

AGENDA.

Ordinary Council Meeting

23 May 2023

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 23 May 2023 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

19 May 2023

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 20 May 2023 to 31 May 2023 inclusive.

5. DECLARATIONS OF INTEREST

- CEO Mike Bradford – Impartiality Interest in Item 10.5.1 as ‘this Item relates to my contract of employment’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 23 MAY 2023

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 18 April 2023

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 18 April 2023 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

| Date | Subject | Attendees |
|---------------|---------------------------|---|
| 17 April 2023 | DLGSC Councillor Workshop | Mayor Greg Milner and Councillors Nick Warland, André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Mary Choy. |
| 2 May 2023 | Policy Workshop | Mayor Greg Milner and Councillors Nick Warland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Mary Choy, Ken Manolas. |
| 3 May 2023 | Budget Workshop 3 | Mayor Greg Milner and Councillors Nick Warland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Mary Choy, Ken Manolas. |

Attachments

Nil.

7.2.2 COUNCIL AGENDA BRIEFING - 16 MAY 2023

Officers of the City presented background information and answered questions on Items to be considered at the May Ordinary Council Meeting at the Council Agenda Briefing held 16 May 2023

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 16 May 2023

8. PRESENTATIONS

8.1 PETITIONS

Nil

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 16 May 2023.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Recreation and Aquatic Facility

File Ref: D-23-21255
Author(s): Rebecca de Boer, Project Lead
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report provides an update on the actions arising from the Special Council Meeting held 30 March 2023 regarding the proposed Recreation and Aquatic Facility (RAF).

Officer Recommendation

That Council:

1. Notes the letter received by the Hon David Templeman MLA.
2. Notes the significant capital funding shortfall for the RAF project and the projected ongoing operational subsidy that would be required to sustain the RAF.
3. Requests the Chief Executive Officer not to progress delivery of the RAF project.
4. Notes that the Chief Executive Officer will continue to engage with the Federal Government with a view to retaining the \$20 million Federal grant to be directed towards projects that will benefit the community of the City of South Perth.

Background

At the Special Council Meeting held 30 March 2023, Council resolved (0323/058) as follows:

That Council:

1. *Notes the Officer Report, and in particular, highlights that:*
 - (a) *“the advice and information used to prepare the 2020 RAF Business Case documents were reflective of the circumstances at that time”;* and
 - (b) *“the combined impact of a rapid increase in interest rates, capital funding shortfall and delays to the RAF Project since 2020 have contributed to the City’s assessment that RAF Stage 1 is no longer viable”.*
2. *Notes:*
 - (a) *that the original funding proposal from the City to the State Government of \$20 million (2021 State Government Funding Proposal) was submitted in October 2021;*

10.1.1 Recreation and Aquatic Facility

- (b) Councillor Resolution Number 0922/154, Item 12.1 Notice of Motion - Councillor Mary Choy – RAF (Cr Choy Motion), appearing at Item 12.1 of the Minutes of the Ordinary Council Meeting dated 27 September 2022; and*
 - (c) that the letter received from the Hon David Templeman MLA dated 23 January 2023 in response to the Cr Choy Motion, states “the State Government has not yet made any final decision on your funding request”.*
3. *Requests the Chief Executive Officer write to the Hon David Templeman MLA and to Mr Geoff Baker MLA:*
 - (a) to update the State Government on the current status of the RAF Project;*
 - (b) to advise that the RAF Project is considered unviable and will not proceed unless the current capital shortfall is addressed; and*
 - (c) to call upon the State Government to commit to providing the final \$20 million in capital funding necessary to deliver Stage 1 of the RAF Project, and advise the City of South Perth of the State Government’s decision either prior to (or at the same time that) the 2023/24 State Budget is delivered.*
4. *Requests the Chief Executive Officer to investigate methods of financing the estimated annual operating deficit of the RAF, to be presented to Council at a workshop to be held not later than 31 May 2023.*

Comment

The Chief Executive Officer wrote to the Hon David Templeman MLA and Mr Geoff Baker MLA on 4 April 2023 as contained in **Attachment (a)** and **Attachment (b)**. A response was received from the Hon David Templeman MLA on 19 April 2023 as contained in **Attachment (c)**. In his response, Minister Templeman noted that the State Government is still considering the City’s funding request for \$20 million towards the proposed Recreation and Aquatic Facility (RAF). The letter also noted that funding would not be provided in the context of the 2023/24 State Budget.

The City provided an overview of the options to finance the estimated annual operating deficit of the RAF at a workshop to Councillors on 3 May 2023. Four options were presented:

- Increase rates
- Increase fees and charges across City services
- Reprioritise service provision across the City
- Imposition of a levy

It was noted that any solution to address the estimated operating deficit as outlined in the business case would not in itself address the overriding problem of the significant shortfall in capital funding. Therefore, none of these options have been explored in any further detail.

Federal Funding Agreement

On 23 March 2023, the City received preliminary advice that the Federal Government agreed to amend the scope and extend the due dates for the Agreement. The formal ‘Deed of Variation’ to vary the scope and the milestones for the Federal Funding Agreement (FFA) was received by the City on 6 April 2023.

The proposed 50m outdoor pool was removed from Activity Description at Item B6 and practical completion was extended from 1 October 2024 to 1 November 2025.

10.1.1 Recreation and Aquatic Facility

Other milestones were also amended to reflect this change. Appointment of the independent Project Manager (and associated payment of \$7 million) was scheduled for 1 June 2023.

As part of the 'Deed of Variation' process, the City is required to provide a response to the Federal Government within ten business days. The City sought an extension to this timeframe to allow for actions arising from the motion passed at the Special Council Meeting on 30 March 2023. An extension was granted until 31 May 2023.

The Federal Government also advised that if the City wished to further vary the scope of the Agreement, a request must be submitted no later than 31 May 2023.

Capital funding

The City has been unable to address the significant capital funding shortfall for the RAF Stage 1 and there are no viable alternative financing options available. As noted in the Minutes of the Special Council Meeting of 30 March 2023, significantly increasing the City's contribution to address this shortfall is a risky strategy. Should the City borrow the full amount required to address the capital funding shortfall (\$30 million), a rate increase in excess of 7 per cent would be required. This would be in addition to any increase required to maintain the City's current services and existing assets.

It should also be noted that borrowing \$30 million would not be considered a financially prudent decision, given that it would likely exhaust the City's entire borrowing capacity (for one project) and given current interest rates, would result in the City repaying approximately \$50 million over 20 years.

Consultation

Presentation of the options to finance the estimated annual operating deficit of the RAF were included as part of the workshop held in preparation for the City's 2023/24 Budget on 3 May 2023.

Policy and Legislative Implications

Nil.

Financial Implications

The financial implications of not proceeding with the RAF project are positive as explained above.

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> |
| | <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> |
| Risk rating | Medium |
| Mitigation and actions | <p>Previous Council reports have detailed the risks associated with the RAF project. These risks have not been addressed and the City is unable to recommend to Council that the RAF Project proceed.</p> <p>Negotiations with the Federal Government to retain the grant money for projects that would benefit the community of the City of South Perth may potentially assist with repair of the City's reputation to facilitate capital infrastructure for the benefit of the community.</p> |

Strategic Implications

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

| | |
|----------------------|--|
| Strategic Direction: | Community |
| Aspiration: | Our diverse community is inclusive, safe, connected and engaged |
| Outcome: | 1.2 Community infrastructure |
| Strategy: | 1.2.3 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs |

Attachments

- 10.1.1 (a): Letter from CEO to Minister Templeman
- 10.1.1 (b): Letter from CEO to Mr Geoff Baker MLA
- 10.1.1 (c): Letter from Minister Templeman to CEO

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

File Ref: D-23-21248
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The City's Strategic Community Plan 2021-2031 includes a range of strategies related to creating a safe community.

The City had a former Community Safety and Crime Prevention Plan 2017-2021 that expired on 30 June 2022.

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

The draft Community Safety and Crime Prevention Plan was advertised for community and stakeholder comment during March 2023.

The final Community Safety and Crime Prevention Plan 2022-2027 is now presented to Council for final endorsement.

Officer Recommendation

That Council adopt the City of South Perth Community Safety and Crime Prevention Plan 2022-2027, as shown in **Attachment (a)**.

Background

The City had a former Community Safety and Crime Prevention Plan 2017-2021 that recently expired. A new Community Safety and Crime Prevention Plan 2022-2027 was presented to Council on 28 February 2023, with Council subsequently resolving for the City to advertise the draft Plan for community and stakeholder comment. The City undertook engagement for the draft Plan during March 2023 and the revised Plan is now presented to Council for final endorsement.

Comment

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

The Community Safety and Crime Prevention Plan is shown as **Attachment (a)**. This Plan details how the City intends to enhance community safety and perceptions of safety; to assist in the prevention of crime; to coordinate actions to increase actual and perceived safety; and outline how community safety outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future.

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

Consultation

The Community Safety and Crime Prevention Plan has been developed following comprehensive engagement by the City that included internal engagement with relevant City officers; Councillor briefing; and external engagement with stakeholders and the community, including the WA Police (Officers from the Kensington Police Station and the Western Australian Police Community Engagement Team); Department of Communities (Housing); Office of Geoff Baker MLA for South Perth; Manning Community Association; and local residents.

The engagement methods used for the Plan included Peninsula Magazine, the City's website ('Your Say South Perth' online portal), the City's social media, Peninsula Magazine, Snapshot e-Newsletter, posters, postcards and direct mail.

The City undertook community and stakeholder engagement in two main stages, as follows:

1. Stage 1 – Engagement carried out in July and August 2022 to inform the development of the draft Community Safety and Crime Prevention Plan; and
2. Stage 2 – Engagement carried out in March 2023 to inform the development of the final Community Safety and Crime Prevention Plan.

Stage 1 Engagement

409 survey responses were submitted during this stage, of which 33% of respondents resided in Como, 23% resided in South Perth, 15% resided in Manning, 11% resided in Kensington, 7% resided in Waterford, 6% resided in Karawara, 4% resided in Salter Point and 1% resided outside of the City.

72% of respondents felt 'safe', 'somewhat safe' or 'neutral'; whereas 28% of respondents felt 'somewhat unsafe' or 'unsafe'. The influences reported by the respondents for how safe or unsafe they felt depended on a range of factors such as: age of the respondent (older people generally felt less safe); gender and diversity of the respondent (females generally felt less safe); effectiveness of street lighting and other lighting in public places; and whether or not they were previously affected by a crime/anti-social behaviour.

23% of respondents felt that the level of crime in the City of South Perth was either 'very low', or 'low'; 41% felt crime was at a 'medium' level; and 36% felt crime was at a 'high' or 'very high' level. The reasons people felt this way were due to a range of factors, namely:

- Personally affected by local crime - 61% of respondents were previously a victim of crime or knew someone who has been a victim of crime.
- Degree of awareness of local crime - 44% attributed their feedback on word-of-mouth information received about local crime. 41% attributed their feedback on the level of local crime reported in social media. 27% attributed their feedback on media coverage about local crime.

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

- Knowledge of Crime statistics - 17% attributed their feedback on reading WA Police crime statistics about local crime.

The top five actions undertaken by respondents to improve safety and security of their home/neighbourhood were:

1. Get to know their neighbours (71% of respondents)
2. Install home security (68%)
3. Report crime to the local Police (57%)
4. Join a community safety Facebook or WhatsApp group in the neighbourhood (54%)
5. Report crime and suspicious activity to Crime Stoppers (37%).

Stage 2 Engagement

46 survey responses were submitted during this stage.

- 34% of respondents requested more police presence to improve assistance with local community safety and crime prevention issues.
- 20% of respondents recommended additional CCTV around the community.
- 17% of respondents reported that they were unsure how the actions would be measured.
- 15% of respondents recommended a greater focus on reducing speeding.
- 11% of respondents recommended additional and/or improved lighting in public spaces.

The key themes reported during this phase are outlined in the table below, alongside the City’s responses.

| Key Themes | City’s Responses |
|--|--|
| 1. Greater Police Presence (34% of survey respondents) | The allocation of police staffing resourcing is a State Government responsibility. In October 2020 the State Government announced a \$314 million budget allocation to recruit 800 extra police officers to meet the forecasted demand over a four-year period to 2024. In addition to extra officers, the funding included a roll out of major technological improvements including body worn cameras, personal issue mobile devices, Automatic Number Plate Recognition Technology, and protective vests to every frontline Officer. |
| 2. Additional CCTV around the community (20%) | The Community Safety and Crime Prevention Plan 2022-2027 includes two actions relating to CCTV, namely the purchase of a new mobile CCTV trailer; and the planned installation of CCTV cameras in anti-social hotspots around the community. Additionally, the Plan will make provision for enhancing community awareness of the ‘Cam-Map WA’ program to increase registration of CCTV systems owned by local residents and businesses onto a centralised database operated by the Western Australia Police. By having this information, the Police are able to respond more effectively to investigate incidences of crime and anti-social behaviour. |

| | |
|--|--|
| <p>3. Measurement processes for the actions were uncertain (17%)</p> | <p>This community feedback is noted by the City. Community awareness of the evaluation methods will be addressed during the implementation of the Plan. In particular, the actions within the Plan will be measured and reviewed quarterly; and reported as part of the City's quarterly reporting processes that will be included in future Ordinary Council Meeting agendas and minutes. Measuring the success of the actions relating to the delivery of the Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods (i.e., both qualitative and quantitative data). The effectiveness of the actions will also be discussed at the quarterly meetings held by the City's Community Safety Group that is comprised of representatives from the WA Police, City of South Perth, Department of Communities, Western Australian Local Government Association's Roadwise Program, Curtin University, local businesses and local residents. Additionally, the City plans to undertake ongoing community safety communication campaigns to keep the community informed about implementation of the actions.</p> |
| <p>4. Focus on reducing speeding (15%)</p> | <p>The Community Safety and Crime Prevention Plan 2022-2027 includes six actions targeted at increasing road safety.</p> <p>Additionally, the City is a local government member of the Australian Road Safety Foundation. One of the benefits of this partnership is the City is provided with ongoing road safety information to use for the facilitation of road safety community awareness campaigns.</p> |
| <p>5. Additional and/or improved lighting in public spaces (11%)</p> | <p>The Community Safety and Crime Prevention Plan 2022-2027 includes three actions to improve lighting in public spaces. Firstly, the City will continue to implement Crime Prevention Through Environmental Design (CPTED) principles when designing projects in public spaces, whereby effective lighting is a key consideration.</p> <p>Secondly, the City has a LED light replacement program that makes provision for the replacement/upgrading of lighting in public spaces.</p> <p>Thirdly, routine tree trimming will continue to be scheduled annually to enhance the effectiveness of street lighting and lighting in public spaces.</p> <p>In the last four years, the City has improved the sports lighting on its active parks and reserves to comply with the Australia Standard, including the lighting at Ernest Johnson Reserve, Challenger Reserve, and Bill Grayden Reserve. Another lighting upgrade project is currently being undertaken at James Miller Oval. The provision of improved lighting at the above reserves will enhance overall community safety at these public spaces.</p> <p>Additionally, the City is planning lighting upgrades at Sir James Mitchell Park, Karawara Greenways and McDougall Park in the</p> |

| | |
|--|---|
| | <p>future, subject to Council approval of the required project funds in subsequent budget processes.</p> <p>In terms of streetlighting, Western Power is responsible for the lighting installation and maintenance of most streetlights within the City. Residents can report a faulty streetlight directly to Western Power via its website; and information is also included on the City's website to inform local residents about how to report faulty streetlights. If a streetlight needs replacing, it is now installed with a LED globe that is more effective and energy efficient than a standard globe. Effective streetlighting also enhances community safety for people using the adjacent footpath network.</p> |
|--|---|

More comprehensive feedback provided during the stage 1 and stage 2 engagement stages are outlined in the Engagement Overview Report shown as **Attachment (b)**.

All relevant feedback gathered during each stage has been incorporated into the final Plan.

Policy and Legislative Implications

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

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

Financial Implications

The Plan is intended to be delivered over a period of five financial years from 2022/23 to 2026/27 inclusive. No additional City staff resources are being sought to implement the Plan. The City's 2022/23 Budget includes an allocation of \$70,000 to implement year one actions in the Plan, which is sufficient to implement the initial scheduled actions. Funds required for year two to year five actions will be sought using a combination of City funds, external funding and/or contributions from external stakeholders, and will be requested as part of subsequent budget processes.

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 proposed Community Safety and Crime Prevention Plan will mitigate potential reputational damage against the City by having a detailed operational plan in place to enhance community safety and perceptions of safety. Without a Community Safety and Crime Prevention Plan, the City's risk rating for reputational damage would be significantly higher. |

Strategic Implications

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

| | |
|----------------------|---|
| Strategic Direction: | Community |
| Aspiration: | Our diverse community is inclusive, safe, connected and engaged |
| Outcome: | 1.3 Community safety and health |
| Strategy: | 1.3.1 Enhance community safety in conjunction with other agencies |

Attachments

| | |
|--------------------|---|
| 10.1.2 (a): | City of South Perth - Community Safety and Crime Prevention Plan 2022-2027 |
| 10.1.2 (b): | Community Safety and Crime Prevention Plan 2022-2027 Engagement Overview Report |

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Tender 2/2023 Provision of Pump and Bore Maintenance Services

File Reference: D-23-21258
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 2/2023 for the Provision of Bore and Pump Maintenance Services.

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

Officer Recommendation

That Council:

1. Accepts the tender submission by Hydroquip Pumps and Irrigation for the Provision of Bore and Pump Maintenance Services in accordance with Tender Number 02/2023 for the period of supply of three years with the option to extend for two additional one year periods.
2. Authorises the Chief Executive Officer to execute the contract with Hydroquip Pumps and Irrigation.
3. Notes that the contract expenditure for the provision of bore and pump maintenance services based on the tendered schedule of rates is estimated at \$160,000 per annum plus CPI, or approximately \$800,000 for the maximum five-year term of the contract included in **Confidential Attachment (a)**.
4. Notes that the cost of the contract for the first year is included in the draft 2023/24 budget and the costs for subsequent years will be sought in future City operational and capital budgets for the life of the contract.

Background

A Request for Tender (RFT) 2/2023 for the Provision of Bore and Pump Maintenance Services was advertised in The West Australian on Saturday 28 January 2023 and closed at 2:00pm on Tuesday 14 March 2023.

Tenders were invited as a Schedule of Rates.

The proposed contract is for the period of three years, with options to extend the contract for two additional one year periods. Any extensions of the contract will be subject to satisfactory performance of the Contractor and subject to budget.

Comment

At the close of the tender advertising period one submission had been received as tabled below:

TABLE A – Tender Submissions

| Tender Submission |
|--------------------------------|
| Hydroquip Pumps and Irrigation |

The Tender was 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. Relevant experience | 25% |
| 2. Skills and experience of key personnel | 20% |
| 3. Demonstrated understanding of the required tasks | 25% |
| 4. Plant and equipment | 30% |
| Total | 100% |

Based on the assessment of all submissions received for Tender 2/2023 Provision of Bore and Pump Maintenance Services, it is recommended that the tender submission from Hydroquip Pumps and Irrigation 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.*

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.*

10.3.1 Tender 2/2023 Provision of Pump and Bore Maintenance Services

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 annual works is included in the 2023/24 budget. The supply costs for subsequent years will be sought in future City capital and operational budgets for the life of the contract.

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, fire or water damage and failure to adequately insure buildings, property and assets. |
| Risk rating | Medium |
| Mitigation and actions | Undertake a program of regular inspections and maintenance to the City's pumps and bores to ensure optimum park reticulation and flood mitigation. |

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):** Provision of Bore and Pump Maintenance Services - Recommendation Report (*Confidential*)

10.3.2 Tender 03/2023 Supply, Installation, and Maintenance of Bus Shelters with Advertising Space

File Reference: D-23-21257
Author(s): Rodney Markotis, Engineering Technical Officer
Abrie Lacock, Manager Finance
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services
Garry Adams, Director Corporate Services

Summary

This report considers submissions received from the advertising of Tender 03/2023 Supply, Installation, and Maintenance of Bus Shelters with Advertising Space.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the most advantageous outcome to the City.

Officer Recommendation

That Council:

1. Accepts the tender submitted by Claude Outdoor Pty Ltd for the Supply, Installation, and Maintenance of Bus Shelters with Advertising Space in accordance with Tender Number 03/2023 for the initial period of 10 years inclusive, with two options to extend the contract for an additional five years;
2. Accepts the proposed licence fee offer of \$750,000 excluding GST for the initial period of 10 years inclusive, included in **Confidential Attachment (a)**.
3. Authorises the Chief Executive Officer to execute the contract with Claude Outdoor Pty Ltd.

Background

A Request for Tender (RFT) 03/2023 for the Supply, Installation, and Maintenance of Bus Shelters with Advertising Space was advertised in The West Australian on Saturday, 28 January 2023 and closed at 2:00 pm (AWST) on 14 March 2023.

Tenders were invited as a Schedule of Rates, which has been used to determine annual revenue generation over the contract period.

The contract is for a period of ten years with two options to extend the contract for an additional five years.

Comment

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

TABLE A – Tender Submissions

| Tender Submission |
|------------------------------------|
| Claude Outdoor Pty Ltd |
| IE Innovative Environments |
| oOh!media Street Furniture Pty Ltd |

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

TABLE B – Fee Weighted Qualitative Criteria

| Criteria | Weighting % |
|------------------------------|-------------|
| 1. Demonstrated Experience | 25% |
| 2. Organisational Capacity | 15% |
| 3. Design/Appearance | 20% |
| 4. Licence Fee Offer (Price) | 40% |
| Total | 100% |

Based on the assessment of all submissions received for Tender 03/2023 Supply, Installation, and Maintenance of Bus Shelters with Advertising Space, it is recommended that the tender submission from Claude Outdoor Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**. It should be noted that advertising restrictions influenced the licence fee offer presented to the City. Those restrictions which were a part of the tender are replicated below.

Restrictions on Advertisements and Signs

The Contractor shall only provide advertisements and signs which comply with State and Federal legislation, local laws, the City's Signs Policy (P308) and any codes of conduct established by the advertising industry, and which exhibit high quality graphic design and finish.

Without limiting the generality of the foregoing, the Contractor must:

- a) not display any advertisement which in the opinion of the City is political, religious or pornographic in nature or likely to be considered offensive;
- b) not display any advertisement depicting smoking or a tobacco product;
- c) not display any advertisement which resembles any traffic sign or has the appearance of giving any instruction or other direction to traffic or which constitutes a traffic hazard;
- d) not display any signs or advertisement which the City considers, in its reasonable opinion, to be immoral or offensive; and
- e) comply with the Alcohol Advertising Pre-vetting System (AAPS) developed by the Outdoor Advertising Association of Australia, or any other similar document or regime, and will display the relevant AAPS approval on all advertisement for alcohol.

Consultation

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

Policy and Legislative Implications

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

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

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

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

The following Council Policies also apply:

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

Financial Implications

This contractual agreement is related to the generation of revenue as a licence fee for advertising space in addition to the supply, installation, and maintenance of bus shelters. It does not have cost implications for the City.

Key Risks and Considerations

| | |
|-------------------------------|--|
| Risk Event Outcome | Business Interruption Failure to establish a contract for the Supply, Installation, and Maintenance of Bus Shelters with Advertising Space will impact the timing of revenue for the City. |
| Risk rating | Medium |
| Mitigation and actions | Approval of the report in a timely manner |

Strategic Implications

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

| | |
|----------------------|--|
| Strategic Direction: | Environment (Built and Natural) |
| Aspiration: | Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment |
| Outcome: | 3.1 Connected and accessible City |
| Strategy: | 3.1.1 Facilitate a safe, efficient, accessible and reliable transport network that is pedestrian and cycle friendly |

Attachments

| | |
|-------------|--|
| 10.3.2 (a): | Tender 03/2023 Supply, Installation, and Maintenance of Bus Shelters with Advertising Space - Recommendation Report <i>(Confidential)</i> |
|-------------|--|

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-23-21254 |
| 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.

Officer Recommendation

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

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.

(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> |
| <i>Sign details</i> | <i>Display the name of the business or facility on the site only.</i> | <i>The proposed signs state 'Coffee' only, as the name of the business is yet to be determined.</i> |

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.

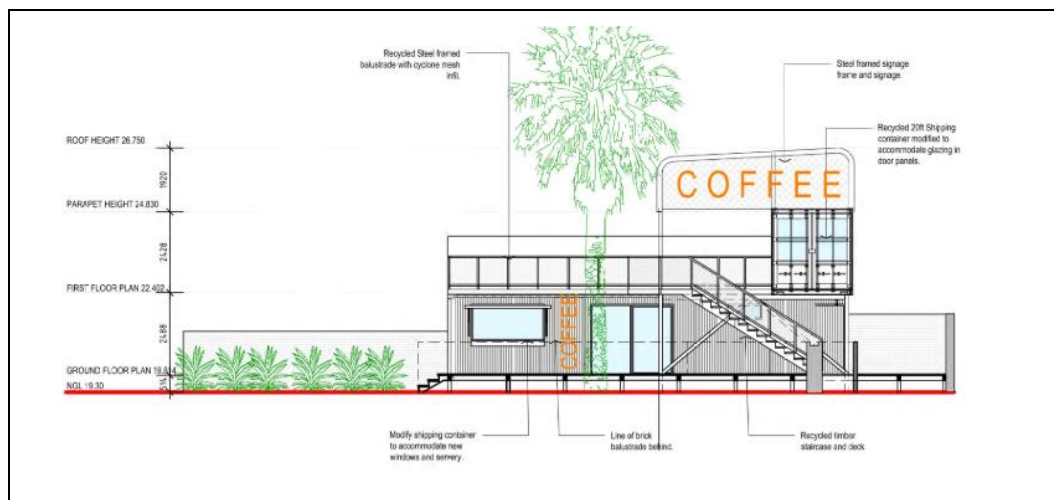


Figure 2: Signs on south eastern side of proposed building



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

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.

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 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 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 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 The property by having an Elizabeth Street address</p> | <p>There is no scope to change the address as the site does not directly abut Canning Highway.</p> |

| | |
|--|---|
| <p>rather than a Canning Highway address, will lead to an increase of vehicles on the surrounding residential streets.</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 and verges adjacent to the residential dwellings nearby.</p> | <p>Following consultation, amended plans were provided which decrease the dining area of the proposed development, reducing the required 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>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)</p> |

| | |
|--|---|
| Noise will also travel across the neighbourhood due to lack of noise attenuation. | Regulations 1997, will be required to be submitted to and approved by the City, and measures thereafter implemented |
| <p>Appearance of Proposed Development</p> <p>The recycled containers are not in keeping with the architecture of South Perth.</p> | The application was referred to the City's Design Review Panel who were supportive of the proposed development. |

(j) Environmental Health

Comments were invited from the City's Environmental Health Services who provided advice with respect to the requirement for an acoustic report and the *Food Act 2008*.

Accordingly, conditions and advice notes are recommended to address issues raised by Environmental Health Services.

(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 April 2023

File Ref: D-23-21251
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 April 2023 to 30 April 2023 for information. During the reporting period, the City made the following payments:

| | | |
|--|--------------|-----------------------|
| EFT Payments to Creditors | (418) | \$4,345,172.35 |
| Cheque Payment to Creditors | (3) | \$10,742.51 |
| Total Monthly Payments to Creditors | (421) | \$4,355,914.86 |
| EFT Payments to Non-Creditors | (67) | \$339,512.16 |
| Cheque Payments to Non-Creditors | (8) | \$17,859.00 |
| Total EFT & Cheque Payments | (496) | \$4,713,286.02 |
| Credit Card Payments | (7) | \$15,433.65 |
| Total Payments | (503) | \$4,728,719.67 |

Officer Recommendation

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

Background

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

Comment

The payment listing for April 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.

10.4.1 Listing of Payments April 2023

The report records payments classified as:

- **Creditor Payments**

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

- **Non-Creditor Payments**

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

- **Credit Card Payments**

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

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 April 2023 |
|-------------|--------------------------------|

10.4.2 Monthly Financial Statements April 2023

File Ref: D-23-21252
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation

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

Background

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

Comment

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

The ongoing impact of COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. It has resulted in steep rises in inflation worldwide including Australia. The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year. The September, 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. The March 2023 increase was the 10th consecutive increase in the cash rate, a further .25% taking the cash rate target to 3.6%. However at its board meeting on 4 April 2023 the RBA decided to leave the cash rate target unchanged at 3.6%, citing a range of information indicating that inflation has peaked in Australia, only to increase the cash rate with .25% to a target rate of 3.85%, surprising most market commentators.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The above factors impacted the legislated budget review. The review was completed and Council approved the budget review 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 April year-to-date (YTD) is \$71.18m in comparison to budget of \$70.92m, favourable to budget by \$0.26m or 0.38%. Actual expenditure from operating activities for April is \$57.52m in comparison to the budget of \$57.75m, favourable to budget by \$0.23m or 0.40%. The April Net Operating Position of \$13.67m was \$0.49m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.19m, 1.21% more than the budget of \$1.18m. Actual Capital Expenditure YTD is \$6.56m in comparison to the budget of \$7.46m, a favourable variance of \$0.90m or 12.11%. 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 a number of Capital projects that required Budget adjustments during the midyear review process.

Cash and Cash Equivalents amounted \$65.59m, less than the prior year comparative period, due to the underground power loan proceeds included in the comparative. 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 4.21% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of April 2023 the City held 39.12% 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 Correspondence between the Department of Local Government, Sport and Cultural Industries and City of South Perth

File Ref: D-23-21249
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report is to seek Council's endorsement to release the City's response to the Department of Local Government, Sport and Cultural Industries letter dated 21 December 2022 in relation to governance concerns.

Officer Recommendation

That Council authorise the Chief Executive Officer to release the City's response to the Department of Local Government, Sport and Cultural Industries letter dated 21 December 2022 in relation to governance concerns as part of the minutes.

Background

On 28 October 2022 the City of South Perth (the City) received a letter from the Department of Local Government, Sport and Cultural Industries (DLGSC) raising some governance irregularities at the City. The concerns had been raised from correspondence to the Minister for Local Government and DLGSC, complaints to the DLGSC and monitoring of the minutes of the City's Council meetings.

On 17 November 2022 the Chief Executive Officer responded to the letter dated 28 October 2022 from the DLGSC addressing each point.

On 5 December 2022 representatives from the DLGSC met with the Chief Executive Officer and Council members.

On 21 December 2022 the City received a follow up letter from the DLGSC requesting a response to the issues raised at the meeting with the DLGSC.

A workshop was held on 17 April 2023 with Council members to consider the key elements of the response.

At its meeting held 18 April 2023, Council resolved (0423/075) as follows:

1. *That Council authorise the Chief Executive Officer to release all correspondence between the Department of Local Government, Sport and Cultural Industries and the City of South Perth in relation to governance concerns as part of the minutes.*
2. *That Council note a further report will be submitted to the Ordinary Council Meeting in May requesting authorisation to release the letter submitted to the Department of Local Government, Sport and Cultural Industries by 30 April 2023.*

Comment

All correspondence between the DLGSC and the City was published in the attachments as part of the minutes to the Ordinary Council Meeting held 18 April 2023.

The City's response was submitted to the DLGSC on 28 April 2023.

The City's response is available to Council members via the HUB.

If Council authorises the release of the City's response, it will be included in the attachments as part of the minutes to this meeting.

Consultation

Council members have been consulted and attended meetings in regard to the matters raised by the DLGSC.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

Nil.

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Chief Executive Officer Key Performance Indicator Report

File Ref: D-23-21299
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 Officer's Key Performance Indicator Report, 1 July 2022 to 30 June 2023.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Blake D'Souza
Seconded: Councillor Glenn Cridland

That the CEO Evaluation Committee recommends to Council that it receives the Chief Executive Officer's Key Performance Indicator Report, 1 July 2022 to 30 June 2023 as contained in **Confidential Attachment (a)**.

CARRIED (6/0)

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

Against: Nil.

Background

On 22 June 2022, Council endorsed the Chief Executive Officer's performance review evaluation process, evaluation instrument and KPI's for the review period.

Comment

The Chief Executive Officer has prepared a Key Performance Indicator Report, for the period 1 July 2022 to 30 June 2023 as shown at **Confidential Attachment (a)**.

The Chief Executive Officer will speak to the report and present observations that draw from the 1 July 2022 to 30 June 2023 period.

Consultation

This report has been prepared in consultation with the City's Leadership Team.

Policy and Legislative Implications

Nil.

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 | 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

- 10.5.1 (a): Chief Executive Officer's Key Performance Indicator Report *(Confidential)*

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS: 23 MAY 2023

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

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

15.1.1 Councillor Code of Conduct - Matter 1

15.1.2 Councillor Code of Conduct - Matter 2

15.1.3 Councillor Code of Conduct - Matter 3

15.1.1 Councillor Code of Conduct - Matter 1

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

File Ref: D-23-17384
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

15.1.2 Councillor Code of Conduct - Matter 2

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

File Ref: D-23-19180
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

15.1.3 Councillor Code of Conduct - Matter 3

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

File Ref: D-23-19188
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

16. CLOSURE