

MINUTES

Ordinary Council Meeting

31 October 2023

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 31 October 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

3 November 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 31 October 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

1.1 ELECTION OF DEPUTY MAYOR

In accordance with Section 2.15 and Schedule 2.3 of the *Local Government Act 1995*, the Mayor presided over the conduct of election of the Deputy Mayor.

The Mayor informed the meeting that he had received three nominations for the position of Deputy Mayor, being: -

- Councillor Mary Choy
- Councillor Glenn Cridland
- Councillor Bronwyn Waugh

The Mayor called for any further nominations.

No further nominations were received.

The Mayor announced that nominations were closed.

In accordance with Regulation 11A of the Local Government (Constitution) Regulations 1998 ballot papers were prepared.

Elected Members were advised that the election was to be conducted by optional preferential voting.

A ballot box was made available to Councillors and a secret ballot was undertaken.

In accordance with the Local Government (Constitution) Regulations 1998, the Mayor declared Councillor Bronwyn Waugh elected as Deputy Mayor of the City of South Perth for a two year term.

1.2 SWEARING IN OF THE DEPUTY MAYOR

Mayor Greg Milner conducted the Declaration of Office ceremony for Councillor Bronwyn Waugh, who made the Deputy Mayor's Declaration, as prescribed in Form 7 of the Local Government (Constitution) Regulations 1998.

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

Mill Point Ward

Councillor Glenn Cridland

Councillor Bronwyn Waugh

Councillor Blake D'Souza

Councillor André Brender-A-Brandis

Councillor Jennifer Nevard

Councillor Hayley Prendiville

Councillor Mary Choy

Councillor Nic Coveney

Officers

Chief Executive Officer

Director Corporate Services

Director Development and Community Services

Director Infrastructure Services

Manager Development Services

Manager Governance

Manager Finance

Communications and Marketing Coordinator

Governance Coordinator

Governance Officer

Mr Mike Bradford

Mr Garry Adams

Ms Donna Shaw

Ms Anita Amprimo

Ms Fiona Mullen

Ms Toni Fry

Mr Abrie Lacock (Retired at 7.17pm)

Ms Karys Nella

Mr Morgan Hindle

Ms Jane Robinson

Gallery

There were approximately 11 members of the public present.

Guests

Mr Geoff Baker MLA

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner - Impartiality Interest in Item 10.1.1 as 'I serve on the board of Amaroo Care Services Inc. Amaroo operates in the aged care and retirement village sectors, albeit in different catchment areas. In addition, I know people who are employed at two of the three tenderers.'
- Councillor Bronwyn Waugh – Impartiality Interest in Item 10.1.1 as 'To the extent it might be considered an impartiality interest, I hereby disclose that:
 - In 2019 I acted for a client on a matter involving the sale of their business to Amana Living;
 - In 2019 I acted for a local government in respect to a prosecution of one member of the management team of Amana Living in respect to a breach of notice; and
 - the firm of which I am a director advised a local government in respect of a matter involving Amana Living.

I have no other knowledge of the matter and did not have any involvement in any matter of advice or otherwise in respect to Amana Living.

- Mayor Greg Milner - Impartiality Interest in Item 10.1.2 as 'I know a number of the nominees.'
- Councillor Mary Choy – Impartiality Interest in Item 10.1.2 as 'some of the nominees are known to me.'
- Councillor Bronwyn Waugh – Proximity Interest in Item 10.3.2 as 'I live on Mary Street within proximity of number 45 Mary Street Como and I previously raised an objection to a change of use.'
- Mayor Greg Milner – Impartiality Interest in Item 10.4.10 as 'I know three of the applicants.'
- Councillor Mary Choy – Impartiality Interest in Item 10.4.10 as 'some of the applicants are known to me.'
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.4.10 – as 'my interests are impartial as some of the applicants are known to me.'

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 31 OCTOBER 2023

The Presiding Member opened Public Question Time at 6.24pm.

Written questions were received prior to the meeting from:

- Mr Barrie Drake of South Perth
- Mr Trevor Wilkinson of Como

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 6.30pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 September 2023

Officer Recommendation AND COUNCIL DECISION

1023/166

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That the Minutes of the Ordinary Council Meeting held 26 September 2023 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

7.1.2 Minute Amendment - Council Resolution 0523/096

Officer Recommendation AND COUNCIL DECISION

1023/167

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That the minutes of the Ordinary Council Meeting held 23 May 2023 be amended as follows:

Council Resolution Number 0523/096 be amended from:

‘That Council endorse the recommendation as contained within the Confidential Minutes.’ to

‘That Council:

1. Not endorse the findings noted within the investigator’s report of a breach of 9(d) and 10(b) of the Councillor Code of Conduct.
2. Takes no further action with regard to this complaint other than 3 below.
3. Noting the complainant is no longer an employee of the City, then if possible, request the CEO to provide a copy of this resolution to the complainant.

Reason for decision different to officer recommendation:

It is Council’s belief that there were errors in the advice given to the Mayor at the meeting.’

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

In accordance with Regulation 11 and 13 of the Local Government (Administration) Regulations 1996, the minutes of a council meeting must include sufficient detail of any decision made at the meeting, including the process by which Council reached its decision. Items heard behind closed doors also need to comply with these requirements.

Upon advice from the Department of Local Government, Sport and Cultural Industries, Council Resolution 0523/096 of the Ordinary Council Meeting held 23 May 2023 needs to be amended to meet the legislative requirements referred to above. Council Resolution 0523/096 was the only resolution identified as requiring amendment as the Council decision was contrary to the Officers recommendation.

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
24 October 2023	Collier Park Village Briefing	Mayor Greg Milner and Councillors Glenn Cridland, Bronwyn Waugh, Blake D'Souza, André Brender-A-Brandis, Mary Choy, Nic Coveney, Jennifer Nevard, Hayley Prendiville.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 25 October 2023

Officers of the City presented background information and answered questions on Items to be considered at the October Ordinary Council Meeting at the Council Agenda Briefing held 25 October 2023

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

1023/168

Moved: Councillor Nic Coveney

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 - 25 October 2023

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

A Deputation was heard at the Council Agenda Briefing held 25 October 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 Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 25 October 2023.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.1.1 Collier Park Village Request for Proposal
- 10.3.2 Proposed Amendment to Approved Use Not Listed (Short Term Accommodation) - Lot 2, Unit 1/45 Mary Street, Como
- 10.4.1 Audit Risk and Governance Committee
- 10.4.2 Chief Executive Officer Evaluation Committee
- 10.4.3 Rivers Regional Council
- 10.4.4 City of South Perth Inclusive Community Advisory Group
- 10.4.5 Perth Airports Municipalities Group Inc.
- 10.4.6 City of South Perth Public Health Reference Group
- 10.4.7 City of South Perth Arts Advisory Group
- 10.4.8 Western Australian Local Government Association South-East Metropolitan Zone
- 10.4.9 Local Emergency Management Committee For Canning / South Perth – Delegates
- 10.4.10 Appointment of Community Members to City of South Perth Audit, Risk and Governance Committee

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

COUNCIL DECISION

1023/169

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

- 10.1.2 City of South Perth Volunteer of the Year Awards - Assessment and Recommendations for 2023
- 10.3.1 Draft Payment in Lieu of Parking Plan
- 10.3.3 Proposed Six (6) Four Storey Grouped Dwellings - Lot 277, No. 120 Mary Street, Como - Section 31 Reconsideration
- 10.3.4 Draft Local Planning Policy P303 - Design Review Panel and Draft Local Planning Policy P316 - Developer Contribution for Public Art and Public Art Spaces (Final Adoption)
- 10.3.5 Draft Local Planning Policy - Heritage Conservation and Development (Advertising) and Local Planning Policy P313 - Local Heritage Listing (Revocation)
- 10.4.11 Listing of Payments September 2023
- 10.4.12 Monthly Financial Statements September 2023

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Mayor Greg Milner and Councillor Bronwyn Waugh declared an Impartiality Interest in Item 10.1.1.

10.1.1 Collier Park Village Request for Proposal

File Ref: D-23-50123
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider the outcome of the Request for Proposal process for Collier Park Village and to seek Council's authorisation for the City to enter into negotiations with the preferred proponent.

The report outlines the assessment process used during evaluation of the proposals received as well as consultation undertaken with Collier Park Village staff, residents and Elected Members.

Officer Recommendation

Moved: Mayor Greg Milner
Seconded: Councillor Bronwyn Waugh

That Council:

1. Endorses Amana Living Incorporated being the preferred proponent for the transfer of Collier Park Village.
2. Authorises the Chief Executive Officer to negotiate entering into a non-binding Heads of Agreement with Amana Living Incorporated, for the transfer of ownership and operation of Collier Park Village, consistent with the criteria contained within the Request for Proposal and Amana Living Incorporated's response.
3. Authorises the Chief Executive Officer and the Mayor to execute the land transfer documents to effect the transfer of the Collier Park Village site from the State to the City in conditional freehold title and to enable a retirement village memorial to be placed on the site.

Amendment**Moved:** Councillor André Brender-A-Brandis**Seconded:** Councillor Jennifer Nevard

That the Officer's Recommendation be amended as follows:

That Council:

1. Endorses Amana Living Incorporated being the preferred proponent for the transfer of Collier Park Village.
2. Authorises the Chief Executive Officer to negotiate entering into a nonbinding Heads of Agreement with Amana Living Incorporated, for the transfer of ownership and operation of Collier Park Village, consistent with the criteria contained within the Request for Proposal and Amana Living Incorporated's response, and that the non-binding Heads of Agreement include the requirement for Amana Living Incorporated to prepare and have endorsed by Council, a landscape plan that meets the intent of the vision to retain existing trees.
3. Authorises the Chief Executive Officer and the Mayor to execute the land transfer documents to effect the transfer of the Collier Park Village site from the State to the City in conditional freehold title and to enable a retirement village memorial to be placed on the site.

Reasons for the amendment:

1. Consideration for the negotiations with the proponent included the City's priorities and values, detailed in the Strategic Community Plan (2021-2031). The City stipulated the following objective of Collier Park Village (CPV); A commitment to retain natural vegetation and tree canopy (where practical) and/or a plan detailing proposed plantings for all development stages. Proponents genuinely intending to retain the trees should not have any objections to the inclusion of reasonable conditions.
2. Relying upon a Development Assessment (DA) to protect trees carries uncertainty and risk as a last-minute measure, as opposed to proactively protecting trees through an agreement. There is no guarantee than any trees would be saved under the DA process. The purpose of a landscape plan is to proactively identify trees of significant value to the community and residents, with clear expectations around preservation requirements of this space containing significant trees. A landscape plan will confirm the proponent's commitment to vegetation preservation and consideration for future development opportunities. This provides certainty for the community; residents and the operation around vegetation protected rather than being reliant upon the determination of a DA or a tree preservation order.

3. The proponent has confirmed a commitment to retain natural vegetation and tree canopy (where practical). The natural environment has a direct impact on the health and wellbeing of individuals and the significant mature trees are more vital to the current residents at CPV. A deputation confirmed the CPV residents' appreciation of the existing vegetation and water features, forming part of their daily recreating and enjoyment.
4. The inclusion of a landscape plan or a detailed proposed plantings for all development stages was included as consideration as part of the Request for Proposal process.

The amendment was put and declared LOST (3/6).

For: Councillors André Brender-A-Brandis, Mary Choy and Jennifer Nevard.

Against: Mayor Greg Milner, Councillors Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Officer Recommendation AND COUNCIL DECISION

1023/170

Moved: Mayor Greg Milner

Seconded: Councillor Bronwyn Waugh

That Council:

1. Endorses Amana Living Incorporated being the preferred proponent for the transfer of Collier Park Village.
2. Authorises the Chief Executive Officer to negotiate entering into a non-binding Heads of Agreement with Amana Living Incorporated, for the transfer of ownership and operation of Collier Park Village, consistent with the criteria contained within the Request for Proposal and Amana Living Incorporated's response.
3. Authorises the Chief Executive Officer and the Mayor to execute the land transfer documents to effect the transfer of the Collier Park Village site from the State to the City in conditional freehold title and to enable a retirement village memorial to be placed on the site.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Collier Park Village (CPV) has been owned and operated by the City since 1986. Over the past 30 years, community expectations and the standards for retirement living have changed and the needs of older people in retirement living have become more complex.

10.1.1 Collier Park Village Request for Proposal

The City is committed to improving and enhancing the services and amenities available to the residents of CPV and wants to support ‘ageing in place’ and allow residents to live at home for as long as possible. However, the City lacks the expertise and financial capacity to make significant improvements to CPV and to provide the right mix of accommodation and services to deliver contemporary standards of retirement living.

As such, at its meeting held 28 March 2023, Council resolved to approve the Chief Executive Officer commencing a ‘Request for Proposal’ (RfP) process for CPV consistent with the framework outlined in that report.

The City engaged Ansell Strategic (an independent advisory service specialising in aged care and retirement living) to prepare the detailed RfP documentation. The RfP was drafted in accordance with the draft evaluation framework previously presented to Council and previous feedback from CPV Resident surveys.

The evaluation framework set out the minimum requirements that proposals must respond to and was designed to give confidence to the City and Council that any potential proposal aligned with the City’s priorities for CPV and protects the rights of current residents. The criteria were as follows:

Criteria	Weighting	Details
Organisational Reputation and alignment with CPSP Priorities	40%	<ul style="list-style-type: none"> Alignment of the organisation with CoSP priorities, as articulated in the accompanying Vision Statement and the City’s Strategic Community Plan (SCP) 2021-2031. Positive historic and current organisational reputation in their industry(ies). Demonstrated commitment and respondent strategy to redevelop the site into contemporary seniors and disability accessible accommodation. Demonstrated experience and expertise in operating retirement living accommodation. Capability to deliver care services (home care, disability supports and/or residential aged care) either themselves, through a care partner and/or outsourced service provider. Strong compliance record against the <i>Retirement Villages Act 1992 (WA)</i>, <i>Aged Care Act 1997 (Cth)</i> and other relevant Acts and Standards. Demonstrated understanding and capability to adhere to the new requirements under the updated <i>Retirement Villages Act 1992 (WA)</i>, effective in 2023.

Proven track record in completing similar transactions and redevelopments	40%	<ul style="list-style-type: none"> • History of successfully completing similar transactions. • Proven track record showing successful staged redevelopment of retirement living and/or aged care on live sites (occupied units). • Proven track record of successfully managing stakeholder communication and engagement (consumers, staff, community) during a staged redevelopment. • Commitment and plans to protect resident rights (security of tenure, lease agreements, provision of alternate accommodation during the staged redevelopment process, etc.). • Securing and assisting with the transition into new accommodation for residents who seek to remain at the Village. • A commitment to secure tenure for renters for a minimum of 12 months post-transaction.
Financial Capacity*	20%	<ul style="list-style-type: none"> • Viable organisation with the capacity to sustain site operations. • Strong balance sheet position or demonstrated ability to secure financing for the transaction (lending facilities from banks, etc.

**Any indicative bid price received from interested parties will be considered separately from the qualitative criteria.*

As outlined in the previous report to Council, a more detailed 'Vision Statement' was also prepared to give greater clarity to prospective respondents about what is important to the City and to assist with responding to the criteria 'alignment with the City's priorities'. The Vision Statement included in the RfP was as follows:

"The City's vision is to become 'a city of active places and beautiful spaces. A connected community with easily accessible, vibrant neighbourhoods and a unique, sustainable natural environment'.

The City places great importance on the long term vision and staged redevelopment strategy for CPV to create a lively neighbourhood and community which facilitates independent living and improved accessibility for seniors. Consistent with the City's Strategic Community Plan 2021-31, maintaining a sustainable environment (both built and natural) and ensuring the ongoing viability of CPV for current and future residents is a key priority for the City. Further insights into the City's priorities and values are detailed in the Strategic Community Plan (2021-2031). The City has stipulated the following objectives for CPV:

- *Protection of residents' rights as outlined in the Retirement Villages Act 1992 (WA);*
- *A commitment to ensure that current residents with short term lease rental agreements can remain in the Village for as long as practical and for a minimum of 12 months post transaction;*

10.1.1 Collier Park Village Request for Proposal

- *Consideration of the long term affordability and financial accessibility of the Village, for example the allocation of a portion of the accommodation for affordable housing purposes and/or fair and reasonable fee structures;*
- *Strong commitment and proponent strategy to demonstrate how the proposed staged redevelopment would facilitate ‘ageing in place’;*
- *Provision of a mix of accommodation and leasing arrangement options at a range of price points to appeal to a broad cross-section of the market;*
- *Environmentally sustainable building design with consideration towards improved accessibility for seniors and seniors living with disability for all dwellings and community amenities, with the majority of dwellings to be designed in accordance with the Platinum Standard of the Liveable Housing Design Guidelines (Fourth Edition);*
- *A commitment to retain natural vegetation and tree canopy (where practical) and/or a plan detailing proposed plantings for all development stages; and*
- *An overview of the proposed staged development approach for the site which demonstrates an understanding of the City’s planning frameworks.”*

A copy of the RfP is contained as **Attachment (a)**.

Comment

Evaluation

At the close of the RfP advertising period, three submissions had been received as tabled below.

RfP Submissions
1. Air Force Association (WA Div) RAAFA
2. Amana Living Incorporated
3. The Bethanie Group Inc

The proposals were reviewed by the City with advice from Ansell Strategic and assessed in accordance with the qualitative and quantitative criteria detailed in the RfP, as per the table below. All respondents met the criteria.

Criteria	Weighting %
1. Organisational Reputation and alignment with CPSP Priorities	40%
2. Proven track record in completing similar transactions and redevelopments	40%
3. Financial Capacity*	20%
Total	100%

Based on the assessment of proposals received, it is recommended that Council endorse Amana Living Incorporated as the preferred respondent.

More detailed information about the assessment process can be found in the Recommendation Report from the City's Evaluation Panel – see **Confidential Attachment (b)**.

Future Processes

There are various legislative and contractual requirements required to be met prior to the ultimate transfer of CPV can occur as outlined below.

Land Tenure

The land is currently Crown land with a Management Order to the City, and any future transfer of the land from the Crown to the City will be subject to the consent of the Minister for Lands under relevant sections of the *Land Administration Act 1997*.

The City is currently seeking to change the tenure of the land to “conditional freehold” (retaining the conditional freehold provision of aged accommodation) and has commenced discussions with the Department of Planning, Lands and Heritage in this respect. In addition to the transfer, any change to land tenure will also be subject to Ministerial approval.

The acquisition of the land from the State as conditional freehold tenure land will proceed irrespective of whether or not the City ultimately agrees to transfer CPV to Amana Living. This is because of the acquisition of the land as conditional freehold land is a necessary precondition to ‘normalising’ CPV as a retirement village under the *Retirement Villages Act 1992* and allowing for the lodgement of a memorial under the *Retirement Villages Act 1992* (which cannot occur while the land remains Crown land).

It is reasonable to expect that the preferred proponent will undertake further due diligence as to the conditional tenure of the land and its transition to conditional freehold as part of future contract negotiations.

With the exception of fees associated with the administration for the transfer, the transfer of the land from the Crown to the City will occur at no cost.

Memorial on Title

The *Retirement Villages Act 1992* requires the owner of a retirement village to lodge a memorial ‘before entering into a contract’ which creates or gives rise to a right to occupy residential premises in the retirement village or even before inviting persons to make applications, offers or proposals to enter into such contracts.

Given the land is currently Crown land, there is currently no memorial on the title. Once the land becomes conditional freehold, the City will be required to lodge a memorial in accordance with the associated Retirement Villages Regulations 1992.

Non-binding Heads of Agreement

A non-binding Heads of Agreement is a preliminary document that establishes the framework and key indicative terms for the proposed agreement between the City and Amana Living Incorporated for the transfer of CPV (should Council resolve to proceed with the transaction after the requirements of section 3.59 of the *Local Government Act 1995* have been complied with).

To commence the transaction process, the City intends to enter into a non-binding Heads of Agreement to establish the key indicative terms with Amana Living Incorporated for the future formal contract, which is intended to be consistent with the requirements of the Request for Proposal document and the proposal submitted by Amana Living Incorporated.

The intent will be for the parties to sign the Heads of Agreement at the pre-contractual stage of negotiations before the City formalises and advertises the required business plan for the proposed transfer of CPV from the City to Amana Living Incorporated. While the City is advertising the required business plan, it is the City's intention that the parties will continue negotiations in relation to the proposed contract for the sale of CPV. The execution of a binding contract for the sale of CPV by the City and Amana Living Incorporated will ultimately be subject to further Council approval (after having completed the business plan requirements under section 3.59 of the *Local Government Act 1995* and approval from the Amana Living Incorporated Board.

Major Land Transaction

Disposal of the City's interest in CPV is considered a major land transaction under the *Local Government Act 1995*, which requires a business plan to be prepared in accordance with section 3.59 of the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.

The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of:

- its expected effect on the provision of facilities and services by the local government; and
- its expected effect on other persons providing facilities and services in the district; and
- its expected financial effect on the local government; and
- its expected effect on matters referred to in the local government's current plan prepared under section 5.56 (Strategic Community Plan); and
- the ability of the local government to manage the undertaking or the performance of the transaction; and
- any other matter prescribed for the purposes of the subsection in the *Local Government Act 1995*.

The business plan requires consideration of public comments, prior to its commencement/implementation. The public comment period, advertised State-wide, is to be open for a period of not less than six weeks. During this advertising period, submissions are invited from members of the public.

Following the negotiation and execution of the non-binding Heads of Agreement, the City will prepare a business plan in accordance with the requirements of section 3.59 of the *Local Government Act 1995*. The key indicative terms set out in the non-binding Heads of Agreement will form the basis for the key terms summarised in the business plan as part of the overall assessment of the transaction. Council will then be required to endorse the business plan for public consultation, following which Council must consider any submission received during the advertising period before it decides to proceed with the business plan.

The City will continue to operate CPV during consultation on the business plan and the contract negotiations and there will be no changes to the operation of CPV or the services provided to residents as this occurs.

10.1.1 Collier Park Village Request for Proposal

Importantly, no binding agreement for the transfer CPV from the City to Amana Living Incorporated will be entered into unless and until the business plan requirements in section 3.59 of the *Local Government Act 1995* have been fully complied with and only if Council has thereafter resolved to proceed with the transaction proposed in the business plan.

Future Council Decisions

Based on the above future processes, in addition to the Officer Recommendation in this report, it is anticipated that the following decisions of Council will be required to complete the transfer of ownership and operation of Collier Park Village:

- Endorsement and advertisement of a Business Plan in accordance with *Local Government Act 1995*;
- Endorsement of the Business Plan following Statewide notice;
- Authorising the Chief Executive Officer and the Mayor to execute a contract with Amana Living Incorporated.

Consultation

The RfP document was advertised in The West Australian newspaper on 29 April 2023 and was originally scheduled to close on 9 June 2023. The RfP was also distributed by Ansell Strategic to relevant providers in the aged care and retirement living sector.

Following the advice of Ansell Strategic, the RfP was extended until 23 June 2023, and then again until 30 June 2023 to enable prospective operators more time to review the RfP requirements.

Consultation through the RfP process was as follows:

CPV Staff and Residents

- CPV residents and staff were briefed on the RfP process in separate meetings held on 15, 16 and 20 March 2023.
- Following approval of the RfP process by Council, CPV residents and staff were briefed on the RfP process at meetings held on 3 May 2023 (CPV Residents Committee meeting), 4 May and 8 May 2023, and were provided with a copy of the RfP document.
- Staff were advised of the revised RfP closure dates, with residents advised via the June CPV Newsletter and at the CPV annual budget meeting on 22 June 2023.
- CPV residents and staff were briefed on the City's preferred proponent at the CPV Annual General Meeting on 20 September 2023 and advised that the proponent would be presenting to residents.
- Amana Living Incorporated presented to CPV residents and staff on 12 October 2023.

Elected Members

- Prior to Council's decision on the RfP process, Elected Member briefings were held on 14 November 2022, 30 January 2023 and 7 March 2023.
- Elected Members were advised of the RfP closure extensions via email.
- Elected Members were advised of the City's preferred proponent on 19 September 2023.
- Elected Members were briefed by the City and Amana Living Incorporated on 24 October 2023.

Policy and Legislative Implications

The City's operation of CPV is bound by the *Retirement Villages Act 1992*, Retirement Villages Regulations 1992 and associated Fair Trading (Retirement Villages) Code.

Arrangements for CPV staff are covered by the City of South Perth Workforce Enterprise Agreement 2022.

Financial Implications

As previously reported to Council, without future investment, CPV will not be able to compete with other market offerings and the trend of units being attractive to short term rental arrangements rather than people willing to enter into long term agreements will continue. As a result, operating losses are likely to continue to grow, particularly as the maintenance and renewal requirements become greater.

At the end of the 2022/23 financial year the Collier Park Village Residents Offset Reserve balance was \$13,881,466 and the Collier Park Village Reserve balance was \$10,137. Any future losses, previously funded from the Collier Park Village Reserve, would need to be subsidised by other City funding sources such as municipal rates.

Various financial considerations will need to be considered in future should contract negotiations progress, including the potential transfer of liabilities associated with the Collier Park Village Residents Offset Reserve and the Collier Park Village Reserve.

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> <p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	High
Mitigation and actions	<p>The City has limited expertise in retirement living and with the upcoming changes to the <i>Retirement Villages Act 1992</i>, it will become increasingly difficult for the City to fulfil its obligations under the <i>Act</i>.</p> <p>The City has evaluated the proposals against the returnable schedules contained within the RfP and recommended the best option for CPV which supports current and future residents, facilitate ageing in place and ensures the overall financial viability for CPV and the City.</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:	1.2.2 Effectively develop, manage and optimise the use of the City's properties, assets and facilities

Attachments

10.1.1 (a):	Collier Park Village - Request for Proposal
10.1.1 (b):	Collier Park Village Request for Proposal Evaluation Report <i>(Confidential)</i>

Mayor Greg Milner and Councillor Mary Choy declared an Impartiality Interest in Item 10.1.2.

10.1.2 City of South Perth Volunteer of the Year Awards - Assessment and Recommendations for 2023

File Ref: D-23-50130
Author(s): Marie Walker, Community Development Officer
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report seeks Council's approval of the eligible nominations submitted for the 2023 City of South Perth Volunteer of the Year Awards Program.

Officer Recommendation AND COUNCIL DECISION

1023/171

Moved: Councillor Nic Coveney
Seconded: Councillor André Brender-A-Brandis

That Council approves the Award recipients for the City of South Perth Volunteer of the Year Award Program for 2023, as shown in **Confidential Attachment (a)** in the following categories:

- a. Volunteer of the Year – Adult category (over 25 years);
- b. Volunteer of the Year - Youth category (18-25 years); and
- c. Volunteer of the Year - Junior category (under 18 years).

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

On 5 December each year International Volunteer Day is celebrated around the world to recognise the important role that volunteers play in building healthy and vibrant communities.

Local governments are encouraged to acknowledge and reward those individuals who volunteer their time and expertise in their communities.

The City facilitates a combined 'Thank a Volunteer and Stakeholder Function' each year to acknowledge and celebrate the contributions of volunteers who service our community and of our stakeholders.

As part of this event, the City of South Perth Volunteer of the Year Awards are presented to recognise outstanding individual volunteering contributions in the community.

There are three Volunteer of the Year Award categories, as follows:

1. *Adult Volunteer of the Year Award*

This Award is open to individuals who reside or volunteer within the City of South Perth and are aged over 25 years.

2. *Youth Volunteer of the Year Award*

This Award is open to individuals who reside or volunteer within the City of South Perth and are aged between 18 and 25 years.

3. *Junior Volunteer of the Year Award*

This Award is open to individuals who reside or volunteer within the City of South Perth and are aged under 18 years.

Nominations were assessed by a panel comprising the City's Manager Community, Culture and Recreation, Community Development Coordinator and Community Development Officer; against three selection criteria, namely:

1. The level of involvement of the volunteer;
2. The significance of the volunteering contribution to the local community; and
3. The inspiring impact of the volunteering activity to enhance community life.

Presentation of the Awards will be made at the City's 'Thank you' event on Thursday 30 November 2023. The winner of each category will be recognised with a certificate and trophy. All other eligible nominees will receive a certificate and public acknowledgement of their volunteering contributions at the event.

Comment

This year the City received a total of 53 nominations comprising:

- 33 x Volunteer of the Year – Adult category nominations;
- 3 x Volunteer of the Year – Youth category nominations; and
- 17 x Volunteer of the Year – Junior category nominations.

A summary of the nominations, the City's assessment scores, and recommended award recipients is attached as **Confidential Attachment (a)**.

Overall, the assessment panel found that the standard of nominations this year was high and there were a number of outstanding individuals who scored very strongly. All eligible nominations were considered meritorious, as they demonstrated the variety of ways that volunteers make significant contributions to the local community. Correspondence will be sent to all nominees to thank them for their outstanding volunteering contributions and inviting them to attend the event to be held on 30 November 2023.

Consultation

The City commenced promotion of the Volunteer of the Year Award Program on 1 August 2023. Emails were sent to community groups, sporting clubs, schools and volunteer organisations listed in the City's Community Information Directory. Posters were displayed in key venues around the City, with hard copy guidelines and nomination forms available in the City's Libraries and Civic Centre. The Award Program was also advertised in the City's Peninsular Snapshot eNewsletter and on the City's website. Nominations closed on 1 September 2023.

Policy and Legislative Implications

This report relates to Policy P104 Community Awards, whereby the City recognises the important contribution that local individuals make to society.

Financial Implications

Funds are allocated in the City's 2023/24 Operating Budget for costs associated with the Volunteer of the Year Award Program.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City could potentially face adverse reputational impacts if it did not acknowledge local volunteers each year. The City's Volunteer of the Year Awards is an effective risk management mitigation strategy as it provides a suitable method of acknowledging the contributions made by local volunteers.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.1 Culture and community
Strategy:	1.1.4 Encourage volunteering that benefits our community

Attachments

10.1.2 (a):	Volunteer of the Year Awards 2023 - Assessment and Recommendations (<i>Confidential</i>)
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10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Draft Payment in Lieu of Parking Plan

File Ref: D-23-50132
Author(s): Jessica Birbeck, Principal Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report presents the draft Payment in Lieu of Parking Plan for final approval following public advertising.

Officer Recommendation AND COUNCIL DECISION

1023/172

Moved: Councillor Nic Coveney
Seconded: Councillor André Brender-A-Brandis

That Council, in accordance with Schedule 2, Part 9A, Clause 77K of the Planning and Development (Local Planning Schemes) Regulations 2015, approve the draft amended Payment in Lieu of Parking Plan, as contained in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

State Government planning reforms introduced amendments to car parking provisions for non-residential development, including the requirement for a Payment in Lieu of Parking Plan to enable local governments to continue to apply cash in lieu of parking provisions. Accordingly, to enable the City to apply cash in lieu of parking conditions, the City has prepared a draft Payment in Lieu of Parking Plan (draft Plan).

At its meeting held 25 July 2023, Council resolved to advertise the draft Plan. Following advertising, several minor amendments have been made to the Plan in response to submissions which are presented to Council for final adoption. The draft amended Payment in Lieu of Parking Plan is included as **Attachment (a)**.

Consultation

The draft Plan was advertised for a period of 22 days from 29 August 2023 to 20 September 2023.

10.3.1 Draft Payment in Lieu of Parking Plan

The draft Plan was advertised in the following ways:

- Information displays were set up at the City's Civic Centre, South Perth Library and Manning Library;
- A Your Say South Perth (YSSP) webpage was created which contained the draft document, a list of frequently asked questions, a timeline of events and a public question and answer tool for use by the community;
- The YSSP outlined a number of ways in which a submission could be made to the City, including an online feedback form on YSSP, by email, or by mail;
- One media release published on the City's website; and
- One article in Peninsula Snapshot eNewsletter, sent to 14,919 subscribers.

Four submissions were received during the consultation period. The City also sought and received comments from the Department of Planning, Lands and Heritage in relation to the Manner and Form of the draft Plan. A schedule of submissions is contained as **Attachment (b)**.

Comment

In response to submissions, the following minor amendments have been made to the draft Plan:

1. Section 1.6 'Linkages to relevant documents' has been expanded to discuss the supporting documents which underpin the draft Plan.
2. Amendment to Section 5.1 to clarify 'At-grade On-Street' public parking.
3. Clarification that money collected under the Plan will be expended in proximity to the development providing the funds.

It is recommended that Council adopts the draft amended Plan to enable the City to apply cash in lieu of parking conditions on future applicable development approvals.

Policy and Legislative Implications

- *Local Government Act 1995*
- Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
- Local Government (Financial Management) Regulations 1996

Financial Implications

Clause 77I(1) of the Regulations requires a local government to establish and maintain a Reserve Account for money collected under the Plan. The account is to be established under the provisions of the *Local Government Act 1995*, Section 6.11 and operated in accordance with the Local Government (Financial Management) Regulations 1996.

Clause 77I(3) of the Regulations requires interest earned on monies held in the Reserve Account must be applied for the purposes set out in the Plan. The City already has a parking reserve which can be used for this purpose.

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	Adoption of payment in lieu of parking plan following advertising in accordance with the officer recommendation.

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
 3.1 Connected and accessible City
 Strategy: 3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Attachments

- 10.3.1 (a): Draft Amended Payment in Lieu of Parking Plan
- 10.3.1 (b): Payment in Lieu of Parking Plan - Schedule of Submissions

Councillor Bronwyn Waugh declared a Proximity Interest in Item 10.3.2 and accordingly left the meeting at 7.15pm prior to consideration of the Item.

10.3.2 Proposed Amendment to Approved Use Not Listed (Short Term Accommodation) - Lot 2, Unit 1/45 Mary Street, Como

Location: Lot 2, Unit 1/45 Mary Street, Como
Ward: Como Ward
Applicant: Batavia Bay Pty Ltd
File Reference: D-23-50133
DA Lodgement Date: 27 June 2023
Author(s): Heidi Miragliotta, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application to amend the development approval for a Use Not Listed (Short Term Accommodation) at Lot 2, Unit 1/45 Mary Street, Como.

The applicant is seeking to delete Condition No. 3 of the approval granted in September 2022, which time-limited the use of the property for a period of 12 months. Approval of the current application will enable the property to be used as Short Term Accommodation in perpetuity. This item is referred to Council as the proposed land use is a 'Use Not Listed' under Town Planning Scheme No. 6 and therefore falls outside of the delegation to the officers.

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

Officer Recommendation AND COUNCIL DECISION

1023/173

Moved: Mayor Greg Milner
Seconded: Councillor Glenn Cridland

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

1. The deletion of the following conditions:
 1. *This approval pertains to the temporary approval of a 'Use Not Listed' (Short Term Accommodation) for the purposes of short-term accommodation.*
 3. *The approval of the 'Use Not Listed' for purposes of Short Term Accommodation is valid for a period of 12 months from the date of this determination. At the end of this period the building will revert to 'Multiple Dwelling'. A new development approval will be required to extend past this time.*
2. The amendment of the following condition:
 4. *The approved Management Plan must be adhered to at all times.*

Note:

All other conditions and requirements detailed on the development approval dated 27 September 2022 shall remain and be renumbered accordingly.

CARRIED (8/0).

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Hayley Prendiville.

Against: Nil.

Applicant Details	Batavia Bay Pty Ltd
Landowner	Batavia Bay Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R30/R40
Lot area	1,073m ²
Building height limit	7.0 m

Comment

(a) Background

At its meeting held 27 September 2022, Council resolved to grant development approval for a Change of Use to a 'Use Not Listed' (Short Term Accommodation) at Lot 2, Unit 1/45 Mary Street, Como, subject to the following conditions:

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

In June 2023, the City received an application for the continuation of the use on a permanent basis.

(b) Description of the Surrounding Locality

The existing development on the site is a two-storey multiple dwelling development comprising a total of four dwellings with two dwellings at ground level and two dwellings on the upper floor as depicted in the site photographs at **Attachment (a)**. The subject dwelling is on the ground floor and located closest to the street and car bays within the street setback area.

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

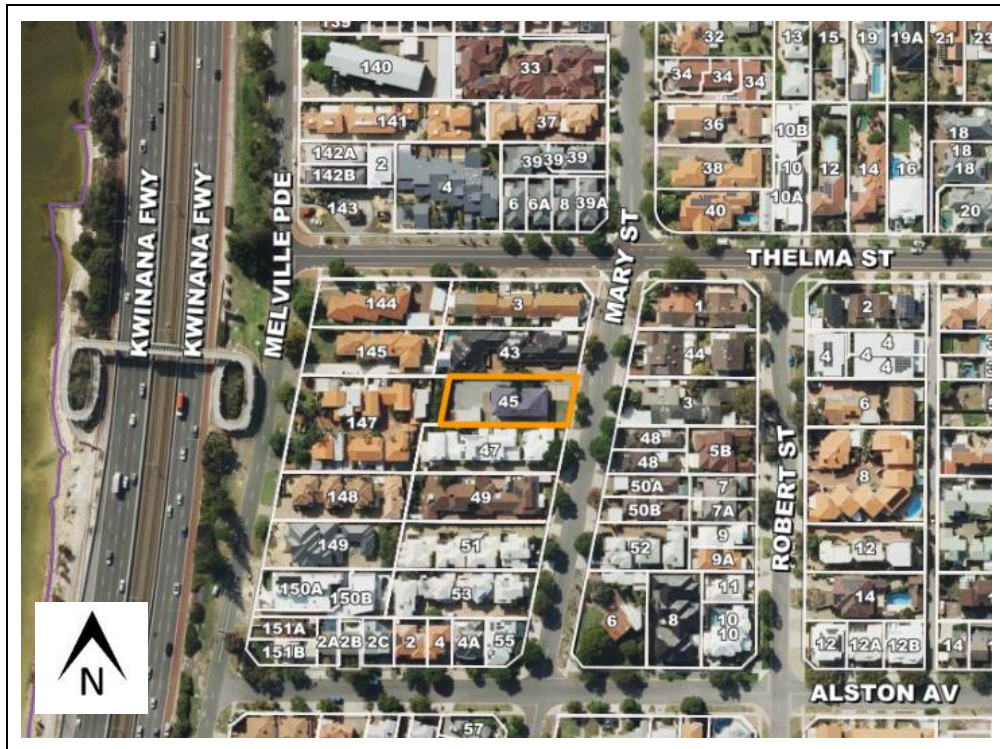


Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The proposal seeks to delete Condition No. 3 of the approval, which time-limited the approval for a period of 12 months. Deletion of this condition will enable the Short Term Accommodation to operate in perpetuity in accordance with the terms and balance of conditions of the original application. The submitted Development Plans and Management Plan are contained at **Attachment (b)**.

(d) Amending or Cancelling Development Approval

In accordance with Schedule 2, Part 9, Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), an owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to amend or delete any condition to which the approval is subject.

An application made under this subclause is to be dealt with as if it were an application for development approval and may be made during or after which the period within which the development must be substantially commenced.

10.3.2 Proposed Amendment to Approved Use Not Listed (Short Term Accommodation) - Lot 2, Unit 1/45 Mary Street, Como

Further, in considering the application, Council should have regard to:

1. whether the planning framework had changed substantially since the development approval was granted;
2. whether the development would likely receive approval now; and
3. whether the proponent had actively and relatively conscientiously pursued the implementation of the development approval.

The following is relevant in respect to the proposed application in this respect:

1. The planning framework has not changed since the development approval was granted;
2. The operation of the Short Term Accommodation is not proposed to change from what was originally proposed, and is therefore capable of approval under the planning framework; and
3. The applicant has been operating the Short Term Accommodation and has therefore implemented the development approval;

As such, in considering this application, Council should only consider whether the development is appropriate for approval in light of any submissions received on the application that would otherwise warrant conditions of approval or refusal of the application.

(e) Land Use

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

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

(f) Operation and Compliance

No complaints relating to the use of the subject dwelling were received during the operation period and as such, no inspections of the site were undertaken during this period. Should a complaint be received in the future, this will be investigated and where appropriate, compliance action undertaken in accordance with the *Planning and Development Act 2005*.

(g) Consultation

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

The application was advertised as a complex application between 31 July 2023 and 28 August 2023 in the following manner:

- A total of 322 letters were sent to owners and occupiers within a 200m radius of the proposed development;
- A sign was erected on the subject site; and

- A copy of the application was made available for review on the City's website.

At the close of the consultation period, a total of eight submissions were received; one in support of the proposal, two comments and five objecting to the proposal. A schedule of submissions is contained at **Attachment (c)**. The key issues raised together with the City's response is provided below.

Matter	Comment
<p><u>Proposed Use and Location</u></p> <p>Concern that the proposed use is not in keeping with the surrounding area which is predominantly residential.</p>	<p>Whilst it is accepted that Short Term Accommodation is not residential in nature and has been treated as a use not listed, consideration is therefore required as to the relevant planning framework and whether this type of development would be suitable in the area.</p> <p>Objectives of TPS6 include safeguarding and enhancing the amenity of residential areas and ensuring that new development is in harmony with the character and scale of existing residential development, as well as protecting residential areas from the encroachment of inappropriate uses.</p> <p>Given the small scale of the proposal and the ability to ensure amenity impacts are managed via a Management Plan, the City considers the proposal is capable of approval subject to ongoing compliance with the Management Plan.</p>
<p><u>Vehicle Parking and Traffic</u></p> <p>Increase in local traffic and resultant parking issues.</p>	<p>The traffic generated by the proposed use is not beyond what would otherwise be expected for a residential dwelling and is within the capacity of the existing road network to accommodate.</p> <p>Uses not listed in Table 6 of the TPS6 must provide the number of car parking bays determined by the local government, having regard to the likely demand for car parking bays generated by the use.</p>

	<p>The City considers the demand for carparking would be commensurate to a multiple dwelling.</p> <p>In accordance with State Planning Policy 7.3 – Residential Design Codes, a minimum of 1 bay per dwelling is required for the multiple dwellings (four bays) based on proximity to high frequency public transport.</p> <p>There are a total of 10 bays on site, and therefore there is sufficient car parking on site to accommodate the proposed use and the multiple dwellings.</p>
<p><u>Noise</u></p> <p>Increase in noisy gatherings and noise in general to what is considered a relatively quiet street.</p>	<p>The Management Plan outlines the times in which noise is to be limited and states that parties or functions are not permitted.</p> <p>In any instance, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.</p>
<p><u>Anti-Social Behaviour</u></p> <p>The transient population will lead to an increase in crime.</p>	<p>There is no evidence to suggest that there will be an increase to antisocial behaviour and crime as a result of the use.</p>

Policy and Legislative Implications

In accordance with clause 77(4) of the Regulations, the local government may determine an application to amend or cancel a development approval by:

- (a) approving the application without conditions; or
- (b) approving the application with conditions; or
- (c) refusing the application.

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Sustainability Implications

Nil.

Conclusion

No complaints were received during the temporary approval period for the Short Term Accommodation. Whilst submissions were received during the consultation period, it is considered that the issues raised are capable of being managed via ongoing compliance with the Management Plan.

Accordingly, it is recommended that the application be approved subject to the deletion and amendment of appropriate conditions.

Attachments

- 10.3.2 (a): Site Photographs
- 10.3.2 (b): Development Plans and Management Plan
- 10.3.2 (c): Schedule of Submissions

10.3.3 Proposed Six (6) Four Storey Grouped Dwellings - Lot 277, No. 120 Mary Street, Como - Section 31 Reconsideration

Location:	11.2022.233.1
Ward:	Como Ward
Applicant:	TUSCOM SUBDIVISION CONSULTANTS Pty Ltd
File Reference:	D-23-50134
DA Lodgement Date:	29 August 2022
Author(s):	Fiona Mullen, Manager Development Services
Reporting Officer(s):	Donna Shaw, Director Development and Community Services

Summary

The City received an application for Six (4 Storey) Grouped Dwellings on Lot 277, No. 120 Mary Street, Como in August 2022.

The application was refused by Council at its Ordinary meeting held on 18 April 2023 and the applicant subsequently sought a review of that decision by the State Administrative Tribunal (SAT).

Minor modifications have been made to the original proposal following two mediation sessions and as such, the SAT issued an order on 20 September 2023 inviting Council to reconsider the matter under section 31 of the *State Administrative Tribunal Act 2004*.

The modifications include minor revisions to the front elevation of Unit 1, a revised landscaping plan to include three native trees, additional conditions to address universal access and a proposed access easement.

Accordingly, the application is recommended for approval.

Officer Recommendation AND COUNCIL DECISION

1023/174

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

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 Six (Four Storey) Grouped Dwellings on Lot 277, No. 120 Mary Street, Como **be approved** subject to the following conditions:

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

4. Prior to occupation of the development, a 0.5m wide strip of land along the entire eastern (ROW) lot boundary shall be ceded to the Crown free of cost.
5. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City 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) dilapidation reports of nearby properties;
 - (vii) traffic, access and parking management;
 - (viii) waste management and materials re-use;
 - (ix) earthworks, excavation, land retention/piling methods and associated matters;
 - (x) stormwater and sediment control;
 - (xi) street tree management and protection;
 - (xii) removal of onsite effluent disposal system and stormwater management system; and
 - (xiii) asbestos removal.

The approved Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.
6. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City of South Perth.
7. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City of South Perth.
8. Prior to the submission of a building permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of two dwellings is compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth.
9. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City. Prior to occupation of the dwellings, the endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City of South Perth.

10. 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.
11. Prior to the submission of a building permit application, pursuant to Section 195 of the *Land Administration Act 1997*, a reversing bay easement to the benefit of proposed units 2 and 3 is to be lodged on the certificate of title of the proposed lots at the full expense of the landowner/applicant.
12. Prior to occupation of the development, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City of South Perth.
13. Prior to occupation of the development, 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.
14. Prior to occupation of the development, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City of South Perth.
15. Prior to occupation of the development, 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.
16. No street tree shall be removed, pruned or disturbed in any way, without prior approval from the City of South Perth.
17. The existing crossover shall be removed, and the verge and kerbing shall be reinstated to the satisfaction of the City of South Perth.
18. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades, in accordance with Requirements 15.1 and 16.1 of the Canning Bridge Activity Centre Plan.
19. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City of South Perth.
20. All grouped dwellings shall be provided with a mechanical dryer prior to the occupancy or use of the development.
21. Any external clothes drying areas shall be screened from view from all streets or any other public place.

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Applicant Details	Tuscom Subdivision Consultants Pty Ltd
Landowner	Silver Sea Group Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Centre Canning Bridge Activity Centre Plan Q3 – Cassey Quarter
Density coding	H4 - Residential four-storey
Lot area	1,047.8m ²
Building height limit	Four storey building height limit (Maximum of 16.0m)

This item is referred to Council as the building heights are outside of the officer's delegation.

Comment**(a) Background**

In August 2022, the City received an application for Six (Four Storey) Grouped Dwellings on Lot 277, No. 120 Mary Street, Como (the site). A copy of the original development plans are contained as **Attachment (a)**.

The site is located within the Cassey Quarter (Q3) and is zoned H4 (Residential Development up to four storeys) under the Canning Bridge Activity Centre Plan (CBACP).

The CBACP was initially approved by the Western Australian Planning Commission (WAPC) in April 2016 and amended in September 2020 to introduce Parts 3 and 4 of State Planning Policy 7.3 – Residential Design Codes - Volume 2 – Apartments (R-Codes) and other built form changes to Q3, Q4 and Q5 being those quarters within the City of South Perth. Due regard shall be given to the CBACP when considering this application for development approval.

The proposal has been considered by the City's Design Review Panel (DRP) in May 2022 prior to lodgement.

Whilst the application was recommended for conditional approval by the City, the application was refused by Council at its meeting held 18 April 2023 for the following reasons:

- “1. *The CBACP requirement 18.1 states that in Q3 vehicle access be designed in accordance with Residential Design Codes Vol. 2 Element 3.8. An Elemental Objective of 3.8 is for vehicle access points to be designed and located to reduce visual impact on the streetscape. Element 3.8 further provides guidance under DG 3.8.1 that streetscape visual impact can be reduced by the use of a secondary street where possible. Although not explicit within Residential Design Codes Vol. 2, the Residential Design Codes Vol. 1 further notes a priority for vehicle access being a right-of-way, secondary street then primary street. Hence as this proposal has access to a right-of-way then to meet the full intent of Elemental Objective 3.8 then all vehicle access should be via this right-of-way i.e., it is considered unreasonable to have 2 separate vehicle access points at different localities servicing this site. Furthermore, as a consequence of the primary street crossover servicing Unit 01 being removed, then the additional verge area and kerb length allows for the increased propensity of street trees and on-street parking respectively and thereby further enhancing the amenity of the locality.*
2. *The CBACP requirement 1.15 states that in Q3, development be designed in accordance with Residential Design Codes Vol. 2 Element 4.9 with respect to universal design. The objective for Element 4.9 is for development to include dwellings with universal design features, to which an acceptable outcome is that either a Silver or Platinum level of the “Liveable Housing Design Guidelines” be incorporated into the design. The application is silent with respect to the specifics to how both the objective and an acceptable outcome are to be met.*
3. *The CBACP Q3 refers to the provisions of Parts 3, of the Residential Design Codes Volume 2 which includes 3.3 ‘Tree canopy and deep soil areas (DSA)’ Element. Elemental Objectives of 3.3 is for (i) site planning to maximise the retention of healthy and appropriate trees and (ii) adequate measures are taken to improve tree canopy or to offset reduction of tree canopy from a pre-development condition. Both Elemental Objectives noted above require a site plan showing predevelopment trees with a supporting arborist report. It is noted that the former is provided but the latter is not and therefore it is indeterminate to how the element objective is being met in any respect. To this effect Element 3.3 is not currently met. Although the City is recommending Condition 13 to cover such, the protection and enhancement of canopy is considered sufficiently important that Council and not the City be the due regard making body under the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 67(2)(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”.*
4. *The proposal (Unit 06) footprint intrudes circa 1.1m into the rear sewage easement. As the Water Corporation has not been consulted per the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 66(1), then it is unknown how this proposal may impact the Water Corporations sewage line asset. To this effect the proposal as it stands does not meet the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 67(2)(za) “any other planning considerations received from any authority consulted under Clause 66”.*

On 10 May 2023, the applicant lodged an Application for Review of Council's determination with the SAT.

Two mediations sessions, each attended by an Elected Member, City officer, lawyer and planning consultant to represent Council resulted in minimal modifications to the submitted plans and conditions previously recommended by the City.

As such, the SAT issued an order under section 31 of the *State Administrative Tribunal Act 2004* for Council to reconsider the matter. The modifications are described in the following sections which address the specified reasons for refusal.

(b) Description of the Surrounding Locality

The site has a frontage onto Mary Street, Como, and a laneway access to the rear side of the property. The site adjoins grouped and multiple dwellings to the north, east and the south as seen in **Figure 1** below.



Figure 1: Aerial image of the subject site.

(c) Description of the Proposal

The proposal involves the construction of Six (Four Storey) Grouped dwellings in the typology of townhouses. Two of the proposed townhouses have frontage to Mary Street with each dwelling having direct pedestrian access and separate letterboxes; vehicular access to unit 1 is via Mary Street, and the remainder of the units are accessed via the proposed common accessway from the existing rear laneway. All six dwellings are four-bedroom, two-bathroom, and include a double lockup garage. The amended development plans are provided at **Attachment (b)**.

(d) Vehicle Access

Whilst the planning framework generally promotes access from a right-of-way where available, it is not a mandatory requirement. R-Code Element Objective 3.8.2 for vehicle access provides 'vehicle access points are designed and located to reduce visual impact on the streetscape'. The development proposes a single access point from Mary Street to access Unit 1, with all other units being accessed from a proposed common accessway from the existing laneway.

10.3.3 Proposed Six (6) Four Storey Grouped Dwellings - Lot 277, No. 120 Mary Street, Como - Section 31 Reconsideration

To reduce the visual impact of the garage within the streetscape, the applicant has amended the materiality of the garage door to Unit 1 to a timber panel finish, which assists in breaking up the façade of the dwelling as it presents to the street.

(e) Universal Access

The original development plans included several universal design features such as lifts, direct access from the parking area to the entry and a WC at the ground floor; elements which would assist in facilitating aging in place as well as providing living options for people with limited mobility. Notwithstanding, an additional condition has been recommended to require a minimum of two dwellings being constructed to be compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia.

(f) Landscaping

R-Codes Acceptable Outcomes for Element 3 – Tree Canopy and Deep Soil Areas - A3.3.1 promotes the retention of existing trees that meets specified criteria, and A3.3.2 provides that the removal of existing trees that meet the A3.3.1 criteria should be supported by an arboricultural report.

Conditions 13 and 14 of the City's April 2023 recommendation required that prior to submission of a building permit application, a tree survey was to be provided to the City to identify any trees of significance on the site which were worthy of retention and/or relocation, and that a modified landscaping plan be provided to the City to incorporate any trees worthy of retention into the proposed landscaping together with suitable protection measures.

A modified landscaping plan has subsequently been submitted, which indicates the planting of one mature Eucalyptus Leucoxydon to Unit 1 and two Eucalyptus Woodwardii to Unit 2.

(g) Sewer Easement

Proposed Unit 6 intrudes circa 1.1m into the rear sewage easement. When building near Water Corporation sewer mains, it is the responsibility of the certifying structural engineer to design suitable footings and structural support for the proposed works. Water Corporation do not advise on specific aspects of structural design.

As such, the issue of construction over and/or adjacent to a sewer easement is addressed at the Building Permit stage and is not a consideration in the assessment and determination of a development application. Under Section 90 of the *Water Services Act 2012*, the applicant will be required to request approval from the Water Corporation for works in, on, over, under or within the prescribed proximities to Water Corporation assets.

(h) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6 (TPS6)

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

10.3.3 Proposed Six (6) Four Storey Grouped Dwellings - Lot 277, No. 120 Mary Street, Como - Section 31 Reconsideration

(i) 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. Conditions of approval have been recommended to address relevant matters.

(j) Design Review Panel Advice

Prior to lodgement of the development application, the proposal was presented to the City's Design Review Panel (DRP) in May 2022. Following this review, the applicant implemented a range of modification to address the comments of the DRP; as the proposal has not been materially amended the application has not been re-considered by the DRP.

(k) Consultation

Public consultation was 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 14 days between 12 October 2022 and 31 October 2022. Advertising was undertaken to all properties identified by the City that may be affected by the proposal. A total of 83 advertising notices were sent and four submissions was received, with comments relating to building height, parking, and traffic. As the proposal has not been materially amended, no further consultation has been undertaken.

Financial Implications

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

To date the City has expended \$13,900 inclusive of consultant and lawyer fees and staff time and it is estimated a total amount of \$15,000 will be expended by the City in dealing with this matter.

Key Risks and Considerations

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

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2020-2030](#):

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

Conclusion

It is considered that the proposal meets all the relevant objectives and provisions of the Scheme, Canning Bridge Activity Centre Plan, R-Codes and Council Policies.

The proposed grouped dwellings are consistent with the framework outlined in the CBACP. The development is of a bulk and scale visioned for the H4 zone of the CBACP and the proposed townhouses are of an acceptable size and scale with articulation that supports the setback variations. The design of the development has been supported by the City's DRP and addresses the CBACP in a satisfactory manner.

The development has been designed having due regard to the objectives, goals and provisions of the CBACP and is supported against the discretionary provisions under the CBACP as discussed in detail in the report. Minor amendments to the design have been incorporated and supported by recommended conditions of approval to address the previous reasons for refusal.

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

Attachments

- 10.3.3 (a): Original Development Plans - Lot 277 (No. 120) Mary Street, Como
- 10.3.3 (b): Amended Development Plans - Lot 277 (No.120) Mary Street

10.3.4 Draft Local Planning Policy P303 - Design Review Panel and Draft Local Planning Policy P316 - Developer Contribution for Public Art and Public Art Spaces (Final Adoption)

File Ref: D-23-50135
Author(s): Samantha Taylor, Senior Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider adopting draft amended Local Planning Policy - Design Review Panel and draft amended Local Planning Policy - Developer Contribution for Public Art and Public Art Spaces following advertising.

Officer Recommendation AND COUNCIL DECISION

1023/175

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

That Council, pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts draft amended Local Planning Policy - Design Review Panel and draft amended Local Planning Policy - Developer Contribution for Public Art and Public Art Spaces as contained within **Attachments (b) and (d)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

At its meeting held 25 July 2023, Council resolved to advertise amendments to Local Planning Policy - Design Review Panel and Local Planning Policy - Developer Contribution for Public Art and Public Art Spaces.

Comment

As a result of submissions received during the consultation period, it is recommended that the following amendments are made to the draft Policies:

Local Planning Policy - Design Review Panel

- The requirement for design review within the South Perth, Canning Bridge and Bentley Curtin Specialised Activity Centre Plans, being limited to proposals which result in an intensification of the existing land use and include a works component within these areas (for example, a patio addition to a single house would be excluded from requiring design review);
- Further detail being provided as to the selection panel for the Design Review Panel (prescribing the selection panel as the Director Development and Community Services and Manager Development Services, providing a recommendation to Council for the Chief Executive Officer for appointment); and
- Identifying urban design as an essential area of Design Review Panel member expertise in accordance with the Department of Planning, Lands and Heritage's Design Review Guide.

The existing Local Planning Policy P303 – Design Review Panel is contained as **Attachment (a)**. The draft amended Policy is contained as **Attachment (b)**, incorporating the above modifications.

Local Planning Policy - Developer Contribution for Public Art and Public Art Spaces

- The draft Policy be amended to recognise the current cap on contributions of \$500,000 in the Canning Bridge Activity Centre Plan area, and to introduce a cap on contributions of \$1 million within the South Perth Activity Centre Plan area and \$500,000 for all other locations within the City; and
- To clarify that application of a 15% discount will only apply for contributions made entirely in accordance with Option C (wholly cash in lieu and not a mix of cash in lieu and provision of public art).

The existing Local Planning Policy P316 - Developer Contribution for Public Art and Public Art Spaces is contained as **Attachment (c)**. The draft amended policy is contained as **Attachment (d)**, incorporating the above modifications.

The modifications to the draft Policies provides further guidance for applicants and assist in discretionary decision making. As such, it is recommended that Council adopts the draft Policies as amended.

Consultation

Following Council's resolution on the matter, the draft Policies were advertised for public comment in the following manner:

- On the City's Your Say South Perth website for a period of 22 days, from 31 July 2023 to 22 August 2023;
- In the City's eNewsletter 'Peninsula Snapshot' on 9 August 2023;
- Direct email to the current Design Review Panel Chair inviting comment; and
- Copies of the draft Policies and hard copy feedback forms were made available at the City's Civic Centre, South Perth Library and Manning Library.

At the close of public consultation period, five submissions were received on each draft Policy, providing support and/or comment.

10.3.4 **Draft Local Planning Policy P303 - Design Review Panel and Draft Local Planning Policy P316 - Developer Contribution for Public Art and Public Art Spaces (Final Adoption)**

Schedule of the submissions for each draft Policy are contained at **Attachment (e)** - Local Planning Policy - Design Review Panel and **Attachment (f)** - Local Planning Policy - Developer Contribution for Public Art and Public Art Spaces.

One email was received during the public consultation period that did not relate either draft local planning policy.

Policy and Legislative Implications

After the expiry of the period within which submissions may be made, the local government must –

“(a) review the proposed policy in the light of any submissions made; and

(b) resolve to –

(i) proceed with the policy without modification; or

(ii) proceed with the policy with modification; or

(iii) not to proceed with the policy.

If the local government resolves to proceed with the Policy, the local government must publish notice of the Policy in accordance with clause 87 of the Regulations.

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	If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87 of the Regulations.

Strategic Implications

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

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

Attachments

- 10.3.4 (a): Local Planning Policy P303 - Design Review Panel (current)
- 10.3.4 (b): Draft Local Planning Policy - Design Review Panel (amended)
- 10.3.4 (c): Local Planning Policy P316 - Developer Contribution for Public Art and Public Art Spaces (current)
- 10.3.4 (d): Draft Local Planning Policy - Developer Contribution for Public Art and Public Art Spaces (amended)
- 10.3.4 (e): Schedule of Submissions - Local Planning Policy Design Review Panel
- 10.3.4 (f): Schedule of Submissions - Local Planning Policy Developer Contribution for Public Art and Public Art Spaces

10.3.5 Draft Local Planning Policy - Heritage Conservation and Development (Advertising) and Local Planning Policy P313 - Local Heritage Listing (Revocation)

File Ref: D-23-50137
Author(s): Samantha Taylor, Senior Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider draft Local Planning Policy – Heritage Conservation and Development for the purposes of advertising, and to revoke Local Planning Policy P313 - Heritage Listing.

Officer Recommendation AND COUNCIL DECISION

1023/176

Moved: Councillor Nic Coveney
Seconded: Councillor André Brender-A-Brandis

That Council:

1. Pursuant to Schedule 2, Part 3, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 revokes Local Planning Policy P313 - Local Heritage Listing contained in **Attachment (a)**; and
2. Pursuant to Schedule 2, Part 2, Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy - Heritage Conservation and Development contained in **Attachment (b)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

The City is reviewing its local planning policies (LPPs) to ensure its planning framework is contemporary, consistent with State planning frameworks and reflective of community aspirations on planning related matters.

In respect to heritage and the local planning framework, the retention of heritage places within the district underpins the sense of place and enhances the quality of the built environment. There are various statutory and non-statutory frameworks that local governments can use to identify and protect places of cultural heritage significance. At a local level, these primarily involve:

10.3.5 **Draft Local Planning Policy - Heritage Conservation and Development (Advertising) and Local Planning Policy P313 - Local Heritage Listing (Revocation)**

- The Local Heritage Survey (LHS - formally Municipal Heritage Inventory or Local Inventory), which assists the City in making decisions that impact heritage places and supports the creation of a heritage list or heritage areas, which provide for statutory protection of places under the local planning scheme;
- The Heritage List, which gives the place recognition and statutory protection under the local planning scheme;
- Designation of heritage areas, which provide special planning control. The effect of creating designated heritage areas is that development that would generally not require development approval would thereafter require such an approval, thereby allowing the application of any provisions with an associated local planning policy; and
- Local Planning Policies to guide and control development of heritage places and within designated heritage areas.

Whilst the City is reviewing its entire local heritage framework, this report specifically proposes to revoke Local Planning Policy P313 - Local Heritage Listing (P313) and advertise draft Local Planning Policy - Heritage Conservation and Development for the reasons outlined in this report.

Comment

Local Planning Policy P313 - Local Heritage Listing (P313)

P313 was drafted in 2006 to inform the process for including or removing places on the City's Local Heritage Survey and Heritage List. Its preparation was delayed for seven years owing to other strategic priorities, with the final Policy being adopted by Council at its meeting held 23 April 2013. A copy of P313 is contained at **Attachment (a)**. P313 was last reviewed in 2015.

P313 is recommended for revocation for the following reasons:

- The 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) now establish the procedure for entering a place onto the Heritage List, which is supported by the Heritage Council of Western Australia's (HCWA) Guidelines for Establishing a Heritage List;
- Part 8 of the *Heritage Act 2018* sets out the requirement for establishing a Local Heritage Survey (LHS), which is supported by the HCWA's Guidelines for Local Heritage Surveys;
- It contains outdated terminology and references including 'Local Heritage Inventory', now known as an 'LHS', and Management Categories A+, which are now numbered 1-4;
- Reference to Council Policy P314 'Heritage List' is contained within P313, which is no longer operational;
- P313 provides little guidance for the assessment of development applications for places contained on the LHS or Heritage List, in particular the exercise of discretion in accordance with Clause 12 of the Regulations 'variations to local planning scheme provisions for heritage purposes'; and
- It provides for heritage incentives and financial assistance towards professional advice from heritage consultants, which is not reflected in Council's adopted budget.

Local Planning Policy Heritage Conservation and Development (draft Policy)

In considering an application for development approval, the local government is required by the Regulations to have due regard to the built heritage conservation of any place that is of cultural significance.

Creation of an LPP will assist in the decision-making process by outlining acceptable development standards and establishing clear expectations to applicants on how local governments are likely to exercise discretion as it relates to heritage. A copy of the draft Policy is contained as **Attachment (b)**.

The following is a general overview of the draft Policy:

- The draft Policy has been developed in accordance with HCWA 'guidelines for preparing a local planning policy for local heritage' (LPP Guidelines) published in March 2023.
- The draft policy outlines information requirements for development applications based on the likely impact of works on cultural heritage significance, including a Heritage Impact Assessment and/or structural reports for demolition applications. The degree of impact can be determined through use of Table 1 Development Impact Matrix, with associated conditions contained within the draft Policy depending on conservation and development scenarios.
- It seeks to clarify the extent of variation to a local planning scheme provision, being proportionate to the conservation benefit provided by the proposed works and requiring the applicant to provide clear rationale to support the variation.

The provisions contained within the draft Policy seek to conserve places and provide guidance for a range of development types from demolition to the adaptive reuse of heritage place both residential dwellings and commercial buildings. The following is a summary of key development principles, with diagrams provided within the draft Policy to illustrate these provisions:

- Parameters for demolition are provided to protect the cultural heritage significance of a place. Demolition of significant fabric will not be supported where poor maintenance has affected structural integrity or where redevelopment is identified as a financially more attractive proposition.
- The draft Policy outlines that imitating the design of heritage places is not supported. Instead, new buildings should be designed and constructed in a style that is compatible with but does not mimic traditional building styles.
- Alterations and additions to a heritage place should be compatible with the balance of the building by way of design materials and architectural style and form.
- The original roof line and façade of the heritage-protected place should be retained.
- New openings within the front façade will not be permitted and are encouraged in other elevations not visible to the street.
- Original building materials should be conserved, with like-for-like preferred where replacement is required. Walls should not be rendered or painted unless this is consistent with the original finish.
- Incidental additions such as solar panels and air conditioning units are required to be located so as to not affect both the cultural significance and the streetscape appearance of the place, and able to be reversed.

10.3.5 **Draft Local Planning Policy - Heritage Conservation and Development (Advertising) and Local Planning Policy P313 - Local Heritage Listing (Revocation)**

- Vehicle parking and associated structures are to be provided onsite with garages behind the primary building line and carports able to be considered in the front setback where compatible with the heritage place and streetscape.
- Guidance is provided to lot boundary alterations to protect the heritage-protected place.

Consultation

Elected Members participated in a workshop to inform the draft Policy on 29 August 2023 with Urbis, the consultancy engaged to assist in the preparation of the draft Policy.

In accordance with the Regulations, consultation on the revocation of an P313 is not required.

Should Council proceed with draft Policy, the Regulations require public advertising of the proposal for a minimum of 21 days.

Policy and Legislative Implications

If the local government resolves to adopt an LPP for the purposes of advertising, the local government must, unless the Western Australian Planning Commission otherwise agrees, advertise the proposed policy as follows:

- ‘(a) publish in accordance with clause 87 the proposed policy and a notice giving details of*
- (i) the subject and nature of the proposed policy; and*
 - (ii) the objectives of the proposed policy; and*
 - (iii) how the proposed policy is made available to the public in accordance with clause 87;*
 - (iv) the manner and form in which submissions may be made; and*
 - (v) the period for making submissions and the last day of that period.’*

In accordance with the Regulations, an LPP may be revoked:

- ‘(a) by a subsequent local planning policy that;*
- (i) is prepared in accordance with this Part; and*
 - (ii) expressly revokes the local planning policy; or*

(b) by a notice of revocation:

 - (i) prepared by the local government; and;*
 - (ii) published by the local government in accordance with clause 87.’*

Financial Implications

The City obtained a grant of \$14,578.00 from the 2022/23 Department of Planning, Lands and Heritage Local Government Heritage Consultancy Grant Program to assist in the preparation of the draft Policy.

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	Advertise local planning policies in accordance with the Regulations where required.

Strategic Implications

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

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

Attachments

- 10.3.5 (a): Policy P313 - Local Heritage Listing
- 10.3.5 (b): Draft Local Planning Policy - Heritage Conservation and Development

At 7.17pm following consideration of Item 10.3.2. Councillor Bronwyn Waugh returned to the meeting.

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Audit, Risk and Governance Committee

File Ref: D-23-50138
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of Councillors to the Audit, Risk and Governance Committee for the period 31 October 2023 to 18 October 2025.

Officer Recommendation AND COUNCIL DECISION

1023/177

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

That in accordance with the provisions of the *Local Government Act 1995*, Section 7.1A, the following Councillors be appointed to the Audit, Risk and Governance Committee for the period 31 October 2023 to 18 October 2025.

1. Mayor Greg Milner
2. Councillor Glenn Cridland
3. Councillor André Brender-A-Brandis
4. Councillor Bronwyn Waugh

CARRIED BY ABSOLUTE MAJORITY (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Comment

The Audit Committee is established under Section 7.1A of the *Local Government Act 1995*.

The Audit, Risk and Governance Committee currently meets on a quarterly basis and the role of the Committee in accordance with Regulation 16 of the Local Government (Audit) Regulations 1996 is:

- (a) to guide and assist the local government in carrying out —
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;

10.4.1 Audit, Risk and Governance Committee

- (c) to review a report given to it by the CEO under regulation 17(3) (the *CEO's report*) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
 - (i) regulation 17(1); and
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

The Committee does not currently have any delegation.

Attachments

10.4.1 (a): Terms of Reference

10.4.2 Chief Executive Officer Evaluation Committee

File Ref: D-23-50140
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of Councillors to the Chief Executive Officer Evaluation Committee for the period 31 October 2023 to 18 October 2025.

Officer Recommendation AND COUNCIL DECISION

1023/178

Moved: Mayor Greg Milner
Seconded: Councillor Hayley Prendiville

That in accordance with the provisions of the *Local Government Act 1995*, Sections 5.10 and 5.11, the following Councillors be appointed to the Chief Executive Officer Evaluation Committee for the period 31 October 2023 to 18 October 2025.

1. Mayor Greg Milner
2. Councillor Glenn Cridland
3. Councillor Hayley Prendiville
4. Councillor Nic Coveney
5. Councillor Bronwyn Waugh

CARRIED BY ABSOLUTE MAJORITY (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Comment

The Chief Executive Officers Evaluation Committee is scheduled to meet at least twice a year between May and June. The Committee is responsible for overseeing the Chief Executive Officer's performance and conducts an annual performance review. The Committee has up to six members and all recommendations made by the Committee are referred to Council for consideration.

The Committee does not currently have any delegation.

Attachments

10.4.2 (a): Terms of Reference

10.4.3 Rivers Regional Council

File Ref: D-23-50141
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of Councillors to the Rivers Regional Council for the period 31 October 2023 to 18 October 2025.

Officer Recommendation AND COUNCIL DECISION

1023/179

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

1. That Council appoints the following members to the Rivers Regional Council for the period 31 October 2023 to 18 October 2025.
Delegates: a. Mayor Greg Milner
b. Councillor Blake D'Souza
2. That Council appoints Councillor Hayley Prendiville as Deputy Delegate for Mayor Greg Milner.
3. That Council appoints Councillor André Brender-A-Brandis as Deputy Delegate for Councillor Blake D'Souza.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Comment

The Rivers Regional Council (RRC) is a Regional Council formed under the *Local Government Act 1995*.

The purpose of the RRC is to make decisions relating to strategic waste management issues and conduct research and investigations into future waste management options available to member Councils.

Membership consists of the Cities of Armadale, Gosnells, Mandurah, South Perth and the Shires of Murray and Serpentine Jarrahdale. Each member Council elects two Delegates and two Deputy Delegates. RRC requires each deputy to be assigned to a specific delegate.

Meetings are held every two months and they are rotated between the Chambers of each of the member Local Governments. There is only one meeting scheduled for the remainder of the year to be held at the City of South Perth Council Chamber on Thursday 14 December 2023 commencing at 6.45pm.

10.4.3 Rivers Regional Council

The Rivers Regional Council is in the process of winding up, subject to final approval of member local authorities. It is anticipated that the RRC will continue until at least March 2024 and therefore Council meetings will continue for the time being.

The Delegate sitting fee is \$1,931.25 per quarter being Jan to March, April to June, July to September, and October to December. The initial fees due will be pro-rata from when the delegate is declared as an RRC Councillor.

Delegates are also able to claim mileage of \$0.76 per kilometre from home to the meeting and return, or for any other RRC business.

Elected Member attendance at the RRC meetings will be recorded quarterly on a public register.

Attachments

Nil.

10.4.4 City of South Perth Inclusive Community Advisory Group

File Ref: D-23-50142
Author(s): Morgan Hindle, Governance Coordinator
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of a Councillor to the City of South Perth Inclusive Community Advisory Group for the period 31 October 2023 to 18 October 2025.

Officer Recommendation AND COUNCIL DECISION

1023/180

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

That Council appoints Councillor Hayley Prendiville to the Inclusive Community Advisory Group for the period 31 October 2023 to 18 October 2025.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

The City has facilitated an Inclusive Community Advisory Group (ICAG) for many years to provide advice about optimising access and inclusion within the local community, including through the City's Access and Inclusion Plan.

Comment

The ICAG will meet quarterly on the fourth Wednesday of the month in February, May, August and November from 12noon – 1.30pm, with its first meeting scheduled to be held Wednesday 22 November 2023.

One Elected Member representative is sought for the ICAG. No additional fees or allowances are paid to ICAG representatives.

Elected Member attendance at the City's ICAG meetings will be recorded quarterly on a public register.

More information about the ICAG is outlined in the Terms of Reference, which is shown as **Attachment (a)**.

Attachments

10.4.4 (a): Terms of Reference

Item lapsed as there was no mover or seconder.

10.4.5 Perth Airports Municipalities Group Inc.

File Ref: D-23-50145
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of Councillors to the Perth Airports Municipalities Group Inc. for the period 31 October 2023 to 18 October 2025.

Officer Recommendation

1. That Council appoint Councillor _____ to the Perth Airports Municipalities Group Inc. for the period 31 October 2023 to 18 October 2025.
2. That Council appoint Councillor _____ as a Deputy Delegate to the Perth Airports Municipalities Group Inc. for the period 31 October 2023 to 18 October 2025.

Comment

The Perth Airports Municipalities Group Inc. (PAMG) was formerly established in January 1983. The PAMG meets on a quarterly basis to discuss matters which either directly or indirectly impact on the community such as aircraft noise, flight paths, off-airport development and on-airport development.

One Delegate and one Deputy Delegate is recommended to ensure that the City is appropriately represented should our Delegate be unable to attend a PAMG meeting.

The PAMG's membership consists of the following 13 local governments who are either directly or indirectly impacted by airports:

- City of Armadale
- Town of Bassendean
- City of Bayswater
- City of Belmont
- City of Canning
- City of Cockburn
- City of Gosnells
- Shire of Kalamunda
- City of Melville
- Shire of Mundaring
- City of South Perth
- City of Swan
- Town of Victoria Park

10.4.5 Perth Airports Municipalities Group Inc.

Elected Member attendance at the PAMG meetings will be recorded quarterly on a public register.

No additional fees or allowances are paid to representatives on the Perth Airports Municipalities Group Inc.

Further information can be found by visiting the Perth Airports Municipalities Group Inc. [website](#).

Attachments

Nil.

Item lapsed as there was no mover or seconder.

10.4.6 City of South Perth Public Health Reference Group

File Ref: D-23-50148
Author(s): Morgan Hindle, Governance Coordinator
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of a Councillor to the City of South Perth Public Health Reference Group for the period 31 October 2023 to 18 October 2025.

Officer Recommendation

That Council appoints Councillor _____ to the City of South Perth Public Health Reference Group for the period 31 October 2023 to 18 October 2025.

Background

The City established its Public Health Reference Group in 2021 to provide advice on local public health matters.

Comment

The purpose of the Public Health Reference Group (PHRG) is to:

1. Provide advice to the City on implementation of the City's Public Health Plan and other public health matters as requested by the City.
2. Explore current and emerging public health issues, including analysis of public health information and data.
3. Develop relationships and promote collaboration between the City, primary health networks, Curtin University and health care professionals and providers.
4. Provide guidance on public health initiatives to support implementation of the City's Public Health Plan and to optimise the health and wellbeing of the local community.

The PHRG will meet quarterly on the third Monday of the month in February, May, August and November from 12.30pm – 2.30pm, with its first meeting scheduled to be held 20 November 2023.

One Elected Member representative is sought for the PHRG. No additional fees or allowances are paid to PHRG representatives.

10.4.6 City of South Perth Public Health Reference Group

Elected Member attendance at the City's PHRG meetings will be recorded quarterly on a public register.

More information about the PHRG is outlined in the Terms of Reference, which is shown as **Attachment (a)**.

Attachments

10.4.6 (a): Terms of Reference

10.4.7 City of South Perth Arts Advisory Group

File Ref: D-23-50151
Author(s): Morgan Hindle, Governance Coordinator
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of two Councillors to the City of South Perth Arts Advisory Group for the period 31 October 2023 to 18 October 2025.

Officer Recommendation AND COUNCIL DECISION

1023/181

Moved: Mayor Greg Milner
Seconded: Councillor Bronwyn Waugh

That Council appoints the following Councillors to the City of South Perth Arts Advisory Group for the period 31 October 2023 to 18 October 2025.

1. Councillor Nic Coveney
2. Councillor Hayley Prendiville

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

The City has facilitated an Arts Advisory Group for many years to provide advice about public art projects.

Comment

The purpose of the Arts Advisory Group (AAG) is to:

1. Provide advice on matters relating to the review, development and implementation of the Public Art Master Plan and related projects.
2. Assist in the creation of opportunities for a diverse range of public art.
3. Provide advice and recommendations on artwork concept designs that result from either Policy P101 Public Art and Art Collections, or Policy P316 Developer Contribution for Public Art and Public Art Spaces.
4. Provide recommendations to Council on City initiated public art projects resulting from P101 which are procured through a tender and are over \$150,000 in value.

10.4.7 City of South Perth Arts Advisory Group

Two Elected Member representatives are sought for the AAG. The AAG will meet quarterly on the first Thursday of the month in March, May, August and November at 6pm, with its first meeting scheduled to be held on 2 November 2023.

No additional fees or allowances are paid to AAG representatives.

Elected Member attendance at the City's AAG meetings will be recorded quarterly on a public register.

More information about the AAG is outlined in the Terms of Reference, which is shown as **Attachment (a)**.

Attachments

10.4.7 (a): Terms of Reference

10.4.8 Western Australian Local Government Association South-East Metropolitan Zone

File Ref: D-23-50153
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of Councillors to the Western Australian Local Government Association South-East Metropolitan Zone for the period 31 October 2023 to 18 October 2025.

COUNCIL DECISION

1023/182

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

That Council appoints the following member to the Western Australian Local Government Association South-East Metropolitan Zone for the period 31 October 2023 to 18 October 2025.

Delegates: 1. Councillor Bronwyn Waugh

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Officer Recommendation

That Council appoints the following members to the Western Australian Local Government Association South-East Metropolitan Zone for the period 31 October 2023 to 18 October 2025.

Delegates: 1. _____ Deputy: _____
2. _____

Comment

The Western Australian Local Government Association (WALGA) is the single association for Local Governments in WA, representing the political and strategic interests of Local Government at State and Federal levels. The WALGA South East Metropolitan Zone Committee provides input to the West Australian Local Government Association State Council on issues relating to Local Government affecting members of the Local Government Association.

10.4.8 Western Australian Local Government Association South-East Metropolitan Zone

The WALGA South East Metropolitan Zone is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- City of South Perth
- Town of Victoria Park

Meetings are held bi-monthly commencing at 6.00pm and are rotated between the Chambers of each of the member local governments. There is only one meeting scheduled for the remainder of the year to be held at the Town of Victoria Park on Wednesday 22 November 2023 commencing at 6.00pm.

Elected Member attendance at the WALGA South East Metropolitan Zone meetings will be recorded quarterly on a public register.

No additional fees or allowances are paid to representatives on the Western Australian Local Government Association South-East Metropolitan Zone.

Further information can be found on WALGA's [website](#).

Attachments

Nil

Item lapsed as there was no mover or seconder.

10.4.9 Local Emergency Management Committee For Canning / South Perth - Delegates

File Ref: D-23-50156
Author(s): Morgan Hindle, Governance Coordinator
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the appointment of two Councillor Delegates to the Local Emergency Management Committee for Canning / South Perth for the period 31 October 2023 to 18 October 2025.

Officer Recommendation

1. That in accordance with the provisions of the *Emergency Management Act 2005*, Section 38 Council appoints Councillor _____ as the City's Delegate to the Local Emergency Management Committee for Canning / South Perth for the period 31 October 2023 to 18 October 2025.
2. That in accordance with the provisions of the *Emergency Management Act 2005*, Section 38 Council appoints Councillor _____ as the City's Deputy Delegate to the Local Emergency Management Committee for Canning / South Perth for the period 31 October 2023 to 18 October 2025.

Background

Under section 38 of the *Emergency Management Act 2005*, a local government is required to establish a Local Emergency Management Committee (LEMC) for the local government's district. However, local governments may also unite for the purposes of emergency management and establish a LEMC for their combined districts.

The City of Canning and City of South Perth share the management of the LEMC for its districts, which is co-chaired by two local government delegates and includes representation from organisations and agencies that play a key role in emergency management, namely: Police, Fire & Emergency Services, Department of Communities, State Emergency Services and others.

Comment

The LEMC meets quarterly generally on the first Tuesday of the months of February, May, August and November. The meeting locations are rotated between the City of Canning and City of South Perth offices (*Note: The next meeting is to be held at the City of Canning Civic Centre. Due to administrative purposes the meeting is unable to occur on 7 November, so it has been scheduled on 14 November instead*).

10.4.9 Local Emergency Management Committee For Canning / South Perth - Delegates

No additional fees or allowances are paid to LEMC representatives.

Elected Member attendance at the LEMC meetings will be recorded quarterly on a public register.

More information about the LEMC is outlined in the Terms of Reference, which is shown as **Attachment (a)**.

Attachments

10.4.9 (a): Terms of Reference

Mayor Greg Milner and Councillors Mary Choy and Jennifer Nevard declared an Impartiality Interest to Item 10.4.10

10.4.10 Appointment of Community Members to City of South Perth Audit, Risk and Governance Committee

File Ref: D-23-50158
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks Council's endorsement of the recommended independent members for the City of South Perth Audit, Risk and Governance Committee.

Officer Recommendation AND COUNCIL DECISION

1023/183

Moved: Councillor Blake D'Souza
Seconded: Councillor Jennifer Nevard

That Council endorse the two recommended independent Members for the Audit, Risk and Governance Committee at **Confidential Attachment (a)** for the period 31 October 2023 to 18 October 2025 with payments as determined by the Salaries and Allowances Tribunal.

CARRIED BY ABSOLUTE MAJORITY (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

In line with Local Government Elections, nominations were called for specialist independent members for the City's Audit, Risk and Governance Committee. On 26 July 2023 emails were sent to the current members of the Committee advising that their current membership was due to expire, thanking them for their contribution and information on how to reapply.

An advertisement calling for Expressions of Interest was placed in the West Australian on 10 August 2023 and 24 August 2023 as well as the City's website and noticeboards.

Comment

At the close of nomination, five nominations were received for the Audit, Risk and Governance Committee and were assessed against the following criteria:

- Senior business and/or financial management experience;
- Understanding of reporting and compliance requirements;
- Understanding of internal and external audit; and
- Understanding of enterprise risk management

10.4.10 Appointment of Community Members to City of South Perth Audit, Risk and Governance Committee

The applications of the preferred independent members for the Audit, Risk and Governance Committee can be found at **Confidential Attachment (a)**. All other applications can be found at **Confidential Attachment (b)**.

It is recommended that Council approve the nominees at **Confidential Attachment (a)**.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

External member payments will be determined by the Salaries and Allowances Tribunal.

Key Risks and Considerations

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

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

- 10.4.10 (a): Recommended Independent Members (*Confidential*)
- 10.4.10 (b): All Other Applications for Independent Members (*Confidential*)

10.4.11 Listing of Payments September 2023

File Ref: D-23-50171
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 September 2023 to 30 September 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(421)	\$5,903,546.44
Cheque Payment to Creditors	(2)	\$647.21
Total Monthly Payments to Creditors	(423)	\$5,904,193.65
EFT Payments to Non-Creditors	(60)	\$91,016.00
Cheque Payments to Non-Creditors	(14)	\$9,771.45
Total EFT & Cheque Payments	(497)	\$6,004,981.10
Credit Card Payments	(14)	\$16,717.71
Total Payments	(511)	\$6,021,698.81

Officer Recommendation AND COUNCIL DECISION

1023/184

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

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

Comment

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

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- 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. The payments of bank fees, such as merchant service fees which are directly debited from the City’s bank account in accordance with the agreed fee schedules under the contract for provision of banking services, are also not provided in this report.

Consultation

Nil.

Policy and Legislative Implications

Regulations 12 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

10.4.11 (a): Listing of Payments September 2023

10.4.12 Monthly Financial Statements September 2023

File Ref: D-23-50175
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

1023/185

Moved: Councillor Nic Coveney
Seconded: Councillor André Brender-A-Brandis

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

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 2023/24 budget adopted by Council on 27 June 2023, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

The Statement of Financial 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.

Ongoing supply shortages an effect of COVID-19 and the war in Ukraine are responsible for stubborn inflation worldwide including Australia. The June 2022 to June 2023 Perth CPI of 4.9% and national CPI of 6% are still considerably higher than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%. The Australian Bureau of Statistics now reports national CPI on a monthly basis, the August CPI of 5.2% (measured August 22 to August 23), still regarded as too high and higher than the July figure of 4.9%.

To curb the high inflation the RBA have been raising interest rates since June 2022 increasing the cash rate target from 0.10% to 4.10%. At the last four meetings the RBA decided to leave the cash rate target unchanged. The RBA made the following statement at its Board meeting of 3 October 2023: "Inflation in Australia has passed its peak but is still too high and will remain so for some time yet. Timely indicators on inflation suggest that goods price inflation has eased further, but the prices of many services are continuing to rise briskly and fuel prices have risen noticeably of late. Rent inflation also remains elevated." The RBA indicated that CPI inflation will continue to decline and anticipated back in the target range in late 2025.

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

Actual income from operating activities for September year-to-date (YTD) is \$56.22m in comparison to budget of \$55.85m, favourable to budget by \$0.37m or 0.68%. Actual expenditure from operating activities for September is \$15.29m in comparison to the budget of \$16.20m, favourable to budget by \$0.91m or 5.64%. The September Net Operating Position of \$40.94m is \$1.29m favourable in comparison to budget.

Capital Revenue is lower than budget by \$0.08m overall an insignificant amount at this stage. Actual Capital Expenditure YTD is \$0.80m in comparison to budget the budget of \$2.17m lower than budget by \$1.37m or 63%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted \$90.33m, \$5.84m more than the prior year comparative, mainly the result of rates falling due slightly earlier. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Whilst Interest rates have been improving over the last few months they appear to have peaked, with banks offering average interest rates of 4.68% 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 September 2023, the City held 34.81% 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

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

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Nic Coveney, for the period 3 November 2023 to 14 November 2023, inclusive.

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

COUNCIL DECISION

1023/186

Moved: Councillor Blake D'Souza

Seconded: Councillor Jennifer Nevard

That Council approve the Leave of Absence application received from Councillor Nic Coveney for the period 3 November 2023 to 14 November 2023, inclusive.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR MARY CHOY - COMMUNITY SAFETY AND CRIME PREVENTION GROUP - CHANGE TO THE TERMS OF REFERENCE AND MEMBERSHIP

File Ref: D-23-50177
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 25 October 2023.

Suggested Alternative Recommendation AND COUNCIL DECISION

1023/187

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

That Council:

1. Notes the City agrees to amend the Terms of Reference for its Community Safety & Crime Prevention Group to include up to two Elected Member Delegates to the Membership.
2. That Council appoints Councillor André Brender-A-Brandis and Councillor Mary Choy to the Community Safety & Crime Prevention Group for the period 31 October 2023 to 18 October 2025.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Notice of Motion

That Council agrees to amend the 'Community Safety and Crime Prevention Group' Terms of Reference to include up to four Council Delegates to the Membership and remove clause 7.

Background

Councillor Mary Choy submitted a Notice of Motion to amend the Community Safety and Crime Prevention Group' terms of reference to include up to 4 Council Delegates to the Membership and remove clause 7. The Reasons for the Notice of Motion are as follows:

- “1. *Most if not all City facilitated committees or groups have Council Delegates appointed to them.*

12.1 Notice of Motion - Councillor Mary Choy - Community Safety and Crime Prevention Group - Change to the Terms of Reference and Membership

2. *The 'Aim' of the 'Community Safety & Crime Prevention Group' under the current terms of reference is to "provide the strategic focus to the City on Community Safety and Crime Prevention matters" (clause 2.1).*
3. *Three community members from the district form part of 'Community Safety & Crime Prevention Group', as provided for under clause 3.1 of the Group's Terms of Reference. It is understood the Mayor also attends the group's meetings from time to time, yet there is no Council Delegate.*
4. *As there is a strategic element to the 'Community Safety & Crime Prevention Group' and ordinary community members form part of the group, it is the view that the group is not just operational in nature. Nevertheless, the 'Local Emergency Management Group' is a group that is mainly operational in nature, yet requires an Elected Member to not only form part of the group but to co-chair their meetings.*
5. *Community safety and crime prevention is a matter of high public interest and is a primary on-going concern for many residents and ratepayers throughout the district. Elected Members get contacted by residents on these concerns regularly and likely more than any other group or committee Elected Members serve on as Council Delegate. As such, it is the view that Council has a responsibility, or at minimum Councillors of the City's four wards should have the opportunity, to be included as a member under Council delegation to the City's 'Community Safety & Crime Prevention Group'.*
6. *A former community member of the group expressed concern that no Councillors formed part of, or attended the 'Community Safety & Crime Prevention Group' meetings, given its importance to residents and the community interest. It was the view that perhaps Councillors weren't interested or didn't understand the gravity of community concern around crime and safety, as opposed to Councillors not having the actual opportunity under Council delegation to be included in the group's activities.*
7. *Other Local Governments have Council Delegates appointed to the same or similar committees or groups. For example, the City of Stirling terms of reference for its "Crime Prevention Advisory Group" includes a minimum of 4 Councillors; the City of Kalamunda terms of reference for its "Community Safety and Crime Prevention Advisory Committee" is 4 Councillors, one from each Ward where possible; the City of Wanneroo terms of reference for its "Community Safety Working Group" includes the Mayor and 4 Councillors one from each Ward plus deputy delegates for each Ward; the Town of Cottesloe terms of reference for its "Community Safety & Crime Prevention Committee". Some, if not all, of these City's Committee's or Group also publish the minutes of their meetings, thereby providing increased transparency and accountability around the committee's or group's objectives and outcomes to their community. The list goes on and in fact, I could not find a local government whose equivalent community safety and crime prevention group did not include Council delegation.*
8. *This is the right time for Council and the community to make this change ahead of the upcoming Council elections, when the new Council is sworn in and are endorsed to their relevant delegatory roles."*

Comment

Community Safety and Crime Prevention Group

The City facilitates a Community Safety and Crime Prevention Group with representation from key government agencies and the local community. Members include Kensington Police, PCYC, Curtin University, Waterford Plaza, Western Australia Local Government Association's Roadwise Program and other key partners as required. The purpose of the group is to focus on building and strengthening the capacity and resilience of the local community, through community safety initiatives.

The Community Safety and Crime Prevention Group meets quarterly (generally on the second Wednesday of the month in February, May, August and November at 12pm).

The current Terms of Reference provide membership as follows:

- Local Member – one representative
- WA Police – up to two representatives
- Department of Communities (Housing) - one representative
- WA Local Government Association – RoadWise – one representative
- Community Members – up to three representatives from local community groups
- Curtin University - up to two representatives
- Business - up to three representatives from local businesses
- Youth Service Provider – up to two representatives

Members are formally approved/endorsed by the Chief Executive Officer, with the term of office being a period of two years, expiring on the subsequent date of the next local government elections. The group has no delegated power and has no authority to implement its recommendations.

Council Representation on Advisory/Community Groups

The following table details the City's current advisory/community groups and Elected Member representation:

Advisory/Community Groups	Elected Member Representation	Number of Elected Members
1. Community Safety and Crime Prevention Group	No	N/A
2. Arts Advisory Group	Yes	A minimum of two and maximum of three Elected Members
3. Local Emergency Management Committee for Canning/South Perth	Yes	A minimum of one Elected Member delegate and one Elected Member deputy delegate
4. Inclusive Community Advisory Group	Yes	One Elected Member

5. Perth Airports Municipalities Group	Yes	A minimum of one Elected Member delegate and one Elected Member deputy delegate.
6. Public Health Reference Group	Yes	One Elected Member

Given all other advisory/community group currently provide for elected member representation and given the group discusses a topic that is important to the community, the City agrees that the Terms of Reference for the Community Safety and Crime Prevention Group can be modified to provide elected member representation.

Membership of advisory/community groups (including elected member representatives) should be proportionate to the population that it operates in and the scope of the particular group. Reason 7 in the Notice of Motion provides examples of three other local governments with four elected member representatives for their community safety groups (City of Stirling, City of Kalamunda and City of Wanneroo). However, these local governments have larger populations and more elected members than the City of South Perth; with 16, 12 and 15 elected members respectively. Therefore, it is recommended that a maximum of two elected member representatives would be appropriate for the City's Community Safety and Crime Prevention Group.

Clause 7 - Terms of Reference - Community Safety and Crime Prevention Group

Clause 7 of the Terms of Reference provides the following:

"The City reserves the right to alter the Terms of Reference if required, subject to CEO approval."

This is a standard clause in the Terms of Reference for the City's advisory/community groups. Additionally, the Community Safety and Crime Prevention Group is an operational group, so it should continue to be managed by the City's administration, including the ability of the CEO to vary the terms of reference if required for operational reasons. It is therefore recommended that this clause be retained.

Policy and Legislative Implications

In accordance with Policy P112 – Community Advisory Groups, Council may resolve to establish a Community Advisory Group for a particular purpose as described in the resolution. The resolution must include terms of reference and may include details of representation but shall not nominate individual members, except where representatives from Council are required for membership of the group.

It is recommended that elected member delegates for the Community Safety and Crime Prevention Group be considered at the Ordinary Council Meeting on 31 October 2023 when the new Elected Members will be sworn in and appointments made to the City's committees and advisory groups.

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	Low
Mitigation and actions	The Community Safety and Crime Prevention Group has a Terms of Reference that appropriately outlines membership of the Group.

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

Suggested Alternative Recommendation

That Council:

- Notes the City agrees to amend the Terms of Reference for its Community Safety & Crime Prevention Group to include up to two Elected Member Delegates to the Membership.
- That Council appoints Councillor _____ and Councillor _____ to the Community Safety & Crime Prevention Group for the period 31 October 2023 to 18 October 2025.

Reason for Alternative Recommendation

The City supports a maximum of two Elected Members being appointed to the Community Safety and Crime Prevention Group, to ensure the group continues to primarily function as a community group with predominant representation from community safety representatives and community members.

Noting the group has no delegated power and has no authority to implement its recommendations, recommendations from the group will continue to be considered by Council in any instance.

12.1 Notice of Motion - Councillor Mary Choy - Community Safety and Crime Prevention Group - Change to the Terms of Reference and Membership

Retention of Clause 7 in the Terms of Reference to enable the CEO to vary the Terms of Reference for the Community Safety and Crime Prevention Group is recommended for the following reasons:

- This is a standard clause across the City's other advisory/community groups, so maintaining this work task ensures consistency.
- The ability of the CEO to vary the Terms of Reference (including at short notice if required) will ensure the functional operation of meetings, which may not otherwise occur if variations required approval through the monthly Ordinary Council Meeting process.
- The Group is operational in nature, so its operating terms should continue to be managed by the City's administration.

Elected Member attendance at the Community Safety and Crime Prevention Group meetings will be recorded quarterly on a public register.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Mary Choy
- Councillor Blake D'Souza
- 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

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.54pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 31 October 2023

1 Mr Barrie Drake, South Perth Received: 23 October 2023	Responses provided by: Garry Adams - Director Corporate Services
1. Were any enquiries made by you to which of your staff told me to put my tenants' rents up to pay for the underground power, which you doubted, as the same response was given by one of your staff to a prominent real estate agent who asked the same question?	No.
2. You have charged the owners of blocks of flats \$3,000 per dwelling unit for the undergrounding of the powerlines in the South Perth and Hurlingham project area. Why haven't you charged granny flat owners the same \$3,000 per dwelling unit?	I have previously answered this question. We charged people in accordance with the Council Resolution and based on the information provided to us by Landgate.
3. In a letter to me from the Ombudsman on 28 August 2023 which was in reply to my letter of complaint, re: underground power charges, the Ombudsman quoted:- <i>"The City of South Perth informed this office that you lodged this matter with the State Administrative Tribunal on 29th November 2022".</i> Why didn't you tell them that I withdrew this matter on the 9th February 2023 without it being heard or ruled upon by the Tribunal?	As I have previously stated. We have no record of providing any advice to the Ombudsman on this matter. However, I would reiterate to you that if you wish to challenge the charges that have been imposed the correct jurisdiction to do this is the State Administrative Tribunal.

<p>2 Mr Trevor Wilkinson, Como Received: 31 October 2023</p>	<p>Response provided by: Mike Bradford – Chief Executive Officer</p>
<p>1. I have a question to the CEO Mr Bradford, and the question is: Will you arrange and attend an onsite meeting to rectify each and every issue, some as not yet mentioned with an inspection at all to give a satisfactory result?</p>	<p>I think the matter that you relate to, has been dealt with since 2015.</p>

13.2 ELECTED MEMBER QUESTIONS: 31 October 2023

<p>Councillor Mary Choy</p>	<p>Response to question 1, 5, 6 and 7 provided by: Toni Fry – Manager Governance</p> <p>Response to question 2 and 3 provided by Donna Shaw – Director Development and Community Services</p> <p>Response to question 4 provided by Anita Amprimo – Director Infrastructure Services</p> <p>Response to question 8 provided by Mayor Greg Milner</p>
<p>1. Given the community interest in the City’s current Dog Review, can the City please advise where it is up to with its review and confirm that public consultation will be included as part of the review and any new or updated plan or local law in respect to dogs?</p>	<p>We currently have an internal working group, and will be undertaking a Council workshop on 4 December 2023. Then we will be looking at going out to community consultation around February or March of next year.</p>
<p>2. Given numerous residents have demonstrated a keen interest in the redevelopment of the State Heritage Listed, former South Perth Police Station. Can the City please confirm that relevant overseer for the redevelopment is the Department of Planning Lands and Heritage due to the Civic Heart development being approved by the state and not council?</p>	<p>That is correct, so the Heritage Council is the State Government statutory advisory body on heritage. The Department of Planning Lands and Heritage supports the Heritage Council in its’ functions in this respect. So the Heritage Council, and by association, the Department of Planning, would be responsible for ensuring compliance with the development application plans and reviewing any inspections on the State Listed property itself.</p> <p>The City has no role to play in that, on the basis that the Minister called in the application and determined that.</p>

<p>3. Does the City consider that the redevelopment of the heritage listed site is being undertaken in accordance with the approved plans?</p>	<p>Yes, I have reviewed the approved plans for the Civic Heart proposal, which incorporated the former police station site as part of that. The development that is underway at the time is considered consistent with those plans. I have no reason to believe that the Department would need to undertake a further inspection at this point in time.</p>
<p>4. Does the City in its' waste and recycling endeavours, encounter significant issues with residents recycling bin use? If so, what kind of issues and across what average percentage of bins on a regular basis?</p>	<p>The last significant audit that the City conducted was in 2019 and it found that recycling bins showed low levels of contamination with only 2.5% being non-recyclables. In terms of the industry standard, that is a very low level of contamination.</p>
<p>5. How many listeners, on average, have tuned into the City's audio live-streaming of Ordinary Council Meetings over the past 12 months? And how does this number compare, to in-person public gallery attendances?</p>	<p>On average, 11 live listeners have tuned into the City's Council Agenda Briefings and Ordinary Council Meetings over the past 12 months and typically a similar amount would be present in the public gallery. So, the highest number of concurrent live viewers has been 31 and the lowest has been four.</p>
<p>6. Has the video live-streaming specifications under the new Local Government Regulations as part of the recent reforms been announced?</p>	<p>The Local Government Administration Regulations have been updated and that includes the requirements of broadcasting Council meetings publicly.</p>
<p>7. Will the City consider introducing video live-streaming earlier than before the legislated required date of 1 January 2025?</p>	<p>The City will be seeking quotes from suppliers to determine the cost and installation timeframes to ensure that it can meet the new requirements by the required deadline being 1 January 2025.</p>
<p><i>Preamble: Newly elected members were welcomed to the Council last week and retired Councillor Ken Manolas was granted an opportunity to say a few words at his last Council meeting last month.</i></p>	
<p>8. I was wondering if anyone would like to say a few words for any former Councillors that aren't here this evening or didn't get a chance to say a few words when they left?</p>	<p>Taken on notice.</p>

<p>Councillor Blake D’Souza</p>	<p>Response to question 1 provided by Anita Amprimo – Director Infrastructure Services</p> <p>Response to question 2 provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>Preamble: Relates to a Councillor Request that I lodged in June/July of this year on behalf of Mr Ivan Sarich of Salter Point. He basically was asking for a traffic calming device to be installed on Hogg Avenue in Salter Point. The Admin replied saying there would be traffic studies that need to be done, but I have not heard any further response for that.</i></p>	
<p>1. Can I please get a response on that one?</p>	<p>If you would mind sending me the request details, I can look that one up for you, and follow up for you.</p>
<p><i>Preamble: There is a new DA being lodged in Salter Point along Letchworth Centre. Which is to potentially add an extra story for the existing café there.</i></p>	
<p>2. Can I clarify if this will come to Council as I have been getting quite a bit of concern locally about that?</p>	<p>Yes, there is a Development Application in for an extension into the existing café at that premises. We have received submissions for that; however, the City does have delegation to determine that application.</p>

Councillor Glenn Cridland

Response to question 1 provided by: Mike Bradford – Chief Executive Officer

Response to question 2 and 3 Donna Shaw – Director Development and Community Services

Preamble: Sir James Mitchell Park is one of the diamonds in South Perth and one of the most popular parts of it for the people who aren't so fortunate to live overlooking it every day, is to go down to the food vans and perhaps have a glass of wine down there.

1. When will the Streats food vans will be restarting, if they haven't already?
Will their operating hours and dates be the same as previous years?

I am pretty certain that they start on 16 November and that it goes through to early April. That is pretty well consistent with the same period last year. I also understand that the trading days and hours are the same as last year.

Preamble: Sir James Mitchell Park, we've had some wonderful concerts down there and we used to have a wonderful Australia Day celebration on the 26th of January when the fireworks happened.

2. Are there any Australia Day resident celebrations being planned by the City for Sir James Mitchell Park?

Yes, the City's events team is currently planning an event, similar to what was undertaken last year. So, on the 26th.

Preamble: I happened to be watching commercial TV this week and I saw an electric-hydrofoil surfboard being operated in the Swan River. It was being operated from the beach just to the east of the Narrows Bridge. The article was very positive; however, the person who was running the particular business complained about Local Government being difficult and not supportive. I have no idea whether he was referring to us in South Perth, given that's where it was being filmed or whether he was just having a whinge generally about Local Governments. I have not seen it operating from there before until I saw it on TV.

<p>3. I'm just wondering, is it licenced like the Funcats? Is it new? Without getting into detail are we having difficulties?</p>	<p>Yes, it is for the E-Foil operator. Part of the requirements following the Expression of Interests for the use of that site was that the City entered into the Licence agreement with the applicant for a one year term plus four subsequent one year renewal options and that there would be special conditions included in that Licence that the operator would be otherwise required to comply with Maritime Law and Safety Regulations and obtain a permit from the Department of Biodiversity, Conservation and Attractions. That may explain the perceived red tape.</p>
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<p>Councillor Mary Choy</p>	<p>Response to question provided by: Mike Bradford – Chief Executive Officer</p>
<p>1. In relation to the Minute Amendment for the Council Resolution in Item 7.1.2, if Councillors were able to receive a copy of that department advice that the City received?</p>	<p>We will have a look and determine what that advice was and if it can be provided.</p>

Councillor Blake D'Souza	Response to question provided by: Donna Shaw – Director Development and Community Services
<p>1. Just again on the Salter Point DA. Is it purely DA or is it also a change of use? Some of the residents around the area seem to think that the initial granting of Commercial Use as a café was invalid. I don't know if that is the case, I just want to check if it's purely a DA or it's a change of use.</p>	<p>Technically a change of use application is a Development Application and they are assessed in the same manner. So, there was an original Development Application that was approved which provides for the occupation of that tenancy and the use itself. This application seeks to extend the floorspace for the continued use as a café. There are no conditions within the delegation that would otherwise require that matter to be presented to Council, and therefore the City can determine that application under Delegation, but I do note that we will, and are required to have regard to any submissions received during the course of public consultation on that application.</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 21 November
2023

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed