

MINUTES

Ordinary Council Meeting

27 June 2023

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 27 June 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

30 June 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 - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6:00pm on Tuesday 27 June 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Como Ward
Manning Ward
Manning Ward
Moresby Ward
Moresby Ward
Mill Point Ward

Councillor Glenn Cridland
Councillor Nick Warland
Councillor Blake D'Souza
Councillor André Brender-A-Brandis (Arrived 6.35pm)
Councillor Jennifer Nevard
Councillor Stephen Russell
Councillor Ken Manolas

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
A/Director Infrastructure Services
Manager Community, Culture and Recreation
Manager Customer, Communications and Engagement
Manager Development Services
Manager Finance
Manager Governance
Communication and Marketing Coordinator
Governance Coordinator
Senior Governance Officer
Governance Administration Officer

Mr Mike Bradford
Mr Garry Adams
Ms Donna Shaw
Mr Geoff Colgan
Mr Patrick Quigley (Retired 7.58pm)
Ms Danielle Cattalini
Ms Fiona Mullen
Mr Abrie Lacock
Ms Toni Fry
Ms Karys Nella (Retired 9.11pm)
Mr Morgan Hindle
Ms Christine Lovett
Ms Jane Robinson

Gallery

There were 99 members of the public present.

Guests

Mr Geoff Baker MLA

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Mary Choy for the period 17 June 2023 to 15 July 2023 inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.1.1 as ‘I am a co-patron of the WASPs Hockey Club.’
- Councillor Glenn Cridland – Impartiality Interest in Item 10.1.1 as ‘that's the reserve where either I or my wife walk our dog every day and secondly our children played junior hockey with the WASPs Club as well.’
- Councillor Ken Manolas – Impartiality Interest in Item 10.1.1 as ‘I believe I may know people who live in the area close to Collier Reserve.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.1.1 as ‘I know some supporters of WASPs Hockey and some supporters of Friends of Collier Reserve.’
- Councillor Nick Warland – Impartiality Interest in Item 10.1.1 as ‘I know and have interacted with senior representatives of WASPs in a professional capacity through previous employment.’
- Councillor Stephen Russell – Impartiality Interest in Item 10.1.1 as ‘A family member has, is and may in the future be a member of the WASPs hockey club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor Nick Warland – Impartiality Interest in Item 10.3.1 as ‘Programmed Property Services interacted, and had an ongoing commercial relationship, with a previous employer throughout the duration of my employment there.’
- CEO Mike Bradford – Financial Interest in Item 10.5.6 as ‘this Item relates to my contract of employment.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

CEO Mike Bradford left the meeting at 6.27pm and returned at 6.28pm during consideration of Item 6.2.

Councillor André Brender-A-Brandis arrived at the meeting at 6.35pm during consideration of Item 6.2.

Councillor Blake D'Souza left the meeting at 6.36pm and returned at 6.38pm during consideration of Item 6.2.

Councillor Ken Manolas left the meeting at 6.37pm and returned at 6.38pm during consideration of Item 6.2.

Councillor Stephen Russell left the meeting at 6.40pm and returned at 6.42pm during consideration of Item 6.2.

6.2 PUBLIC QUESTION TIME: 27 JUNE 2023

The Presiding Member opened Public Question Time at 6.06pm.

Written questions were received prior to the meeting from:

- Mr Stephen Dewing of South Perth.
- Mr Barrie Drake of South Perth.
- Dr Mark Brogan of Kensington.
- Ms Fiona Clare Gardener.
- Mr Mark Kerrigan of Como.

At 6.21pm, in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, the Presiding Member extended Public Question Time by an additional 15 minutes to hear those questions not yet heard.

- Ms Elizabeth Duguid of Como.
- Mr Ben Lamb of Manning.
- Ms Cecilia Brooke of South Perth.
- Ms Catherine Lewis of Como.
- Ms Alicia Tory of Como.
- Dr Louise Johnston of Como.

At 6.37pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

COUNCIL DECISION

0623/100

Moved: Mayor Greg Milner
Seconded: Councillor Nick Warland

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

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

- Ms K Poh of Como.
- Mr Murray Rosenberg of Como.
- Ms Jayne Morrissey of Como.
- Ms Cristy Lowe of Como.
- Ms Sharon Walsh of South Perth.

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

There being no further questions, the Presiding Member closed Public Question Time at 6.50pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 23 May 2023

Officer Recommendation AND COUNCIL DECISION

0623/101

Moved: Councillor Ken Manolas
Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Ordinary Council Meeting held 23 May 2023 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
7 June 2023	Budget Workshop 3	Councillors Nick Warland, André Brender-A-Brandis, Mary Choy, Jennifer Nevard, Stephen Russell, Ken Manolas.
12 June 2023	CEO Evaluation Committee Workshop	Mayor Greg Milner and Councillors Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Mary Choy, Ken Manolas, Jennifer Nevard.
21 June 2023	Urban Forest, Street Tree Management Plan and Foreshore Shade / Vista Plan	Mayor Greg Milner and Councillors Nick Warland, André Brender-A-Brandis, , Jennifer Nevard, Stephen Russell.

Attachments

Nil

7.2.2 Council Agenda Briefing - 20 June 2023

Officers of the City presented background information and answered questions on Items to be considered at the June Ordinary Council Meeting at the Council Agenda Briefing held 20 June 2023

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0623/102

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 20 June 2023

CARRIED (8/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 Underground Power - Kensington

The following petition was received from Dr Mark Brogan of Market Street, Kensington together with 500 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 City of South Perth approve funding for Underground Power in Kensington as part of the City's 2023/24 Annual Budget.

For the following reasons:

- 1. In all rounds of Underground Power funding to date, Kensington has not been successful, and its status is that of the last suburb in the City of South Perth to be considered for Underground Power. If it is not successful in this round, a risk exists that the end-of-life pole infrastructure in Kensington will be replaced by Western Power and that Underground Power may not be considered within Kensington for a period of 20 years.*
- 2. As a consequence of 1. Kensington residents have been denied a benefit enjoyed by residents in other South Perth suburbs and therefore treated unequally; and*
- 3. Existing pole infrastructure in Kensington is prone to outages and maintenance of overhead power lines routinely results in the desecration of street trees involving a loss of tree canopy and streetscape values.'*

Officer Recommendation AND COUNCIL DECISION

0623/103

Moved: Councillor Nick Warland

Seconded: Councillor André Brender-A-Brandis

That Council note the petition received by Dr Mark Brogan of Market Street, Kensington in relation to Underground Power will be forwarded to the relevant Director for consideration in accordance with clause 6.9 (2) of the City of South Perth Standing Orders Local Law.

CARRIED (8/0)

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

Against: Nil.

8.2 PRESENTATIONS

- **Commendation in the Category ‘Improving Planning Processes’ at the 2023 Planning Institute of Australia Awards for Planning Excellence**

The Presiding Member read out the following statement:

“The City recently received a commendation in the category ‘Improving Planning Processes’ for our Community Benefit Contribution Framework as part of the South Perth Activity Centre Plan at the 2023 Planning Institute of Australia National Awards for Planning Excellence held in Adelaide in May. The award was accepted alongside our consultant team of Hatch RobertsDay, Shape Urban and Element.”

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 20 June 2023.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Presiding Member advised that Item 10.5.6 CEO's Performance Review Process and KPI Setting was a new report.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 20 June 2023 with the exception of Item 10.5.6 CEO's Performance Review Process and KPI Setting.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.1.1 Collier Reserve Hockey Facilities Feasibility Study
- 10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington
- 10.3.3 Proposed Cafe/Restaurant Addition to Multiple Dwellings - Lot 174, No. 60 Elizabeth Street, South Perth
- 10.4.3 Adoption of the Annual Budget 2023/24
- 10.5.2 Delegation DC690 Town Planning Scheme 6
- 10.5.3 Corporate Business Plan 2023/24 to 2026/27
- 10.5.6 CEO's Performance Review Process and KPI Setting

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

COUNCIL DECISION

0623/104

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

- 10.3.1 Tender 5/2023 - Provision of Turf Sportsground, Wicket and Croquet Maintenance
- 10.4.1 Listing of Payments May 2023
- 10.4.2 Monthly Financial Statements May 2023
- 10.5.1 Risk Management and Business Continuity Activity Report
- 10.5.4 Audit Register Progress Report Q3
- 10.5.5 Policy Review
- 15.1.1 Waste to Energy Contract Amendments

CARRIED (8/0)

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

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Mayor Greg Milner and Councillors Glenn Cridland, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland declared an impartiality Interest in Item 10.1.1.

Mayor Greg Milner left the meeting at 6.58pm prior to consideration of Item 10.1.1 and Councillor Blake D'Souza assumed the Chair.

10.1.1 Collier Reserve Hockey Facilities Feasibility Study

File Ref: D-23-27299
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report presents the Collier Reserve Hockey Facilities Feasibility Study Report.

Alternative Motion

Moved: Councillor Glenn Cridland
Seconded: Councillor Nick Warland

1. That Council notes:
 - a) The desire of the WASP Hockey Club to have a co-located synthetic turf hockey facility, grass playing pitches and club facility to ensure the ongoing viability of the community sporting club;
 - b) the previous City position and advice that Richardson Park was not an available location for such an integrated facility and that WASP Hockey Club should look elsewhere in the district to locate the facility; and
 - c) the November 2022 Detailed Feasibility Study (“DFS”) of the WASP Hockey Club and Wesley College (“applicant”) into Collier Reserve as a location for the integrated facility which was undertaken as a result of the City’s advice.
2. That Council requests the City work with the applicant and prepare a report for no later than the November 2023 Ordinary Council Meeting with a view to progressing the integrated facility with such report to include if possible:
 - a) whether HockeyWA support integrated facilities such as the one proposed;
 - b) the stated position of, and impact upon, the South Perth Baseball Club in response to the proposed facility;

- c) the cost to the City of it sinking the overhead power line, construction of any additional carparking, adjusting irrigation lines and provision of lighting to the playing areas;
- d) any updated and additional information from the applicant including in relation to construction costs of the facility and the applicant's capacity to meet those costs; and
- e) next steps to progress an integrated facility such as public consultation on a detailed proposal.

Reasons for Change

The motion sets out the Council's commitment to provide adequate community recreational facilities and assist community clubs remain viable consistent with Strategic Community Plan.

COUNCIL DECISION

0623/105

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

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

CARRIED (7/0)

For: Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

COUNCIL DECISION

0623/106

Moved: Councillor Blake D'Souza

Seconded: Councillor Nick Warland

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

CARRIED (7/0)

For: Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Alternative Motion**Moved:** Councillor Glenn Cridland**Seconded:** Councillor Nick Warland

1. That Council notes:
 - a) The desire of the WASP Hockey Club to have a co-located synthetic turf hockey facility, grass playing pitches and club facility to ensure to ongoing viability of the community sporting club;
 - b) the previous City position and advice that Richardson Park was not an available location for such an integrated facility and that WASP Hockey Club should look elsewhere in the district to locate the facility; and
 - c) the November 2022 Detailed Feasibility Study (“DFS”) of the WASP Hockey Club and Wesley College (“applicant”) into Collier Reserve as a location for the integrated facility which was undertaken as a result of the City’s advice.
2. That Council requests the City work with the applicant and prepare a report for no later than the November 2023 Ordinary Council Meeting with a view to progressing the integrated facility with such report to include if possible:
 - a) whether HockeyWA support integrated facilities such as the one proposed;
 - b) the stated position of, and impact upon, the South Perth Baseball Club in response to the proposed facility;

Reasons for Change

The motion sets out the Council’s commitment to provide adequate community recreational facilities and assist community clubs remain viable consistent with Strategic Community Plan.

LOST (3/4).**For:** Councillors Glenn Cridland, Blake D'Souza and Nick Warland.**Against:** Councillors André Brender-A-Brandis, Ken Manolas, Jennifer Nevard and Stephen Russell.

During debate on the alternative motion, Councillor Stephen Russell foreshadowed the Officer Recommendation.

Officer Recommendation AND COUNCIL DECISION**0623/107****Moved:** Councillor Stephen Russell**Seconded:** Councillor André Brender-A-Brandis

That Council does not progress the proposal to establish a synthetic hockey pitch at Collier Reserve, Como.

CARRIED (4/3).**For:** Councillors André Brender-A-Brandis, Ken Manolas, Jennifer Nevard and Stephen Russell.**Against:** Councillors Glenn Cridland, Blake D'Souza and Nick Warland.**Background**

The Wesley South Perth (WASP) Hockey Club (the Club) is currently situated at Richardson Park in South Perth, which is Crown land vested to the City for the purposes of 'Parks and Recreation'. The Club is affiliated with Hockey WA and has 758 registered members of which approximately 50% are local residents. The City is in the process of negotiating a new lease with the Club for the sporting clubhouse known as WCG Thomas Pavilion that is located on the Reserve.

The Club and the City have been in discussions since 2012 regarding the provision of new hockey facilities (especially a synthetic hockey turf), which was initially proposed at the Club's current site at Richardson Park. Due to a number of site constraints and uncertainty at the time regarding a proposed South Perth train station, the hockey facilities proposal did not progress. Since then, the Club has worked with Wesley College, Hockey WA, the Department of Local Government, Sport and Cultural Industries (DLGSCI) and the City to identify other potential sites for its hockey home base; and to undertake preliminary feasibility of relocating.

Potential sites included Bill Grayden Reserve, Collins Oval and Collier Reserve in Como, with Collier Reserve subsequently being selected for further investigation after the initial pre-feasibility assessment phase of these three sites. Collier Reserve is also Crown land vested to the City for the purposes of 'Parks and Recreation'.

In July 2019, Council resolved to endorse a Community Recreation Facilities Plan for the City. This Plan includes a recommendation for the City to work with the Club, Wesley College, Hockey WA and other stakeholders to investigate the feasibility of relocating the Club to Collier Reserve.

In November 2020, Council resolved to provide 'in principle' support for the Club to investigate the feasibility of relocating its operations from Richardson Park to Collier Reserve and to contribute 50% towards a feasibility study.

Following that decision, the Club partnered with Wesley College to oversee the feasibility study project, which included the subsequent appointment of a recreation master-planning consultancy (Dave Lanfear Consultancy) to investigate the proposal and prepare a report for the City's assessment. The proposal centred on investigating the feasibility of establishing a clubhouse, synthetic hockey turf, sports lighting and grass hockey grounds at Collier Reserve.

On 17 November 2022 the City received the Collier Reserve Hockey Facilities Feasibility Study Report from the Club and Wesley College (the Feasibility Study), shown as **Attachment (a)**.

Comment

Feasibility Study

The City has undertaken a comprehensive assessment of the Feasibility Study and subsequent correspondence from the proponents shown as **Attachment (b)**.

It has become evident that there are various issues associated with the proposal as summarised below:

- *Project justification/community need* – the Feasibility Study demonstrates how a single use sporting club (WASPS Hockey Club) and a school (Wesley College) would benefit from the project, but is deficient in outlining the wider community need or project justification.
- *Project Scale and Scope* – all previous communications between the City and the Club/College regarding the proposed project indicated a much-lower project scale and scope, which was anticipated to cost in the vicinity of \$4-5 million. However, the larger project scope outlined in the Feasibility Report (estimated at \$14.8 million) is considered unachievable in the absence of external funding sources, and would need to be reduced significantly to make the project feasible.
- *Financial viability* - the Feasibility Study estimates the cost of the proposed project (including cost escalations) at \$14.8 million. This is a significant cost for a single sport facility.

Whilst Wesley College and the Club have entered into a Memorandum of Understanding such that approximately 50% of the capital cost of the project will be met by Wesley College (**Attachment (c)**), with the balance of funding between the Club and external sources, the external sources are undetermined.

The City is concerned about how this cost could be met and the ability for the proponents to meet the ongoing operating and capital replacement costs over the lifecycle of the facilities. A strong business case is not provided to illustrate the likelihood of securing the required funding from external sources.

- *Additional capital works* – The Feasibility Study and the subsequent correspondence from the proponents seeks a commitment from the City to fund any required car parking upgrades; sports lighting for the synthetic turf and grass hockey pitches; sinking of the above ground powerlines; as well as a contribution to construction of a clubhouse. No funds are currently set aside in the City's 10-Year financial plan for hockey facilities or the above works, and the City has a number of other capital works priorities that would potentially compete for funds against these works.
- *Impacts on existing reserve users* – the Feasibility Study did not adequately demonstrate how the proposed hockey facilities would be provided without major adverse impacts on all current user groups. One of the existing main users (the South Perth Baseball Club) has previously indicated that it was not supportive of the proposal. It was noted that the proponents are planning to address this matter through entering into a Memorandum of Understanding with the baseball club, however, this matter remains unresolved. Casual users of the reserve such as joggers, dog walkers etc. would be impacted by having decreased access to public open space as the synthetic hockey pitch would require fencing.

10.1.1 Collier Reserve Hockey Facilities Feasibility Study

- *Planning for multi-use facilities and optimising shared use of those facilities* - it is noted that the Feasibility Study focused on hockey only as opposed to multi-use sport/recreation activities, with the proposed hockey facilities benefitting two main users: the Club and Wesley College. Planning for multi-use community, sport and recreation facilities and optimising shared use of those facilities are important objectives of Federal, State, and local governments to determine any further opportunities to accommodate for other potential compatible users (e.g., other hockey clubs, sport groups, community groups etc.). As the proposal is for a single-use facility only, the ability to attract external funding and to optimise the community benefits of the proposed facilities is compromised.
- *Parking*- the Feasibility Study includes an independent parking study that concluded additional parking provision will be required at the site to meet overall parking demands. The Feasibility Study did not adequately address who would fund the costs of the new parking bays, however, the proponents have since requested Council commit to funding any required car parking upgrades.
- *Noise* - whilst the Feasibility Study suggests that noise impacts are unlikely to be high, based on previous studies and guidelines provided, sufficient evidence was not provided to confirm the consultant's findings regarding noise levels. Furthermore, noise was a common concern highlighted during the community consultation phase which would need to be addressed more effectively. The proponents have since provided an Acoustic Report (**Attachment (d)**) confirming that noise levels would be within acceptable limits.
- *High Performance Hockey Centre at Curtin University* - the Feasibility Study has not addressed the project impact of the newly approved \$135 million high performance hockey centre to be constructed at the nearby Curtin University campus, comprising three hockey pitches, a specialist training facility and an indoor hockey centre. The provision of significant State Government funding to upgrade the hockey facilities at nearby Curtin University could potentially diminish the ability of the Club to source Community, Sport and Recreation Facility Fund external funding for the proposed hockey facilities project at Collier Reserve. The impact of the high-performance hockey centre on the Collier Reserve hockey facilities proposal remains unknown, and the proponents have advised that further discussions are being held with Hockey WA in this respect.

The above issues would require effective resolution before the City would give further consideration to this proposal.

Community Recreation Facilities Plan 2019 - 2033

The City's Community Recreation Facilities Plan (the Plan) is an asset management framework that was developed to provide guidance on the planning, construction, maintenance, and operation of local community recreation infrastructure to best meet the community's sport, recreation and wellbeing needs now and into the future. The Plan provides guidance on the City's sports spaces, recreation spaces, pavilions, community halls, leisure centre and other community facilities. One of the sports spaces outlined in the Plan is for hockey.

In 2022 hockey had one of the highest sporting participation rates for adults in Western Australia with 11,180 participants. Additionally, there were 10,488 junior participants (aged 9yrs-18yrs) and 2,624 sub-junior participants (aged 8yrs and under) who played hockey in 2022. The City currently provides six grass hockey fields at one location being Richardson Reserve, but it does not provide any synthetic hockey fields.

According to sport and recreation industry guidelines, the recommended catchment ratio for synthetic hockey fields is 1:75,000 people. The City's population is approximately 44,000 people, under this ratio. The nearest synthetic hockey field is located at Curtin University (two synthetic fields), where some access is provided for club level hockey; however, most of the usage is prioritised for Hockey WA, state, and national teams.

The recent decision by the State Government to build a high-performance hockey centre at the Curtin University campus may provide some opportunities for local hockey clubs to access the three synthetic hockey fields in the future; however, the extent of the potential club access is unknown at this stage. It is recommended the Club engage with Hockey WA further to advocate for access to their new hockey facility if possible.

The recommendation in the Plan for the City to work with Club, Wesley College, Hockey WA and other stakeholders to investigate the feasibility of relocating the Club to Collier Reserve is considered satisfied by virtue of the financial contribution towards the creation of the Feasibility Report and subsequent review and discussions with the proponents on the findings of the Report.

Contextual Matters

Since initial discussions on the matter were held in 2012, a range of overarching strategic planning and financial changes have occurred that impact the proposal as follows:

- *South Perth Train Station* - there has been minimal progression in the planning for a proposed train station within South Perth (opposite Richardson Park) as the State Government focusses on the delivery of other Metronet projects. There is no longer an imminent need to relocate sporting clubs from Richardson Reserve.
- *Increased Project Scale and Scope* - the proposed hockey facilities project scope and scale has increased significantly since the Club undertook its initial pre-feasibility assessment. For these types of community recreation facility capital works projects the normal approach is to seek one-third financial contribution from the State Government; one-third contribution from the City; and one-third contribution from the sporting club. The City would not be able to make the required financial contribution towards the project in its current form.
- *High-performance Hockey Centre* - the State Government's decision to approve \$135 million in funding for a high-performance hockey centre at Curtin University campus will likely diminish the ability to source the State Government funding required to establish another hockey facility nearby.
- *Recreation Aquatic Facility (RAF)* - At its 23 May 2023 Ordinary Meeting, Council resolved to no longer progress delivery of the RAF project and as such, the opportunity to consider potential shared-use community recreation facilities on or nearby Collier Reserve for RAF users and hockey participants is no longer relevant.

Consultation

Pre-consultation

The community and stakeholder engagement undertaken by the proponents to inform the development of the Feasibility Report is outlined on page 53 of the attached Report and is summarized as follows:

- Letter about the proposal was disseminated to residents surrounding Collier Reserve
- Online engagement through the WASP's website that linked to a community survey (hard copy surveys were also provided on request)

10.1.1 Collier Reserve Hockey Facilities Feasibility Study

- One-on-one interviews with existing user groups based at Collier Reserve
- Public meeting held at Collier Reserve pavilion

The consultant also met with relevant personnel from the following organisations in developing the Feasibility Report:

- City of South Perth
- WASPs Hockey Club
- Wesley College
- Hockey WA
- Department of Local Government Sport and Cultural Industries
- Curtin Hockey Club
- Victoria Park Xavier Hockey Club
- Como Secondary College
- Penrhos College

Post-consultation

The City is not aware of any stakeholder or community engagement that has occurred on the Feasibility Report itself. Further consultation about the Feasibility Study Report would otherwise be undertaken with relevant stakeholders and the community (i.e. DLGSCI, Hockey WA, existing users of Collier Reserve, local residents etc) before any funding commitments are made.

Elected Member Workshop

A workshop on the outcomes of the Feasibility Study Report was facilitated with Elected Members on 24 May 2023.

Conclusion

The City has worked with the Club, Wesley College and other stakeholders over several years to investigate the feasibility of relocating the Club to Collier Reserve. The findings of the Feasibility Report and contextual changes have resulted in the proposal to establish hockey facilities at Collier Reserve being unfeasible at this time. It is therefore recommended that Council receive the Feasibility Study Report and that no further action be undertaken to establish a synthetic hockey pitch at Collier Reserve.

The City will continue to engage with the Wesley and South Perth Hockey Club to investigate other potential assistance that could be considered to support the sport of hockey into the future.

Policy and Legislative Implications

The following policies are relevant to this report:

- P106 Use of City Reserves and Facilities
- P110 Support of Community and Sporting Groups
- P609 Management of City Property

Financial Implications

There are no financial implications associated with the Officer's Recommendation for Council to receive the Feasibility Study Report.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	Low
Mitigation and actions	The main aim of a feasibility study is to investigate, describe and assess issues relating to a project proposal. The risk of reputational damage in accepting the Officer’s recommendation to receive the feasibility study report is low, as it does not tie the City into any actions or financial commitments at this time.

Strategic Implications

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

Strategic Direction: Community
 Aspiration: Our diverse community is inclusive, safe, connected and engaged
 Outcome: 1.2 Community infrastructure
 Strategy: 1.2.1 Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

- 10.1.1 (a): Collier Reserve Hockey Facilities Feasibility Study Report
- 10.1.1 (b): Proponent Subsequent Correspondence
- 10.1.1 (c): Wesley College - Letter of Commitment
- 10.1.1 (d): Acoustic Report

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

Councillor Nick Warland declared an impartiality Interest in Item 10.3.1.

10.3.1 Tender 5/2023 - Provision of Turf Sportsground, Wicket and Croquet Maintenance

File Reference: D-23-27300
Author(s): Joanne Smith, Infrastructure Planning Officer
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 5/2023 for the Provision of Turf Sportsground, Wicket and Croquet Maintenance. This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

0623/108

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Ken Manolas

That Council:

1. Accepts the tender submitted by Programmed Property Services for the Provision of Sportsground, Wicket and Croquet Maintenance in accordance with Tender Number 5/2023 for the period of supply up to 30 June 2028 inclusive; and
2. Accepts the tender price of \$310,000 included in **Confidential Attachment (a)**;

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

A Request for Tender (RFT) 5/2020 for the Provision of Sportsground, Wicket and Croquet Maintenance was advertised in The West Australian on 29 April 2023 and closed at 2:00pm on Tuesday 23 May 2023.

Tenders were invited as a Lump Sum Contract with variations accommodated by a Schedule of Rates.

The contract is for the period two years and subject to acceptable performance, the contract may be extended for three further one year periods.

Comment

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

TABLE A – Tender Submissions

Tender Submission
Environmental Industries
Green Options
Programmed
Turf Care WA

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Plant and equipment	15%
2. Skills and experience of key personnel	25%
3. Demonstrated understanding of the required tasks	40%
4. Demonstrated experience in turf and wicket maintenance	20%
Total	100%

Based on the assessment of all submissions received for Tender 5/2023 for the Provision of Sportsground, Wicket and Court Maintenance, it is recommended that the tender submission from Programmed Property Services be accepted by Council.

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

Consultation

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

Policy and Legislative Implications

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

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

10.3.1 Tender 5/2023 - Provision of Turf Sportsground, Wicket and Croquet Maintenance

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

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

The following Council Policies also apply:

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

Financial Implications

The full cost of the works in year one of the proposed contract are included in the Draft 2023/24 Annual Budget.

Key Risks and Considerations

Risk Event Outcome	Property Damage Relates to damage or destruction of City assets. Causes include but are not limited to theft, vandalism, and failure to adequately insure buildings, property and assets.
Risk rating	Medium
Mitigation and actions	Undertake a program of regular maintenance to the City's premier cricket, croquet and sportsground facilities to ensure optimum performance for club and community use.

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):** Evaluation Report - Provision of Turf Sportsground, Wicket and Croquet Maintenance (*Confidential*)

At 7.57pm following Item 10.1.1 Mayor Greg Milner returned to the meeting and assumed the Chair.

COUNCIL DECISION

0623/109

Moved: Councillor Stephen Russell

Seconded: Mayor Greg Milner

That the meeting be adjourned for 5 minutes.

CARRIED (8/0)

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

Against: Nil.

At 7.58pm the meeting was adjourned.

At 8.05pm the meeting reconvened.

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

Location: Lot 53, No. 50 Dyson Street, Kensington
Ward: Moresby Ward
Applicant: Perth Precision Construction Group Pty Ltd
File Reference: D-23-27301
DA Lodgement Date: 13 February 2023
Author(s): Joshua Loveridge, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

To consider an application for development approval for a Change of Use to Child Day Care Centre and additions and alterations to existing buildings at Lot 53, No. 50 Dyson Street, Kensington.

This item is referred to Council as the proposed use is a 'DC' (Discretionary with Consultation) land use within the Public Assembly zone and therefore falls outside of the delegation to officers.

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

Officer Recommendation

Moved: Councillor Blake D'Souza

Seconded: Councillor Nick Warland

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a

Change of Use to Child Day Care Centre and additions and alterations to existing buildings at Lot 53 No. 50 Dyson Street, Kensington **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth.
2. Prior to the submission of an occupancy permit application, the landscaping areas shall be installed in accordance with the approved landscaping plan, noting that the City does not support artificial turf. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved “Stormwater Drainage Application” that confirms the design is to the satisfaction of the City of South Perth.
4. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City of South Perth.
5. Prior to occupation of the Child Day Care Centre, the endorsed material and finishes schedule shall be incorporated into the building design and maintained thereafter, to the satisfaction of the City of South Perth.
6. Prior to the submission of a building permit application, a Waste Management Plan must be submitted to the satisfaction of the City of South Perth. The approved Plan shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.
7. Prior to the submission of a building permit application, the proposal is to be modified to incorporate the noise mitigation measures in accordance with the submitted Acoustic Report (Acoustic Engineering Solutions, dated November 2022). The drawings and specifications contained within the application are to be endorsed as acceptable by an independent, qualified acoustic engineer to the satisfaction of the City of South Perth.
8. Prior to the submission of an occupancy permit application, all noise attenuation measures identified in the Acoustic Report shall be implemented or installed and remain in place permanently, to the satisfaction of the City of South Perth.
9. Prior to the submission of a building permit application or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
 - (i) public safety and amenity;
 - (ii) site plan and security;
 - (iii) contact details of essential site personnel, construction period and operating hours;
 - (iv) community information, consultation and complaints management plan;
 - (v) noise, vibration, air and dust management;
 - (vi) traffic, access and parking management;
 - (vii) waste management and materials re-use;

- (viii) street tree management and protection; and
- (ix) asbestos removal.

The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.

10. Prior to the submission of an occupancy permit application, provision shall be made for eight (8) bicycles parking bays, the design and location of which shall be to the satisfaction of the City of South Perth.
11. This approval does not pertain to the erection, placement, and display of any advertisements. A separate application is to be submitted and development approval is to be obtained for any proposed advertisements that are not exempt from requiring development approval by the City of South Perth.
12. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
13. All trees to be retained as indicated on the site plan shall be retained and protected prior to and during construction, and shall not be removed without the prior approval of the City of South Perth.
14. A maximum of ten (10) employees are permitted to operate from the premises at any one time.
15. The opening hours of the Child Day Care Centre is limited to Monday to Friday – 7.00am to 6.00pm.
16. Prior to the submission of an occupancy permit application, the applicant shall submit a Management Plan detailing the times when staff, children, and other visitors will be present on site to the Satisfaction of the City of South Perth.
17. The number of children on site at any one time must not exceed fifty-four (54).

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

Amendment

0623/110

Moved: Councillor Stephen Russell

Seconded: Councillor André Brender-A-Brandis

That an additional condition be included as follows:

18. Prior to the submission of a building permit application, information/ plans of a plaque or an alternative form of interpretive signage shall be submitted to the satisfaction of the City of South Perth that:
 - i. Include the identified heritage values of the place; and
 - ii. Is located such that the plaque/ signage is visible from the public domain; and
 - iii. Detail that the plaque/ signage is made of durable materials and treated with anti-graffiti coating.

Prior to the submission of an occupancy permit application, the plaque or an alternative form of interpretive signage is to be installed and thereafter maintained in accordance with the approved information/ plans to the satisfaction of the City of South Perth.

Reasons for Change

As noted in the Heritage Peer Review report “Interpretation of the history of the Subject Place could also add further intrigue for future users of the buildings. This has not been explored in either the proposal or the Heritage Impact Statement and is something to be considered. Interpretation could be a simple didactic sign, an artwork or mural”. This amendment seeks to meet this consideration which is deemed to be of value to the facility users and the community in general.

The amendment was put and declared CARRIED (8/0)

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

Against: Nil.

Amended Substantive Motion and COUNCIL DECISION

0623/111

Moved: Councillor Blake D'Souza

Seconded: Councillor Nick Warland

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a Change of Use to Child Day Care Centre and additions and alterations to existing buildings at Lot 53 No. 50 Dyson Street, Kensington **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth.
2. Prior to the submission of an occupancy permit application, the landscaping areas shall be installed in accordance with the approved landscaping plan, noting that the City does not support artificial turf. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved “Stormwater Drainage Application” that confirms the design is to the satisfaction of the City of South Perth.
4. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City of South Perth.
5. Prior to occupation of the Child Day Care Centre, the endorsed material and finishes schedule shall be incorporated into the building design and maintained thereafter, to the satisfaction of the City of South Perth.
6. Prior to the submission of a building permit application, a Waste Management Plan must be submitted to the satisfaction of the City of South Perth. The

approved Plan shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.

7. Prior to the submission of a building permit application, the proposal is to be modified to incorporate the noise mitigation measures in accordance with the submitted Acoustic Report (Acoustic Engineering Solutions, dated November 2022). The drawings and specifications contained within the application are to be endorsed as acceptable by an independent, qualified acoustic engineer to the satisfaction of the City of South Perth.
8. Prior to the submission of an occupancy permit application, all noise attenuation measures identified in the Acoustic Report shall be implemented or installed and remain in place permanently, to the satisfaction of the City of South Perth.
9. Prior to the submission of a building permit application or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
 - (i) public safety and amenity;
 - (ii) site plan and security;
 - (iii) contact details of essential site personnel, construction period and operating hours;
 - (iv) community information, consultation and complaints management plan;
 - (v) noise, vibration, air and dust management;
 - (vi) traffic, access and parking management;
 - (vii) waste management and materials re-use;
 - (viii) street tree management and protection; and
 - (ix) asbestos removal.

The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.
10. Prior to the submission of an occupancy permit application, provision shall be made for eight (8) bicycles parking bays, the design and location of which shall be to the satisfaction of the City of South Perth.
11. This approval does not pertain to the erection, placement, and display of any advertisements. A separate application is to be submitted and development approval is to be obtained for any proposed advertisements that are not exempt from requiring development approval by the City of South Perth.
12. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
13. All trees to be retained as indicated on the site plan shall be retained and protected prior to and during construction, and shall not be removed without the prior approval of the City of South Perth.

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

14. A maximum of ten (10) employees are permitted to operate from the premises at any one time.
15. The opening hours of the Child Day Care Centre is limited to Monday to Friday – 7.00am to 6.00pm.
16. Prior to the submission of an occupancy permit application, the applicant shall submit a Management Plan detailing the times when staff, children, and other visitors will be present on site to the Satisfaction of the City of South Perth.
17. The number of children on site at any one time must not exceed fifty-four (54).
18. Prior to the submission of a building permit application, information/ plans of a plaque or an alternative form of interpretive signage shall be submitted to the satisfaction of the City of South Perth that:
 - i. Include the identified heritage values of the place; and
 - ii. Is located such that the plaque/ signage is visible from the public domain; and
 - iii. Detail that the plaque/ signage is made of durable materials and treated with anti-graffiti coating.

Prior to the submission of an occupancy permit application, the plaque or an alternative form of interpretive signage is to be installed and thereafter maintained in accordance with the approved information/ plans to the satisfaction of the City of South Perth.

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

CARRIED (8/0)

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

Against: Nil.

Development Site Details

The development site details are as follows:

Zoning	Public Assembly
Density coding	R30
Lot area	1,209m ²
Building height limit	7.0 metres

This item is being referred to Council as it is a Non - Residential “DC” use within the Public Assembly zone.

Comment

(a) Background

On 13 February 2023, the City received an application for a change of use to Child Day Care Centre, with additions and alterations to the existing buildings at Lot 53, No. 50 Dyson Street, Kensington (the site).

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

The site currently comprises the *Memorial Church of St Martin in the Field & Durbridge Hall*, with ancillary structures, as depicted in the site photographs at **Attachment (a)**.

The subject site is a 'Category B' place under the City's Local Heritage Inventory and is included on the Local Heritage List.

(b) Description of the Surrounding Locality

The Site is bound by Dyson Street to the south-west and Vista Street to the south-east, as seen in **Figure 1** below. The locality comprises low-scale residential development, with isolated commercial premises and areas of public open space. It is noted that the site is located approximately 134m from Canning Highway (served by a high frequency bus route), 240m from Kensington Primary School, and 140m from Kensington Primary School Kindergarten.

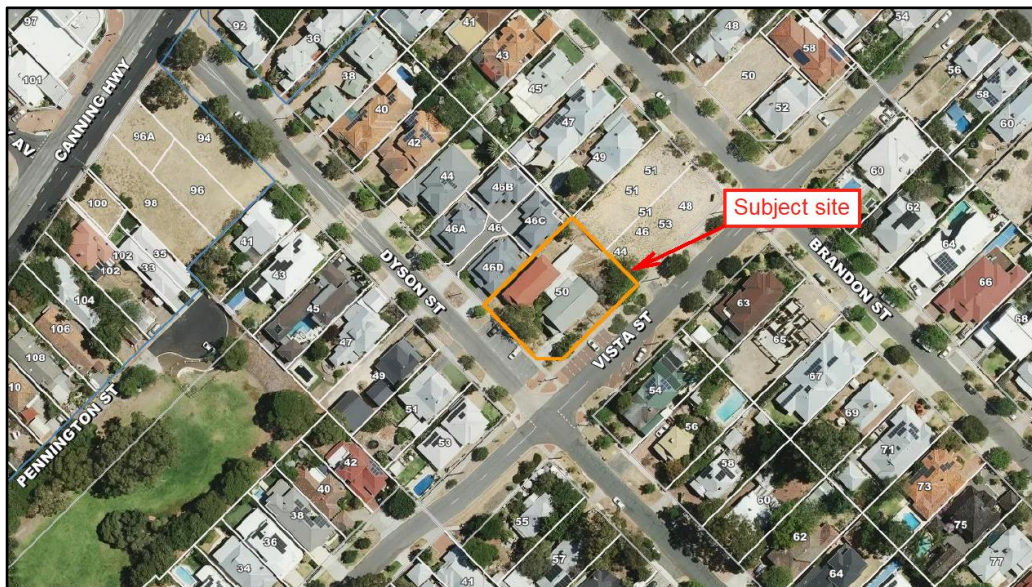


Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The proposal involves the partial demolition of the following:

- Built form between the church and hall (WC rooms, activities, kitchen, lobby, and church rooms 2 and 3);
- Internal rooms 3 and 4 of the hall, in addition to removal of bench and sink of room 1, and the door of room 2, rear portions of awning, and the entry staircase);
- Back wall and side windows of church stage;
- Hardstand, retaining walls supporting a tree (tree to be retained), fencing facing Vista Street; and
- Removal of 5 existing on-site trees.

Further, the construction of a Child Day Care Centre with single and two storey additions is proposed, with fencing and landscaping incorporated into the proposal, as detailed in the in the submitted development plans at **Attachment (b)** and Planning Cover Letter (**Attachment (c)**).

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

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

Town Planning Scheme No. 6

- Discretionary Land Use with Consultation (clause 3.3 (5) of TPS6) Street setback
- Car parking

Local Planning Policy

- Family Day Care and Child Day Care Centres (P307)
- Local Heritage Listing (P313)
- Car Parking Reductions for Non-Residential Development (P315)

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

(d) Land Use

The proposed land use of 'Child Day Care Centre' is a 'DC' (Discretionary with Consultation) land use in the 'Public Assembly' zone as per Table 1 (Zoning - Land Use) of TPS6. It is considered that the proposed land use meets the Scheme Objectives as per Clause 1.6 of TPS6, as discussed below. The body of the report discusses the remaining discretionary criteria relevant to the consideration of the proposed land use.

(e) Street Setbacks

The below table comprises the assessment of the street setbacks for the proposed, non-compliant built form as per Table 3 of TPS6.

Element	Requirement	Proposed
Street setback – veranda (Dyson Street)	7.5m	4.3m
Street setback – hall (Dyson Street)	7.5m	6.8m
Street setback – church (Vista Street)	7.5m	6.9m

Council has discretionary power under clause 7.8.1(b) of TPS6 to approve the proposed street setbacks, if it is satisfied that all requirements of that clause have been met, i.e.:

- approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
- the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct plan for that precinct.

10.3.2 **Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.**

In this instance, it is recommended that the proposed setbacks be approved for the following reasons:

- The proposed setbacks are consistent with orderly and proper planning as they are not considered to adversely impact the appearance or prominence of the existing heritage buildings to the street for the following reasons:
 - The proposed non-compliant built form to Dyson Street comprises a new veranda to the front of the existing hall, which is an open framed structure, not considered to adversely impact the appearance of the retained hall;
 - The proposed built form to Vista Street comprises a new single storey ‘art room’, which has a façade design considered complimentary to the existing church building, thereby providing a consistent visual appearance; and
 - The remaining portions of built form within 7.5m of Dyson and Vista Streets is existing.
- The City considers that the additions have a positive impact on the users of the buildings, given it provides additional useable area. The proposal will not impact future development in the surrounding locality.
- The site is not subject to a Precinct Structure Plan.

(f) Car Parking and Traffic

The former church and hall had previously operated with no on-site parking. Car parking requirements as per TPS6 are as follows:

Land use	TPS6 Requirement	Bays Required
Child Day Care Centre	1 per required employee (10)	10
	1 per 10 children permitted to receive care (54)	5.4
	Total bays required	15.4 (16)
	Total bays provided	nil
	Shortfall	16

Further, Car Parking Reductions for Non-Residential Development (P315) provides for a reduction of TPS6 requirements through the application of adjustment factors based on locational criteria. In this instance a reduction of 15% is applicable, resulting in a total shortfall of 14 bays.

Clause 6.3 (4) of TPS6 provides Council discretion to approve a car parking deficit having regard to the peak parking demand for the proposed use being met and any opportunities for reciprocal parking.

Whilst there are no other on-site land uses or car parking bays available for a private reciprocal car parking arrangement, there are 23 car parking bays provided off-site/on street surrounding the development, as per **Figure 2** below, which are considered sufficient to accommodate the peak parking demand.

Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

Further, there is capacity for bicycle and e-scooter parking to otherwise offset demand for car parking, which has been proposed by the applicant.



Figure 2: Location of off-site parking bays

Whilst clause 6.3(A) of TPS6 provides the ability to impose conditions for cash-in-lieu of car parking bays, this has not been recommended in this instance for the following reasons:

- the applicant is proposing the provision of 8 on-site bicycle/e-scooter parking bays to offset the demand for car parking bays;
- there are an existing 23 on-street embayed parking spaces in the immediate vicinity of the proposed development to meet demand;
- the retention of the fabric of the heritage building is retained as no further demolition works are proposed to otherwise accommodate car parking bays;
- the nature of the use is such that the catchment of the clients is likely within a walkable catchment of the development, or a drop off- pick up arrangement with no longer term parking required; and
- there are limited opportunities to expend any cash-in-lieu for the construction of additional car parking bays within the vicinity of the proposed development without removing existing street trees.

For the above reasons, the shortfall in car parking is considered acceptable and no conditions requiring cash-in-lieu for the shortfall in bays is recommended.

With respect to traffic, the Traffic Impact Statement submitted as part of the development application (**Attachment (d)**), indicates that the traffic generated by the proposal will be offset by its proximity to public transportation, in addition to the walkable nature of the locality.

10.3.2 **Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.**

The Traffic Impact Statement further notes that the estimated trip generation is moderate impact, however most of the trips will be generated from the surrounding residential area. It concludes that given the number of routes available, traffic will not result in a significant impact on any local roads or intersections. The trip generation as detailed within the Traffic Impact Statement is within the capacity of the road network to accommodate.

(g) P307 – Family Day Care and Child Day Care Centres

It is noted that the proposed development is considered to meet the relevant discretionary provisions of the Policy in the following ways (noting that a full assessment has been included in **Attachment (e)**, which further discusses the compliant provisions of the Policy):

- The applicant has proposed partially masonry fencing to the general play areas, with infill above to varying heights, the greatest of which is 2.3m facing Vista Street. P307 requires solid masonry fencing to 1.8m in height around the street perimeter of general play areas. This variation is considered acceptable for the following reasons:
 - Fencing height is at least 1.8m;
 - The adjacent play areas are in plain sight of supervisors, thereby minimising any potential safety impacts; and
 - The variation in materials and built form, in addition to the adjacent landscaping proposed, reduces its visual impact on the streetscape.

Provisions relating to on-site parking access and screening are not relevant to this assessment, given no on-site parking is proposed.

(h) P313 – Local Heritage Listing

As previously noted, the subject site is a ‘Category B’ place under the City’s Local Heritage Inventory and is included on the Local Heritage List.

A peer review of the applicant’s Heritage Impact Statement is contained as **Attachment (f)**. The applicant subsequently provided a revised Heritage Impact Statement, which has been included as **Attachment (g)**.

It is noted that the proposed development is considered to meet the relevant provisions of the Policy in the following manner:

- The extent of original fabric of the church and hall to be removed is relatively minor and inconsequential to the overall significance of the retained buildings; and
- The additions and alterations do not visually obscure, or overwhelm, the original buildings, due to the following:
 - The rear ‘art room’ addition to the church is single storey and is designed to complement the existing building;
 - The upper floor addition is setback 20m from Vista Street, and 24m from Dyson Street with a pitched roof, thereby reducing its building bulk and scale impact on the streetscape;
 - The remaining additions are considered small scale, and not prominent when viewed from the street; and

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

- The fencing is not considered to adversely impact the heritage value of the structures, nor substantially obscure them from view of the street.

(i) Comment regarding November 2022 Department of Planning, Lands, and Heritage Draft Position Statement for Child care premises

It is considered that the content of the body of the report demonstrates that the proposal is consistent with the objectives and provisions relevant to Child Care Premises provided by the Department of Planning, Lands and Heritage Draft Position Statement for child care premises, released in November 2022.

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

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

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

In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters considered relevant to the proposal are:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (g) any local planning policy for the Scheme area;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) the availability and adequacy for the development of the following —*
 - (i) public transport services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) access by older people and people with disability;*
- (y) any submissions received on the application;*

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

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

(l) Design Review Panel Comments

The proposal was considered by the City’s Design Review Panel (DRP) in November 2022 and December 2022, prior to lodgement of the application.

The proposal was favourably received by the panel and considered to satisfactorily address the ten principles of design in accordance with State Planning Policy 7.0 Design of the Built Environment. The comments of the most recent DRP minutes are included in **Attachment (h)**.

(m) Consultation

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

Advertising was undertaken for a period of 15 days between 21 March 2023 and 5 April 2023. Advertising was undertaken to all properties identified by the City that may be affected by the proposal. A total of 68 advertising notices were sent and three submissions were received, one in support of the proposal and two generally objecting to the proposed development. The comments in favour of the proposal generally refer to:

- Preservation of the existing heritage buildings; and
- Provision of a new service to the area.

A summary of the submitters’ comments objecting to the proposal and the officer’s response to these comments are included in the table below:

Submitters Comments (Issue Raised)	Officer Response
Retention of trees and elements of landscaping.	Amended plans include a note demonstrating retention of the Jacaranda tree. A condition is recommended requiring the provision of a detailed landscaping plan to provide for additional landscaping of the site.
Height and design of fencing.	The above height fencing has been considered against the requirements of P307 - <i>Family Day Care and Child Day Care Centres</i> and is supported for the reasons outlined in this report.
Potential traffic impacts on surrounding streets.	Traffic associated with the proposed development is within the capacity of the existing road network to accommodate as detailed in the carparking and traffic section of this report. The Transport Impact Statement submitted in support of the application demonstrates that the proposal is able to meet peak parking demand.

Inadequacy of plans and information provided.	The application submitted amended plans providing more detail to enable the City to complete its assessment.
Choice of materials to undertake restoration of heritage buildings.	Whilst suggestions have been made regarding the materiality of the proposal, the Heritage Peer-Review provides overall support for the proposal. A condition requiring a final material, colours and finishes schedule to the satisfaction of the City has been recommended in any instance.
Increased noise and general reduction of residential amenity.	The applicant's Acoustic Report and modelling demonstrates the ability for the development to comply with the <i>Environmental Health (Noise Regulations) 1997</i> . It is noted that the proposal demonstrates that appropriate noise attenuation measures are to be implemented, including acoustically treated barriers to outdoor areas. Conditions to ensure incorporation into the building permit application and implementation have been recommended.

In addition to the above summary, a detailed schedule of submissions has been prepared, comprising the content of the submissions, including the applicant, in addition to the City's comments, included as **Attachment (i)**.

(n) Infrastructure Services

Comments were invited from the City's Infrastructure Services who provided advice on a range of issues relating to car parking, cash in lieu, and traffic generated from the proposal. This section raises no objections.

(o) Streetscapes

The Streetscapes section provided comments relating to street trees, noting that none are to be removed. This section raises no objection.

(p) Environmental Health

The City's Environmental Health Services provided comments with respect to the design of the bin storage area and noise. Accordingly, conditions and advice notes are recommended to address issues raised.

(q) Waste Services

The City's Waste Services raised concerns in relation to the level of waste generation identified in the submitted Waste Management Report, however following an assessment of the submitted information, officers consider the issue may be addressed through conditioning the provision of an amended Waste Management Plan, incorporating additional calculations regarding waste generation rates subject to total floor area, and amending the size of the waste receptacles. Accordingly, a condition and advice note are recommended.

(r) Heritage

As previously noted, the Heritage Impact Statement and development plans were peer-reviewed by an external consultant, who provided the following comments:

“The following recommendations have been provided to assist the City in its determination of the proposed development on the basis of this peer review:

- 1. The applicant should be given the opportunity to update the Heritage Impact Statement to reflect changes to the design that have occurred since that report was prepared in November 2022.*
- 2. The proposal sufficiently conserves the cultural heritage significance of the place and is capable of being approved on heritage grounds pending further information being provided.*
- 3. Any future approval should require an interpretation strategy be included to explain the cultural value and history of the site to future users.*
- 4. Any future approval should require that the external conservation to both buildings be based on historic evidence. Refer to historic photos, original drawings, and specifications.”*

It is considered that given the extent of original fabric and built form being retained by this development, the requirement of a formal interpretation strategy is unnecessary. Review of the place listing will also occur as part of the review of the City’s Local Heritage Inventory.

Notwithstanding, the applicant is encouraged to take measures to ensure that the heritage value of the place is made apparent to future visitors to the site, which may involve the utilisation of an informal interpretation strategy. A condition requiring detailed materials and finishes to reflect the heritage values of the place has been recommended.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications, to the extent if the applicant were to seek to have the application reviewed by the State Administrative Tribunal, the City may need to seek representation (either internal or external).

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

10.3.2 Proposed Change of use to Child Day Care Centre and additions and alterations to existing buildings. Lot 53 No. 50 Dyson Street, Kensington.

Conclusion

Whilst it is acknowledged that the proposal does not fully comply with several requirements of the local planning framework as discussed in the body of the report, on balance it is considered that the scale and nature of the proposed use is consistent with the existing development within the locality. Matters that have the potential to adversely impact the amenity of adjoining residential properties can be appropriately addressed via conditions of development approval.

The design of the proposed development is supported by the City's DRP, particularly the proposals context and character, and built form and design. Traffic and car parking demand generated by the proposed development is within the capacity of the existing road network to accommodate, and the proposed development will provide a service for the wider community.

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

Attachments

- 10.3.2 (a):** Attachment A - Site photos
- 10.3.2 (b):** Attachment B - Development plans
- 10.3.2 (c):** Attachment C - Planning Cover Letter
- 10.3.2 (d):** Attachment D - Traffic Impact Statement
- 10.3.2 (e):** Attachment E - Detailed Policy Assessment
- 10.3.2 (f):** Attachment F - Heritage Peer Review
- 10.3.2 (g):** Attachment G - Amended Heritage Report
- 10.3.2 (h):** Attachment H - December 2022 DRP minutes and City comments - 50 Dyson St
- 10.3.2 (i):** Attachment I - Schedule of submissions
- 10.3.2 (j):** Attachment J - Accoustic Report
- 10.3.2 (k):** Attachment K - Car-door Closing Noise Modelling

10.3.3 Proposed Cafe/Restaurant Addition to Multiple Dwellings - Lot 174, No. 60 Elizabeth Street, South Perth

Location: 60 Elizabeth Street, South Perth
Ward: Mill Point Ward
Applicant: Anthony Rechichi Architect
File Reference: D-23-27302
DA Lodgement Date: 10 October 2022
Author(s): Heidi Miragliotta, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

To consider an application for development approval for a Café/Restaurant addition to Multiple Dwellings on Lot 174, No. 60 Elizabeth Street, South Perth.

This item is referred to Council as the proposed use is a 'DC' (Discretionary with Consultation) land use within the Residential zone and therefore falls outside of the delegation of officers.

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

Alternative Motion

Moved: Councillor Ken Manolas
Seconded: Councillor Jennifer Nevard

That Council refuses the approval of the Proposed Café/Restaurant Addition to Multiple Dwellings – Lot 74, No. 60 Elizabeth Street, South Perth as:

1. The proposal fails to comply with Clause 67(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development will detrimentally affect the amenity and character of the local area by the introduction of a commercial use adjoining residential properties, with the resultant increase in vehicular and pedestrian traffic and associated noise and activity.
2. The proposal does not meet the Scheme objectives listed in clause 1.6(2) of the City of South Perth Town Planning Scheme No. 6, specifically objectives (f) and (g) in that the proposed development neither safeguards nor enhances the amenity of the residential area by encroachment of an inappropriate use, with a resultant loss in residential amenity for occupants and the wider residential area.
3. The proposal is not considered to satisfy the requirement of Clause 1.0(a)(i) of Council Policy P308 – Signs as the proposed signs exceed the maximum area requirements for signs and the letters exceed the maximum requirements for width and height, thereby introducing a discordant and overly large signage feature into a predominately residential area, which will adversely impact the visual amenity of the area.”

4. The proposal is not considered to satisfy Clause 67(y) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposal has not satisfactorily addressed the matters raised in the submissions received on the application.

COUNCIL DECISION

0623/112

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

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

CARRIED (8/0)

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

Against: Nil.

Alternative Motion

Moved: Councillor Ken Manolas

Seconded: Councillor Jennifer Nevard

That Council refuses the approval of the Proposed Café/Restaurant Addition to Multiple Dwellings – Lot 74, No. 60 Elizabeth Street, South Perth as:

1. The proposal fails to comply with Clause 67(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development will detrimentally affect the amenity and character of the local area by the introduction of a commercial use adjoining residential properties, with the resultant increase in vehicular and pedestrian traffic and associated noise and activity.
2. The proposal does not meet the Scheme objectives listed in clause 1.6(2) of the City of South Town Planning Scheme No. 6, specifically objectives (f) and (g) in that the proposed development neither safeguards nor enhances the amenity of the residential area by the encroachment of an inappropriate use, with a resultant loss in residential amenity for nearby occupiers and the wider residential area.
3. The proposal is not considered to satisfy the requirement of Clause 1.0(a)(i) of Council Policy P308 – Signs as the proposed signs exceed the maximum area requirements for signs and the letters exceed the maximum requirements for width and height, thereby introducing a discordant and overly large signage feature into a predominately residential area, which will adversely impact the visual amenity of the area.”
4. The proposal is not considered to satisfy Clause 67(y) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposal has not

satisfactorily addressed the matters raised in the submissions received on the application.

Reasons for Change

1. It is understood that the Elizabeth Street and Lawler Street intersection to Canning Highway was deliberately and permanently closed off some decades ago at the request of residents and the recommendation of City Officers, to create a road buffer between the quiet residential streets and the highway, increasing road and pedestrian safety and improving the amenity to residents. Hence, I believe approving the proposed development, would encourage traffic to once again navigate up and down Lawler and Elizabeth Streets towards the dead-end cul-de-sac intersection of Canning Highway, counteracting and going against the outcomes previously achieved by the City. Secondly, the proposed development could create a future expense to the City to resolve any traffic management and safety issues.

In relation to the proposed trading hours, 7am till 11pm, 7 days per week, most local cafes within the residential area are typically open for food and beverage service from around 7am until 3pm. Despite the applicant's plans and schematic design stating simply "COFFEE" on the proposed signage, it is my view that the proposed hours until 11pm, 7 days a week, does not align with just simply the service of coffee. The proposed hours until 11 pm 7 days a week, falls within the parameters of a restaurant. Unlike most restaurants, this proposed dining venue will be trading in a mainly or wholly quiet residential street.

2. In relation to the set-up for patrons frequenting the proposed café/restaurant, it is mainly a fully unenclosed open air outdoor dining venue, again in a mainly wholly residential street, with the applicant's intention, as noted in their cover letter contained in the Attachments, to "*activation of the space*" and "*turn it into a community driven space of social interaction...*".

Any type of continuous din or hubbub caused by a crowd of people's voices, including the possibility of amplified noise at the proposed venue in an outdoor space on a residential street, would not be conducive to the residential amenity and the right to quiet enjoyment.

At present, there may a continuous low hum of traffic along Canning Highway, however, this is further away from residential homes.

The local planning scheme objective is meant to facilitate diversity in appropriate locations, whilst retaining the desired streetscape character. Hence, the scheme objective is to 'safeguard' and 'enhance' the amenity of residential areas, not diminish or detract from that amenity. It is the view that the proposed sea container style café/restaurant development is out of character with the area, including the adjoining art-deco style residences, and not in keeping with the existing streetscape. The City's '*Kensington/South Perth - Character Study Report #ShapeOurPlace Part A*' of 2015 at page 70 describes the '*Built Form Character*' of both Lawler and Elizabeth Streets to be composed of '*brick and tile*' construction materials, landscaped gardens, wide grass verges with no footpaths. It is the view that a new development or installation of a sea container style café/restaurant on the Elizabeth Street site would conflict with the existing harmony of residential properties and that such approval, together with the rather vague and ambiguous

manner in which it is proposed, would negatively impact on and alter the character of the area.

There are NO examples of other non-residential land uses operating on Elizabeth Street or nearby adjacent Lawler Street. The view is, the establishment of a café/restaurant on this site, in the manner proposed, is a very different proposition to say a development application for a few more residential units on the site.

3. The 3 signs proposed for the cafe/restaurant is significantly above and beyond what the City's signage policy states in both size and quantity and this will affect the amenity of the area.

4. Not a single resident during the public feedback approved of the proposed sea container style café/restaurant development. All were concerned, with this particular style of proposed development and its potential impact on the residential amenity of their area. Amenity' is defined as "*those qualities and characteristics of a site and its neighbouring area that contribute to the comfort and pleasantness of the residential environment.*"

The zoning of the property is Residential R80 and it is a Non-Residential "DC" use within the Residential Zone. A 'DC' use means that the Use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with deemed provisions clause 64 (*which are the advertising requirements of the Planning and Development (Local Planning Schemes) Regulations 2015*). So, whilst the use remains as discretionary, Council may refuse the discretionary use. All the consultation submissions received by the City were objecting to the proposed Café/Restaurant.

5. In Summary:

With regard to the parking, technically it complies with the scheme but does not apply in this situation.

Taking all these planning considerations into account, the overall view is unfortunately the proposed café/restaurant, is an incompatible proposal for the Elizabeth Street site and should be refused on 'adverse impact on amenity' grounds, in order to maintain and protect the residential amenity of the area, for which residents invested. The R80 area is DC Discretionary with consultation. Discretionary means left to individual choice or judgement and with regard to the consultation, all the consultation received opposed the development. In this case I ask councillors to exercise their discretion and not approve the application.

The motion was put and declared LOST (4/4).

For: Councillors André Brender-A-Brandis, Ken Manolas, Jennifer Nevard and Stephen Russell.

Against: Mayor Greg Milner, Councillors Glenn Cridland, Blake D'Souza and Nick Warland.

Casting Vote Against: Mayor Greg Milner

During debate on the alternative motion, Mayor Greg Milner foreshadowed the Officer Recommendation.

Officer Recommendation AND COUNCIL DECISION**0623/113****Moved:** Mayor Greg Milner**Seconded:** Councillor Nick Warland

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 Café/Restaurant addition to Multiple Dwellings on Lot 174, No. 60 Elizabeth Street, South Perth **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth.
2. The opening hours of the Café/Restaurant is limited to Monday to Sunday – 7:00am to 11:00pm.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved “Crossings Application” that confirms the design is to the satisfaction of the City of South Perth.
4. Prior to the submission of a building permit application, the applicant must be in receipt of an approved “Stormwater Drainage Application” that confirms the design is to the satisfaction of the City of South Perth.
5. Prior to the submission of a building permit application, details of the proposed lighting to pathways, communal areas and carparking areas shall be provided, to the satisfaction of the City of South Perth.
6. Prior to the submission of a building permit application, (relevant to the construction of the affected components of the building), an Acoustic Report, completed by a suitably qualified acoustic engineer, and demonstrating that potential noise from the proposed development will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to, and approved in writing by, the City of South Perth.

The approved Acoustic Report, including any specifications, requirements and recommendations cited in the report plus any additional requirements by the City of South Perth, shall be implemented and adhered to all times, including being incorporated into the building permit application documentation, to the satisfaction of the City of South Perth.

7. Prior to the submission of an occupancy permit application, all noise attenuation measures, identified in the Acoustic Report shall be implemented or installed and remain in place permanently, to the satisfaction of the City of South Perth.
8. Prior to the submission of a building permit application, a Waste Management Plan must be submitted to the satisfaction of the City of South Perth. The approved Plan shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.
9. Prior to the submission of an occupancy permit application, the car parking bays shall be marked on site as indicated on the approved plans, in order to comply with the requirements of clause 6.3 (10) (c) of Town Planning Scheme No. 6 and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.

10. Prior to the submission of an occupancy permit application, the car parking bays for patrons to the Café/Restaurant shall be permanently marked, maintained and accessible at all times for use exclusively by Café/Restaurant patrons, be clearly visible or suitably sign posted from the street or internal driveway, to the satisfaction of the City of South Perth.
11. Prior to or in conjunction with the submission of a building permit application, three bicycle parking spaces must be designed and located to the satisfaction of the City of South Perth. The bicycle parking spaces must be constructed prior to occupancy of the development and thereafter retained and maintained in good and safe condition for the duration of the development.
12. Prior to the submission of an occupancy permit application, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
13. Prior to the submission of an occupancy permit, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
14. The tree identified for retention on the site plan shall be protected prior to and during construction and shall not be removed without the prior approval of the City of South Perth.
15. The height of any wall, fence or other structure, shall be no higher than 0.75m within 1.5m of where any driveway meets any public street or right of way, to the satisfaction of the City of South Perth.
16. Any proposed illumination of the signs must not exceed 300cd.m² (candela per square metre) between sunset and sunrise.
17. The signs shall not flash, pulsate or chase.
18. The signs shall not contain fluorescent, reflective or retro reflective colours or materials.
19. The signs shall not be electronic or digital format.
20. Hard standing areas approved for the purpose of car parking or vehicle access shall be accessible at all times, maintained in good condition, free of potholes and dust and shall be adequately drained, to the satisfaction of the City of South Perth.

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

The motion was put and declared CARRIED (4/4).

For: Mayor Greg Milner, Councillors Glenn Cridland, Blake D'Souza and Nick Warland.

Against: Councillors André Brender-A-Brandis, Ken Manolas, Jennifer Nevard and Stephen Russell.

Casting Vote For: Mayor Greg Milner

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	1,095m ²
Building height limit	14m

This item is being referred to Council as it is a Non - Residential “DC” use within the Residential Zone.

Comment

(a) Background

In October 2022, the City received an application for a Café/Restaurant on Lot 174, No. 60 Elizabeth Street, South Perth (the site).

The proposal was considered by the City’s Design Review Panel (DRP) on 6 December 2022.

At its 23 May 2023 Ordinary Meeting, Council resolved to defer consideration of the application in light of anomalies in the report related to the height and width of the letters on the proposed signage and the total area of the signs, as well as to enable Council further time to review the amended report alongside the application and relevant policies.

(b) Description of the Surrounding Locality

The site fronts Elizabeth Street, South Perth with a secondary frontage onto Lawler Street, South Perth. The site is surrounded by Highway Commercial zoned properties to the north east and south, single houses to the north west and west and multiple and grouped dwellings to the south west as seen in **Figure 1** below.

The existing development on the site is a two storey multiple dwelling development in two separate buildings comprising five units as depicted in the site photographs at **Attachment (a)**.



Figure 1: Aerial image of the subject site.

(c) Description of the Proposal

The proposal involves the placement and use of two sea containers as a two storey Café/Restaurant with additional fixtures and landscaping to the site as depicted in the submitted plans at **Attachment (b)**. The proposal does not involve any alterations or additions to the existing multiple dwellings. The proposed use and development are further described by the applicant’s letter provided at **Attachment (c)**.

The proposed Café/Restaurant is to be constructed of materials that are recycled and/or repurposed to enable dismantling, reassembly and reuse should redevelopment of the site occur in future. 11 car bays are indicated on the development plans. Five car bays will be for the use of the residents of the existing multiple dwellings and six car bays will be for staff and patrons of the proposed Café/Restaurant. Three bicycle bays are also provided.

The proposed business will operate from 7am and to 11pm seven days per week with three full time staff. There may be additional casual staff employed for a few hours during busier periods.

The applicant has proposed relocation of a Frangipani tree to accommodate widening of the existing crossover to the site. The tree will be relocated to the eastern corner of the site.

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

Town Planning Scheme No. 6

- Discretionary Land Use with Consultation (clause 3.3 (5) of TPS6)

Local Planning Policy

- Signage (P308)

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

(d) Local Planning Policy P308 – Signs & TPS6 Clause 6.12 Advertisements

Local Planning Policy P308 provides guidance for the installation of signs on premises and is designed to reduce the adverse visual amenity of signs, especially in residential areas.

The policy provides requirements for signs for non-residential uses in the residential zone as follows:

Element	Requirement	Proposed
<i>Number of signs</i>	<i>1</i>	<i>3</i>
<i>Total area of sign</i>	<i>0.6m² maximum</i>	<i>8.25m² per sign</i>
<i>Letter or figure height and width</i>	<i>0.075m maximum height 0.075m maximum width</i>	<i>0.8m high 0.6m wide</i>

<p><i>Sign details</i></p>	<p><i>Display the name of the business or facility on the site only.</i></p>	<p><i>The proposed signs state 'Coffee' only, as the name of the business is yet to be determined.</i></p>
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The development proposes three signs each with an area of 8.25m². The individual letters are 0.075m in height and width. Two of the proposed signs are located on the south eastern side of the building and one sign is located on the south western side of the building as shown in **figures 2 and 3** below.

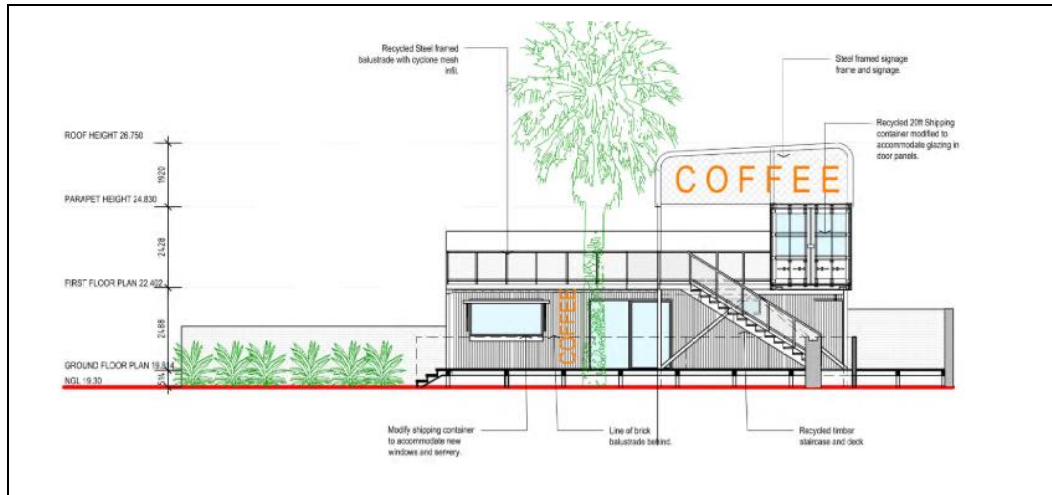


Figure 2: Signs on south eastern side of proposed building



Figure 3: Sign on south western side of proposed building

For illuminated signs near traffic light controlled intersections, P308 requires the following:

Element	Requirement	Proposed
<p><i>Illuminated signs near traffic lights.</i></p>	<p><i>Illuminated signs shall not be within 150m of a street intersection with traffic lights.</i></p>	<p><i>Proposed signs are within 26m of the traffic light controlled intersection of Canning Highway and Douglas Avenue.</i></p>

In considering the above variation, the proposal was assessed against the requirements of clause 6.12(6) of TPS6 with regards to the character, amenity, historic or landscape significance and traffic safety within the locality, and is supported for the following reasons:

- The character and amenity of the area comprises a mix of residential and commercial land uses, including shops, office and consulting rooms to the north east and south (along Canning Highway) and single houses and multiple dwellings on the north western portion of the site and to the north west, west and south west of the site. Given the mix of existing land uses on surrounding properties and the scale of the proposal, the proposed Café/Restaurant is considered compatible within its setting.
- The site is not included on the Heritage List.
- Proposed landscaping has been incorporated into the development as detailed on the plans, which can be supported by a condition should the application be approved.
- In respect to traffic safety, the proximity of the proposed signs to the traffic light controlled intersection at the corner of Canning Highway and Douglas Avenue will be negligible given the angle of the site and its setback from Canning Highway, with only the eastern most point of the site being in close proximity to the intersection. The applicant has proposed white illumination of the signs, which would be unlikely to cause confusion with the coloured traffic signals.
 1. Further, Main Roads Western Australia has recommended conditions restricting flashing, pulsating and chasing signs that may otherwise distract drivers, which has been included in the recommendation.

(e) Land Use

The proposed Use of 'Café/Restaurant' is classified as a 'DC' (Discretionary with Consultation) land use within the Residential Zone, as prescribed in Table 1 (Zoning - Land Use) of TPS6.

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

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

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

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

The matters relevant to the proposal are:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (m) the compatibility of the development with its setting including –*

- (i) *the compatibility of the development with the desired future character of its setting; and*
- (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following –*
 - (ii) *the character of the locality;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*
- (s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following –*
 - (iii) *storage, management and collection of waste*

An assessment of the proposal against these matters is considered throughout this report.

(h) Design Review Panel Comments

Following lodgement of the development application, the proposal was presented to the City's DRP in December 2022. Following this review, the proponent implemented some modifications to address the comments of the DRP.

A copy of the DRP minutes and the applicant's response to the comments raised is included as **Attachment (d)**.

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

(i) Consultation

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

Advertising was undertaken for a period of 17 days between 1 November 2022 and 17 November 2022. Advertising was undertaken to all properties identified by the City that may be affected by the proposal. A total of 208 advertising notices were sent and 13 submissions were received, all objecting to the proposed development.

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

Submitters Comments (Issue Raised)	Officer's Responses
<p>Nature of Proposed Use</p> <p>The proposed development and use are not appropriate for a residential area.</p>	<p>The proposed use is a 'discretionary with consultation use' in a residential area, and is considered compatible for the reasons outlined in this report.</p>
<p>Amenity</p> <p>The proposed use will result in disruptions to residential amenity of the area.</p>	<p>The proposed development is considered compatible with the existing mix of commercial and residential developments within the locality.</p>
<p>Hours of Operation</p> <p>The prolonged and late hours of operation proposed for the use are not compatible with the surrounding residential area.</p>	<p>Whilst it is acknowledged that the proposed hours of operation until 11pm 7 days per week has the potential to impact surrounding residential development, the location of the proposal on the eastern portion of the site abutting existing commercial developments/ Canning Highway will limit potential impacts to nearby residential properties. Matters related to extended operating hours such as traffic and noise are further discussed below.</p>
<p>Street Addressing</p> <p>The property by having an Elizabeth Street address rather than a Canning Highway address, will lead to an increase of vehicles on the surrounding residential streets.</p>	<p>There is no scope to change the address as the site does not directly abut Canning Highway.</p>
<p>Traffic</p> <p>The proposed use will result in an increase in traffic on the surrounding residential streets. The increase in vehicle traffic in the area will result in the streets being unsafe for pedestrians.</p>	<p>The applicant has provided a Transport Impact Statement (TIS) which demonstrates that the proposed use will result in very low traffic generation. Traffic associated with the proposed development is within the capacity of the existing road network to accommodate. A copy of the TIS is attached at Attachment (e).</p>
<p>Parking</p> <p>There is a lack of on site parking and that vehicles will then be parked on the streets</p>	<p>Following consultation, amended plans were provided which decrease the dining area of the proposed development, reducing the required</p>

<p>and verges adjacent to the residential dwellings nearby.</p>	<p>number of bays and resulting in a surplus of available car bays on site.</p> <p>It is also noted that designated on-street parking is available abutting the site within the Elizabeth Street road reserve (reducing the likelihood of ad-hoc parking on the thoroughfare). Whilst the City's <i>Parking Local Law 2017</i> provides for on-street parking, a review of parking restrictions in this area can be considered in future if required. Given the nature of the use, it is not expected that on-street parking will occur for long periods of time.</p>
<p>Anti-Social Behaviour</p> <p>The late hours of operation of the proposed use will lead to increased numbers of people and vehicles moving through the area late at night. There could be an increase in crime and property violations.</p>	<p>There has been no evidence to suggest that there will be an increase in anti-social behaviour and crime as a result of the proposed use.</p>
<p>Noise</p> <p>The prolonged hours of the use will not be conducive to the quiet enjoyment of adjoining properties.</p> <p>Noise will also travel across the neighbourhood due to lack of noise attenuation.</p>	<p>Should the proposal be approved, an acoustic report demonstrating that all mechanical services associated with the proposed development and any other noise source, including patron and staff operation noise, will comply with the Environmental Protection (Noise) Regulations 1997, will be required to be submitted to and approved by the City, and measures thereafter implemented</p>
<p>Appearance of Proposed Development</p> <p>The recycled containers are not in keeping with the architecture of South Perth.</p>	<p>The application was referred to the City's Design Review Panel who were supportive of the proposed development.</p>

(j) Environmental Health

Noise generated from the proposed use is required to comply with allowable noise levels, referred to as 'Assigned Levels' under the Environmental Protection (Noise) Regulations 1997 (the Regulations).

The Assigned Levels are the acceptable noise limits to sensitive land uses (i.e., residential properties), which vary based on the time in which the noise is generated and other factors such as proximity to other noise sources such as commercial properties and highways.

The sites proximity to Canning Highway (within 100m) results in an increase to the Assigned Levels due to the influence of the highway – in this case by 6dB(A). Assigned Levels may be increased further depending on the percentage of commercial premises within proximity to the site as specified by the Regulations.

The proposed use is 11.7m from the multiple dwellings on the site and approximately 25m from the nearest residence on land adjoining the site. The City is satisfied that the Café/Restaurant can operate in such a manner to ensure compliance with the Regulations based on this distance and the influencing factor of Canning Highway being applied.

To establish specific levels for the basis of future assessment for compliance, and as the basis of any noise mitigating measures that could be implemented, an acoustic report from a suitably qualified acoustic consultant can be submitted, which has been recommended as a condition of approval in this instance.

Acoustic reports recommend building finishes, material specifications, design requirements, engineered solutions and operational noise management measures or controls, to mitigate noise impacts. Compliance is demonstrated based on noise modelling at nearby premises.

Any such recommendations are incorporated into the detailed design at the building permit stage, and thereafter required to be implemented prior to occupation of the development, which is supported by a further condition of approval. In any instance, compliance with the Regulations is required in perpetuity, with enforcement action available under these Regulations if required.

The application will also be required to comply with the requirements of the *Food Act 2008*. Should the application be approved, advice notes can be included in this respect.

(k) Infrastructure Services

Comments were invited from the City's Infrastructure Services who provided advice in regard to on-street car parking and bicycle parking. Accordingly, the plans were amended to make provision for bicycle parking.

(l) Main Roads Western Australia

Comments were also invited from Main Roads Western Australia who had no objections to the proposal subject to standard conditions relating to illuminated/digital signage, which have been included in the recommendation.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications, to the extent if the applicant were to seek to have the application reviewed by the State Administrative Tribunal, the City may need to seek representation (either internal or external).

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 coordinated 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 a non-residential land use, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

Whilst it is acknowledged that the proposal does not comply with some requirements of Local Planning Policy P308, the scale of the proposed development and the nature of the use is consistent with existing development within the locality. Matters that have the potential to impact the amenity of adjoining residential properties can be appropriately addressed via conditions of development approval. The design of the development is supported by the City's DRP in particular to the proposals context and character, and built form and design. The anticipated impact on the surrounding road network is considered to be negligible on the basis of the applicant's traffic impact statement, and the proposed buildings will act as an intermediary between the residential and the commercial zones.

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

Attachments

- 10.3.3 (a): Attachment (a) - Site Photographs - Cafe/Restaurant - Lot 174, No. 60 Elizabeth Street, South Perth
- 10.3.3 (b): Attachment (b) - Development Plans - Cafe/Restaurant - Lot 174, No.60 Elizabeth Street, South Perth
- 10.3.3 (c): Attachment (c) - Applicant Cover Letter - Cafe/Restaurant - Lot 174, No. 60 Elizabeth Street, South Perth
- 10.3.3 (d): Attachment (d) - Design Review Panel Comments - Cafe/Restaurant - Lot 174, No. 60 Elizabeth Street, South Perth
- 10.3.3 (e): Attachment (e) - Traffic Impact Statement - Cafe/Restaurant - Lot 174, No. 60 Elizabeth Street, South Perth

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments May 2023

File Ref: D-23-27303
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 May 2023 to 31 May 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(468)	\$3,716,899.53
Cheque Payment to Creditors	(1)	\$415.65
Total Monthly Payments to Creditors	(469)	\$3,717,315.18
EFT Payments to Non-Creditors	(70)	\$87,842.41
Cheque Payments to Non-Creditors	(9)	\$8,762.05
Total EFT & Cheque Payments	(548)	\$3,813,919.64
Credit Card Payments	(5)	\$12,462.86
Total Payments	(553)	\$3,826,382.50

Officer Recommendation AND COUNCIL DECISION

0623/114

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

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

Comment

The payment listing for May 2023 is included at **Attachment (a)**.

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

The report records payments classified as:

- **Creditor Payments**

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

- **Non-Creditor Payments**

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

- **Credit Card Payments**

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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 May 2023

10.4.2 Monthly Financial Statements May 2023

File Ref: D-23-27304
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COUNCIL DECISION

0623/115

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Ken Manolas

That Council notes the Financial Statements and report for the month ended 31 May 2023.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

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

Comment

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

The ongoing impact of COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. It has resulted in steep rises in inflation worldwide including Australia. The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year.

The September, December 2022 and March 2023 Perth CPI of 6%, 8.3% and 5.8% (corresponding quarter of the previous year) respectively confirmed the stubborn continued inflationary pressure. Considerably more 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 May 2022, to date there have been 12 increases. The latest increase of .25% announced on the 7 June 2023 took the cash rate target to 4.10%. The RBA made the following statement: "Inflation in Australia has passed its peak, but at 7 per cent is still too high and it will be some time yet before it is back in the target range. This further increase in interest rates is to provide greater confidence that inflation will return to target within a reasonable timeframe." This statement indicates that the RBA may use continued interest rate rises as an instrument to ensure inflation returns to the target rate.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The above factors also impacted the legislated budget review. The review was completed and Council approved the budget adjustments at the Ordinary Council Meeting held 28 February 2023. Budget review entries have been processed, budget phasing was also revised as part of the review evidenced by the lower year-to-date (YTD) variances between revised budget and actual results.

Actual income from operating activities for May year-to-date (YTD) is \$72.80m in comparison to budget of \$72.08m, favourable to budget by \$0.72m or 1%. Actual expenditure from operating activities for May is \$63.47m in comparison to the budget of \$64.12m, favourable to budget by \$0.65m or 1%. The May Net Operating Position of \$9.33m was \$1.37m favourable in comparison to budget.

Actual Capital Revenue YTD of \$1.40m is equal to budget. Actual Capital Expenditure YTD is \$8.42m in comparison to the budget of \$9.58m, a favourable variance of \$1.16m or 12%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there have been several Capital projects that required Budget adjustments during the midyear review process.

Cash and Cash Equivalents amounted \$63.20m, slightly less than the prior year comparative period. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates are improving, with banks offering average interest rates of 4.38% 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 May 2023, the City held 39.98% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 Adoption of the Annual Budget 2023/24

File Ref: D-23-27307
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents the Draft Annual Budget 2023/24, as attached, for adoption by Council.

The continued impacts of the COVID-19 global pandemic and the war in Ukraine, together with high inflation and increasing interest rates have created significant economic uncertainty. Despite these challenges, the City is continuing to prudently manage its finances through this challenging time whilst remaining conscious of the need to provide quality services to its community.

This year, all properties within the City of South Perth were subject to a revaluation carried out by the Valuer General as per the legislated three year cycle of revaluations. This revaluation results in movements in the Gross Rental Value of each property and therefore adds significant complexity to the rate setting process. This year, in order to fund the services provided to the community, the City is recommending a rates revenue increase of 5%, which is well below the Perth CPI for March 2023 of 5.8%. Last year Council adopted a Rates increase of 4.5% which was also well below the March CPI figure of 7.6%. Overall, for the last five budgets (including 2023/24), the City's rates increases total 10.5% against a cumulative (year on year) CPI increase of 17.6%. Given that the change in Gross Rental Values is not uniform across individual properties, it should be noted that there will (as is always the case in GRV revaluation years) be some properties owners that experience an increase in rates of above 5% and some that experience an increase of well below 5%, some property owners will pay lower rates than they did last year.

The City is recommending a rate in the dollar of .0730665 as compared to last year's rate in the dollar of 0.0813386 (a reduction in excess of 10%) to reflect the higher GRVs across the City.

Over the past four months, Council has had four workshops with staff to discuss and understand the financial position of the City and develop a budget that works towards achieving a net operating surplus in the short to medium term. This budget has been aligned to the principles developed last year aimed at enabling the City to return to a surplus position over the course of three years.

Returning the City to a net operating surplus position is essential for the long term financial sustainability of the City. It enables funds to be directed into renewing ageing drainage, roads, playgrounds, other infrastructure and facilities that allow services and amenity to be provided to residents. Continued operating deficits will see the City unable to undertake all the required asset renewals and

upgrades into the future, which in turn inhibits the City's ability to deliver services to its community.

Some of the key cost increases being faced by the City in the 2023/24 Budget include:

- Salary and Wages increase of 2.75%
- Increase superannuation guarantee from 10.5% to 11%
- Materials and contracts (inclusive of consistently high fuel costs and labour costs for contractors) 4%
- Increase in insurance costs of approximately 17%
- Street lighting costs (Western Power tariff) 7.4%
- Other State Government fees and charges (between 2.5% and 5%)

The March Perth CPI figure was 5.8%, which follows on from the high inflation rate of March 2022 (7.6%). Whilst previous rate rises have been benchmarked against the March CPI figure, staff and Council have worked together to develop a budget that aims to mitigate the impact of these cost pressures but allows the City to improve its net operating position. Through this collaborative process, the initial projected rate rise of 6% (as recommended by administration) has been reduced to 5%.

Because of the GRV revaluations, the recommended rate rise of 5% will not apply evenly across all properties and the City does not have any way of alleviating these anomalies due to the prescribed legislative methods available for setting rates. On average (disregarding GRV changes) a 5% increase in rates represents approximately \$1.85 per week. It is also recommended that the City's minimum rate is raised by \$1.73 per week.

Last year, the City's waste charge increased for the first time in four years, however the impacts of continued high fuel costs together with higher labour costs have resulted in the City recommending the annual residential waste charge to be set at \$375. This is still one of the lowest waste charges in the metropolitan area.

In response to the need to renew and replace existing assets, almost all of this year's Capital Works allocation is directed towards renewal and replacement projects rather than the development of new assets.

Alternative Motion AND COUNCIL DECISION

0623/116

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Stephen Russell

That the Officer Recommendation be amended as follows:

1. That Council adopts the Annual Budget 2023/24 for the City of South Perth which includes the following:
 - a. a General Rate in the Dollar of .0730665 cents is applied to the Gross Rental Value (GRV) of all rateable property within the City for the year ending 30 June 2024;

- b. a Minimum Rate of \$1,170 be set for the year ending 30 June 2024 notwithstanding the General Rate set out in part (a) above;
- c. the following Waste Service Charges be applied for the year ending 30 June 2024:
 - i. a standard Waste Service Charge of \$375;
 - ii. a non-rateable property Waste Service Charge of \$516;
- d. the Swimming Pool Inspection Fee for the year ending 30 June 2024 of \$58.45;
- e. Dates be set for payment of rates by instalments:
 - Two instalments

First instalment	18 August 2023
Second instalment	9 November 2023
 - Four instalments

First instalment	18 August 2023
Second instalment	18 October 2023
Third instalment	18 December 2023
Fourth instalment	19 February 2024
- f. an Administration Charge of \$12.00 per instalment for payment of rates and charges by instalments be applied to the second, third and fourth instalment in accordance with Section 6.45(3) and (4) of the *Local Government Act 1995* and Regulation 67 of the Local Government (Financial Management) Regulations 1996;
- g. an Interest Rate of 5.5% be imposed on payment by instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the Local Government (Financial Management) Regulations 1996;
- h. an Interest Rate of 11% be imposed on overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
- i. an Interest Rate of 11% be imposed on unpaid Underground Power (UGP) Service Charges in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
- j. an Interest Rate of 11% maybe imposed on outstanding debtors in accordance with Section 6.13(1) of the *Local Government Act 1995*.
- k. a Monthly Maintenance Fee of \$480.00 (treated as 'Input Taxed' for the purposes of the GST) is applied to all units in the Collier Park Village for the period July 2023 to June 2024 inclusive (noting that this represents zero increase);
- l. the Statutory Annual Budget for the year ending 30 June 2024 comprising Section 2 of the 2023/24 Annual Budget as distributed with this Agenda and tabled at this meeting, be adopted, inclusive of amendments, within

the Statement of Comprehensive Income, Statement of Cash Flows, Rate Setting Statement and Notes to the Budget, as follows;

- i. Increase the Operating Expenses by \$50,000 to provide funding, exclusively to undertake an external review of the Urban Forest Strategy in 2023/24. As a consequence of this, amend the;
 - ii. 2023/24 Budget Total Operating Expenses to \$70,358,033,
 - iii. 2023/24 Budget Net Deficit to \$1,061,079,
 - iv. 2023/24 Payments for Operating Activities to \$60,471,696;
 - v. Net Cash Flows from Operating Activities to \$16,432,205;
 - vi. Net Decrease in Cash Held (\$4,351,013) and Cash and Cash Equivalents at End of Year to \$48,808,422.
- m. the Management Budget Schedules for the financial year ending 30 June 2024 as set out in Section 3 of the Annual Budget be endorsed, inclusive of amendments for the increased Operating expenditure within the Infrastructure Directorate of \$50,000 to undertake the Urban Forest Strategy review, per (l) above.
 - n. the Capital Expenditure Budget for the financial year ending 30 June 2024 as set out in Section 2, Note 4 of the Annual Budget be adopted;
 - o. the Reserve Fund transfers for the financial year ending 30 June 2024 as set out in Section 2, Note 7 of the Annual Budget be approved;
 - p. the Schedule of Fees and Charges as set out in the Fees and Charges Schedule for the year ending 30 June 2024 be adopted, including State Government Statutory Fees which are still to be determined at a later date than this Report;
 - q. the effective date for all items detailed in the 2023/24 Schedule of Fees and Charges is 1 July 2023.
 - r. Council adopt a definition of 'significant (material) variances' of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item.
 - s. Levy instalment three out of five of the UGP service charges on the owners of properties within the Collier area bounded by Canning Highway, Ryrie Avenue, Blamey Place and South Terrace, as imposed by the 2021/22 Budget.
 - t. Levy instalment three out of five, of the UGP service charges on the owners of properties within the Manning area bounded by Manning Road, Kwinana Freeway, Hope Avenue and Challenger Avenue, as imposed by the 2021/22 Budget.
 - u. Levy instalment two out of five, of the UGP service charges on the owners of properties within the South Perth/Hurlingham area bounded by Canning Highway, Douglas Avenue, Ellam Street and the Swan River Foreshore, as imposed by the 2022/23 Budget.
 - v. That Council confirms that, in relation to the Underground Power (UGP) service charges imposed on the owners of properties within the Collier area bounded by Canning Highway, Ryrie Avenue, Blamey Place and South

Terrace for the year ended 30 June 2022, the references in Council Resolution 0621/104 in paragraph 1(d)(i)-(iv) to –

‘Network charge of \$_____ for Residential and Commercial properties per unit or dwelling with a GRV of \$_____ ...’

has been implemented (and was intended to be implemented) on the basis that, in respect of a property having multiple units or dwellings on a single title, the specified network charge would be imposed in respect of each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.

- w. That Council confirms that, in relation to the Underground Power (UGP) service charges imposed on the owners of properties within the Manning area bounded by Manning Road, Kwinana Freeway, Hope Avenue and Challenger Avenue for the year ended 30 June 2022, the references in Council Resolution 0621/104 in paragraph 1(e)(i)-(iv) to –

‘Network charge of \$_____ for Residential and Commercial properties per unit or dwelling with a GRV of \$_____ ...’ has been implemented (and was intended to be implemented) on the basis that, in respect of a property having multiple units or dwellings on a single title, the specified network charge would be imposed in respect of each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.

- x. That Council confirms that, in relation to the Underground Power (UGP) service charges imposed on the owners of properties within the South Perth/Hurlingham areas bound by Canning Highway, Douglas Avenue, Ellam Street and the Swan River Foreshore for the year ended 30 June 2023, the references in Council Resolution 0622/084 in paragraph 1(d)(i)-(iv) to –

‘Network charge of \$_____ for Residential and Commercial properties per unit or dwelling with a GRV of \$_____ ...’

has been implemented (and was intended to be implemented) on the basis that, in respect of a property having multiple units or dwellings on a single title, the specified network charge would be imposed in respect of each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.

2. That Council adopts the increase to Elected Member fees and allowances of 1.5% as recommended by the Salaries and Allowances Tribunal “Local Government Chief Executive Officers and Elected Members Determination No1 of 2023” and authorises the Chief Executive Officer to update Schedule 1 of Policy P667 Elected Members Entitlements accordingly.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

Officer Recommendation

1. That Council adopts the Annual Budget 2023/24 for the City of South Perth which includes the following:
 - a. a General Rate in the Dollar of .0730665 cents is applied to the Gross Rental Value (GRV) of all rateable property within the City for the year ending 30 June 2024;
 - b. a Minimum Rate of \$1,170 be set for the year ending 30 June 2024 notwithstanding the General Rate set out in part (a) above;
 - c. the following Waste Service Charges be applied for the year ending 30 June 2024:
 - i. a standard Waste Service Charge of \$375;
 - ii. a non-rateable property Waste Service Charge of \$516;
 - d. the Swimming Pool Inspection Fee for the year ending 30 June 2024 of \$58.45;
 - e. Dates be set for payment of rates by instalments:

Two instalments

First instalment	18 August 2023
Second instalment	9 November 2023

Four instalments

First instalment	18 August 2023
Second instalment	18 October 2023
Third instalment	18 December 2023
Fourth instalment	19 February 2024
 - f. an Administration Charge of \$12.00 per instalment for payment of rates and charges by instalments be applied to the second, third and fourth instalment in accordance with Section 6.45(3) and (4) of the *Local Government Act 1995* and Regulation 67 of the Local Government (Financial Management) Regulations 1996;
 - g. an Interest Rate of 5.5% be imposed on payment by instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the Local Government (Financial Management) Regulations 1996;
 - h. an Interest Rate of 11% be imposed on overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
 - i. an Interest Rate of 11% be imposed on unpaid UGP Service Charges in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
 - j. an Interest Rate of 11% maybe imposed on outstanding debtors in accordance with Section 6.13(1) of the *Local Government Act 1995*.

- k. a Monthly Maintenance Fee of \$480.00 (treated as 'Input Taxed' for the purposes of the GST) is applied to all units in the Collier Park Village for the period July 2023 to June 2024 inclusive (noting that this represents zero increase);
- l. the Statutory Annual Budget for the year ending 30 June 2024 comprising Section 2 of the 2023/24 Annual Budget as distributed with this Agenda and tabled at this meeting, be adopted;
- m. the Management Budget Schedules for the financial year ending 30 June 2024 as set out in Section 3 of the Annual Budget be endorsed;
- n. the Capital Expenditure Budget for the financial year ending 30 June 2024 as set out in Section 2, Note 4 of the Annual Budget be adopted;
- o. the Reserve Fund transfers for the financial year ending 30 June 2024 as set out in Section 2, Note 7 of the Annual Budget be approved;
- p. the Schedule of Fees and Charges as set out in the Fees and Charges Schedule for the year ending 30 June 2024 be adopted, including State Government Statutory Fees which are still to be determined at a later date than this Report;
- q. the effective date for all items detailed in the 2023/24 Schedule of Fees and Charges is 1 July 2023.
- r. Council adopt a definition of 'significant (material) variances' of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item.
- s. Levy instalment three out of five of the UGP service charges on the owners of properties within the Collier area bounded by Canning Highway, Ryrie Avenue, Blamey Place and South Terrace, as imposed by the 2021/22 Budget.
- t. Levy instalment three out of five, of the UGP service charges on the owners of properties within the Manning area bounded by Manning Road, Kwinana Freeway, Hope Avenue and Challenger Avenue, as imposed by the 2021/22 Budget.
- u. Levy instalment two out of five, of the UGP service charges on the owners of properties within the South Perth/Hurlingham area bounded by Canning Highway, Douglas Avenue, Ellam Street and the Swan River Foreshore, as imposed by the 2022/23 Budget.
- v. That Council confirms that, in relation to the Underground Power (UGP) service charges imposed on the owners of properties within the Collier area bounded by Canning Highway, Ryrie Avenue, Blamey Place and South Terrace for the year ending 30 June 2022, the references in Council Resolution 0621/104 in paragraph 1(d)(i)-(iv) to –

'Network charge of \$_____ for Residential and Commercial properties per unit or dwelling with a GRV of \$_____ ...'

has been implemented (and was intended to be implemented) on the basis that, in respect of a property having multiple units or dwellings on a single title, the specified network charge would be imposed in respect of each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.

- w. That Council confirms that, in relation to the Underground Power (UGP) service charges imposed on the owners of properties within the Manning area bounded by Manning Road, Kwinana Freeway, Hope Avenue and Challenger Avenue for the year ending 30 June 2022, the references in Council Resolution 0621/104 in paragraph 1(e)(i)-(iv) to –
- ‘Network charge of \$_____ for Residential and Commercial properties per unit or dwelling with a GRV of \$_____ ...’
- has been implemented (and was intended to be implemented) on the basis that, in respect of a property having multiple units or dwellings on a single title, the specified network charge would be imposed in respect of each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.
- x. That Council confirms that, in relation to the Underground Power (UGP) service charges imposed on the owners of properties within the South Perth/Hurlingham areas bound by Canning Highway, Douglas Avenue, Ellam Street and the Swan River Foreshore for the year ended 30 June 2023, the references in Council Resolution 0622/084 in paragraph 1(d)(i)-(iv) to –
- ‘Network charge of \$_____ for Residential and Commercial properties per unit or dwelling with a GRV of \$_____ ...’
- has been implemented (and was intended to be implemented) on the basis that, in respect of a property having multiple units or dwellings on a single title, the specified network charge would be imposed in respect of each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.
2. That Council adopts the increase to Elected Member fees and allowances of 1.5% as recommended by the Salaries and Allowances Tribunal “Local Government Chief Executive Officers and Elected Members Determination No1 of 2023” and authorises the Chief Executive Officer to update Schedule 1 of Policy P667 Elected Members Entitlements accordingly.

Absolute Majority required

Background

The preparation of the Annual Budget is both a statutory requirement of the *Local Government Act 1995* and an essential financial management practice. The annual budget is guided by the 10-year Strategic Community Plan (SCP), which involves significant community consultation every four years when undertaking a major review. The revised City of South Perth SCP 2021-2031 was adopted by Council in December 2021. The SCP guides the development of a Corporate Business Plan (CBP) that describes the services, projects and measures for the next four years working to achieve the strategic vision. The long-term financial plan, asset management plans and workforce plan inform the SCP, CBP and annual budget, with outcomes contained in the Annual Report. The annual budget has been prepared in accordance with the requirements of Part 3 of the Local Government (Financial Management) Regulations 1996.

Council has adopted budgets with rate rises totalling only 5.5% over the past four years, well below the Perth March CPI of 11.8% for the same period.

This was Council's response to a series of rate rises in previous years that were in excess of CPI to fund rapidly increasing expenditure. The current Council has worked with administration to reign in expenditure growth, keeping expenditure growth (excluding underground power and interest) below CPI with forecast operating expenditure for 2023/24 being \$69.8m compared to 2018/19 of \$61.6m (a rise of 13.3%). March CPI (year on year) over this period is 17.6%, representing a real reduction in expenditure of 4.3% or \$2.6m, a significant achievement given the continued high inflationary pressures of the last two years. Whilst this has been achievable primarily through identifying operational efficiencies, there has also been some reduction in service levels.

The current high inflationary period has seen City costs increase considerably with the March CPI figure for Perth being 5.8% (following on from a decades high 7.6% in the previous year). The City always looks to absorb costs through increased efficiency, the recent budget workshops with Council and City staff have highlighted that whilst some proportion of additional costs can be absorbed, totally absorbing costs at this level is not possible without significant reductions in service delivery or long-term impacts on the City's ability to renew and replace its assets.

Accordingly, this budget is framed with the City's long-term financial sustainability in mind and focuses on the need to reduce the City's ongoing operating deficit whilst continuing to deliver the level of service expected by the Community. The overall rate rise is recommended at 5%, well below the Perth March CPI rate of 5.8%. It should be noted that the initial suggestion put forward by administration was for a 6% rise, however, as a result of workshops between staff and Council, this has been reduced to 5% without significantly impacting on current service levels.

Rate modelling was also carried out at levels below 5% and whilst a lower rate rise may be welcomed by residents in the short term, it needs to be recognised that a 1% reduction in this proposed increase will save the average ratepayer only approximately \$20 per year (or 40 cents per week). However, it will result in approximately **\$380k less** revenue to the City, or in excess of **\$1.9m** over the next five years, potentially delaying planned renewal programs such as roads, footpaths, buildings and playgrounds.

Comment

The City of South Perth is by most measures one of the more socially advantaged areas of Perth. This is highlighted by the Socio-Economic Index for Areas (SEIFA) score of 1089 as compared to the benchmark of 1000 and the overall index for Australia of 1001. Western Australia's index is 1015 making WA residents on average more advantaged than other Australians. The City of Kwinana (960) has the lowest SEIFA in the WA metro area, whilst Cottesloe (1163) has the highest.

This indicates that South Perth residents typically have higher education qualifications or are in highly skilled occupations translating into a high expectation of the South Perth community for the City to provide a high level of amenity. It also means that South Perth residents have higher than average capacity to pay rates. This suggests there is little economic or social reason to keep rates at such a low level, jeopardising service levels and renewal programs. What is more important than low rates, is that residents believe they are receiving value for money for the rates they pay, and this can only be achieved when the level of services and overall amenity of our City meets Community expectations.

The City of South Perth recognised some years ago that its financial position needed to improve in order for it to remain financially sustainable into the future. Whilst a plan was put in place to improve the financial position at each budget and each half yearly budget review from 2017/18, the impacts of the COVID pandemic presented significant hurdles in

achieving these improvements. For example, Council's decision to reduce rates by 1% for the 2020/21 financial year (rather than a zero percent increase as "mandated" by the State Government), came at an annual cost of approximately **\$380k** which over 10 years, equates to in excess of **\$3.8m** (conservatively calculated ignoring the compounding).

Rates revenue is the City's main avenue for funding its operations and whilst strategies are being implemented to increase alternate revenue streams, these will take some years to achieve the desired level of income to reduce reliance on rates.

Given the complexity of this year's budget, the City has undertaken a series of four budget workshops with Council, to ensure that all of the financial issues facing the City are fully understood and discussed by both staff and Council. Independent financial analysis and modelling of the City's forecast financial position was presented to Council at the first and fourth workshops. This showed that without rates increases being close to the Perth CPI figure the City would be unable to fully fund its asset renewal program.

These workshops centred on aligning the budget to the long term financial management principles and strategies that were developed and applied in the previous year. This will see the City's financial position improve over time and its reliance on rate revenue reduced over the same period.

The work done with Council highlights that restoring the City's financial position is achievable, however it not only requires controls over expenditure (as has been the focus for a number of years) but also requires increases in income. Achieving this requires cooperation from staff, a commitment from Council and understanding by the community.

Along with adopting the recommended rates increase, below are the principles that are proposed to underpin the financial sustainability of the City of South Perth moving forward and will form the basis of the long-term financial plan:

- Materials and contracts expenditure increases by no more than **CPI minus 1%** in any one year.
- Raising the **minimum rate to \$1,170**.
- Rate rises are in line with **CPI but not greater than 5% and not less than 2% in any one year**.
- **Additional revenue streams** are developed in order to reduce rates as a proportion of income.
- Fees and charges **increase by at least CPI annually**.

These measures, along with the 2023/24 budget, including the recommended rates increase are aimed at returning the City to surplus and enabling the City's long term asset renewals to be fully funded into the future. This will ensure the City's current levels of service can be maintained over time. If current assumptions hold true, independent financial modelling shows that implementing these principles will result in the net surplus position being achieved in the 2024/25 financial year.

- Overall the 2023/24 Annual Budget includes the following:
- Operating Revenue of \$69.29m
- Operating Expenditure (excluding interest) of \$69.83m
- Capital Grants (Revenue) of \$2.41m
- Capital Expenditure of \$14.76m

Rates

Rates are calculated by using the Gross Rental Value (GRV), provided by Landgate (a State Government agency), multiplied by the rate in the dollar adopted by Council. GRV is an estimation of the likely annual rental return on a property; for example a property with a \$26,000 GRV is equivalent to earning \$500 per week (\$500 x 52 weeks). Therefore the Rates calculation (GRV x Rate in \$ = Rates), in this scenario is:

\$26,000 (GRV) x \$0. 0730665 (rate in the dollar) = \$1,899.72.

Every three years, the State Government (Landgate) provides a GRV for every property and the City is required to use these valuations. This year is a revaluation year and therefore the GRV for each property within the City has changed. Given that on average GRVs for properties within the City have risen by approximately 17%, the City has revised its rate in the dollar lower (**down from \$.0813386 to \$.0730665**), so that the total additional rates revenue collected by the City across the whole rate portfolio is **5%** and **not 17%**.

As per the City's long term financial management principles, the Minimum Rate (the lowest rate paid by any one ratepayer) is recommended to increase to **\$1,170** (\$1,080 in 2022/23), for approximately 2,888 properties.

As with all budgets, there are a range of expenses that increase each year. In order to deliver a 5% rate increase, the City had to tightly manage City operating expenditure budgets.

In benchmarking against other metropolitan Local Government Authorities (LGA), the City continues to be competitive with its peers in relation to the rate in the dollar. Those LGAs with a lower rate in the dollar tend to have a large industrial and/or commercial rate base. In comparison, the City of South Perth commercial properties represent only 11.51% of the total Rates.

Minimum Rates

Section 6.35 (4) of the *Local Government Act 1995* provides for Local Governments to set a minimum rate. This minimum rate should reflect a reasonable contribution to the provision of services and facilities. No more than 50% of properties within the district are allowed to be on the minimum rate.

The proposed minimum rate for 2023/24 is \$1,170 the City of South Perth minimum rate for 2022/23 was set at \$1,080, which placed approximately 18% of the City's rateable properties on the minimum. In comparison, the City of Nedlands has a minimum rate of \$1,484 and the City of Subiaco \$1,190. These local governments have around 16% of their rateable properties on the minimum rate. Interestingly even local governments with a much lower SEIFA score (suggesting a lower capacity to pay) such as Kwinana (\$1,126) and Armadale (\$1,242) have higher minimum rates than South Perth.

Whilst the proposed increase to the minimum rates is 8.3%, this will mean an increase of only \$90 per year or approximately \$1.73 per week for these properties. However, it should be noted that over the past five years the increase to the minimum rate have kept up with inflation but have not exceeded inflation. City analysis shows over 70% of properties currently on the minimum rate, are properties not lived in by the owner. These properties are likely able to claim rates as tax deduction against income earned.

Waste Service Charge

The standard waste service charge for domestic rubbish for the Annual Budget 2023/24 will increase to \$375, \$516 for non-rateable properties, only the second increase in five years. Whilst this charge still remains one of the lowest in the metropolitan area, the increase, well below the CPI over the five-year period, is required to cover the additional costs that will be incurred due to the higher waste contract price including the significant increases in labour, fuel and recycling costs.

This service includes weekly rubbish pick-up, fortnightly recycling collection and three verge-side rubbish collections per year. The single 660 litre bin standard waste service charge increase to \$1,125 for a rateable property, non-rateable property single 660 litre bin standard waste service charge increase to \$1,548 The 1100 litre waste service for rateable commercial properties will increase to \$1,875. Non-rateable properties will pay \$2,580 for 1100 litre bin services (pre-existing services only).

Residential ratepayers will continue to receive two green waste and one general waste pass to the Recycling Centre. As in previous years, two green waste and one general waste bulk verge-side rubbish collection will also be provided.

The collection of waste and in particular verge-side rubbish collections will be further reviewed over the coming year to identify alternative solutions that result in overall efficiencies and potential cost savings

Emergency Services Levy (ESL)

The State Government ESL charge will again appear on all local government rate notices in 2023/24. This charge will be calculated based on the GRVs supplied to the City by the Valuer General and using a rate in the dollar determined by the Fire & Emergency Services Authority.

In its May budget, the State Government imposed an approximate 5% increase in the ESL, which is largely in line with the City's proposed rate increase, it should however be noted the revaluation carried out by the Valuer General as per the legislated three-year cycle impacts on the ESL rate in the dollar in the same way that it impacts on the City rate in the dollar. Therefore, the revised ESL rate in the dollar may not necessarily calculate to a simple 5% increase.

Underground Power (UGP)

The City will levy the third instalment (out of five) for the Collier and Manning Underground Power service charge adopted in 2021/22 Budget on the rates notice for the 2023/24 financial year. For South Perth/Hurlingham, the City will levy the second instalment out of five for Underground Power service charge adopted in the 2022/23 Budget on the rates notice for the 2023/24 financial year.

The remaining underground power project, Kensington (East and West), is being progressed by Western Power and it is envisaged that it will form part of the Annual Budget 2024/25. Should Kensington proceed, the ambition to provide underground power to the whole of City, established by Council in 1996 will have been achieved.

Whilst UGP is a State Government asset, Council recognises the benefits to the community, being more than just securing supply during severe weather events. UGP has enabled an improved amenity through greater number and size of street trees, significantly reducing summer heat and positively contributing to the vision, "A City of active places and beautiful places."

Employee Information

Employee costs constitute approximately 39% of the City's annual expenditure. This is a cost that has been managed closely over the past few years with the number of full time equivalent (FTE) positions held stable for the past six years.

Staffing in the budget reflects an appropriate mix of resources across the organisation to deliver services in accordance with the City's Strategic Community Plan.

The total payroll budget has increased to make allowances for a 2.75% pay increase (well below the March CPI figure of 5.8%) as per the City's Enterprise Agreement (EA), negotiated in 2022, and the legislated 0.5% increase in Superannuation Guarantee from 10.5% to 11%.

Employee costs also include the allocation of workers compensation insurance approximating \$400k.

Repayment of Loan Borrowings to Collier Park Village Residents Offset Reserve

In accordance with the 2022/23 budget, the Collier Park Village Residents Offset Reserve advanced \$6,072,060 in 2022/23 as a loan to the municipal fund for the purpose of funding the South Perth/Hurlingham Underground Power project. Repayments are made in quarterly instalments of approximately \$416,800 over four years with interest payable back to the Reserve at the equivalent WATC rate (less the Government Guarantee Fee of .7%). These transactions are shown as part of the Reserve movements in the 2023/24 budget.

Fees and Charges Schedule

The attached Fees and Charges Schedule reflects an assessment of the costs of providing services to our community whilst recognising community service obligations. As appropriate, the fee schedule recognises fees determined on a variety of fee bases:

- Full cost recovery,
- Benchmarked / reference pricing,
- Statutory fees, and
- Partial recovery, based on community service obligations.

The majority of fees and charges are proposed to rise by a percentage approximating the March CPI figure of 5.8%, however, many of them are statutory fees whereby the amount the City is able to charge does not always align with the cost of providing the service. In these instances, whilst the City is charging the maximum fee allowable, it is still not recouping the full cost of service. Other fees and charges have been increased incrementally in order to get closer to full cost recovery.

Collier Park Golf Course

The City owns Collier Park Golf Course (CPGC), which is operated under management by Clublinks Management. CPGC is one of the best public golf courses in Australia and as such there is a high demand for tee times particularly at peak times. Approximately 80% of golf course patronage comes from outside of the City of South Perth. In the 2023/24 financial year, the City will be trialling a new charging regime, whereby the operator will determine the charges between the range of \$10 and \$50 depending on the demand for tee times. For example, those times that experience the highest demand (e.g. Saturday mornings before 9am) will attract a premium rate, whereas those less desirable tee times (e.g. Monday afternoons) will give golfers an opportunity to play for a lower fee than is currently available. This price flexibility will allow the operator to maximise revenue but also to spread demand over a greater number of hours. Those players that wish to play at a cheaper price will have the option to do that at non-peak times.

Pricing levels will be transparent through the booking process so that customers know the exact price charged for different tee times and the operator will publish the seasonal pricing range on the Collier Park website as a guide. GolfWA affiliated golf clubs who currently play at the Course will be unaffected by the changes, paying the standard rate across all their tee times, and will retain their current playing times.

Additionally, the operator will have the ability to discount tee times at short notice in response to inclement weather, or unusually low demand due to external factors to fill vacancies. Payments required at the time of booking, combined with a “no-show” fee will be applicable for peak times to reduce the amount of revenue being lost due to people booking tee times and not showing up.

By implementing this demand driven pricing mechanism, the City is projecting an additional return of approximately \$150-\$200k or the equivalent of almost **0.5%** of rates. This budget also proposes to create the Collier Park Golf Course Reserve, this reserve quarantine funds to fund future capital expenditure at the Golf Course. The reserve is funded by an amount equal to 50% of the annual net profit of the Collier Park Golf Course.

With Council’s approval, this new charging regime will be implemented during July 2023 with the intention of all tee times (excluding Twilight Golf which will remain a static fee) being transitioned by August 2023.

Consultation with tee time booking agent, MiClub, is already complete and plans in place for implementation.

A full communications plan is being collaboratively designed between Clublinks and City of South Perth Marketing/Communications personnel to include consistent messaging across all media, updates to webpages, proactive external communications to customers and on-going messaging via Clublinks owned systems and channels.

Example Pricing Schedule

Pricing Structure	Premium	Peak	Standard	Off-peak	Twilight
Weekday 18 holes	\$42.00	\$39.00	\$36.00	\$35.00	
Weekday 9 holes	\$31.00	\$29.00	\$28.00	\$26.00	
9 holes concession	\$24.00	\$22.00	\$21.00	\$20.00	
18 holes concession	\$30.00	\$29.00	\$28.00	\$27.00	
Weekend 18 holes	\$49.00	\$47.00	\$45.00	\$43.00	
Weekend 9 holes	\$35.00	\$33.00	\$31.50	\$30.00	
Twilight golf					18

It is worth noting that, even with this premium pricing on selected times, prices remain comparable (and still cheaper in places) than proposed pricing for the 2023/24 financial year at other comparable Perth Metro Council owned venues.

Collier Park Village (CPV) maintenance fees

Given the City is currently undertaking a request for proposal process for a new owner/operator for Collier Park Village, it is recommending to Council that there be no increase in CPV resident’s maintenance fee of \$480 per month. It is also recommended that there be no increase in rents for residents occupying short-term rental units at CPV.

In 2023/24, the four different pricing arrangements available to CPV residents are:

- \$480 per month.
- \$355 per month and have the remaining \$125 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30 June 2024.
- \$345 per month and have the remaining \$135 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30 June 2024.

10.4.3 Adoption of the Annual Budget 2023/24

- \$300 per month and have the remaining \$180 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30 June 2024.

The Annual Amenities Charge is \$540 for the 2023/24 year, (\$540 in 2022/23).

Sustainability Implications

The City of South Perth recognised some years ago that its financial position needed to improve in order for it to remain financially sustainable into the future. Accordingly, this budget is framed with the City's long-term financial sustainability in mind and focuses on the need to reduce the City's ongoing operating deficit whilst continuing to deliver the level of service expected by the Community. Compared to the 2022/23 Budget the 2023/24 Budget forecasts an operating deficit of \$1.01m vs. \$2.21m a \$1.2m improvement. Overall, this is positive result confirms the City's commitment to an improved net operating result and Financial Health Indicator (FHI) score. It should be noted that the ratios from which the FHI score are derived have been removed from legislation and have not been replaced yet. However using those same ratios, the 2023/24 Budget results in a forecast FHI of 70 achieving the now obsolete benchmark standard.

Consultation

Given the complexity of this year's budget, the City held four workshops with elected members to fully explain the City's long term financial position and explain the importance of putting in place measures in this budget to help restore the City's financial position over the longer term.

The first of these workshops was also attended by an independent financial analyst with significant experience in local government finances, who presented an analysis of the City's current financial position as well as financial modelling over the next ten years.

Policy and Legislative Implications

Local Government Act 1995

Financial Management Regulations 1996

Financial Implications

The financial implications of adopting the 2023/24 Budget are as disclosed in **Attachment (a)** of this report.

Key Risks and Considerations

Risk Event Outcome	<p>Financial Loss</p> <p>An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services</p> <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	High
Mitigation and actions	<p>Five budget workshops held with Council since February 2022 to ensure the City's financial position and all aspects of the budget are fully understood.</p> <p>Independent financial analysis of the City's forecast financial position over the next ten years.</p> <p>Rate modelling at different levels to show the financial effects of higher or lower rate rises.</p> <p>Implementation of cost saving measures and future revenue generating measures to improve the City's financial position.</p> <p>Budget ready to be adopted prior to statutory deadline.</p>

Strategic Implications

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

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

Attachments

10.4.3 (a): Draft Annual Budget 2023/24

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Risk Management and Business Continuity Activity Report

File Ref: D-23-27308
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report outlines the activities undertaken by the City of South Perth's (the City) Risk Management Function for the period of March 2023 to June 2023 and to provide an overview of the activities planned for the first quarter of the 2023/24 Financial Year.

Officer, Committee Recommendation AND COUNCIL DECISION

0623/117

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Ken Manolas

The Audit Risk and Governance Committee recommends to Council that it:

1. Notes the Risk Management and Business Continuity Activity Report as contained in the body of the report;
2. Notes the changes to the Corporate Operational Risk Register as contained within the report;
3. Notes the contents contained in **Confidential Attachment (a)**; and
4. Endorses the Strategic Risk Register as contained in **Confidential Attachment (b)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The Council is responsible for the strategic direction of the City. The City's Audit, Risk and Governance Committee (ARGC) is a Committee of Council in accordance with the *Local Government Act 1995* (the Act) and is responsible for providing guidance, assistance and oversight to the Council, in relation to matters which include risk management.

The responsibility of the ARGC in relation to the risk management program includes overseeing the strategic risk management process and ensuring that the administration has a robust and structured process for identifying and managing strategic risks.

This activity report outlines the risk and business continuity management activities undertaken.

Comment

Risk Management and Business Continuity Management activities for the period of March 2023 to June 2023:

1. Fraud and Corruption

The City has a Fraud and Corruption Control Plan (Plan) which was developed and endorsed by the Executive Management Team in October 2022. The primary objective of this Plan is to protect resources, including information, and safeguard the integrity and reputation of the City. This Plan includes the City's Fraud & Corruption Prevention Policy and sets out the arrangements for the overall management of the risks and any instances of fraud and/or corruption. The Fraud and Corruption Prevention Policy P694 was endorsed by Council in December 2022.

There have been no reported incidents of alleged fraud and/or corruption in the current quarter.

2. Business Continuity Management Framework (BCMF)

The Business Continuity Management Framework (BCMF) is now finalised and has been circulated to the Management Team for review prior to endorsement by the Executive Management Team. Development of the BCMF and associated processes were guided by the following standards and good practices:

- ISO 22301:2019 Societal security - business continuity management systems – requirements
- AS/NZS 5050 (Int):2020 Managing disruption-related risks
- ISO 31000:2018 Risk management
- WA Government Business Continuity Management Guidelines

The goals of the BCMF is to increase the adaptive capacity of the City's entire operations (i.e., its resilience) and to ensure the effective management of an incident or series of events which may damage our business or impact quality of our services.

3. Internal Risk Management Committee

The Internal Risk Management Committee (IRMC) met on 2 May 2023 at which time the Operational Risk Register was presented for review.

The following two risks having been reviewed and remain at a high risk rating. In accordance with the requirements of the Risk Management Framework 2021 these risks are presented to the Audit, Risk and Governance Committee for review.

These risks relate to the availability of contractors or staff to carry out required activities to meet the expectations of our community. While the residual rating of the risks are high, it is considered that all available mitigation strategies are in place to reduce the outcome of this risk impacting the City's community.

Where necessary, key communication methods are utilised to inform our community of any delays/interruption to the expected delivery of a project or service.

i. **Corp Risk 5.0 Dependency on contractors to deliver key project/services.**

Outcome: Service Interruption

Due to the current labour market the residual likelihood of this event occurring remains as Possible, with the risk rating remaining as High.

Controls

- Robust supplier selection
- Use of WALGA preferred suppliers
- Procurement Management provided by the Finance Services Business Unit
- Relationship management

ii. **Corp Risk 5.4 Employee attraction and retention**

Outcome: Service Interruption

Due to the current labour market the residual likelihood of this event occurring remains as Possible, with the risk rating remaining as High.

Controls

Established Corporate policies, management practices, procedures and strategies including:

- Flexible working arrangements and working from home arrangements
- Learning and development opportunities
- Equal Opportunity Employer
- Phased retirement
- Health and Wellbeing Program for employees
- Reward and Recognition Program
- Superannuation benefits
- Performance Management Framework
- Annual performance reviews
- Learning & Development Framework
- Workforce Plan
- Secondment opportunities.
- Mentorship program and internal training to staff so they are interchangeable, as required.
- Advertised positions to be reviewed against the current market, so that position description is aligned with the offered remuneration package, including market supplements.

4. Strategic Risk Register

The Strategic Risk Register (register) has been developed in consultation with the City's Council and external members of the Audit Risk and Governance Committee (the Committee), with Cohesive Leadership being an identified risk. Cohesive Leadership is described as failure of Council to work effectively with the Administration.

For the 2022/23 financial year, there has been a significant number of complaints against Council Members being received as detailed in **Confidential Attachment (a)**. While there are multiple measures that can be used to assess Cohesiveness of Council, and the effectiveness of the relationships between Council and the Administration, the significant volume of complaints is a concern for the City both reputationally and financially. As such, it is proposed that the likelihood of this risk occurring be increased from possible to likely. The reassessment of the likelihood of this risk occurring has not amended the risk rating, which remains at a High Level.

The Strategic Risk Register, as contained in **Confidential Attachment (b)**, has been updated to reflect the City's current environment with all amendments being highlighted in red text.

This updated register is presented to the ARGC for review and recommendation to Council for endorsement.

The following Risk Management and Business Continuity Management activities are planned (subject to the availability of organisational officers) for the period ending September 2023:

Risk Management Activities	Expected Outcome
Operational risks to be reviewed on a quarterly basis	The City's Corporate Operational Risk register to be as current as reasonably practicable.
Development of further fraud and corruption training.	Increased knowledge within the City's business units in order to further protect resources and information and safeguard the integrity and reputation of the City.
Business Continuity Plans to be reviewed in accordance with the requirements of the Business Continuity Management Framework.	The City's Business Continuity Plans to be as current as reasonably practicable.
Updated Management Practice M695 Risk Management to be rolled out across all Business Units.	Sound risk management practices and procedures to be further integrated into the City's strategic and operational planning process and day to day business practices.
Implement training program for identified officers	Provide support and guidance to officers ensuring they have familiarity with the City's risk management practices.

Consultation

Relevant City officers were consulted in order to identify and review all risks across all City operations.

Policy and Legislative Implications

Reg 17 (1) (a) Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
 - (a) risk management

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	Continuous review and improvement in relation to all Risk Management activities.

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

- 10.5.1 (a): Complaints *(Confidential)*
- 10.5.1 (b): Strategic Risk Register *(Confidential)*

10.5.2 Delegation DC690 Town Planning Scheme 6

File Ref: D-23-27309
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report responds to a Councillor request to review Delegation DC690, following consideration of the Annual Review of Council Delegations at the Ordinary Council Meeting held 28 March 2023. The report considers the five proposed conditions as included in the amended motion and recommends the inclusion of three conditions.

Officer, Committee Recommendation AND COUNCIL DECISION

0623/118

Moved: Councillor Stephen Russell

Seconded: Mayor Greg Milner

That the Audit Risk and Governance Committee recommends to Council that it notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, Delegation DC690 Town Planning Scheme 6 has been reviewed with the inclusion of the following amendments to Schedule 1, Conditions of Delegation:

3. Developments involving the exercise of a discretionary power

This power of delegation does not extend to approving development applications involving the exercise of a discretionary power in the following categories:

- e) Applications for Heritage Listed properties or within a Heritage Area except, in the opinion of the delegated officer, the proposal is minor in nature.
- f) Applications on City owned or managed land by a private entity; and
- g) Applications for illuminated signage opposite (directly or diagonally) to or adjoining a residential zone.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

Background

At its meeting held 28 March 2023, Council reviewed the delegations in accordance with the *Local Government Act 1995* (the Act).

At that meeting Councillor Stephen Russell moved an amendment which was lost to amend Schedule 1, Conditions of Delegation to DC690 Town Planning Scheme 6 to include the following:

- i) Inclusion of 3(e) to state “Applications for Heritage Listed properties or areas, other than City deemed minor alterations.”
- ii) Inclusion of 3(f) to state “Applications where the proposed development, from a non-public entity, results in the permanent development or utilisation, of City owned lands or lands vested in the City to manage. At-grade crossovers or utility services are excluded.”
- iii) Inclusion of 3(g) to state “Applications resulting in a cash-in-lieu as a condition of approval”.
- iv) Inclusion of 3(h) to state “Applications for signage within residential zone lots or within non-residential zone lots, opposite (directly or diagonally) to or adjoining a residential zone lot.”
- v) Inclusion of 3(i) to state “When during the advertising period, the Mayor or two Councillors have requested that the application be referred to the Council for determination.

The reasons for the amendment were as follows:

- “1. For items 3(i) to 3(iv) the determination of applications needs to consider the expectations of the community as a due regard consideration as laid out in the Deemed Provisions for Local Planning Scheme. With respect to the City, this is best addressed via Council and therefore the purpose of these amendments.*
- 2. With regards to 3(v), it is the opinion that Elected Members as decision makers should have the authority to call in applications, where they deem appropriate. This should be considered as a mandatory clause for any decision-making body which delegates its authority.”*

Comment

Section 5.42 of the Act provides for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than a small number of functions which may not be delegated.

The Act further provides for the CEO to sub-delegate some of its powers to another employee, which must be in writing. The CEO may place conditions on any sub-delegations, if required. Delegations assist local governments to efficiently deal with a wide range of operational matters that are minor and/ or administrative in nature. By incorporating conditions into delegations, such as limiting the use of when a delegation can be exercised, Council can set parameters to the extent in which its decision-making powers can be exercised by its delegates and sub-delegates.

As it relates to planning, section 5.42 of the Act only applies to the delegation of section 214 – Illegal development provisions of the *Planning and Development Act 2005*. Other matters are dealt with via the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). Regulation 82 of the Regulations provides the power to discharge any of the local government’s duties under the Regulations other than the power of delegation.

Officers have considered the proposed additional conditions and provide the following comment:

- i) Inclusion of 3(e) to state “Applications for Heritage Listed properties or areas, other than City deemed minor alterations.”

Whilst the intent of this delegation is supported, the wording has been modified in accordance with the Officer’s Recommendation for the following reasons:

- To ensure consistency with the Regulations, the full terminology of ‘Heritage Area’ has been included;
 - ‘In the opinion of the delegated officer’ has been used in lieu of ‘City’ for consistency with existing delegations and to clarify that only the officer to whom the power has been delegated can exercise such discretion; and
 - Applications that are ‘minor in nature’ instead of ‘minor alterations’ has been used to capture all incidental development (small outbuildings, structural repair work etc.) instead of solely alterations to a dwelling.
- ii) Inclusion of 3(f) to state “Applications where the proposed development, from a non-public entity, results in the permanent development or utilisation, of City owned lands or lands vested in the City to manage. At-grade crossovers or utility services are excluded.”

Whilst the intent of this delegation is supported, the wording has been modified for simplification. At-grade crossovers and public works such as utility services require approval under local laws or are exempt from development approval as they are public works respectively, and therefore do not need to be included in the delegation.

- iii) Inclusion of 3(g) to state “Applications resulting in a cash-in-lieu as a condition of approval”.

Schedule 2, Part 9A of the Regulations comes into effect on 1 July 2023, after which time local governments cannot impose cash-in-lieu parking conditions on a development approval unless a Payment in Lieu of Parking Plan(s) has been adopted.

A delegation is therefore not required, as Council will either determine the locations where payment-in-lieu can be sought, or no ability to impose such a condition will exist.

The inclusion of 3(g) is therefore not supported by officers.

- iv) Inclusion of 3(h) to state “Applications for signage within residential zone lots or within non-residential zone lots, opposite (directly or diagonally) to or adjoining a residential zone lot.”

3(h) is supported subject to the inclusion of the word ‘illuminated’ and minor rewording (residential zone lots or non-residential zone lots captures all zoned land within the City, and therefore reference is not required in this respect).

- v) Inclusion of 3(i) to state “When during the advertising period, the Mayor or two Councillors have requested that the application be referred to the Council for determination.

The inclusion of 3(i) would introduce a delay to the determination of applications by the City where an application is not otherwise ‘called in’ for a Council determination under the specific conditions of delegation. Under the Act, delegations are made by absolute majority of Council and as such, inclusion of ‘call in’ provisions would empower the Mayor or two Elected Members to circumvent the delegation, which would be inconsistent with the role of the Council as the delegator.

The appropriate means of ensuring circumstances where Council considers the City should not be determining development applications under delegated authority is to include conditions/ limitations within the delegation, ensuring relevant decisions are referred to Council for consideration, as is contained within the current Scheme of Delegation.

Notwithstanding this point, Section 59(1)(a) of the *Interpretation Act 1984*, provides that where a delegation has been provided, it does not preclude the delegator from exercising or performing at any time the delegated power or duty. In addition, the current delegation (DC690) includes conditions 3(c) and 4, whereby an officer may additionally refer items to Council for consideration.

Furthermore, to ensure oversight, the City is in the process of creating a publicly available report which will appear on the City’s website where delegation has been exercised.

The inclusion of 3(i) is therefore not supported.

Consultation

Nil.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each 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 reviews in place

Strategic Implications

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

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

Attachments

Nil.

10.5.3 Corporate Business Plan 2023/24 to 2026/27

File Ref: D-23-27310
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents the Draft Corporate Business Plan 2023/24 – 2026/27 for consideration by Council.

Officer, Committee Recommendation AND COUNCIL DECISION

0623/119

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

That the Audit, Risk and Governance Committee recommends to Council that it adopts the Corporate Business Plan 2023/24 – 2026/27 as contained within **Attachment (a)**.

CARRIED BY ASBOLUTE MAJORITY (8/0)

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

Against: Nil.

Background

In accordance with the *Local Government Act 1995* (the Act) and the Local Government (Administration) Regulations 1996 (the regulations), the City of South Perth (the City) has developed an Integrated Planning and Reporting Framework (IPRF). The objective of this framework is to guide the City's planning and reporting processes to ensure alignment to, and delivery of the community's expectations.

Section 5.56(1) of the Act states that a local government is to "*plan for the future of the district*", and s5.56(2) states that the plans are to be made "*in accordance with any regulations made about planning for the future*". Division 3, 19C and 19DA of the regulations require a local government to prepare two documents to address s5.56(1):

- a. A 10-year strategic community plan that identifies the vision, aspirations and objectives of the community in the district (reg 19C).
- b. A four-year corporate business plan that sets out how the local government will respond to the vision, aspirations and objectives identified in the strategic community.

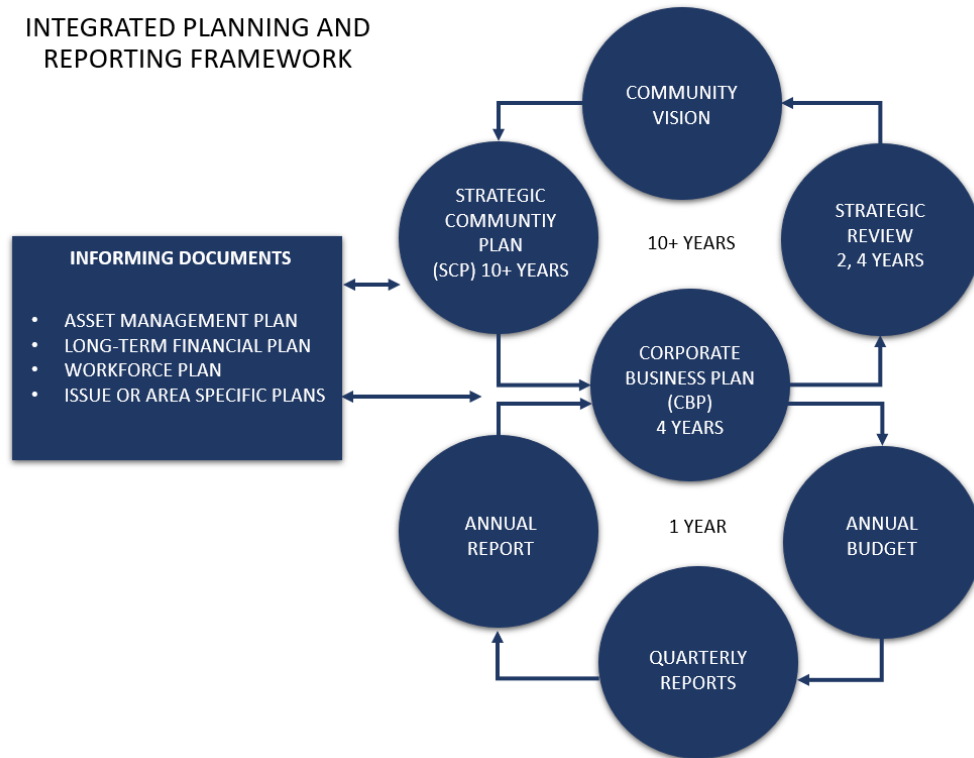
A major review of the City of South Perth's Strategic Community Plan (SCP), which included extensive community engagement was undertaken in 2021/22. Council adopted the City of South Perth SCP 2021-2031 at its meeting held 14 December 2021.

The Corporate Business Plan (CBP) 2022/23 – 2025/26 was adopted by Council at its meeting held 22 November 2022. In accordance with Regulation 19DA(4), the CBP is required to be reviewed annually.

Comment

The IPRF is the overarching framework that encompasses both the SCP and CBP and the informing documents; such as the Long Term Financial Plan (LTFP), Asset Management Plan and Workforce Plan.

The diagram below shows how all the elements of the IPRF connect together to deliver and report on Council priorities which are informed by the community vision and aspirations.



The CBP is the internal business planning tool that translates the SCP into operational requirements for the next four working years. The CBP provides key integration with the other elements of the IPRF including the Annual Budget and the various informing / resourcing plans.

Annual Review

The annual review and reset of the CBP is to drive the annual budgeting process and to continue the alignment of operational requirements to the SCP strategies and outcomes and other informing plans. As such it is planned for endorsement in June each year.

The revised CBP as provided in **Attachment (a)**, depicts the core services, projects and measures of success for the next four years (2023/24 to 2026/27) which have been guided by a comprehensive Business Unit planning process. This Business Unit planning process, whilst not a statutory requirement, is important in supporting the implementation of the CBP and enables prioritisation of workforce, asset, and financial resources through a consideration of each Business Unit services, projects or initiatives for the year.

New additions to the CBP from previous years include, a summary of the proposed projects and initiatives for the period of the plan, the addition of a small number of new projects and measures of success, removal of completed projects and superseded measures of success as well as minor amendments to the wording of some projects and measures of success.

The CBP is structured to align with the strategy level within the SCP, providing integration with the following areas:

1. **Services & Sub-Services:** A listing of the 101 services and sub-services provided by each Business Unit that are aligned to SCP strategies.
2. **Projects:** A listing of the 105 projects planned over the four-year period and aligned to the outcomes in the SCP.
3. **Measures of Success:** A breakdown of the 69 measures of success, otherwise known as Key Performance Indicators (KPI's), that will be used to measure progress of services provided to the community including link to the outcomes in the SCP.

Services & Sub-Services

The City delivers multiple services and programs that are provided to the community at an operational level and support delivery of the SCP. The CBP details these services and sub-services against each Business Unit. The mapping of the services against the strategies was completed through the Business Unit planning process, capturing the services delivered at a high level and ensuring alignment to the strategy level in the SCP, with some services crossing over multiple strategies.

Projects

The Business Unit planning process enables effective project planning for the next four years with a focus on delivering year one of the CBP. The 105 projects identified in the CBP enable the City to operationalise and deliver on the aspirations in the SCP. The projects are provided against each strategic direction with a link to the strategy level and responsible Business Unit. The projects are split into Corporate and Operational project types as described below:

- **63 Corporate Projects** - A Corporate project is a significant project that requires Council oversight. Corporate projects have a moderate to significant budget investment in either capital and/or operational funding. Corporate projects have a medium to high impact to the community and/or Council resources. Quarterly reporting review requirements are at the Council level.
- **42 Operational Projects** – An Operational project in nature, focuses on internal enhancements to service levels or delivery of ongoing programs to the community, with limited budget and/or resourcing impacts. Operational projects have either no external impact, and/or minor community impact. Quarterly reporting review requirements are at the Executive Management Team level.

Measures of Success (KPI's)

In developing the Measures of Success for the CBP, the objective was to provide measurable, meaningful and robust performance indicators, metrics that were within the control of the responsible Business Unit and that were the most predictive of success in delivering the applicable strategy in the SCP. Wherever possible, indicators and benchmark standards that are currently used in existing plans and/or for statutory reporting (such as financial health indicators) were used to ensure consistency and to streamline reporting.

Quarterly Reporting

Upon approval of the CBP, the City will commence the quarterly reporting process providing a quarterly update of the actions and KPIs identified in the CBP for delivery in 2023/24 at Quarter 1, which will be presented to the ARGC meeting in November 2023.

Consultation

Internal consultation occurred with the Leadership Team. Given the short period of time since the endorsement by Council of the current CBP in November 2022 and the subsequent minimal changes, the draft CBP was provided to Councillors via memo for review and feedback on 12 May 2023.

Policy and Legislative Implications

Local Government Act 1995
 Local Government (Administration) Regulations 1996

Financial Implications

The CBP 2023/24 – 2026/27 will help guide the City’s financial planning for the next four years, including integration with the City’s Long Term Financial Plan and Annual Budgets.

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.
Risk rating	Medium
Mitigation and actions	Undertake a yearly review of the Corporate Business Plan

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

10.5.3 (a): Corporate Business Plan 2023/24 to 2026/27

10.5.4 Audit Register Progress Report Q3

File Ref: D-23-27311
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, Committee Recommendation AND COUNCIL DECISION

0623/120

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Ken Manolas

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 BY EXCEPTION RESOLUTION (8/0)

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

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 IT005 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 March 2023 Audit Register Progress Report included eight open information systems audit findings. As detailed in the Information Systems Audit (External) Report presented to the March 2023 Audit, Risk and Governance Committee, these eight audit findings have now been closed and are incorporated in the 22 new Information Systems Audit identified in the 2021/22 external audit carried out by the OAG.

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

The revised Strategic Internal Audit Plan was presented to the 13 March 2023 Audit, Risk and Governance Committee meeting for noting. Work has commenced in relation to the scheduled internal audits.

Consultation

Relevant City officers have been consulted.

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 2022/23 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 External Audit function (WA Auditor General) has a budget of \$70,000 for the audit work undertaken during the 2022/23 financial year.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.5.4 (a): Audit Register (*Confidential*)

10.5.5 Policy Review

File Ref: D-23-27313
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.

Committee Recommendation and COUNCIL DECISION

0623/121

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

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

P605	Purchasing
P609	Management and Sale of City Property
P610	Collier Park Village – Financial Arrangements
P624	Media Communications
P625	Equal Employment Opportunity
P672	Agenda Briefings, Concept Forums and Workshops
P680	Electronic Devices
P695	Risk Management

2. Adopts the following new policies in **Attachment (b)**:

P601	Strategic Financial Management Preparation of Long Term Financial Plan
P671	Electronic Attendance and Meetings
P701	Variations to Contract

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

P108	Honorary Freeman of the City
P661	Complaints

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Officer Recommendation

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

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

2.
 - P101 Public Art & Art Collections
 - P605 Purchasing
 - P609 Management and Sale of City Property
 - P610 Collier Park Village – Financial Arrangements
 - P624 Media Communications
 - P625 Equal Employment Opportunity
 - P672 Agenda Briefings, Concept Forums and Workshops
 - P680 Electronic Devices
 - P695 Risk Management

Adopts the following new policies in **Attachment (b)**:

- P601 Strategic Financial Management Preparation of Long Term Financial Plan
 - P671 Electronic Attendance and Meetings
 - P701 Variations to Contract
3. Revokes the following policies in **Attachment (c)**:
 - P108 Honorary Freeman of the City
 - P661 Complaints

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.

In 2022 City Officers conducted a review of all policies with the exception of City Planning Policies. During the review process, policies were 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 following policies were removed from the 2022 policy review in accordance with Council's resolution from its meeting held 27 September 2022:

Policy No.	Name	Officer Recommendation
P101	Public Art & Art Collections	Amendment
P601	Strategic Financial Management Preparation of Long Term Financial Plan	New policy
P624	Media Communications	Amendment
P625	Equal Employment Opportunity	Amendment
P661	Complaints	Revocation

10.5.5 Policy Review

P672	Agenda Briefings, Concept Forums and Workshops	Amendment
P680	Electronic Agendas	Amendment
P701	Variations to Contract	New policy

The following policies have been updated or developed by City Officers since the September 2022 review:

Policy No.	Name	Officer Recommendation
P108	Honorary Freeman of the City	Amendment
P605	Purchasing	Amendment
P609	Management of City Property	Amendment
P610	Collier Park Village – Financial Arrangements	Amendment
P671	Electronic Attendance and Meetings	New policy
P695	Risk Management	Amendment

Comment

On 2 May 2023, a workshop was held with the Mayor and all available Councillors and External Audit, Risk and Government Committee Members, at which time all of the above mentioned policies were presented for discussion.

Subsequent to this workshop, the following recommendations are proposed:

Amendments

All policies have been amended to allow for consistent terminology when making reference to Council, The Mayor or Councillors:

Mayor	Mayor (as a publicly elected Mayor)
Councillor/s	Individual Councillor or Councillors
Council or Council Members	The collective group

These changes have been made following consultation with the Department of Local Government, Sport and Cultural Industries and are aligned with definitions contained in the *Local Government Act 1995*.

The policies listed below and at **Attachment (a)** 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 Government of Western Australia Department of Finance 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%.
- 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.

P605 Purchasing

Purchasing categories A and B have been updated to reflect current purchasing requirements.

P609 Management and Sale of City Property

This policy has been amended as detailed below:

- The name of the policy has been amended from Management of City Property to Management and Sale of City Property;
- Clarification that the principles of this policy will be considered where a licence is considered to be the most appropriate agreement;
- Calculation of annual rental amount amended.

P610 Collier Park Village – Financial Arrangements

This policy has been amended to reflect current financial arrangement requirements.

P624 Media Communications

This policy has been amended as detailed below:

- Updated to reflect current City practices in relation to media liaison; and
- Inclusion of information related to Media Events.

P625 Equal Employment Opportunity

This policy has been amended to include reference to the City of South Perth Innovate Reconciliation Action Plan July 2021-June 2023 and City of South Perth Access and Inclusion Plan 2022-2027.

P672 Agenda Briefings Concept Forums and Workshops

This policy has been amended to clarify the process required for the submission of notices of motions from Council Members, it provides a time limit and the reasoning behind it.

P680 Electronic Devices

The name of this policy has been amended from Electronic Agendas to Electronic Devices. Reference to '*Data Usage*' has been removed and clarification provided in relation to the treatment of the tablet/laptop device on the conclusion of a Councillors term.

P695 Risk Management

This policy has been amended as detailed below:

- Risk appetite statement has been updated; and
- Due to the vast range of projects conducted by City Officers, ranging from small to large projects, it is no longer considered to include Project TIME and Project COST as possible outcome in the policy.

The management of risks in the process of project management, will occur in accordance with the City's Risk Management Framework and Management Practice M694 Project Management Framework.

New Policies

The policies listed below and at **Attachment (b)** are new policies recommended for endorsement. A small summary explaining the new policy has been provided below:

P601 Strategic Financial Management Preparation of Long Term Financial Plan

This policy has been developed in accordance with Council's resolution from the Ordinary Council Meeting held 22 March 2022. The policy was subsequently amended following a policy workshop held with Council Members and external members of the Audit, Risk and Governance Committee on 2 May 2023.

P671 Electronic Attendance and Meetings

This policy has been developed to provide guidelines for council and committee members who are physically unable to attend a council or committee meeting. The Department of Local Government, Sport and Cultural Industries recommends that Council adopt such a policy for consistency and transparency.

P701 Variations to Contract

This policy has been developed in accordance with Council's resolution from the Ordinary Council Meeting held 22 March 2022. The policy was subsequently amended following a policy workshop held with Council Members and external members of the Audit, Risk and Governance Committee on 2 August 2022.

Policies to be revoked

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

P108 Honorary Freeman of the City

The City offers a number of awards to recognise the achievements of the local community members and groups. These awards include the Community Citizen of the Year Awards, Volunteer of the Year Award, Annual Speak with Confidence Awards, South Perth Young Writers Award, and the Ted Maslen Award.

The awards apply to the wider community, recognise the outstanding achievements of members of the local community and contribute towards fostering a strong sense of community.

The assessment of nominees for all awards occur on an annual basis. As such, it is recommended that Policy P108 Honorary Freeman of the City be revoked.

P661 Complaints

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

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

Consultation

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

Policy and Legislative Implications

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

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	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: 4.3.4 Maintain a culture of continuous improvement

Attachments

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

CEO Mike Bradford declared a Financial Interest in Item 10.5.6 and accordingly left the meeting at 9.11pm.

10.5.6 CEO's Performance Review Process and KPI Setting

File Ref: D-23-27317
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Pele McDonald, Manager People and Performance

Summary

This report seeks the CEO Evaluation Committee's consideration of the Chief Executive Officers performance review for the period 1 July 2022 to 30 June 2023, a remuneration review and the proposed performance review process for 2023/24.

Officer, Committee Recommendation AND COUNCIL DECISION

0623/122

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

That the CEO Evaluation Committee recommends to Council that it:

1. Endorses the Chief Executive Officer's Evaluation Report Annual Performance Review as contained in **Confidential Attachment (a)**.
Absolute Majority Required for 1.
2. Adopts the Key Performance Indicators for the period 1 July 2023 to 30 June 2024 as contained in **Confidential Attachment (b)**.
3. Adopts the Evaluation Instrument for the Annual Performance Review period 1 July 2023 to 30 June 2024 as contained in **Confidential Attachment (c)**.
4. Adopts the CEO Evaluation Committee Terms of Reference as contained in **Attachment (f)**.
5. Engages a suitably qualified external facilitator as per the criteria listed in **Confidential Attachment (a)** to assist with the Annual Performance Evaluation Process for the period 1 July 2023 to 30 June 2024.
6. Applies a remuneration increase to the Chief Executive Officers' total remuneration package, effective 1 July 2023 as contained in **Confidential Attachment (d)**.

CARRIED BY ABSOLUTE MAJORITY FOR 1 (8/0)

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

Against: Nil.

Background

The Chief Executive Officer presented to all Councillors on 15 May 2023 and the KPI Self-Assessment Report is shown in **Confidential Attachment (e)**.

In accordance with his contract of employment, the Council is required to undertake an annual performance review.

Comment

The following items have been provided for discussion and consideration:

- Councillors feedback on the CEO's performance as contained in the CEO Evaluation Report Annual Performance Review as contained in **Confidential Attachment (a)**.
- The Key Performance Indicators for the period 1 July 2023 to 30 June 2024 as contained **Confidential Attachment (b)**.
- The Evaluation Instrument for the Annual Performance Review period 1 July 2023 to 30 June 2024 as contained in **Confidential Attachment (c)**.
- The engagement of an external facilitator to assist with the annual performance evaluation process as contained in **Confidential Attachment (a)**.
- Remuneration increase effective 1 July 2023 as contained in **Confidential Attachment (d)**.
- The CEO Evaluation Committee Terms of Reference as shown in **Attachment (f)**.

Consultation

The CEO KPI Self Assessment report has been prepared in consultation with the City's Leadership Team.

Policy and Legislative Implications

The Local Government (Administration) Regulations 1996 provides:

18D. Performance review of CEO, local government's duties

A local government is to consider each review on the performance of the CEO carried out under s5.38 and is to accept the review, with or without modification, or to reject the review.

Clause 5.38 and 5.39 (3) of the *Local Government Act 1995* provides that there must be specified contract performance criteria for the purpose of reviewing the performance of the Chief Executive Officer at least once in relation to every year of employment.

Financial Implications

If Council approves a remuneration increase it will be captured in the 2023/24 budget.

Key Risks and Considerations

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

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):	CEO Evaluation Report (<i>Confidential</i>)
10.5.6 (b):	CEO Key Performance Indicators 1 July 2023 to 30 June 2024 (<i>Confidential</i>)
10.5.6 (c):	CEO Evaluation Instrument 1 July 2023 to 30 June 2024 (<i>Confidential</i>)
10.5.6 (d):	CEO Remuneration Calculator (<i>Confidential</i>)
10.5.6 (e):	CEO KPI Self- Assessment Report (<i>Confidential</i>)
10.5.6 (f):	Terms of Reference

CEO Mike Bradford returned to the meeting at 9.12pm prior to consideration of Item 11.

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor André Brender-A-Brandis, for the period 23 July 2023 to 30 July 2023 inclusive.
- Councillor Glenn Cridland, for the period 28 June 2023 to 10 July 2023 inclusive.

The Presiding Member called for a Motion to approve the Leave of Absence application.

COUNCIL DECISION

0623/123

Moved: Councillor Nick Warland

Seconded: Councillor Blake D'Souza

That Council approve the Leave of Absence applications received from:

- Councillor André Brender-A-Brandis, for the period 23 July 2023 to 30 July 2023 inclusive.
- Councillor Glenn Cridland, for the period 28 June 2023 to 10 July 2023 inclusive.

CARRIED (8/0)

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

Against: Nil.

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 May 2023 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS

- Councillor Stephen Russell
- Councillor Glenn Cridland

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Waste to Energy Contract Amendments

*This item is considered **confidential** in accordance with section 5.23(2)(d) and (e)(ii) of the Local Government Act 1995 as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government"*

File Ref: D-23-27315
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Officer Recommendation AND COUNCIL DECISION

0623/124

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council:

1. Authorises the Mayor and Chief Executive Officer to execute the Waste Services Agreement Variation Agreement No.2; and
2. Authorises the Mayor and Chief Executive Officer to execute the Participants Agreement Variation Agreement.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.22pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 27 June 2023

1. Mr Stephen Dewing, South Perth Received: 12 June 2023	Responses provided by: Garry Adams – Director Corporate Services
<p><i>[Preamble]</i></p> <p><i>Our charitable, not for profit organisation charges a maintenance fee of \$120.00 per week. (just gone up from \$100/week). Our total, potential income for one year if all four homes are full, all of the year, is \$24,960.00. From that comes all our costs including maintenance, repairs, replacement of furniture/white goods etc and other miscellaneous costs. We have three properties and four dwellings. In September 2016 we were told that the underground power charges were based on the commercial gross rental value for each dwelling. Hence our total bill will be \$19,450.00.</i></p>	
1. How can this be justified for a charitable organisation?	As you know your properties are exempt from rates. However underground power charges are service charges imposed to recover the direct cost incurred in the provision of the service. The total charges of \$19,450.00 are recovered over five years, therefore \$3,890 per annum. City staff have been in contact with you at least five times during this financial year explaining the above. Staff also advised that Financial Hardship Assistance is available on application should you believe you qualify.

2. Mr Barrie Drake South Perth
Received: 23 June 2023

Responses provided by: Garry Adams – Director Corporate Services

[Preamble]

I thank the Council for advising me where and when the Council resolved the underground power charge for the South Perth /Hurlingham Project areas. The Council resolved to charge for the undergrounding of the power lines based on the GRV on a tiered basis. The 2022/2023 Rate Notices issued by the City stated the GRV for each property. I have listed four rate notices below.

2022/2023 Assessment number	GRV	Base Charge	\$0.20 in excess of \$50,000	Total	Network charge:- 1 of 5
80009	\$61,360	\$6,100	\$2,272	\$8,372	\$1,674.40
69507	\$53,872	\$6,100	\$774.40	\$6,874.40	\$1,374.88
50098	\$31,980	\$6,100		\$6,100	\$1,220
41110	\$109,460	\$6,100	\$11,892	\$17,992	\$3,598.40

1. Please review my calculations. If they are correct, please confirm the calculations. If you believe the calculations are not correct, please advise why they are not correct?

Your calculation is incorrect because you are not considering the number of dwellings/units on your properties. The City has responded to this and alike questions verbally and in writing on multiple occasions. Most recently when you asked this question during public question time at the Ordinary Council Meeting on the 18 April 2023. The City also answered the same and related questions as part of the mediation undertaken after you lodged this matter with the State Administrative Tribunal. The implementation of the UGP charges is consistent with the intent and the wording of the Council resolution being on a GRV per unit/dwelling basis.

2. Is a granny flat a dwelling/unit?	Yes.
3. Dr Mark Brogan, Kensington Received: 24 June 2023	Responses provided by: Geoff Colgan A/ Director Infrastructure Services
<p><i>[Preamble]</i></p> <p><i>Underground power is acknowledged by the WA Government as an important climate change mitigation and resilience measure. Such measures are also referred to as climate change adaptation measures, which is the term used on the City's Climate Change web page. My questions tonight concern climate change resilience or adaptation planning, as the City prefers to call it.</i></p>	
1. What is the status of the climate change adaptation plan referred to on the Climate Change page as under development?	The City has recently developed a Greenhouse Gas Emissions Forecasting and a Carbon Reduction Roadmap, to guide the City's climate change adaptation delivery over the next 10 years. Currently the City is in the early stages of implementing the roadmap recommendations. Additionally, the City has completed flood risk assessments and bushfire risk property ratings reports. Affected residents and organisations have been briefed on the risks identified in each report.
2. Can the City advise if there is any climate change adaptation spending in the budget for FYR 2023/24?	The Environmental Management Operational budget includes funds for Climate change adaptation and sustainability projects, subject to Council approval.
3. Transport contributes 40% to GHG emissions. Can the City advise whether it has a plan to convert its vehicle fleet to EV any time soon?	The City is planning to transition its light and heavy fleet to EV. The City is currently transitioning to hybrid light fleet vehicles. The process is subject to availability, being fit for purpose and offering improved lifecycle costs. The City is also considering transitioning to a battery powered zero turn mowing fleet. The process is subject to availability, being fit for purpose and offering improved lifecycle costs.

	<p>The transition to EV is currently restricted by:</p> <ul style="list-style-type: none">• The availability of light and heavy fleet vehicles or plant• The vehicles or plant being fit for purpose (improved battery capacity on a single charge)• Additional infrastructure costs to support charging from solar panels and battery storage. (This is the City's preferred method)• Increased Capital purchase costs of electric vehicles or plant. <p>The expectation is with the improvement of technology and an increase in manufacturing capability. The City's ability to transition to EV will increase in the near future.</p>
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<p>4. Ms Fiona Clare Gardener, Kensington Received: 25 June 2023</p>	<p>Responses provided by: Donna Shaw– Director Development and Community Services</p>
<p><i>[Preamble]</i> <i>I fully support the proposed change of use to Child Day Care Centre at 50 Dyson Street Kensington</i></p>	
<p>1. There is a plaque/stone insert at the front of the former church building which reads: "The Memorial Church of St Martin in the Fields. This Church was erected to the glory of God and as a memorial to those men and women of this district who served and died in service of their country 1914 - 1918, 1939 - 45, 1950 - 53. This stone was laid by His Excellency The Governor of Western Australia Lieut-General Sir Charles Gairdner..." Will it be a condition of development approval that this plaque is retained as part of the new facility?</p>	<p>Whilst the applicant has advised that the existing plaque in front of the church is to be retained, it is open to Council to include conditions on any development approval requiring additional interpretative signage to reflect the heritage values of the place.</p>

<p>5. Mr Mark Kerrigan, Como</p> <p>Received: 25 June 2023</p>	<p>Responses provided by: Donna Shaw– Director Development and Community Services</p>
<p>1. Can the City confirm that the approved Community Recreation Facilities Plan states 7 overarching principles of which one is that the City encourages the establishment of partnerships between the City, community groups and other stakeholders to support the delivery of community recreation opportunities for the community, as quoted in the City Minutes dated 25 June 2019?</p>	<p>The City’s Community Recreation Facilities Plan was endorsed by Council in July 2019. The Plan provides a strategic asset management framework to guide the planning, construction, maintenance, and operation of local community recreation infrastructure to best meet the community’s sport, recreation and wellbeing needs.</p> <p>The Plan includes seven (7) principles that are intended to provide guidance on sport and recreation facility provision within the City. Principle 5 refers to community partnerships, and principle 7 refers to shared use/co-located facilities.</p>
<p>2. Can the City confirm that the approved Community Recreation Facilities Plan contains an approval to spend \$400K pa on a sports oval floodlight plan over 6 years which includes Richardson Park in 2023/24 and Collier Reserve in 2025/26?</p>	<p>The City’s Community Recreation Facilities Plan includes a recommendation for funding to be considered each financial year for the provision of sports lighting on its active sporting reserves. Over the last five years, the City has been able to provide new sports lighting on various sporting reserves, including: Ernest Johnson Oval, Sandgate Street Oval, Hensman Street Oval, Challenger Reserve, James Miller Oval and Bill Grayden Reserve.</p> <p>New sports lighting is also proposed at other active sporting reserves (Richardson Park, George Burnett Park, Collier Reserve and Morris Mundy Reserve) in future financial years, subject to being able to source the required funds through the City’s annual budget process and external funding.</p> <p>Floodlighting at Richardson Park and Collier Reserve had been deferred subject to the outcome of the Feasibility Study.</p> <p><i>Note: Page 22 of the Community Recreation Facilities Plan includes the following information about Resourcing: “The timing for implementation of the Action Plan will be subject to being able to</i></p>

	<i>source the required funds through the City's annual budget process and external funding."</i>
6. Ms Elizabeth Duguid, Como Received: 26 June 2023	Response to question 1 provided by: Geoff Colgan A/ Director Infrastructure Services Response to question 2 provided by Donna Shaw- Director Development and Community Services
1. Would the City endorse overhead power lines be constructed 5 metres above an active sports ground in 2023 given risk management issues and the risk of a soccer ball or football bringing the live power lines to the ground?	No. Western Power requires all new power lines to be underground.
2. Can the City confirm that the Collier Reserve Feasibility Study at page 57 confirmed the previous public comment phase undertaken in 2021 had a response of 558 responses who were positive to the hockey turf and clubhouse proposal and 49 adverse comments?	Yes, the Collier Reserve Hockey Facilities Feasibility Study that was prepared by Dave Lanfear Consulting included a summary of the community feedback for and against the proposed hockey facilities. In terms of post-consultation, the City is not aware of any stakeholder or community engagement that has occurred on the Feasibility Study report itself. Further consultation about the report would otherwise be undertaken with relevant stakeholders and the community (i.e. DLGSCI, Hockey WA, existing users of Collier Reserve, local residents etc) before any funding commitments are made.

<p>7. Mr Ben Lamb, Manning</p> <p>Received: 26 June 2023</p>	<p>Responses provided by: Garry Adams – Director Corporate Services</p>
<p><i>[Preamble]</i></p> <p><i>Questions as to Strategic Community Plan.</i></p>	
<p>1. Can the City confirm in the Strategic Community Plan approved December 2021, a Strategic Direction under the Community Infrastructure category that a Strategy is to Develop and facilitate community infrastructure to respond to changing community needs and priorities?</p>	<p>Yes, one of the strategies included in the City’s Strategic Community Plan is:</p> <ul style="list-style-type: none"> • 1.2.1 - Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities.
<p>2. Can the City confirm that within the approved Strategic Community Plan that one of the roles of the City is to play a leadership role in identifying partners and participating organisations within a common framework for action? This includes working collaboratively and in partnership with other organisations to deliver projects.</p>	<p>Page 14 of the City’s Strategic Community Plan makes reference to the City playing a leadership role in working towards achieving community aspirations. In doing so it provides services and facilities for which the City is primarily responsible and identifies partners and the many participating organisations within a common framework for action.</p> <p>Additionally, page 22 of the Plan includes three outcome areas under the ‘Leadership’ strategic direction as follows:</p> <ol style="list-style-type: none"> 1. Engaged Community 2. Advocacy 3. Good Governance

<p>8. Ms Cecilia Brooke, South Perth</p> <p>Received: 26 June 2023</p>	<p>Responses provided by: Donna Shaw– Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The “feasibility study” in Attachment A of the Agenda mentions that the use of dry astroturfing for hockey is not viable at this point in time. In determining this view:</i></p>	
<p>1. Could the City Officers provide figures for the benefit of Councillors, on how much water does it take to allow for astroturfing to be playable for a hockey match and what cost would be incurred?</p>	<p>Page 34 of the Feasibility Study estimates that 5,250 KL per year would be required for watering 7 days per week during the winter season only. Additional water will be required for maintenance of the turf during the summer months which has not been specified in the Feasibility Study, and further restrictions may be imposed by the Department of Water and Environmental Regulation.</p> <p>There is an allocation of approx. 20,000KL per annum for irrigating Collier Reserve, the vegetated streetscapes along Thelma Street, the Operations Centre Grounds, the City’s plant nursery, and for the City’s mobile tree watering services.</p> <p>Actual water usage agreements would be determined through any subsequent leasing agreements.</p> <p>Currently the City incurs costs for electricity to run the bore pump and for maintenance, and replacement costs of the of the bore pump infrastructure.</p> <p>The Feasibility Study details that infrastructure, headworks and an iron filtration and backwash system may be required depending on whether scheme or bore water is used, which have various costs.</p>



[Preamble]

The main body of the feasibility study for the hockey field at Collier Park Reserve suggests that the project has a cost of around \$14Mill, but this does not appear to include any allowance for lighting and for the provision of water for the astroturf.

2. Before Council considers the Officers recommendation, are the City Officers aware of any other hidden or unlisted costs that the City may be liable for?

The Feasibility Study and the subsequent correspondence from the proponents seeks a commitment from the City to fund any required car parking upgrades, of which 150 bays are recommended; sports lighting for the synthetic turf and grass hockey pitches; sinking of the above ground powerlines; as well as a contribution to construction of a clubhouse.

Service charges such as power consumption and water usage would be determined through any subsequent leasing agreements.

<p>9. Ms Catherine Lewis, Como Received: 26 June 2023</p>	<p>Response to question 1 provided by: Geoff Colgan A/ Director Infrastructure Services Response to question 2 provided by: Donna Shaw– Director Development and Community Services</p>
<p>1. Can the City confirm that the Recreation and Aquatic Facility Business Plan which was approved by the City in March 2021 was not fully funded at that time and point 5 of the motion notes the progress made to seek additional funding for the project?</p>	<p>Whilst the funding models were being refined, the funding sources themselves had been determined, being contributions from the Federal Government, the City, Curtin University and the ultimate Operator of the facility.</p> <p>One of the key assumptions of the RAF operational and financial model was that City’s cost of borrowing would be covered by the RAF Operator, with the Operator also required to contribute to the Sinking Fund. The cost of borrowing as a result of changing market conditions resulted in a shortfall that the City would have otherwise have been required to meet, therefore making the project unviable.</p>
<p>2. Can the City confirm that at no stage since the Collier Reserve Feasibility Study was lodged with the City in November 2022, that any specific queries or questions were provided by the City to the proponents as to the underlying detailed assumptions submitted on the whole of life financial assumptions.</p>	<p>No. Following review of Feasibility Study, the City wrote to the proponents on 1 February 2023 providing detailed feedback, including the issues identified in this report to Council.</p> <p>Following further information from the proponents, the City again wrote to the proponents in 18 April 2023 advising that the majority of key issues initially outlined remained unresolved.</p> <p>The City then met with the proponents in May to discuss the issues. The City considers these issues remained unresolved for the reasons outlined in the report.</p>

10. Ms Alicia Tory, Como Received: 26 June 2023	Responses provided by: Donna Shaw– Director Development and Community Services
<p>1. Can the City confirm that the approved Community Recreation Facilities Plan confirms that the benefits of community sport and recreation and infrastructure leads to increased mental health, physical health and community wellbeing; increased community connectedness and social inclusion; enhanced community ownership, pride, belonging and trust?</p>	<p>Yes, these benefits are outlined in the value of community recreation infrastructure section of the plan.</p>
<p>2. Can the City confirm that the approved Community Recreation Facilities Plan confirms that the Action Plan will be subject to annual review to stay in tune with current and emerging community needs and organisational priorities?</p>	<p>Yes, to provide a strategic framework to guide decision making for key community facility projects throughout the City over the next 15-20 years, the plan provides for annual measuring and review of the Action Plan as part of the City’s annual budget and business planning cycle.</p> <p>Whilst the Plan recognises the Action Plan should be read as a guide, the City monitors progress through the review of its integrated planning framework.</p>

11. Dr Louise Johnston, Como Received: 26 June 2023	Responses provided by: Donna Shaw– Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>During last week's Agenda Briefing Meeting, Councillor Cridland posed a question to a community member stating: "Why should the WASP hockey club be treated any less than the South Perth Tennis Club, The Hensman Tennis Club or the Manning Tennis Club or the Manning Bowls Club etc?"</i></p>	
<p>1. In November 2020, the Council endorsed the City's recommendation to extend 'in principle' support to the WASP Hockey Club for a full feasibility study. More significantly, it was also agreed to contribute and pay a co-fund of 50% of the cost of the study in the amount of \$25,000. Can the City please clarify if the other clubs mentioned by Councillor Cridland, also received such substantial and generous support from the City with this type of financial assistance?</p>	<p>The City has provided support by various means, including:</p> <ul style="list-style-type: none"> • Preparing masterplans; • Club development support, such as training and professional development of volunteers; and • Access to the City's community funding programs. <p>The City has not funded, or partly funded, feasibility for other clubs, however, the individual circumstances or need for such feasibilities may not have been required in these instances.</p>
<p>2. It is noted that WASP hockey submitted their feasibility study to the City in November 2022, indicating that the Club was granted a significant period of two years to complete their investigation. Is this observation correct?</p>	<p>No. Whilst there is no standard timeframe, nor timeframe otherwise required as part of the contribution towards preparation of the Feasibility Study, changing conditions during the timeframe, such as financial impacts and the newly approved \$135 million high performance hockey centre to be constructed at the nearby Curtin University campus have impacted the City's assessment of the viability of the project as outlined in the report.</p>

<p>3. It is also noted that the Officer's Report contains an assessment of the overall merits of the WASP proposal, considering important factors such as financial feasibility, established need and community impact, among a range of other things. I would like to inquire whether the City evaluated the WASP proposal differently to the six other Clubs mentioned by Councillor Cridland, and in so doing so treated the hockey in any way "less" or with any disadvantage, as implied by Councillor Cridland's generalisation?</p>	<p>No, the City assesses all proposals from community and sporting facilities in a fair and equitable manner. It is noted that the other clubs mentioned were not requested nor had they proposed to relocate.</p>
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<p>12. Ms K Poh, Como Received: 26 June 2023</p>	<p>Responses provided by: Donna Shaw– Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The WASP Feasibility study mentions the potential of a second synthetic turf being installed on Collins Oval, which is located next to Collier Reserve. The section on page 118 states the following (and I quote): “We believe that it is important that consideration be given to at least the potential for a second pitch, which is typical of most clubs to plan for the future and understand that the central field could be converted to an artificial turf in the future, with the Clubhouse designed to be able to look out over the second pitch to the west.”</i></p>	
<p>1. Has there been any communication between the proponents and the City regarding their intention or long-term plan to install a second turf?</p>	<p>The City is not aware of any proposals to install a second turf.</p>
<p>2. If the proponents have not previously mentioned their intention or long-term plan to install a second turf, could the City provide an explanation as to why the feasibility study included consideration for a second turf?</p>	<p>The Feasibility Study only mentioned development of a second synthetic turf at UWA sports park, not as part of this proposal.</p>
<p>3. I am aware that Wesley College has a long-term lease of Collins Oval, and that this lease arrangement is with the State Government. If WASP and Wesley College would like to have a second turf installed on Collins Oval, would they be required to seek approval from the City and Council, the State Government, or both?</p>	<p>Collins Oval is Crown land leased directly to Wesley College from the Department of Planning, Lands and Heritage under a 21-year lease, due to expire in 2038.</p> <p>Whilst input would be sought from the City, the Club would not be required to seek approval from the City or Council, as the Western Australian Planning Commission would determine the proposal.</p>

<p>13. Mr Murray Rosenberg, Como Received: 26 June 2023</p>	<p>Responses provided by: Donna Shaw– Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>During last week's Agenda Briefing Meeting, representatives from the WASP Hockey Club made a deputation stating that, due to the cancellation of the RAF project, there will be approximately \$10 million of reserved funds available that could potentially be allocated to support community sporting clubs. They further expressed their belief that their project is well deserving of support from these funds.</i></p>	
<p>1. Can the City please verify the accuracy of the statement regarding the availability of a \$10 million reserved fund?</p>	<p>Funding for the RAF Stage 1 assumed a \$20 million contribution from the City of South Perth, which included \$10 million from the Community Facilities Reserve.</p> <p>This reserve was established to accumulate funds, including those from major strategic land sales, for significant discretionary community facility projects in future years; alleviating the impacts of intergenerational equity in funding major facilities.</p> <p>The City will recommend the intended use of the Reserve fund to Council in light of a future review of the Community Facilities Plan, which currently has a number of various priorities relating to sporting infrastructure requiring funding.</p>
<p>2. According to the City's Community Recreation Facilities Plan (2019-33), there is a noted deficiency in indoor sports spaces for netball and basketball within our City. Can the City advise whether this is still the case?</p>	<p>Yes. No further courts have been developed in the City since the Plan was adopted. This is a matter that will be considered in light of any future available funding.</p>
<p>3. If the City has reserved funds available to support community sporting clubs, would the City consider prioritising the allocation of those funds towards a multi-use facility, such as an indoor facility capable of accommodating netball, basketball, volleyball, badminton, and table tennis, as a preferable option compared to investing the funds in a single-use facility like the WASP Hockey facility?</p>	<p>Yes. Where possible opportunities to co-locate facilities and shared use facilities will be explored to develop flexible, sustainable and viable facilities.</p>

14. Ms Jayne Morrissey, Como

Received: 26 June 2023

Responses provided by: Donna Shaw– Director Development and Community Services

[Preamble]

I understand that the WASP Hockey Club's proposal involves the removal of 43 trees from Collier Reserve. The feasibility map indicates that a specific Jacaranda tree located within the designated area for the construction of the fenced turf facility will need to be removed. This tree holds great significance as the site where a young Aboriginal man tragically lost his life, and it has become a memorial site where family members regularly visit to lay flowers and honour their loved one.

1. What steps or actions would the City need to take to handle this situation appropriately, ensuring that it is addressed sensitively and in accordance with any protocols that may be in place? I ask this question not with the intention of politicizing the matter, but rather to seek assurance that proper measures would be taken to handle the situation in a sensitive manner.

The City is aware of the significance of this particular tree, and would liaise with the family to ensure the matter is addressed in a sensitive manner.

<p>15. Ms Cristy Lowe, Como Received: 26 June 2023</p>	<p>Responses provided by: Donna Shaw– Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>I am a physical and health educator who has worked at Como Secondary College, in their specialist hockey program. The school has unused ovals, and the principal wants to install synthetic turf for students and the community to use. I am aware that Shenton College and three local hockey clubs have successfully implemented a dual-use hockey turf on their school grounds.</i></p>	
<p>1. Has the WASP hockey club explored a similar setup?</p>	<p>Pre-consultation was undertaken by the consultant to inform the Feasibility Report, including with Como Secondary College. The City is not aware of any response from Como Secondary College in support of such a proposal, however, this is a matter that could be further explored by the proponents and the college.</p>
<p>2. If the three synthetic turfs, and one indoor hockey arena at the High-Performance Hockey Centre at Curtin facility are deemed insufficient, this alternative would offer increased access to turf without compromising public open space. Can the City encourage WASP and Wesley College to consider this option?</p>	<p>Whilst the City can advise the proponents of this option, Como Secondary College is on Crown land managed by the Department of Education, and this would therefore be a matter between the State Government and the proponents.</p>

16. Ms Sharon Walsh, South Perth (read out by the Mayor) Received: 27 June 2023	Responses provided by: Donna Shaw– Director Development and Community Services
<p>1. Why do residents and some Councillors believe that it is OK for parents to travel 40 plus minutes for their children to play sport?</p>	<p>Whilst the City's preference is for sporting clubs to be accommodated within the local government boundary, there are limited areas of public open space available for both passive and active recreation, with increasing demand from various sporting and community groups for usage.</p>
<p>2. Does the proposed location at Collier Reserve City seriously inconvenience any residents?</p>	<p>Approximately 150 car parking bays would be required to accommodate the additional capacity should the Club be relocated to Collier Reserve.</p> <p>Whilst there is space on the south western portion of Bill Grayden Reserve should parking be located away from Thelma Street, this would likely result in removal of trees. Land to the south east of Collier Reserve is constrained by the City's nursery operations.</p> <p>The detailed configuration of bays has not been determined at this point in time, given this report focuses on the outcomes of the feasibility report, and is not considered to be detailed design of a future facility and associated infrastructure.</p>
<p>3. Is it understood that the water used on the surface is recycled through a huge underground storage facility?</p>	<p>The City is not aware of a proposal to recycle surface water through an underground storage facility.</p> <p>Page 34 of the Feasibility Study proposes to connect the hockey turf via a series of pipes and shallow soakwells to a drainage swale, which would be refined at the detailed design stage.</p> <p>The maintenance of grass also requires logistics and costs, depending on whether the reserve is used as an active playing field or passive reserve.</p>

	<p>Whilst the City's preference is for the retention of existing trees, it is acknowledged that trees required to be removed to facilitate the proposal could be replaced.</p>
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13.1 QUESTIONS FROM MEMBERS taken on notice OCM 23 May 2023

Councillor Stephen Russell	Responses provided by: Toni Fry – Manager Governance
<p><i>[Preamble]</i></p> <p>So two queries on shopping trolleys and I'm sorry this hasn't been on notice.</p>	
<p>1. So two queries on shopping trolleys and I'm sorry this hasn't been on notice so the first one, could the City advise how it manages rogue shopping trolleys abandoned on its property and the cost to the city to re-home them?</p>	<p>Abandoned shopping trolley requests are actioned by Ranger Services who attend as soon as practicable. The process of removing shopping trolleys is in accordance with the Public Places and Local Government Property Local Law 2011.</p> <p>Abandoned trolleys are tagged and Shopping Centre Management are notified and requested to remove within 24 hours. If the trolleys are still present after 24 hours they are impounded. Once impounded the cost to get them out is \$200 per instance.</p> <p>If however the trolleys are not collected within two months of impoundment, they will then be disposed of in metal recycling for recoup of costs.</p>
<p>2. So if a shopping trolley which is obviously a property of a shop and that trolley was in effect abandoned on the City property, would the shop be in breach of any littering laws, the littering act and therefore subject to litter infringements?</p>	<p>The Shopping Centre personal (Management) cannot be held responsible under the <i>Litter Act 1979</i> as they were not the person that abandoned the trolley in public. It is very difficult to impose a penalty on a member of the public for abandoning a trolley unless it is witnessed and that witness is prepared to make a formal statement, where an infringement can then be issued.</p>

Councillor Ken Manolas	Response provided by: Anita Amprimo – Director Infrastructure Services
<p>1. I have had complaints from residents and business owners of Mends Street regarding the plane tree leaves on the footpath. Is there an increased road sweeping program when the leaves start to drop in Mends Street in particular?</p>	<p>Previously at this time of year it was swept daily but we now only sweep three times a week to work within the available budget. The leaves are dropping a bit more now so we will increase this to five times a week for a short period.</p>

13.2 ELECTED MEMBER QUESTIONS: 27 June 2023

Councillor Stephen Russell	Response to question 1 and 2 provided by: Donna Shaw – Director Development and Community Services
1. I received a number of correspondences from residents', and indeed just now the architect for the proposed child day care centre on 5/7 Birdwood Avenue. I understand that the matter is before SAT and that has been directed to mediation. Could the City provide an update to the status of the application within SAT, if my understanding is correct, the date of the Mediation? And if the direction allowed for public deputations at the mediation, and if so – what is the process to how a resident might give a deputation?	Yes, I can confirm that I will not be sharing anything of confidential nature. The matter is before the State Administrative Tribunal and has been scheduled for further directions hearings. A bulletin item will be presented to Councillors to that affect. In terms of the participation of the State Administrative Tribunal, there needs to be a formal request made to the member. SAT would then invite members of the public to participate in proceedings. If they are proven to have had a relevant consideration in the matter. So the application would need to be made to SAT directly. The City can provide advice on how to make that application as part of its bulletin advice.
2. Is it appropriate that a party in the SAT contacts me directly?	It is not considered appropriate, no. Especially if the Councillor has been included in the mediations to date.

Councillor Glenn Cridland	<p>Response to question 1 provided by: Donna Shaw – Director Development and Community Services</p> <p>Response to question 2, 3, and 4 provided by: Mike Bradford – Chief Executive Officer</p>
<p>1. My question relates to the South Perth Streats food vans. So I think these might be called Streats. I was just wondering: When they will be restarting this year, whether or not, and for what period they will be going in this coming year. Whether or not their season is going to be set year by year, or whether or not it is going to be set on longer term basis. Who is setting that period, is it a matter that comes to Council or is it a matter that is dealt with by the administration. Is the period they will be getting different to what they have requested? Will there be something different in what they are providing (for example will there be any restrictions on having a van which sells alcoholic drinks, for example, imposed that wasn't previously imposed?)</p>	<p>The applications are made to the City on an annual basis, and the City has delegation to issue licence agreements with the different operators on the foreshore. My understanding is that the City is awaiting further information from the proponents as to why the hours and the months they were seeking to trade would otherwise be restricted. That was subject to some Officer negotiations. So, pending further advice from the operators, we can make a decision on whether it will be appropriate or not, for them to continue to trade in that location. It might be appropriate for me to provide some further advice through the bulletin on the status of that application.</p>
<p>2. I asked as to what period they had asked for, and what period they would be approved for? I.e., when they are going to be starting? And I don't think there was an answer to those questions. And the answer referred to whether or not they are in the right location, to paraphrase the answer, which wasn't one of my questions, but it does raise one. Is there a suggestion that they may have to move?</p>	<p>They don't need to move. The location is set, in terms – they asked for a period of time to trade and we offered them a slightly shorter period, and they said they weren't happy with it. We have asked them to articulate the impacts of the shorter period. Once we get this information, which is the information Ms Shaw is referring to, we will make a decision</p>
<p>3. Is there a reason I can't be told what period they've sought?</p>	<p>I can't remember. So the period they have asked for, against the period we have offered is about two weeks shorter.</p>
<p>4. Do we have a start date?</p>	<p>Beginning of December.</p>

DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 25 July 2023

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed