the street environment.

The parklet will provide alfresco dining opportunities for the businesses and permanent bench seating for the public. Additional furniture (small tables and chairs) will be added to the space during restaurant opening hours to allow for approximately 20 patrons.

The current operating hours of Nextdoor Restaurant are:

- Wednesday and Thursday: 3:00pm – 10:00pm
- Friday: 12:00pm – 11:30pm
- Saturday: 12:00pm – 11:30pm
- Sunday: 12:00pm – 6:00pm

10.2.1 Proposed Parklet (Nextdoor and Olsen Butchers) - Angelo Street Road Reserve (abutting No.79 Angelo Street, South Perth)

The operating hours of the business may be subject to change should business patronage increase over the course of the parklet trial. The parklet will still be made publicly available outside of these operating hours.

All costs associated with the design, build, maintenance and approvals for a parklet are the responsibility of the applicant. A copy of the parklet plans is contained as **Attachment (a)**.

Comment

Policy P402 – Alfresco Dining

Whilst Council does have an existing Policy relating to Alfresco Dining (P402), it does not relate specifically to ‘parklets’. As such, Council is required to consider the application on its merits and have regard to the requirements of the Public Places and Local Government Local Law 2011 (Local Law). The City is currently in the process of reviewing P402 to provide a framework to guide the assessment of parklets, which is also an action contained within the Economic Development Plan.

Economic Development Plan

The City’s Economic Development Plan (EDP) aims to encourage uses that improve the night-time economy and promote streetscape and public realm improvements for activation.

The proposed parklet is consistent with the envisaged outcomes of the EDP and will support one of the existing (but currently limited) businesses which provide nighttime activation in the area. The proposed parklet is considered to be of a high quality design and including seating for patrons, and will therefore positively contribute to activating the Angelo Street Neighbourhood Centre. The parklet provides an open and engaging space for people to linger within the street environment.

Car Parking

The parklet is proposed to occupy two on-street car bays on Angelo Street. The City acknowledges that loss of parking was highlighted as a key issue from community feedback. Should Council approve the parklet, as part of the 12-month licence period, the City will monitor the parking in the immediate area throughout the licence approval period to determine whether renewal of the licence is appropriate. The monitoring of the parking may also influence future changes to parking restrictions in the locality to provide a higher turnover bays, if required.

Design

The City has reviewed the proposal and confirmed that the location of the parklet provides suitable clearance for traffic (including buses) along Angelo Street and for neighbouring on-street parking bays. The parklet has been designed to provide for future lengthening of the adjoining ACROD bay by 1.1m by the City for compliance with the *Disability Discrimination Act 1992*. The parklet is also designed to be flush with the kerb to provide for universal accessibility.

Conditions requiring the applicant to maintain the space and to ensure no damage occurs to the City’s infrastructure are recommended, to ensure there are no additional costs to the City as a result of the parklet. Further, a condition is recommended that ensures applicant is responsible for the cost of removing the structure should the licence not be extended.

10.2.1 Proposed Parklet (Nextdoor and Olsen Butchers) - Angelo Street Road Reserve (abutting No.79 Angelo Street, South Perth)

Duration of Licence

The Chief Executive Officer has the power to issue a licence pursuant to Clause 8.2 (1) of the Local Law. Given a policy has not yet been developed, the significant public interest in the proposal and the parklet being the first of its kind in the City, the matter has been referred to Council for decision.

Licences under the Local Law are only valid for one year from the date on which it is issued, unless otherwise stated in the local law or in the licence, or if the permit is suspended or cancelled by the local government.

It is recommended that the licence be issued for a 12 month period only. Renewal of the licence would be subject to evaluation of the impact and benefit of the parklet and subsequent guidance via an updated Policy.

Consultation

The City advertised the proposal for a period of 14 days from 9 November to 23 November 2023. The City sent letters to 158 owners, occupiers, owner occupiers and local business tenants within a 100m radius of the site (including all businesses along Angelo Street outside of the catchment area) requesting feedback on the proposal.

A webpage was hosted on Your Say South Perth (YSSP) which included an overview of the proposal, parklet concept plans, applicant cover letter and FAQs. The YSSP page outlined a number of ways in which a submission could be made to the City, including an online feedback form, by email, or by mail. Hard copy feedback forms were also available at the City's Administration building or on request.

Details of the consultation were also made available on the City's website and one article was included in the Peninsula Snapshot e-Newsletter, sent to 13,405 subscribers.

The feedback form included three questions, being:

1. The extent of support for the proposal, including five options being strongly support, support, neutral, oppose, strongly oppose;
2. Reasons as to the response to question 1; and
3. Any other feedback on the proposal.

A total of 120 submissions were received, with 77 submissions (64.2%) in support of the proposal and 43 submissions (35.8%) opposed to the proposal, as detailed in the table below. It should also be noted that a petition with 126 verified signatures was also received on Tuesday 6 December 2023.

Response	No.	% Total Support vs Opposed
Strongly support	71	64.2%
Support	6	
Neutral	0	0
Oppose	14	35.8%
Strongly oppose	29	
Total	120	100.0

A total of 100 submissions (83.3%) were received from residents, owners or businesses within the City. A total of 20 submissions (16.7%) were received from outside the City.

The table below provides a breakdown of the extent of total support and oppose by suburb.

Suburb	Support	Oppose	Total
Como	10	6	16
Kensington	4	3	7
Manning	1	0	1
Salter Point	3	0	3
South Perth	40	31	71
Waterford	1	1	2
Total within City	59	41	100
Other	18	2	20
TOTAL	77	43	120

The Schedule of Submissions is contained in **Attachment (b)**, with general matters and the City's comments provided below:

Matter	Comment
Lack of parking/Request for monitoring of parking in Angelo Street	The parklet is proposed to occupy two of the existing 24 on-street public parking bays on Angelo Street. Should Council approve the licence, the City will monitor the parking in the immediate area throughout the licence approval period to determine whether renewal of the licence is appropriate.

Impact on ACROD BAY	The parklet has been designed to provide for future lengthening of the adjoining ACROD bay by 1.1m by the City to ensure compliance with the <i>Disability Discrimination Act</i> 1992.
Negative financial impact to other businesses	Should Council approve the proposal, it is recommended the licence be approved for a 12 month period. Should the applicant seek a renewal of the licence, the City would readvertise the proposal and could consider feedback from businesses on the economic impact of the parklet during the 12 month period.
Safety concerns from cars	The parklet is proposed to be set 300mm in from the existing parallel parking bay line to provide for sufficient clearance from passing traffic, including buses. The parklet features an enclosed design with a 900mm steel clad wall perimeter. Barriers will be placed either side of the parklet (wheel stops, reflective bollards or similar (e.g. planter boxes) to provide a buffer between the outer edge of adjacent parking spaces and the edge of the structure.
Impact to passing traffic	Angelo Street is a low-speed environment with on-street parking on both sides of the road. This parklet would be positioned within two existing parking bays, making the impact of the parklet on the road environment similar to that of a parked car. The parklet is proposed to be set 300mm in from the existing parallel parking bay line to provide for sufficient separation from passing traffic, including buses.
Precedent for other businesses to use public parking for private use.	The City is currently reviewing P402 to guide the assessment of future parklet proposals across the City. The policy will include considerations such as locational criteria, parking, road network requirements (such as traffic speed, clearance from intersections and safety), and design requirements.
Concern for antisocial behaviour outside of business hours	The ongoing management and maintenance of the parklet will be the responsibility of the applicant as part of the conditions of a licence. The City considers the parklet will provide greater opportunities for surveillance of Angelo Street as patrons would occupy the space for the evening hours of the restaurant. Any reports of anti-social behaviour should be directed to the Western Australian Police.
Pedestrian access	The business has an alfresco dining licence from the City for the seating in front of the tenancy. There is sufficient clearance on the footpath for pedestrians between the seating and the proposed parklet.
Inappropriate consultation	The City sent letters to 158 owners, occupiers, owner occupiers and local business tenants within a 100m radius of

	the site (and all businesses along Angelo Street outside of the catchment area) as part of the consultation. Details of the consultation were also made available on the City's website, Your Say South Perth page and one article in the Peninsula Snapshot e-Newsletter, sent to 13,405 subscribers.
Public alcohol consumption	Nextdoor Restaurant has an existing alfresco dining licence and liquor licence for the seating in front of the tenancy which provides for consumption of alcohol. The applicant would be required to seek an extension to the licenced area to serve alcohol within the parklet. A separate application for a liquor license will be required from the Department of Local Government, Sport and Cultural Industries (Racing, Gaming and Liquor) in this respect.
Vibrancy and enhancement of the area Support other small businesses in the area Support for evening venues in Angelo Street. Support for use of the parklet for the community outside of business hours.	The City considers the parklet could bring a range of benefits to the area, including promoting vibrancy and night time economy in the Angelo Street Neighbourhood Centre, enhanced walkability, support for local businesses in the area and will encourage pedestrian activity and foster community interaction.

In respect to the petition received, the content of the petition has been considered and does not amend the officer's recommendation.

Policy and Legislative Implications

Local Government Act 1995

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

City of South Perth Economic Development Plan

Financial Implications

There is currently no fee prescribed for parklets. The 2023/24 adopted budget provides fees for new alfresco dining licences (\$172.00) and fees per seat (\$69.00). It is recommended that these fees be waived during the 12-month licence period of the parklet, with the City considering an appropriate fee structure (if any) when reviewing P402.

Conclusion

The proposed parklet is consistent with the EDP and will be used by Nextdoor Restaurant and Olsen Budgets to enhance the dining experience and create interest and activation of a space. The proposed location of the parklet is not considered to cause obstructions to vehicle sight lines or safety to pedestrians. It is therefore recommended that Council authorise the Chief Executive Officer to conditionally issue the licence for a 12-month period.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Appropriate conditions imposed on the licence to indemnify the City of ongoing management, maintenance and public liability for the structure. Conditions will be placed which provide for removal of the structure at the conclusion of the licence at the applicant’s cost.

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: 2.1 Local Business
 Strategy: 2.1.3 Encourage and support local business and employment

Attachments

- 10.2.1 (a): Parklet Concept Plans
- 10.2.1 (b): Schedule of Submissions
- 10.2.1 (c): Applicant cover letter

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Sport Spaces Investigation/Feasibility Study - Sir James Mitchell Park, South Perth (Ellam Street End)

File Ref: D-23-57184
Author(s): Donna Shaw, Director Development and Community Services
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is to consider a budget allocation for a feasibility study to investigate the use and development of a portion of Sir James Mitchell Park (Ellam Street end) for shared sport spaces. In summary:

- Wesley College is prepared to make a financial contribution of up to \$1.5 million towards development of the sports spaces at the site, including a 50% financial contribution towards the proposed Feasibility Study;
- Development of the site for sports spaces will provide for use by Wesley College and the public; and
- Development for sports spaces at this site is consistent with the South Perth Foreshore Strategy and Management Plan.

Officer Recommendation

That Council approves an allocation of \$25,000 in the 2023/24 Budget (Mid-Year Budget Review) as the City's 50% financial contribution towards a Sir James Mitchell Park (Ellam Street end) Sports Spaces Feasibility Study.

Background

Since 2012, there have been various discussions held between the City and Wesley College to jointly upgrade a portion of Sir James Mitchell Park abutting Ellam Street, South Perth (the site) for the use of shared sport spaces given the proximity of the site to the school.

These investigations have identified matters related to geotechnical and civil design, traffic planning, turf and irrigation requirements, as well as the need for consultation with the community and relevant State government agencies.

Preliminary discussions recognised that the area would need to be made available to other groups at various times, and that whilst the school would have priority use should a contribution be made, it would not have sole use of the area.

Whilst the concept was presented to Council at a workshop in April 2014, the matter has not progressed further as the City sought a wholistic approach to the use and management of the Derbarl Yerrigan (Swan River) foreshore, by way of the South Perth Foreshore Strategy and Management Plan (endorsed by Council in May 2015). The City then developed the Community Recreation Facilities Plan (2019) to provide an asset management framework to guide the planning, construction, maintenance, and operation of community recreation infrastructure, including sport spaces.

In light of increasing demand for sport spaces, the City seeks to investigate progressing this matter with Wesley College through a Feasibility Study.

Comment

Feasibility Study

The Feasibility Study for developing a portion of Sir James Mitchell Park abutting Ellam Street, South Perth, for the purposes of sport spaces, would include investigating and analysis of all relevant site considerations (including but not limited to) geotechnical, environmental, operational, financial, community and stakeholder engagement etc.

Tenure, Use and Condition

The portion of Sir James Mitchell Park considered for the purposes of this report abuts Ellam Street to the east, Lamb Street to the southeast, existing residential properties to the south and west and the Swan River to the north.

The site is currently predominantly an expansive area of lawn, with a pedestrian footpath to the southeast, cycle path running through a portion of the site towards the northern boundary, a car parking area to the northeast and car parking bays along Ellam Street on the border with the Town of Victoria Park.

The site is owned freehold by the City and is comprised of Lot 51 on Deposited Plan 9634 (measuring approximately 56,851m²) and Lot 52 on Deposited Plan 9633 (measuring approximately 52,576m²).

Sir James Mitchell Park is a regional reserve that is set aside for 'Parks and Recreation' under the Metropolitan Region Scheme and City's Local Planning Scheme. The site is currently used for informal recreational pursuits, such as jogging, walking, dog walking (including as an off-leash exercise area), community events and corporate events. The adjacent shared-use path is used by cyclists, scooters and pedestrians. Some sections of the site are subject to flooding and inundation during the winter months, and as such, turf and drainage works would be required to make the site suitable for sport spaces.

Demand for Sport Spaces

The Department of Local Government, Sport and Cultural Industries, in conjunction with the Curtin Centre of Sport and Recreation Research, prepared the 'Emerging Constraints for Public Open Space in Perth Metropolitan Suburbs (2011)' and 'Active Open Space (playing fields) in a growing Perth-Peel (2013)' summary reports.

These reports indicated that by 2031, there will be an approximate shortfall in public open space throughout Perth of 495ha. The Curtin Centre of Sport and Recreation Research Guidelines recommend at least 6.5m² of sport spaces per resident should be set aside for infill development areas, such as within the City of South Perth.

The City has approximately 40.2ha of public open space, including 21.8ha of sport spaces. This equates to approximately 9.2m² of green space per resident, but only 5m² of playable sport spaces per resident, which is below the recommended sport spaces per resident.

As such, there is a demonstrated need for the City to investigate where future areas for sport spaces can be accommodated within the district to meet demand (e.g. via development of public open space for this purpose and consolidation of existing community recreation facilities to make more sport spaces available etc).

Community Recreation Facilities Plan 2019-2033 (CRFP)

There are nine sport spaces within the City, namely: Ernest Johnson Reserve, George Burnett Reserve, Challenger Reserve, James Miller Reserve, Richardson Park, Bill Grayden Reserve, Collier Reserve, Comer Reserve, Morris Mundy Reserve.

In addition to determining the detailed demand for sports spaces, the City is currently reviewing the CRFP to determine community infrastructure that would be required to support sporting and community groups, as well as further opportunities for shared spaces.

Any development of the Ellam Street site for sports spaces would need to be supported by essential community recreation infrastructure, such as: publicly accessible changerooms, public toilets and sports lighting. These infrastructure components could be staged over time and, in addition to Wesley College's financial contribution, would likely attract external funding.

The proposal is consistent with existing recommendations contained within the CRFP, which include shared-use sporting facilities to be explored to develop flexible, sustainable and viable facilities, and for the provision of additional sport spaces, such as cricket pitches. Should Council support the Feasibility Study, recommendations can be incorporated into the review of the CRFP.

Public Toilets

There are no public toilets currently located at the Ellam Street end of Sir James Mitchell Park. The City's nearest public toilets are located approximately 600m away in a westerly direction adjacent to the Hurlingham Car Park. These public toilets have a poor building condition rating as the toilets are at the end of their useable life. The Public Toilet Plan recommends these public toilets are demolished and replaced within the next five years. Furthermore, the Public Toilet Plan aims to provide toilets that are accessible and inclusive for all and recommends incorporating public toilets within sports changeroom facilities where possible. Additionally, there are other public toilets located approximately 600m away in an eastly direction on Taylor Reserve, owned and managed by the Town of Victoria Park. These toilets were refurbished by the Town in 2018/19.

Sports Lighting

The City has a Sports Lighting Plan that provides operational guidance about the provision of sports lighting within local sports spaces. Sports lighting provides many benefits including:

- Community Participation - increases opportunities for community participation in sport and recreation, including by specific target groups, such as children and females.
- Community Safety - enhances community safety by optimizing lighting and activation of public places and spaces.
- Health and Wellbeing - enhances overall community health and wellbeing through optimising physical activity.
- Social Connectivity – facilitates opportunities for sport and recreation activities for thousands of people per annum to create a more connected community.

South Perth Foreshore Strategy and Management Plan (SPFSMP)

The SPFSMP seeks to articulate the vision for the foreshore, as well as providing guidance for the competing demands for use, development and management of various nodes along the foreshore. The Plan establishes ‘nodes’ for sections of the foreshore to which various considerations, strategy and actions have been identified.

The subject site is identified as Foreshore Node N10 – Ellam Street, with the recommended strategies being to develop the node as a high quality junior sport, events, and recreation area with improved access and connectivity to the greater Riverpark and the surrounding residential streets; improved interaction with the water’s edge; and the introduction of food and beverage outlets.

Relevant considerations include limited road access, poor lighting and shade, as well as ground inundation and drainage issues. The strategy also notes that the site is not largely utilised given it is subject to inundation throughout the year.

Actions contained with the Plan and associated comments are provided below:

Action	Comment
Liaise with City of Perth regarding the Heirisson Island Masterplan proposal and Perth Waters planning, and possible integration with it regarding a pedestrian/cycle link.	Approximately 800m to the north-east of the site, the State Government is currently constructing the Causeway Pedestrian and Cyclist Bridges within the Town of Victoria Park. Should the site be progressed, a review of the location of cycling and pedestrian infrastructure in light of future playing field locations and upgraded path networks to the bridge would be considered.
Geological and hydrological investigation and planning for effective subsoil drainage to allow area to be modified as suitable for winter use.	Given the land is subject to inundation, geological and hydrological investigations would need to be undertaken to determine any required fill and subsoil drainage needed to accommodate sports spaces.
Investigate the demand and opportunities for junior sport; and the provision of fitness facilities and infrastructure and incorporate into the Node Plan.	As previously advised, there is significant demand for district level open space to accommodate sports spaces. Should the investigation progress, associated facilities such as changerooms/public toilet, as well as signage, shade, cycling and pedestrian infrastructure and floodlighting would also need to be considered.
Engage the local community and relevant stakeholders to define “appropriate” events for this space, taking into account the ‘whole of foreshore 3’ (increasing	The ‘whole of foreshore 3’ activations (i.e. good design, appropriate management, community activation and partnering’

activation) recommendations for activation of the foreshore; as well as the provision of food and beverage providers/ outlets (whether permanent or temporary).	<p>would be regarded in any subsequent investigation and design.</p> <p>Whilst food and beverage providers could be considered, the purpose of the investigation is to consider the use of the site for active playing fields as the predominant use.</p> <p>It is not intended for this area to be developed to primarily accommodate food and beverage providers/ outlets, given these uses are already accommodated in other Nodes.</p>
Develop a Node Plan to consider the above, along with beaches development and provision for water based activities such as rowing; and development of a picnic and passive recreation space near the foreshore; and food and beverage providers/ outlets.	<p>A detailed plan would be prepared for the development of the area should the proposal progress.</p> <p>Passive recreational spaces to support sports spaces would be considered as part of the investigation.</p>

Proposed Sports

Wesley College have indicated the space would be used for football, soccer and if possible, cricket. In relation to the demand for these sports within the City, the following comments are provided:

Sport	Comment
Cricket	<p>Junior cricket is increasing demand within the City, with the South Perth Cricket Club currently using every available school oval within the district, as well as ovals within the City of Canning to host home games.</p> <p>The South Perth Cricket Club currently has 227 members, and the South Perth Junior Cricket Club currently has 453 members.</p> <p>Richardson Oval is currently used for seniors with turf cricket wickets, which are not utilised by juniors. Training and games are independent to the junior cricket club.</p> <p>Sport and recreation industry guidelines recommends the provision of one cricket pitch for every 6,000 people within a community (1:6,000 ratio). As the City has an estimated population of approximately 45,000 people, the City requires seven cricket pitches to meet industry guidelines. The City currently only has five cricket pitches, resulting in an under supply of cricket facilities.</p> <p>As at 2022, cricket was one of the most popular sports in terms of participation in Western Australia i.e. cricket was ranked 10th for participation involving adults; and 8th for participation involving children (including being ranked 5th for boys).</p>
AFL	There are sufficient AFL fields within the City. The City is aware that AFL 9s (a fast, free-flowing version of the game that involves nine players on

	<p>each team playing on a smaller field) are seeking space, however, this has not been identified as a priority for the City.</p> <p>The South Perth Junior Football Club currently has 650 members.</p>
Soccer	<p>There is an undersupply of rectangular sports fields within the City so the site may be suitable to accommodate for additional soccer pitches. South Perth United Soccer Club currently has 190 members, with the sport expected to experience an increase in participation rates due to the recent publicity and popularity of the Women's Soccer World Cup Tournament.</p>

In respect to use by Wesley College, the City could grant a licence for the site, which would provide for use by Wesley College during prescribed days/ times and the public/ other sporting groups when not in use by Wesley College. Wesley College has indicated use would be required during the following days/ times (during school terms):

- Monday to Wednesdays between 3.30pm and 5.30pm
- Thursdays between 1:00pm and 5:30pm
- Fridays between 1:00pm and 5:00pm
- Saturdays between 8:30am and 5:00pm during school Terms 1 and 4; and
- Saturdays between 8:30am and 1:00pm during school Terms 2 and 3.

Consultation

Wesley College

The City met with Wesley College on 17 October 2023 to discuss whether the College was interested in jointly progressing the development of sports spaces at this location with the City. Matters considered included types of sports required, incidental facilities, anticipated usage of the space and financial contributions.

Wesley College confirmed:

- It is willing to make a financial contribution of up to \$1.5 million towards development of the sports spaces, including a 50% financial contribution towards the proposed Feasibility Study; and
- It did not seek exclusive use of the space, and that changerooms, public toilets and sports lighting would be required to support sports at this location.

A copy of the letter of support from Wesley College is contained as **Attachment (a)**.

Future Consultation

Should Council endorse the recommendation to proceed to investigating the use of the site for sport spaces, the City would commence more detailed investigations. Any future preferred use and development of the site would be subject to community and stakeholder engagement, in addition to relevant State Government agencies such as the Department of Biodiversity, Conservation and Attractions given the site is within the Swan River Development Control Area.

Policy and Legislative Implications

The following policies are relevant to this report:

- P106 Use of City Reserves and Facilities
- P609 Management of City Property

Financial Implications

The estimated project cost to undertake a feasibility study is \$50,000.

No budget allocation was provided in the 2023/24 Budget for this proposal and as such, an allocation of 50% of the feasibility study cost would be required at the upcoming mid-year budget review to facilitate the project.

The remaining 50% would be met by Wesley College, who have provided ‘in principle’ support of a financial contribution of up to \$1.5 million towards a feasibility study and land development costs for the sports spaces proposal.

The ultimate development costs for sports spaces are unknown until such time the feasibility study is complete. Council will be required to consider a budget allocation for this purpose upon completion of the feasibility study.

In relation to external funding, the Department of Local Government, Sport and Cultural Industries facilitates two relevant funding programs:

1. *Community, Sport and Recreation Facilities Fund (CSRFF)* – the CSRFF provides financial support of up to one-third of costs for eligible projects, which may include development of sports spaces and changerooms (and can incorporate public toilets).
2. *Club Night Lights Program (CNLP)* – the CNLP is facilitated to provide financial support for the development of sustainable floodlighting infrastructure for sport; and generally, involves grants of up to one-third of the project cost.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will liaise with the relevant stakeholders.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

Attachments

10.3.1 (a):	Letter of Support - Wesley College
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10.3.2 South Perth Activity Centre Plan - Community Benefit Contribution Framework Annual Review

File Ref: D-23-57187
Author(s): Jessica Birbeck, Principal Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to note the annual review of the South Perth Activity Centre Plan - Community Benefit Contribution Framework.

Officer Recommendation

That Council note the annual review of the South Perth Activity Centre Plan - Community Benefit Contribution Framework.

Background

The South Perth Activity Centre Plan (ACP) was endorsed by the Western Australian Planning Commission (WAPC) in December 2021. The ACP includes a Community Benefit Contribution Framework which, along with development requirements contained within Town Planning Scheme No. 6 (TPS 6), make provision for a monetary or in-kind contribution to be made to the City to enable additional building height and/or plot ratio above prescribed primary limits to be approved.

Where a community benefit contribution is to be paid to the City in accordance with TPS 6 the amount payable shall be in accordance with whichever of the following formula that yields the greatest contribution amount:

- (a) $(3\% \times \text{total contract sum}) \times (\text{number of storeys above the Primary standard} \div \text{total number of storeys})$; or
- (b) $(3\% \times \text{total contract sum}) \times (\text{m}^2 \text{ of plot ratio area above the Primary standard} \div \text{m}^2 \text{ of total plot ratio area})$.

TPS 6 also requires the City to publish an annual statement in accordance with the ACP, that provides information about expenditure of the community benefit contribution.

As part of the monitoring and review of the ACP, an annual review of the Community Benefit Contribution Project List is also recommended to be undertaken to ensure that the document is current, and all listed projects are accurately valued. The review is to identify projects that have been completed and should be removed from the Project List; and projects that have been partially completed and therefore need to be updated in the Project List.

It is noted that the ACP provides for a more comprehensive review of the entire Community Benefit Contribution Framework to occur on a five yearly basis.

Comment

Since approval of the ACP in December 2021, no community benefit contributions have been received by the City. As such, no expenditure is reportable and amendments to the Community Benefit Contribution project list are not required as part of the annual review.

In relation to project valuations, the purpose of the estimated project costs is to ensure that a range of costed projects are included in the list and to assist with prioritisation for delivery once funds are received. There are no changes proposed to the scope of any projects in the project list. Therefore, review of the estimated costs is not considered necessary as part of the annual review.

It is noted that current market conditions have resulted in construction cost escalations. As part of the evaluation process to select projects for delivery (once community contribution funds are received), a more detailed valuation would be undertaken by the City. This would feed into the 'value for money' assessment undertaken in accordance with the Community Benefit Contribution Framework.

Policy and Legislative Implications

Nil.

Financial Implications

As noted in the report, as part of the evaluation process to select a project for delivery (once community contribution funds are received), a detailed project valuation would be undertaken. This would address current market conditions as part of detailed planning for the delivery of the infrastructure project.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Undertake annual review of the South Perth Activity Centre Plan Community Benefit Contribution Framework.

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

Attachments

Nil.

10.3.3 Proposed Use Not Listed (Short Term Accommodation) - Lot 1, Unit 1/31 Banksia Terrace, Kensington

Location: Lot 1, Unit 1/31 Banksia Terrace
Ward: Moresby Ward
Applicant: Shylet Y Maphosa
File Reference: D-23-57188
DA Lodgement Date: 3 July 2023
Author(s): Kevin Tang, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Use Not Listed (Short-Term Accommodation) at Lot 1, Unit 1/31 Banksia Terrace, Kensington.

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

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the application for development approval for a Use Not Listed (Short-Term Accommodation) on Lot 1, Unit 1/31 Banksia Terrace, Kensington, **be approved** subject to the following conditions:

1. A maximum of six occupants are permitted on site at any one time.
2. The use must be undertaken in accordance with the submitted management plan dated 17 November 2023 at all times, to the satisfaction of the City of South Perth.

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

Applicant Details	Ms Shylet Y Maphosa
Landowner	Ms Shylet Y Maphosa

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	282m ²
Building height limit	14.0 m

Comment

(a) Background

In July 2023, the City received an application for a change of use from a Single House to Use Not Listed (Short-Term Accommodation) at Lot 1, Unit 1/31 Banksia Terrace, Kensington.

A Request for Further Information was issued to the applicant due to insufficient information being submitted with the initial application. The requested building plans and a management plan were received in August 2023.

(b) Description of the Surrounding Locality

The existing development on the site are two (two storey) grouped dwellings. The proposal is contained within the front dwelling as depicted in the site photographs at **Attachment (a)**.

The site is located on the corner of Banksia Terrace and Flax Lane, in close proximity to Canning Highway, and is surrounded by a mixture of single house and grouped dwelling developments to the west, north and east as seen in **Figure 1** below:



Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The applicant is seeking approval for the grouped dwelling to be used for the purpose of Short-Term Accommodation. The applicant has submitted a management plan in support of the proposal. Details of the proposal are as follows:

- The accommodation will be used by a maximum of six people. The applicant is proposing the use of a smart device to monitor the number of guests to ensure it does not exceed the limit. It is noted that the device monitors guests by counting the number of IOS mobile devices only.
- No unauthorised guests are permitted on the property at any time without written approval from the host.
- The standard check-in time is from 3.00pm to 10.00pm and check-out time from 7.00am to 11.00am.
- The property would be equipped with a noise monitoring device that will notify the owner and guests through an SMS and call alert if the noise level exceeds acceptable levels.

- The landowner will provide contact details to the adjoining neighbours for complaints.
- Quiet hours will be established from 10.00pm to 7.00am.
- Parties or events are not permitted.
- With the exception of service animals, no pets are permitted.
- Two vehicle parking bays are available.

The building plans and management plan are contained in **Attachment (b)**. The proposal has been assessed against relevant Scheme and policy provisions and the following elements require discretionary assessment and are further discussed below:

- Land Use
- Short-Term Accommodation Policy

(d) Land Use

The proposed use for the site as Short-Term Accommodation is not considered to meet the definition of any land use listed under the City's Town Planning Scheme No. 6 (TPS6). In accordance with clause 3.3 (7) of TPS6, a use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the uses defined in Schedule 1 may only be approved if notice of the development is first given through advertising the application.

It is noted that a 'use not listed' is considered a 'complex application' for the purposes of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) which requires specific consultation requirements, as detailed in Local Planning Policy – Advertising of Planning Proposals and the Consultation section of this report.

(e) Short Term Accommodation Policy

Local Planning Policy P350.18 – Short-Term Accommodation seeks to facilitate the provision of self-contained visitor accommodation for short-term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and the scale of the proposal.

The proposal has been assessed against the Policy requirements as follows:

Matters	Assessment comment
(i) The proximity of the development site to tourist features. The City will generally not support proposals located more than 400 metres walking distance from a site, feature or area considered to be of tourism significance, or located in isolated locations such as cul-de-sac streets or in rear grouped dwellings. Sites and features considered to be of tourism significance include Perth Zoo, regional foreshore reserves,	Does not comply. The subject site is not located within 400m walking distance from a site of tourism significance or an activity centre. Notwithstanding, the subject site is within 900m of Sir James Mitchell Park, which may be considered of tourism significance.

	activity centres and Curtin University.
(ii)	The proximity and accessibility to transport infrastructure, including railway station, high frequency bus services as well as cycling, taxi or ride-share infrastructure.
(iii)	The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. The City may request a transport impact assessment for proposals likely to generate large volumes of vehicle traffic.
(iv)	The quality and appropriateness of facilities/communal areas available to occupants of the development.
(v)	The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site.
(vi)	Any proposed management controls by the operator that will be incorporated into the management plan required by clause 3.0, which mitigate potential adverse amenity impacts to nearby landowners and occupiers.
	Complies. The subject lot is within 60m of the high frequency bus route on Canning Highway.
	Does not comply. A maximum of six guests are proposed, with the existing grouped dwelling providing two car parking bays. Notwithstanding, it is considered unlikely that guests would require six separate vehicles. Compliance with the City's Parking Local Law 2017 is otherwise required for on-street parking. The Local Law does not prohibit street parking in this area. The applicant has advised that guests will also be advised at the time of booking that parking is available on site for two vehicles only.
	Complies. While there is no external communal area for the existing grouped dwelling development, internal communal areas are appropriately provided on the ground floor of the building in the form of kitchen, lounge and dining room.
	The proposal is surrounded by low to medium density housing. Given the proposed use is in an existing grouped dwelling, the scale of use is commensurate with the surrounding locality. The number of guests is considered consistent with use as a residential dwelling.
	The proposal includes a management plan (refer to Attachment (b)), addressing a range of matters outlined in the Policy including check in/check out procedures, control of noise and other disturbances, complaints management procedure, property maintenance and security of guests, residents and visitors and vehicle parking management. The management plan is considered to be acceptable for this proposal.

Whilst the proposal is not within 400 metres walking distance from a site, feature or area considered to be of tourism significance, the site is within an acceptable 900m walkable catchment from Sir James Mitchell Park. The proposal otherwise complies with the requirements of the Policy, subject to compliance with the management plan.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Rental Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with clause 67(2)(e) of the Deemed Provisions, due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

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

In considering the application, 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.

(h) Matters to be considered by Local Government: Clause 67(2) of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67(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. The proposed development is considered satisfactory subject to the recommended conditions.

(i) Consultation

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

The application was advertised for a period of 28 days between 4 October 2023 and 1 November 2023 in the following manner:

- A total of 378 letters were sent to owners and occupiers within a 200m radius of the proposed development.
- A sign was erected on the subject site; and
- A copy of the application was made available for review on the City's website.

At the close of the consultation period, no submissions were received.

Policy and Legislative Implications

In accordance with clause 68(2) of the Deemed Provisions, the local government may determine an application for development approval by -

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

Key Risks and Considerations

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

Strategic Implications

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

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

Sustainability Implications

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

The proposal has been assessed against the local planning framework. It is considered that the proposed use will not detrimentally impact the residential amenity of adjacent land owners, however notwithstanding, a management plan has been submitted which together with the recommended conditions will address issues of compliance should they arise.

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

Attachments

- 10.3.3 (a): Site Photographs
- 10.3.3 (b): Building Plans and Management Plan

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments November 2023

File Ref: D-23-57180
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 November 2023 to 30 November 2023 for information. It also includes purchase card transactions between 1 October 2023 to 31 October 2023 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(499)	\$5,450,789.08
Cheque Payment to Creditors	(1)	\$33.45
Total Monthly Payments to Creditors	(500)	\$5,450,822.53
EFT Payments to Non-Creditors	(84)	\$351,237.17
Cheque Payments to Non-Creditors	(25)	\$27,611.19
Total EFT & Cheque Payments	(609)	\$5,829,670.89
Credit Card Payments	(95)	\$21,347.97
Fleet Card Payments	(48)	\$3,465.78
Total Payments	(752)	\$5,854,484.64

Officer Recommendation

That Council receives the Listing of Payments for the month of November 2023 as detailed in **Attachment (a)**.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of 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 Council at the next Ordinary Meeting of the Council after the list is prepared. The Local Government (Financial Management) Regulations 1996 have been amended. Regulation 13A have been inserted requiring payments made with purchase cards to be included in the list of accounts paid.

Comment

The payment listing for November 2023 is included in **Attachment (a)**.

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

10.4.1 Listing of Payments November 2023

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

Purchase card payments are included in the listing of payments as required by the amended Regulations. The amended Regulations requires the City to prepare a list of the payments made with each card and to present it to Council. Due to the time lag between receiving the statements and the successful acquittal of transactions in the City's system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

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. The 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, are also not provided in this report.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.4.1 (a): Listing of Payments November 2023

10.4.2 Monthly Financial Statements November 2023

File Ref: D-23-57415
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 30 November 2023.

Background

Regulations 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. In addition to the above Regulation 35 requires a local government to present a Statement of Financial Position. The 2023/24 budget adopted by Council on 27 June 2023, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

The Statement of Financial Position and the Statement of Financial Activity is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. The Statement of Financial Activity is a 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.

Ongoing supply shortages an effect of COVID-19 and the war in Ukraine are responsible for continued stubborn inflation worldwide including Australia. The September 2022 to September 2023 Perth CPI of 5.8% and national CPI of 5.4% are still considerably higher than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%.

To curb the high inflation the RBA have been raising interest rates since June 2022 increasing the cash rate target from 0.10% to 4.35%. At its December meeting the RBA decided to leave the cash rate target unchanged. In November it increased the cash rate target by 25 basis points, breaking the trend of the four preceding meetings where the RBA decided to leave the cash rate target unchanged.

The RBA made the following statement at its Board meeting of 5 December 2023: “Higher interest rates are working to establish a more sustainable balance between aggregate supply and demand in the economy. The impact of the more recent rate rises, including last month's, will continue to flow through the economy. High inflation is weighing on people’s real incomes and household consumption growth is weak, as is dwelling investment. Holding the cash rate steady at this meeting will allow time to assess the impact of the increases in interest rates on demand, inflation and the labour market.”

In framing the Annual Budget 2023/24, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this challenging time whilst remaining conscious of the need to provide quality services to our community.

Actual income from operating activities for November year-to-date (YTD) is \$60.03m in comparison to budget of \$58.69m, favourable to budget by \$1.34m or 2.28%. Actual expenditure from operating activities for November is \$28.26m in comparison to the budget of \$29.23m, favourable to budget by \$0.97m or 3.34%. The November Net Operating Position of \$37.51m is \$2.60m favourable in comparison to budget.

Capital Revenue is lower than budget by \$0.92m, \$0.24m compared to budget of \$1.16m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$2.80m in comparison to budget the budget of \$5.24m lower than budget by \$2.44m or 47%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents which amounted \$88.89m, \$3.57m more than the prior year comparative, mainly the result of rates falling due slightly earlier. 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 still creeping higher albeit at a slower pace than the preceding 12 months, with banks offering average interest rates of 4.87% 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 the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of November 2023, the City held 38.77% 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 regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 City of South Perth Annual Report 2022/23

File Ref: D-23-57193
Author(s): Danielle Cattalini, Manager Customer, Communications and Engagement
Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report recommends that Council accept the 2022/23 Annual Report and endorses the Electors' General Meeting to be held Tuesday 6 February 2024.

Officer Recommendation

That Council:

1. Accepts the City of South Perth Annual Report for the year 2022/23 as shown at **Attachment (a)**; and
2. Endorses the Electors' General Meeting to be held Tuesday 6 February 2024.

Absolute Majority Required

Background

Each year Council is required to accept the City of South Perth Annual Report. Once accepted by Council, the Annual Report is to be published on the City's website within 14 days and presented to an Electors' General Meeting within 56 days of Council accepting the report.

Comment

The City of South Perth Annual Report 2022/23 provides a comprehensive account of the City's activities throughout the financial year and showcases the City's progress towards the strategic objectives in the City's Strategic Community Plan 2021 – 2031. The Annual Report also contains information on the City's achievements and challenges and key targets for the year ahead.

The Annual Financial Statements will be presented as a separate report for Council's adoption.

During June 2022, a first tranche of amendments to the Local Government (Financial Management) Regulations 1996 (Finance Regulations) and Local Government (Audit) Regulations 1996 (Audit Regulations) came into effect. The amendment removed, amongst other things, the requirement for local governments to include financial ratios in annual financial reports and as such for the auditor to audit and/or attest the ratios. The State Government has advised that a new set of ratios are in development, however as yet, have not been mandated.

Similar to the 2021/22 Financial Year and for information purposes, the ratios for the 2022/23 Financial Year as calculated by the City are included in the table below. These ratios, together, provide for an estimated overall Financial Health indicator Score of 90 (2021/22 – 74), which compares very favourably against the benchmark figure of 70. This year's improvement attributed to an operating surplus as opposed to the preceding years operating losses.

Ratio Name	Benchmark Ratio	High Ratio	2022/23	2021/22
Current	1.00	1.50	2.05	1.57
Asset Consumption	0.50	0.75	0.75	0.64
Asset Renewal Funding	0.75	1.10	0.92	1.07
Asset Sustainability	0.90	1.20	1.03	0.88
Debt Service Cover	2.00	5.00	3.87	11.47
Operating Surplus	0.01	0.15	0.04	-0.01
Own Source Revenue	0.40	0.90	1.00	0.95

Once the Annual Report and Annual Financial Statements are accepted by Council it is proposed to hold the Electors' General Meeting on Tuesday 6 February 2024.

Consultation

There is no legislative requirement for the City to consult on the Annual Report, however, the *Local Government Act 1995* requires the Annual Report to be made available to members of the public prior to the Electors' General Meeting.

Policy and Legislative Implications

Section 5.53 of the *Local Government Act 1995* requires a local government to prepare an Annual Report for each financial year.

Section 5.54 of the *Local Government Act 1995* requires the Annual Report to be accepted by the local government no later than 31 December after that financial year.

Section 5.27 of the *Local Government Act 1995* requires an Electors' General Meeting to be held once every financial year on a day selected by the local government but not more than 56 days after the local government accepts the annual report.

Financial Implications

The costs associated with the Annual Report and holding the Electors' General Meeting are contained within the City's 2023/24 operating budget.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Compliance with the legislative requirements for Annual Reports under the <i>Local Government Act 1995</i> .

Strategic Implications

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

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

Attachments

10.4.3 (a):	Annual Report 2022/23
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10.4.4 Tender 8/2023 Golf Course Management Services for Collier Park Golf Course

File Ref: D-23-57195
Author(s): Garry Adams, Director Corporate Services
Abrie Lacock, Manager Finance
Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report requests Council to consider the officer recommendation made in respect to the submissions received from the advertising of Tender 8/2023 Provision of Golf Course Management Services including facility redevelopment and improvement for Collier Park Golf Course.

The report outlines the process undertaken and the evaluation results of the tender process. The recommendation made by officers is believed to provide the best overall outcome for the City and its ratepayers with regard to the long term future of the Collier Park Golf Course.

Officer Recommendation

That Council:

1. Approves Clublinks Management Pty Ltd as the preferred Tenderer in accordance with Tender Number RFT 8/2023.
2. Authorises the Chief Executive Officer to negotiate with Clublinks Management Pty Ltd to finalise the Course Controller Agreement and Lease agreement.
3. Before the City enters into the Course Controller Agreement and Lease, authorises the Chief Executive Officer:
 - a. if, and when required, to prepare and advertise a business plan in accordance with section 3.59 of the *Local Government Act 1995* in relation to any major land transaction and/or major trading undertaking contemplated by the Course Controller Agreement and Lease; and
 - b. to advertise the Lease in accordance with section 3.58 of the *Local Government Act 1995*.

Background

Collier Park Golf Course is a 27 hole golf course located off Hayman Road, Como in the City of South Perth. The Golf Course was developed by the City as a public golf course in 1984. Today, the Golf Course is one of the most popular courses in the Perth metropolitan area with its picturesque grounds and variety of local wildlife including the occasional black swan.

It is currently operated on the City's behalf by a third-party golf operator (Course Controller), with the lease and facility management agreements expiring 31 March 2024.

The Golf Course is located on approximately 90ha across two parcels of Crown land, Reserve 38794 (vested in the City for the purpose of Recreation (Golf Course)) and Reserve 36435 (vested in the City for the purpose of Parks and Recreation). The City has the power to lease (sub-licence or licence) for any term not exceeding 21 years subject to the consent of the Minister for Lands. The land is zoned 'Reserve' under the MRS and 'Parks and Recreation' under TPS6.

Course facilities currently include a 27 hole golf course, mini golf, a clubhouse and an operational golf proshop, with golf retail and equipment hire (including electric golf carts). The clubhouse currently operates with a full bar and food service.

Prior to the COVID pandemic the number of people playing golf was in decline however, there has been a resurgence in golf with the number of rounds played at Collier Park increasing from 95,908 in 2019/20 to 119,335 in 2022/23. Approximately 80% of these rounds were played by people from outside the City of South Perth. The Course returned net revenue of approximately \$800,000 to the City in 2022/23.

Whilst the Course has been maintained to a high standard by City staff and an investment of \$2 million was made to establish the popular mini golf offering, there has been little investment into the other supporting assets due to the focus on integration with the previously proposed Recreation and Aquatic Facility (RAF). This proposed \$80 million project would have seen the development of a new technology-based driving range, health and wellness facilities and new food and beverage facilities (including a function centre). This would have not only improved the offering for golfers but also provided an entertainment venue for the wider community.

Given that the RAF development did not proceed, the City estimates that it would need to spend approximately \$15 million over the next five years to replace and improve assets at Collier Park Golf Course ensuring it remains a financially viable community asset.

Tender Process

A Request for Tender (RFT) 8/2023 for the Provision of Golf Course Management Services including facility redevelopment and improvement for Collier Park Golf Course was advertised in the West Australian Newspaper on Saturday 9 September 2023 and Wednesday 13 September 2023 with a closing date of Tuesday 24 October 2023. A pre-tender alert was also posted via Tenderlink on Friday 25 August 2023 and remained active until Friday 8 September 2023 so that potential respondents were aware of the upcoming release of the tender.

A mandatory site briefing was held on the golf course on Thursday 21 September 2023 at 10.30 am. All subsequent respondents were attendees at the site briefing.

At the close of the tender advertising period, tenders had been received from the following companies:

TABLE A – Tender Submissions

Tender Submission
Belgravia Health and Leisure Group Pty Ltd
BlueFit Pty Ltd
Greenspace Management Pty Ltd
Clublinks Management Pty Ltd
Ten Golf Group Pty Ltd

All tenders were initially reviewed against the compliance criteria before being reviewed by an evaluation panel and assessed according to the weighted assessment criteria outlined in Table B below.

The assessment of the financial elements being the Fee/Lease proposal and the Capital contribution was a complex process that was assisted by financial modelling including cashflows associated with all proposals across the proposed contract term (21 years).

It is noted that the RFT made it clear that the City would continue to be responsible for the maintenance of the golf course in accordance with current practice.

Table B - Weighted Assessment Criteria

Weighted Assessment Criteria		Weighting
Criteria 1: (25%)	Fee/Lease Proposal Offer	25%
Criteria 2: (5%)	Corporate & Social Responsibility	5%
Criteria 3: (30%) Organisational Structural & Operational Experience: Demonstrated experience of tenderer and personnel performing the services	Company/organisational profile	5%
	Golf Course Performance	5%
	Management Systems	5%
	Head Office Support	5%
	On-course Operating Structure	10%
Criteria 4: (40%) Business Plan, Innovation and Capital Upgrades:	Business Plan and Forecasts and Business case/ Feasibility	10%
	Proposed Facility and Course Improvements and Redevelopment	10%
	Capital Contribution	15%

Value add and methodology to deliver the services, including transition planning, business plan(s) and facility upgrades	Golf Course Strategic Plan	2.5%
	Facility Maintenance	2.5%

Comment

Based on comprehensive assessment of all submissions received, the offer from Clublinks Management Pty Ltd was determined to represent the best long-term outcome for the City and its residents. It is therefore recommended that Clublinks Management Pty Ltd be approved by Council as the preferred tenderer.

The Clublinks proposal includes a proposed rental amount for the existing proshop/kiosk/function area together with a revenue sharing arrangement for a range of revenue streams. The proposal also includes concept plans for the redevelopment of existing facilities including a two story driving range, retail area, food and beverage facilities, function centre, office area and playground. A padel tennis facility is also proposed. As per the tender request, these proposed upgrades to facilities do not require any change to the layout of any of the three nine-hole courses. The proposed funding arrangements require both a commitment from the City and from the proponent and will be subject to further decisions of Council once the contract negotiations have been undertaken. The development is scheduled to take place in year two and three of the agreement.

As per the tender document Part 27 Process for Contract Award, pending Council approval, the City will enter into negotiations with Clublinks Management Pty Ltd to finalise the offer prior to the award of the contract being the Lease and the Course Controller Agreement. Given the complexity of this contract, legal advice will be sought from an experienced legal firm.

Before it enters into the Course Controller Agreement and the Lease, the City will need to make an assessment as to whether it needs to prepare a business plan as required under section 3.59 of the *Local Government Act 1995* by reason of the Course Controller Agreement and/or Lease contemplating a major land transaction or major trading undertaking for the purposes of section 3.59(2) of the *Local Government Act 1995*.

Entry by the City into the Lease will also be subject to the City first complying with its obligations under section 3.58 of the *Local Government Act 1995* by giving local public notice of the proposed disposition by lease and Council resolving to enter into lease after considering any submissions received in response to the local public notice.

Consultation

Significant consultation with golf course users was undertaken as part of the previously proposed Recreational and Aquatic Facility (RAF) development. This information was used to inform the Request for Tender requirements.

Council was advised via a Council Bulletin article on Friday 25 August 2023 that the Tender 8/2023 was to be advertised and made aware of the process the tender would follow.

Subsequent to the evaluation process, Council was briefed by officers (Tuesday 28 November 2023) on the tender process, the submissions received, the evaluation process and the contents of the proposal from the recommended preferred tenderer.

The proposed development of new facilities provided by the proponent as part of this process have, at this point, been provided in concept form, however, it should be noted that the proposed layout will not involve changes to any of the three nine-hole layouts.

The detailed design process for the new facilities will be subject to a stakeholder consultation process which will be undertaken by the City in collaboration with the successful tenderer for each stage of the development.

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

Given that this contract will require a lease, compliance with section 3.58 of the *Local Government Act 1995* is required.

Financial Implications

This decision has significant financial implications over a 21 year period. Currently the Collier Park Golf Course contributes a net revenue of approximately \$800,000 per annum back to the City. A significant amount of time has been spent in analysing the financial effect of all proposals as part of the evaluation process. The recommended proposal inclusive of City contributions, has a positive net present value (cash flow) over the life of the agreement.

A significant capital investment by the City is also proposed, aimed at ensuring the ongoing financial viability and community amenity of the Course can be maintained. Contract negotiations will consider and reflect the need for Council to make any decisions regarding funding allocations for each development stage as part of the annual budget process.

Key Risks and Considerations

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

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.3 Maintain a culture of fiscal efficiency

Attachments

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

10.4.5 Policy P669 Elected Member Continuing Professional Development

File Ref: D-23-57199
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

In accordance with section 5.128(1)(a) of the *Local Government Act 1995*, Council must review Policy P669 Elected Member Continuing Professional Development after each ordinary election. The policy has been updated to capture recent amendments to the *Local Government Act 1995* in relation to fees and expenses to be reimbursed when participating in a required course or continuing professional development.

Officer Recommendation

That Council adopts the amendments to Policy P669 Elected Member Continuing Professional Development as contained in **Attachment (a)**.

Absolute Majority Required

Background

Section 5.128(1)(a) of the *Local Government Act 1995* (the Act) requires local governments to review their policies in relation to continuing professional development after each ordinary election.

Comment

Section 5.129 of the Act came into effect on 24 October 2023. This amendment requires local governments to pay a fee or reimburse Elected Members for expenses incurred in relation to their participation in a course of training they are required to complete under section 5.126 of the Act or their participation in continuing professional development.

The payment and reimbursement of expenses incurred for training and professional development is to be captured in a Policy and section 5.129 of the Act allows local governments to include that payment and reimbursement of training in their ongoing professional development policy. The regulations do restrict this payment to training and professional development which relates to the role of the council or the role of an Elected Member under the Act or another law. It will also not be permitted in the final three months of an Elected Member's term, when they have resigned or if they are suspended.

As such Policy P669 Elected Member Continuing Professional Development has been updated to capture this amendment.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Administration) Regulations 1996

Financial Implications

Reimbursement of expenses will be deducted from the annual allocation provided to Elected Members to attend such development.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Low
Mitigation and actions	Amendments to legislation are captured by officers.

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

- 10.4.5 (a): Policy P669 Elected Member Continuing Professional Development

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Terms of Reference - Audit, Risk and Governance Committee

File Ref: D-23-57200
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The Terms of Reference for the Audit, Risk and Governance Committee are presented for consideration by the Committee and referral to Council for adoption.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf

Seconded: Mayor Greg Milner

That the Audit, Risk and Governance Committee recommends to Council that it adopts the Audit, Risk and Governance Committee Terms of Reference as contained in **Attachment (a)**.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

Against: Nil.

Background

The Audit, Risk and Governance Committee Terms of Reference were last adopted by the Audit Risk and Governance Committee on 15 November 2021 and endorsed by Council at its meeting held 14 December 2021 in line with the local government elections.

Following questions around the scope of the Terms of Reference by the Committee in March 2022, at its meeting held 13 September 2022 the Committee noted that an updated Terms of Reference for the Audit, Risk and Governance Committee would be presented following amendments to the Local Government (Audit) Regulations 1996.

Comment

The Terms of Reference state that they are to be reviewed in line with the election of new members following the local government election.

As such the attached Terms of Reference have been developed in accordance with the Audit in Local Government Local Government Operational Guidelines produced by the Department of Local Government, Sport and Cultural Industries.

We understand that the reform that will impact the Audit Committee is included in Tranche 2 and recommend that the Terms of Reference as presented be adopted as is by the Committee and when the full extent of reform is known and changes to the Local Government (Audit) Regulations 1996 are gazetted a further review will be undertaken.

10.5.1 Terms of Reference - Audit, Risk and Governance Committee

This approach will ensure that any amendments to the Terms of Reference will align with the new legislation.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Audit) Regulations 1996

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Officers have processes in place to review the Government Gazette to ensure legislative changes are not missed.

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

Additional Information – 12 December 2023

At the Audit Risk and Governance Committee meeting held Monday 13 November 2023 it was requested that consideration be given to removing the day on which the meetings were to be held and also including some commentary in light of the recent amendments to the WHS legislation.

Following the meeting officers considered the requests and have removed the day on which the meeting is to be held and also added a further dot point to the Areas of Responsibility which reads as follows:

- *Review the quarterly Activity Report which incorporates Risk Management, Business Continuity and Workplace, Health and Safety.*

By including Workplace, Health and Safety in the quarterly Activity Report officers can report on the number of activities employees undertake each quarter to ensure they are aware of their obligations and also that safety is at the forefront of people's minds.

Attachments

10.5.1 (a): Audit, Risk and Governance Committee Terms of Reference

10.5.2 2022/23 Annual Financial Statements (External) Audit and Informations Systems Final Reports

File Ref: D-23-57203
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the 2022/23 Annual Financial Statements Final Audit and Information Systems Audit reports from the Office of Auditor General (OAG), referred to as a Management Letter. Like prior years the 2022/23 Annual Financial Statements Audit included an Information Systems Audit. The Final Audit Management letter includes four findings, risk ratings, recommendations, and management comments. The Information Systems Audit Management letter include 20 findings, risk ratings, recommendations, and management comments.

It is recommended that all the findings are accepted and added to the City's Audit Register, with commentary on progress of resolution to be reported at each Audit Risk and Governance Committee Meeting.

Following the Audit, Risk and Governance Committee meeting held 13 November 2023, the Office of the Auditor General (OAG), through their internal audit review process, concluded that contrary to their previous position, a prior period restatement, should in fact, not be treated as a prior period error in the City's Annual Financial Report. As a result of the removal of the prior period restatement, the contents of **Confidential Attachment (a)** have been amended. **Confidential Attachment (b)** remains as presented. It should be noted that the consequential recommendations and risk ratings have not been affected and remain as is. More details are provided at the end of this report under the heading **Additional Information – 28 November 2023**.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Councillor André Brender-A-Brandis

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

1. Notes and accepts the Final Audit Management Letter **Confidential Attachment (a)**;
2. Notes and accepts the Information Systems Audit Management Letter **Confidential Attachment (b)**; and
3. Includes the findings of the Final Audit Management Letter and the Information Systems Audit in the Audit Register.

CARRIED (6/0)

For:	Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.
Against:	Nil.

Background

The External Audit, also known as an Audit of the Annual Financial Report is conducted separately from Internal Audit. External Audit focuses on providing an objective independent opinion of the financial statements prepared by the City. In forming that opinion, testing is undertaken of internal controls, systems and procedures that form the basis of the balances that make up the Annual Financial Report.

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

The changes also allow for the OAG to undertake various types of audits including Information System Audits. These audits are conducted at a sample of state or local government entities. The Information Systems Audit focuses on the computer environments to determine if these effectively support the confidentiality, integrity and availability of information they hold.

Following on from the last five years, the Office of the Auditor General (OAG) performed the City of South Perth 2022/23 Annual Financial Statements external audit. The external audit occurs in two steps, the first being an Interim Audit which typically tests controls around transactions, with the final stage being the Audit work to attest the balances and notes that comprise the Annual Financial Statements.

The 2022/23 Information Systems Audit was the fourth such audit, with the first being conducted by the OAG for the financial year 2018/19 which included 19 findings.

A second Information Systems Audit was conducted in 2019/20, and it identified 23 findings (14 of which were a replication of previously identified findings).

The 2021/22 Information Systems Audit identified 22 findings of which eight were replicated from previous audits. The 2022/23 Information Systems Audit identified 20 findings of which 18 were replicated from the previous audits.

With reference to the Information Systems Audit it is therefore recommended that the existing open replicated findings be closed and replaced with the 2022/23 findings.

All Audit recommendations are recorded in the Audit Register. Progress will be monitored by management, this Committee and Council.

Comment

The Final Audit was conducted in October and November 2023, with the Final Audit Management Letter **Confidential Attachment (a)** being issued. It includes four findings, risk ratings, recommendations, and management comments. This report is presented for the Committee's consideration.

The Information Systems Audit was conducted over August, September and October 2023, with the Information Systems Audit Management Letter **Confidential Attachment (b)** being issued. It includes 20 findings, risk ratings, recommendations, and management comments. This report is presented for the Committee's consideration.

Officers recommend all findings are included in the Audit Register.

The WA Auditor General undertake Information Systems Audits at selected local and state government agencies. Findings are presented to Parliament in summary report. The results of the City's audit will be incorporated into the summary report presented to Parliament. A copy of this report will be made available when issued.

It should be noted that whilst a number of findings have remained outstanding across audit years, there has been a large amount of work undertaken to address a number of these however, due to supplier issues and internal resourcing issues, work had not been completed at the time of audit. The City will continue to work through all findings in priority order, within its resourcing constraints.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995 and Regulations.

Financial Implications

The fee for finalising the External Audit for the 2022/23 Annual Financial Statements is estimated at around \$85,000 (excl GST) an amount of \$73,000 was included in the budget, however a budget adjustment of \$12,000 will be required at midyear review.

The cost of City Officers' ongoing effort to undertake the improvements and report on progress has not been estimated.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Compliance with the <i>Local Government Act 1995</i> .

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

Additional Information – 28 November 2023

Following the Audit, Risk and Governance Committee meeting held 13 November 2023, the Office of the Auditor General (OAG) through their internal audit review process, concluded that contrary to their previous position, a prior period restatement, should in fact, not be treated as a prior period error in the City's Annual Financial Report. As a result of the removal of the prior period restatement the contents of **Confidential Attachment (a)** have been amended. **Confidential Attachment (b)** remains as presented.

In the original **Confidential Attachment (a)** the OAG raised two matters under the 1st finding, the 1st matter dealt with the prior period restatement in the City's Annual Financial Report, because the restatement has now been removed the **Confidential Attachment (a)** now only includes a singular matter under the 1st finding.

On 24 November 2023, a memo was sent to the ARGC advising it of the changes. The Committee also received the updated **Confidential Attachment (a)**. **Confidential Attachment (a)** to this report has been updated. The officer and Audit, Risk and Governance Committee Recommendation remains unchanged.

Attachments

- 10.5.2 (a): Final Audit Management Letter (*Confidential*)
- 10.5.2 (b): Final Information Systems Audit Management Letter (*Confidential*)

10.5.3 2022/23 City of South Perth Annual Financial Report

File Ref: D-23-57204
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report recommends that the Audit, Risk and Governance Committee recommend that Council adopt the 2022/23 Annual Financial Report, accept the Independent Auditor's Report and the Office of the Auditor General Exit Brief.

Following the Audit, Risk and Governance Committee meeting held 13 November 2023, the Office of the Auditor General (OAG) through their internal audit review process, concluded that, contrary to their previous position, a prior period restatement, should in fact, not be treated as a prior period error in the City's Annual Financial Report. The City initially included this prior year restatement on the advice of the Audit Director, to avoid a qualified audit opinion. As a result of the above-mentioned change and one more additional change **Attachment (a)**, **Attachment (b)** and **Confidential Attachment (c)** have been updated. The officer and Audit, Risk and Governance Committee Recommendation remains unchanged. More details are provided at the end of this report under the heading **Additional Information – 28 November 2023**.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Councillor André Brender-A-Brandis

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

1. Adopt the Annual Financial Report shown at **Attachment (a)**;
2. Accepts the Independent Auditor's Report on the 2022/23 Annual Financial Report presented by the WA Auditor General shown at **Attachment (b)**; and
3. Accepts the WA Auditor General Annual Financial Audit Exit Brief shown at **Confidential Attachment (c)**.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

Against: Nil.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSCI) Operational Guidelines Number 9 – Audit in Local Government, describe that the CEO is responsible to ensure the external audit (financial) report is provided to the Audit Risk and Governance Committee (ARGC) and recommending the Committee review the Annual Financial Report.

This is the fifth year that the City's external audit has been conducted by the WA Auditor General (OAG). The City of South Perth was one of the first Councils where the WA Auditor General conducted the external audit as part of the four year staged transition where all local governments are to be audited by the OAG by the 2020/21 financial year.

The 2022/23 Annual Financial Report shown at **Attachment (a)** provides the community with an open and accountable insight into how the City has performed against the adopted Annual Budget 2022/23 as the short term plan informed by the vision and strategic objectives outlined in the City's Strategic Community Plan 2021-2031.

Included in **Attachment (b)** is the draft Independent Auditor's Report on the 30 June 2023 Annual Financial Report. The WA Auditor General has presented their findings in the Annual Financial Audit Exit Brief which is provided at **Confidential Attachment (c)**.

Comment

The Annual Financial Audit Exit Brief **Confidential Attachment (c)** at Part 3 titled "Issues Identified during the Audit" under the heading Reporting and Financial Control Issues references five items, one item relate the Interim Audit and the balance to findings of the Final Audit. It also describes and includes a summary of the Information Systems Audit. Details are reported to the Committee in a separate report forming part of the agenda for this meeting.

Part 4 of the Exit Brief describes audit outcomes relating to risks identified during audit planning. This section confirms that all risks identified were adequately tested and mitigated, issues identified have been included in Part 3 as detailed above.

The Annual Financial Audit Exit Brief makes reference to an "Information systems Maturity Model" at Part 5. As part of the information systems audit a Capability Maturity Assessment is performed. The capability maturity model is a way of assessing how well developed and capable the established IT controls are.

Part 6 of the Exit Brief describes unadjusted errors and misstatements which are immaterial and do not have an impact on the City's Annual Financial Report. The WA Auditor General has once again issued an unqualified opinion in the draft Independent Auditor's Report.

Parts 7, 8, 9 and 10 deals with adjustments, next year's audit, the audit fee and grant acquittals respectively.

Officers recommend the ARGC receive the presentation by officers from the Office of the Auditor General and note the 2022/23 Annual Financial Report including the draft audit opinion and the Annual Financial Audit Exit Brief.

The ARGC may make recommendations to Council, with Council required to accept the Annual Report, including the Annual Financial Report, for presentation to the annual Electors' General Meeting.

The Annual Financial Report and Independent Auditor's Report are complete. There may be minor layout and textual amendments (presentation amendments) to the Annual Financial Report prior to it being presented to the Electors' General Meeting in February 2024.

Consultation

Nil.

Policy and Legislative Implications

Section 5.53(1) of the *Local Government Act 1995* requires a local government to prepare an annual report for each financial year. Section 5.53(2) of the *Local Government Act 1995* specifies that the Annual Report is to contain the financial report and auditor's statement for that financial year.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Annual Financial Report provided in compliance with the requirements of the <i>Local Government Act 1995</i> .

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

Additional Information – 28 November 2023

Following the Audit, Risk and Governance Committee (ARGC) meeting held 13 November 2023, the Office of the Auditor General (OAG) through their internal audit review process, concluded that a prior period restatement a result of a prior period error arising from the 1st time recognition of park infrastructure assets related to Collier Park Golf Course, should in fact, not be treated as a prior period error in the City's Annual Financial Report.

It should be noted that the City had included this prior period restatement on the advice of the Audit Director, to avoid a qualified audit opinion. Subsequently, the OAG has advised a further change in approach. To avoid a qualified audit opinion resulting from the previously (OAG) requested prior year restatement remaining in the City financial statements, the City has now adjusted its financial statements to remove the (previously requested) prior period restatement and restated its Annual Financial Statements to reflect the City's original position - albeit with differing interpretation and justification from the OAG. The OAG provide a detailed explanation of their view on this matter on pages 1 and 2 of their revised WA Auditor General Annual Financial Audit Exit Brief.

10.5.3 2022/23 City of South Perth Annual Financial Report

The OAG's opinion as presented to the ARGC, as per the initial draft audit report was an unqualified audit opinion that included an "emphasis of matter" to draw attention to the prior period restatement. Given that the prior period adjustment has now been removed, the revised and signed audit report no longer includes an "emphasis of matter", the audit opinion remains unqualified.

The OAG also raised a new matter, disagreeing with an entry the City processed relating to interest treatment on its Underground Power (UGP) debtors. Effectively the City's entry intended to discount UGP debtors with the interest charges relating the WATC loans for the Collier and Manning UGP schemes. Although immaterial, to avoid similar queries going forward, the City removed this entry as well. The OAG amended Items 6 and 7 "Unadjusted Errors in the Financial Statements" and "Adjusted Errors in the in the Financial Statements" of the Exit Brief to reflect this issue.

On 24 November 2023 a memo was sent to the ARGC advising it of the changes. The Committee also received the updated attachments. **Attachment (a), Attachment (b) and Confidential Attachment (c)** to this report have been updated. The officer and Audit, Risk and Governance Committee Recommendation remains unchanged.

Attachments

- 10.5.3 (a): 2022/23 City of South Perth Annual Financial Report
- 10.5.3 (b): 2022/23 Audit Opinion
- 10.5.3 (c): Annual Financial Audit Exit Brief (*Confidential*)

10.5.4 Internal Audit Report- Integrated Planning and Reporting Framework

File Ref: D-23-57205
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Internal Audit Report – Integrated Planning and Reporting Framework in accordance with the City’s Strategic Internal Audit Plan 2022/2023 to 2026/2027.

The report contains three detailed audit findings, with a number of notations and observations. The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

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

1. Notes the Integrated Planning and Reporting Framework contained in **Confidential Attachment (a)**; and
2. Accepts the three recommendations contained in Section 5 of the Internal Audit – Integrated Planning and Reporting report be added to the Audit Register.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

Against: Nil.

Background

For each Internal Audit completed, the reports are presented to the ARGC and then Council for acceptance of the recommendations. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management responds to Paxon’s recommendations, in relation to their findings, and these are listed in the Audit Register.

Comment

The Internal Audit Report – Integrated Planning and Reporting Framework (IPRF) is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City’s continuous improvement process and findings are welcome. As many areas have never been audited before, it is likely that each Internal Audit may contain many findings. The IPRF report resulted in three findings to be included in the Audit Register.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2023/24 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers’ effort to undertake the improvements and report on progress has not been estimated.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Medium
Mitigation and actions	Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.

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

10.5.4 (a):	Internal Audit Report - Integrated Planning and Reporting Framework (<i>Confidential</i>)
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10.5.5 Policy Review

File Ref: D-23-57208

Author(s): Christine Lovett, Senior Governance Officer

Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf

Seconded: Mr Warwick Gately

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

1. Adopts the following new policy as shown in **Attachment (a)**:

P109 Child Safe Awareness

2. Adopts the following revised policies with amendments as shown in **Attachment (b)**:

P101 Public Art & Art Collections

P104 Community Awards

P107 Access and Inclusion

P110 Support of Community and Sporting Groups

P401 Graffiti Management

3. Revokes the following policies in **Attachment (c)**:

P105 Cultural Services and Activities

P113 Community Gardens

P311 Subdivision Approval

P353 Crossings and Crossovers

P354 Stormwater Drainage Requirements for Proposed Buildings

P356 Electricity Substations

P358 House Numbers on Kerbs

P361 Street Addressing

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

Against: Nil.

Background

In line with contemporary organisational models, the policy framework aligns policies to the City's Strategic Directions as contained in the Community Strategic Plan 2021-2031.

City Officers having been reviewing policies on a progressive basis during the 2023 calendar year. Each policy has been considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The review may identify a need to revise the policy, revoke the policy or that no change is needed.

Any new policy or policies recommended for revocation or amendment are presented.

Comment

New Policy

The policy identified below and at **Attachment (a)** is a new policy which is recommended for endorsement. A small summary explaining the new policy has been provided below:

P109 Child Safety Awareness

Following the outcomes of the Royal Commission into Institutional Responses to Child Sexual Abuse the state government has been assisting local governments to enhance child safe awareness practices within the community.

The Department of Local Government, Sport and Cultural Industries has developed a 'Child Safe Awareness' policy template for use/adoption by the sector. This template has been used to create the attached Policy P109 Child Safety Awareness as shown at Attachment (a).

Amended Policies

The policies listed below and at **Attachment (b)** are recommended with amendments as shown by track changes in each document.

A small summary explaining the amendments has been provided in the table below:

P101 Public Art & Art Collections

The policy has been amended as detailed below:

- Reference to City of South Perth Public Art Masterplan 2022-25 has been incorporated into the body of the policy.
- Acquisition of Public Art and Art Collections has been aligned with the State Government's percent for art scheme guidelines. Therefore the contribution towards public art for construction projects with a value greater than \$2 million has been reduced from 2% to 1%. This is also consistent with Local Planning Policy – Developer Contributions for Public Art and Public Art Spaces.
- Management of Public Art and Art Collections has been amended to incorporate the provision for maintenance of the art.
- Further clarification provided in relation to the decommissioning of public art and art collections.

P104 Community Awards

The policy has been amended to include the following new awards:

- Primary School Book Awards
- High School Scholarship Awards
- Speak with Confidence Awards
- South Perth Young Writers Awards

It has also been updated to include Library services under responsible business units/officers.

P107 Access and Inclusion

This policy has been amended to reflect the current name of the Access and Inclusion Plan (AIP). The amendments overall are to reflect a more inclusive policy towards the community by removing the word 'disability' throughout the policy.

P110 Financial Support of Community Organisations and Sporting Clubs

This policy has been amended as detailed below:

- Defines the scope of the policy as being inclusive to all non-profit organisations and sporting clubs seeking to develop their community recreation facility.
- Establishing that capital funding requests will be prioritised through its annual budget setting process.
- Addition of the Club Night Lights Funding Program
- Defines the requirements of a 'Self Supporting Loan.'

P401 Graffiti Management

This policy has been amended with the following information:

- Confirming that the City will only remove graffiti on private property if it is safe to do so and if it is external and visible to the public.
- A Liability Waiver for Graffiti Removal Form must be completed before the graffiti can be removed.
- Clarification that the City will not remove graffiti on Western Power, Main Roads or Department of Transport assets.

Policies to be revoked

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

P105 Cultural Services and Activities

The City has developed a Cultural Plan that provides effective guidance on cultural services and activities for the community. The Cultural Plan was created in alignment with the Strategic Community Plan and the 'Revive' National Cultural Policy, so it negates the need for a separate City cultural policy.

P113 Community Gardens

There is only one active community garden operating within the City and there is low community interest in developing additional community gardens. Guidelines for establishing a community garden are currently available on the City's website if any local groups wish to establish one in the future.

P311 Subdivision Approval

Following subdivision approval from the Western Australian Planning Commission (WAPC), developers are required to 'clear' the conditions of subdivision approval. The City ensures the requirements of the condition have been fulfilled, before providing confirmation to the developer to enable the developer to proceed to obtaining further approval from the WAPC and obtain titles for the newly created lots from Landgate.

The purpose of this policy is to allow for subdivision clearance to be undertaken for lot creation in situations where not all of the works can be practically completed in advance, or where the developer seeks to 'clear' conditions at a later date.

A cash payment of 125% of the value of the outstanding work is to be paid to the City by the developer in the form of a bond. The premise behind requiring a bond is such that the developer is unable to have the bond amount returned until the works are completed. This policy does not outline the specific conditions required in order to receive early clearance.

Whilst the premise behind the requirement for a bond is valid, bonds are problematic for the following reasons:

- The value of the bond is often insufficient to encourage the developer to complete the works (i.e. the cost of the works outweighs the return of the bond);
- Where a developer does not complete the works, the assumption is that the bond monies can be used by the City to complete the works. As mentioned above, this amount is often insufficient to cover the cost of the works as time progresses, and the City does not have the resources to undertake the required works.
- Alternatively, should the City not use the bond to complete the required works, the site will remain undeveloped until subdivision clearance is received which is not a preferable outcome;
- In addition to the above, the City may not have the power or authorisation to enter private property to complete the works;
- Whilst Section 6.16 of the *Local Government Act 1995* provides Council the ability to impose Fees and Charges, bonds cannot legitimately be charged against a subdivision application itself; and
- There are administrative processes involved in obtaining, retaining and administering bonds which is not covered by the cost of the bond itself.

For the reasons outlined above, it is recommended that the City no longer collect bonds and instead ensure conditions of approval are undertaken prior to clearance or enforced through the relevant planning legislation.

P353 Crossings and Crossovers

The provisions of this policy are more effectively covered in Management Practice M353 Crossing (Crossover) Construction (M353). It is recommended that the policy be revoked and that an Information Sheet be developed in its place.

P354 Stormwater Drainage Requirements for Proposed Buildings

Built form development invariably involves an increase in the impervious area on a site, which requires stormwater to be managed in a way that does not adversely affect the subject site, any adjoining landowner or the public realm. Whilst most of the land within the City can accommodate stormwater onsite through standard infiltration devices such as soakwells, where the lot size is small, or due to the soil conditions, connection to the City's stormwater infrastructure may be required.

Details of stormwater retention are required to be submitted at the time of development/ building permit in any instance and therefore given no specifications are provided in this Policy, it is no longer required.

The City will review whether a local planning policy is required for alternative construction and maintenance for stormwater systems for adaptive reuse of stormwater.

P356 Electricity Substations

This policy is recommended for revocation given electricity substations are the responsibility of Western Power and are considered a 'public work' for which exemptions are provided under section 6 of the *Planning and Development Act 2005*. Given the City does not determine such proposals, the policy should be revoked.

P358 House Numbers on Kerbs

This purpose of the policy is to state the City supports the placement of street numbers on the kerb, either by painting of the number or the attachment of a retro-reflective number.

The standards for street numbering are governed by Australian Standard 4819:2011 (Rural and Urban Addressing) and the *Land Administration Act 1997* and as such, no policy is required.

Given no decision of Council is required, the policy is recommended to be revoked. The City will prepare an information sheet on street numbering and addresses to capture related information.

P361 Street Addressing

This policy is procedural in nature and does not provide any provisions to be addressed. It is proposed that an information sheet may be more appropriate.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Low
Mitigation and actions	Review of all City policies on a regular basis.

Strategic Implications

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

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

Attachments

- 10.5.5 (a): New
- 10.5.5 (b): Amendments
- 10.5.5 (c): Revoke

10.5.6 Audit Register Progress Report Q1

File Ref: D-23-57209
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

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

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

Against: Nil.

Background

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

Comment

The Audit Register contained in **Confidential Attachment (a)** presents audit outcomes by 'Finding' numbers. Any given Finding may have more than one 'Recommendation' and associated 'Agreed Management Action'.

Only when all Agreed Management Actions related to a Finding are marked as 100% complete, will the report be presented to the Audit, Risk and Governance Committee, with a recommendation that the Finding be closed.

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

1. Each Finding which has more than one Agreed Management Action is represented with double lines around that entire Finding.
Example:
Finding number FIND149 has three Agreed Management Actions.
2. Updates in relation to each Finding are displayed in chronological order i.e. latest update appears at the bottom of each Finding.
3. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered; and
4. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

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

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

Strategic Internal Audit Plan

Work has been progressing with scheduled audits which were identified in the Strategic Internal Audit Plan which was presented to the 13 March 2023 Audit, Risk and Governance Committee meeting.

Reports with associated findings, recommendations and actions in relation to Procurement & Contract Management and Integrated Planning & Reporting Framework are expected to be received by the City in the near future.

Work has commenced on the internal audit for Asset Management and Project & Program Management.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2023/24 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers' effort to undertake the improvements and report on progress has not been estimated.

The fee for finalising the External Audit for the 2022/23 Annual Financial Statements is estimated at around \$85,000 (excl GST) an amount of \$73,000 was included in the budget, however a budget adjustment of \$12,000 will be required in due course.

Officers’ ongoing effort to undertake the improvements and report on progress has not been estimated.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Medium
Mitigation and actions	Quarterly reporting of progress on the Audit Register to the Audit, Risk and Governance Committee and Council. In the report, Officer comments on actions taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported to the Audit, Risk and Governance Committee. There is no future reported on closed out actions.

Strategic Implications

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

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

Attachments

- 10.5.6 (a): Audit Register (*Confidential*)

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the November 2023 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS: 12 DECEMBER 2023

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

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

APPENDIX

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 21 November 2023

Councillor Mary Choy	Response provided by: Fiona Mullen – Manager Development Services
<p>1. Just wondering what the state of the derelict property on the corner of Gwentyfred and Canning Highway is please. I know that residents have raised this as a concern before with, I believe, squatters and potential drug use happening in that location. I'm just wondering if there's been any sort of follow up since then?</p>	<p>The property at 14 Canning Highway, which is owned by Main Roads Western Australia, was inspected on 20th September 2023 when it was noted that squatters were living at the premises. A further inspection on the 28th of September indicated squatters were still present on the balcony area, and the City contacted the agent (Colliers International) expressing concerns regarding the condition of the dwelling and activity taking place.</p> <p>Colliers International did not respond to a further the request to address the use of the dwelling and subsequently advised they no longer manage the property and Cygnet West are the current agents.</p> <p>Cygnet West confirmed they are aware of the issues and the Police are currently involved.</p> <p>Officers will continue to inspect the property and contact the agent should the issues not be addressed.</p>