

AGENDA.

Ordinary Council Meeting

26 September 2023

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 26 September 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

22 September 2023

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.3.5 as ‘I serve on the board of Amaroo Care Services Inc. Amaroo also provides residential aged care services, albeit in a different catchment area.’
- Councillor Nick Warland – Impartiality Interest in Item 10.3.5 as ‘Emergen was a client of a former employer for part of the duration of my employment there’.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 26 SEPTEMBER 2023

7. CONFIRMATION OF MINUTES AND TBLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22 August 2023

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 22 August 2023 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
29 August 2023	Local Planning Policy Review	Councillors Nick Warland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Mary Choy and Ken Manolas.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 19 September 2023

Officers of the City presented background information and answered questions on Items to be considered at the September Ordinary Council Meeting at the Council Agenda Briefing held 19 September 2023

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 19 September 2023

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 19 September 2023.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 eQuote 4/2023 Provision of Truck Mounted Sweeping Services

File Reference: D-23-44179
Author(s): Jan Augustin, Manager Engineering Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of eQuote 4/2023 for the Provision of Truck Mounted Sweeping Services.

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

Officer Recommendation

That Council:

1. Accepts the eQuote submitted by Environmental Wastewater Catchment Services Pty Ltd for the Provision of Truck Mounted Sweeping Services in accordance with eQuote Number 4/2023 for the period of supply of one year with the option to extend for two additional one-year periods by the sole discretion of the Principal;
2. Authorises the Chief Executive Officer to execute the contract with Environmental Wastewater Catchment Services Pty Ltd;
3. Accepts the eQuote price included in **Confidential Attachment (a)**.

Background

A Request for eQuote 4/2023 for the Provision of Truck Mounted Sweeping Services was advertised on the WALGA Preferred Suppliers Portal on 22 June 2023 and closed at 2.00 pm on 6 July 2023. The scope of works covers street sweeping services across the City.

Under the Local Government (Functions and General) Regulations 1996, a Tender exemption applies to Preferred Supply Panels. So local governments can purchase any value of goods or services from a Preferred Supplier without going to Tender.

eQuotes were invited on a fixed-price basis for the first year followed by standard rise and fall provisions apply to extensions of the contract.

The contract is for the period of one year with the option to extend for two additional one-year periods.

Comment

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

TABLE A – eQuote Submissions

eQuote Submission
Specialized Cleaning Group Pty Ltd
Environmental Wastewater Catchment Services Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience and Resources	40%
2. Skills and experience of key personnel	40%
3. Sustainability	20%
Total	100%

Based on the assessment of all submissions received for eQuote 4/2023 for the Provision of Truck Mounted Sweeping Services, it is recommended that the quotation submission from Environmental Wastewater Catchment Services be accepted by Council.

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

Consultation

WALGA Preferred Supplier Panel eQuotes were invited in accordance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.

Policy and Legislative Implications

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

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

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

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

The following Council Policies also apply:

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

Financial Implications

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

Key Risks and Considerations

Risk Event Outcome	Property Damage Relates to damage or destruction of City assets. Causes include but are not limited to theft, vandalism, fire or water damage and failure to adequately insure buildings, property and assets.
Risk rating	Medium
Mitigation and actions	Undertake a program of regular inspections of the City’s road network to ensure optimal cleaning of roads and public car parks.

Strategic Implications

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

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

Attachments

- 10.3.1 (a): eQuote 4/2023 - Provision of Truck Mounted Sweeping Service - Recommendation Report (*Confidential*)

10.3.2 RFT 7/2023 - Provision of Watering and Planting Services

File Reference: D-23-44181
Author(s): Geoff Colgan, Manager Parks and Environment
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 7/2023 for the Provision of Tree Watering and Planting Services.

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

Officer Recommendation

That Council:

1. Accepts the tender submitted by Environmental Industries for the Provision of Tree Watering and Planting Services in accordance with Tender Number 7/2023 for a supply period of two years. Subject to acceptable performance, the contract may be extended for three further one year periods by the sole discretion of the Principal;
2. Authorises the Chief Executive Officer to execute the contact with Environmental Industries;
3. Accepts the tender price included in **Confidential Attachment (a)**.

Background

A Request for Tender (RFT) 7/2023 for the Provision of Watering and Planting Services was advertised in The West Australian on Saturday 17 June 2023 and closed at 2:00pm on Tuesday 11 July 2023.

Tenders were invited as a Schedule of Rates / Lump Sum Contract.

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

The successful tenderer must provide all personnel, plant and equipment, transport, supervision, administration, surveying, travelling expenses to:

- Undertake an annual planting and establishment watering program for trees and plants within road reserves and other areas.
- Install and manage plants, stakes, ties and water wells with regular maintenance, formative pruning, and applications of water with additives.

Specialist tree management expertise and equipment is required to gather, install, water, and maintain mature trees in streetscapes and parks throughout the city. The request required tenderers to clearly demonstrate their capabilities, skills, and experience in delivering similar services to a good standard.

Comment

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

TABLE A – Tender Submissions

Tender Submission
Baroness Holdings Pty Ltd
Beaver Tree Services Aust Pty Ltd
Environmental Industries Pty Ltd
Mikevie Pty Ltd T/as ABM Landscaping

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Plant and equipment	20%
2. Skills and Experience of Key Personnel	30%
3. Demonstrated Understanding of the required tasks	20%
4. Demonstrated experience in tree planting and watering	30%
Total	100%

Based on the assessment of all submissions received for Tender 7/2023 Provision of Watering and Planting Services, it is recommended that the tender submission from Environmental Industries be accepted by Council.

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

Consultation

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

Policy and Legislative Implications

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

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

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

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

The following Council Policies also apply:

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.3.2 (a): Tender Evaluation Panel Recommendation Report (*Confidential*)

10.3.3 Draft Amended Local Planning Policy P307 - Family Day Care and Child Day Care Centres (Advertising)

File Ref: D-23-44183
Author(s): Samantha Taylor, Senior Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report proposes to amend Local Planning Policy P307 - Family Day Care and Child Day Care Centres to reflect the requirements of the Department of Planning Lands and Heritage draft Position Statement: Child Care Premises, expand on existing Policy provisions in light of recent State Administrative Tribunal determinations and to include further provisions to guide the development and operation of Child Care Premises.

Proposed modifications to the Policy require advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Officer Recommendation

That Council, pursuant to Schedule 2, Part 2, Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft amended Local Planning Policy – Child Care Premises as contained in **Attachment (b)**.

Background

The City is reviewing its Local Planning Policies (LPPs) to ensure its local planning framework is contemporary, consistent with State planning frameworks, reflects the aspirations of the community on planning related matters, and supports the implementation of draft Local Planning Scheme No. 7 (LPS 7).

Local Planning Policy P307 - Family Day Care and Child Day Care Centres (Policy P307) was originally adopted by Council at its meeting held 23 March 2004 to address amenity impacts to neighbouring properties from Family Day Care and Child Day Care Centres. A copy of this policy is contained at **Attachment (a)**.

Whilst Policy P307 was last reviewed in March 2016, the content of this Policy has not been amended since adoption. A copy of the draft amended Policy is contained as **Attachment (b)**, with the revised Policy provisions further discussed throughout this report.

Comment

Department of Planning, Lands and Heritage (DPLH) Draft Position Statement – Child Care Premises

The draft Position Statement was released in November 2022 to replace Planning Bulletin 72 - Child Care Centres (August 2009) and aims to provide decision-makers, proponents and the community with a consistent policy approach to planning for Child Care Premises in Western Australia.

The DPLH has not provided a timeframe on when the draft Position Statement will be adopted, however, it is considered a 'seriously entertained proposal' for planning purposes and can therefore be used to guide the preparation of amendments to this LPP.

The draft Position Statement addresses State, local government and community considerations relating to the location and development of Child Care Premises. Key design considerations have been incorporated into the draft LPP as further detailed in this report.

Proposed Draft LPP Provisions

Family Day Care Centres

The draft Policy removes provisions related to Family Day Cares given draft LPS 7 provides this use as a 'P' (i.e. permitted) land use in most zones with the exception of the Private Community Purposes zone, where it is an 'X' (i.e. prohibited) use.

Development approval is not required for 'P' uses where there is no works component under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations.) Notwithstanding, Family Day Care Centres will still be required to comply with safety and design considerations in accordance with the *Education and Care Services National Law (WA) Act 2012* and Education and Care Services National Regulations 2012.

The draft Policy has been renamed to reflect the exclusion of Family Day Care Centres.

Location and site characteristics

In the case of Sharon Property Pty Ltd v Presiding Member of the Metro Inner-North Joint Development Assessment Panel (2021), the State Administrative Tribunal (SAT) made the distinction between the distribution of centres and the level of service (i.e., that the location of a centre should not be at the expense of existing centres, which could lead to a deterioration in the overall level of services available to the local community).

As such, the number and location of centres should be considered on this basis rather than just purely on spatial distribution (i.e., based on existing and proposed centres in the locality and the population catchments of the centres). The draft Policy therefore seeks to introduce criteria for the 'equitable' distribution of centres that maintain appropriate levels of service for the community.

The SAT determination also noted that the location of the proposal was unsuitable given it had frontage to a cul-de-sac and was not served by a footpath. The locational criteria in the draft Policy have been updated to reflect this, as well as discouraging sole access from a right-of-way, laneway, private street or battle-axe access way.

The draft Policy also identifies locational and site characteristics to assist discretionary decision making where Child Care Premises are identified as:

- 'D' (i.e., discretionary uses) within Residential zones and within the Mends and Richardson precincts of the South Perth Activity Centre Plan (SPACP); or
- Identified as an 'A' (i.e., requires advertising) or 'D' (i.e., discretionary) use in the Local Centre zone or the Hillside Precinct of the SPACP.

These provisions include:

- Continuing to encourage Child Care Premises to locate within proximity to educational establishment facilities. The draft Policy also encourages Child Care Premises to locate within 'Centre', 'Neighbourhood Centre' or 'Local Centre' zones recognising the activity and employment functions of these zones;

- Identifying a preference for lots that are level, regular in shape and of sufficient size to accommodate all buildings and site planning requirements and landscaping; and
- Identifying a preference for sites with access to high frequency public transport access to optimise accessibility.

Design and Amenity Provisions

The draft Position Statement identifies the importance of ensuring Child Care Premises are designed and located to minimise adverse impact on the amenity of neighbouring lots and the surrounding area. In response, the draft Policy contains criteria to address these matters, including:

Consideration	Draft Policy Provision
Building design	The draft Policy includes provisions requiring buildings to orientate toward the street to maximise surveillance with a clearly defined building entry point facing the street. Outdoor play areas are required to be located away from adjoining noise sensitive land uses such as residential. Provisions for utilities and plant equipment to be located away or screened from any public street and/or neighbouring properties have been included.
Traffic management	The draft Policy requires matters related to traffic, such as trip movements, sightlines and manoeuvrability to be addressed via either a Traffic Impact Statement or Traffic Impact Assessment (depending on scale) in accordance with the Western Australian Planning Commission’s Transport Impact Assessment Guidelines (Volume 4).
Vehicle access and car parking design	Carparking is required to be contained onsite under the draft Policy. Provisions have been included to reduce possible impact on street trees by limiting the number of crossovers. Vehicles, including waste collection vehicles, will be required to enter and exit in forward gear for safety.
Fencing	The draft Policy requires front fencing of masonry construction to a maximum height of 1.8m and visually permeable above 1.2m subject to the need for noise mitigation, security and street surveillance considerations.
Landscaping	To positively impact the streetscape, the draft Policy requires the incorporation of landscaping within the street setback area, as well as minimum of 10% of the site being landscaped, in addition to areas for outdoor play. Further, uncovered carparking areas will be required to incorporate one tree per four bays.
Waste management	Draft provisions require screening of bin store areas from view of both the public realm and neighbouring properties, as well as ensuring they are not located abutting residential lot boundaries.

Operation	The draft Policy provides for operating hours consistent with the draft Position Statement, being 7.00am to 7.00pm on weekdays and Saturdays. Provisions providing for variation to these hours in non-residential zones subject to adequate demonstration of demand have also been included.
Noise	To limit the impact of the centre on adjoining noise sensitive premises such as dwellings, the draft Policy requires submission of an acoustic report demonstrating how noise associated with the operation of the Child Care Premises will be addressed. Details to identify how noise reduction measures (where required to be implemented) will also be required.

The draft Policy is more aligned with the regulatory planning framework and will provide increased guidance in respect to building design and amenity considerations for Child Care Centres. It is recommended that Council advertise the draft Policy.

Consultation

Should Council proceed with the 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.”*

As such, public notice will be made available on the City’s website in accordance with 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	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

- 10.3.3 (a):** Local Planning Policy P307 - Family Day Care and Child Day Care Centres (current)
- 10.3.3 (b):** Local Planning Policy - Child Care Premises (amended)
- 10.3.3 (c):** Local Planning Policy P307 Family Day Care and Child Day Care Centres (tracked change version)

10.3.4 Draft Amended Local Planning Policy Policy P308 - Signs (Advertising)

File Ref: D-23-44184
Author(s): Samantha Taylor, Senior Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report proposes to amend Local Planning Policy P308 - Signs to provide additional provisions for the assessment of signs, and to reflect the ability of Local Planning Policies to exempt some forms of advertising signage in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Proposed modifications to the Policy require advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Officer Recommendation

Pursuant to Schedule 2, Part 2, Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council advertises amendments to Policy P308 Signs.

Background

The City is reviewing its Local Planning Policies (LPPs) to ensure its local planning framework is contemporary, consistent with State planning frameworks, reflects the aspirations of the community on planning related matters, and supports the implementation of draft Local Planning Scheme No. 7 (LPS 7).

Local Planning Policy P308 – Signs (P308) was originally adopted by Council at its meeting held 23 March 2004 to guide the installation of advertising signage on premises, and to reduce adverse visual amenity impacts associated with advertising signage, especially in residential areas. A copy of this policy is contained as **Attachment (a)**.

Whilst Policy P308 was most recently reviewed in January 2015, the content of this Policy has not been amended since adoption. A copy of the draft amended Policy is contained as **Attachment (b)**, with the revised Policy provisions further discussed throughout this report.

Comment

Proposed Draft LPP Provisions

Application

The draft Policy will apply to advertising signage located on privately owned land only. Signage on public land (i.e., thoroughfares) is regulated by relevant Local Laws prepared in accordance with the requirements of the *Local Government Act 1995*.

Policy objectives

The draft Policy includes objectives to support appropriate advertising signage and to reduce the proliferation of signage on a site, as well as ensuring that advertising signage is compatible with architectural elements of a building and the desired character of an area.

Development standards

The following is a summary of the draft provisions related to development standards for signs:

- Provisions to manage third party advertising and content;
- Signage not being located within 1.5m of any crossover or street truncation to ensure sight lines are maintained, and signage being wholly contained within the lot boundary unless it is an awning or projecting wall sign;
- Requirements to address light spill from illuminated signage and digital content to neighbouring sites, and to ensure that signage does not adversely impact pedestrian, cyclist and driver safety;
- A size limit for signage with digital content of 3m², or 20% of the façade, whichever is the lesser. In this respect, criteria have been proposed to consider increases for sites along Canning Highway, providing the scale of the proposed sign is proportionally appropriate to the building upon which it is proposed to be attached, and the content does not include third party content;
- The requirement for a lighting impact assessment drafted in accordance with Main Roads Western Australia policies and/or *Australian Standards AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting* (2019);
- Requirements for signs to respect the style, detailing and significance of heritage places and signs within heritage areas; and
- Requirements for a sign management plan for new commercial or mixed-use development with multiple tenancies, demonstrating how signage will be co-ordinated across the site to reduce signage proliferation.

Exemptions

The draft Policy seeks to identify signage that does not require development approval. This is enabled through Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), which states that development approval is not required for some works, such as the erection or installation of a sign of a class specified in an LPP.

Table 1 of the draft Policy identifies sign types exempt from development approval provided the sign complies with the Policy and sign specific development standards. Where the sign does not meet these requirements, a development application is required.

The following signs are proposed to be exempt under the draft Policy:

- Awning Sign (includes on facia and below facia on existing awnings only)
- Banner Sign (1- temporarily attached to a structure banner; 2-tear drop banner)
- Building wrap sign (temporary sign associated with construction)
- Display home and sales office sign (temporary sign)
- Flagpole with advertising sign
- Ground Based Portable Sign (A-Frame and sandwich board signs)
- Real Estate Sign (sale/lease/auction)
- Window Sign

Further provisions are proposed with respect to site specific development standards where a development application is proposed, as contained in Table 2 the draft Policy.

The draft Policy distinguishes between private and public land for the purposes of regulatory assessment, will provide increased guidance in respect to the design and amenity considerations for signs, as well as exempting certain signs which are unlikely to have amenity impacts on the locality. It is recommended that Council advertise the draft Policy.

Consultation

Should Council proceed with the 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.”*

As such, public notice will be made available on the City’s website in accordance with 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	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

10.3.4 (a):	Local Planning Policy P308 - Signs (current)
10.3.4 (b):	Local Planning Policy - Advertising Signage (amended)
10.3.4 (c):	Local Planning Policy P308 Signs (tracked change version)

10.3.5 Proposed 11 Aged or Dependent Persons' Dwellings - Lot 3604, No.80 Henley Street, Como

Location:	Lot 3604, No. 80 Henley Street, Como
Ward:	Moresby Ward
Applicant:	MJA Studio
File Reference:	D-23-44185
DA Lodgement Date:	1 July 2023
Author(s):	Scott van Ierland, Urban Planner
Reporting Officer(s):	Donna Shaw, Director Development and Community Services

Summary

To consider an application for development approval for 11 Aged or Dependent Persons' Dwellings at Lot 3604, No. 80 Henley Street, Como.

This item is referred to Council as the proposed number of dwellings exceeds 10 and therefore falls outside of the delegation to officers.

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the application for development approval for 11 Aged or Dependent Persons' Dwellings on Lot 3604, No. 80 Henley Street, Como **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. Prior to the submission of a building permit application or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The approved Construction Management Plan must be complied with at all times during the construction stage, to the satisfaction of the City of South Perth.
3. At least one permanent occupant of the Aged or Dependent persons dwelling(s) is to be either a person over the age of 55 or dependent person as defined by State Planning Policy 7.3 - Residential Design Codes, or the surviving spouse or partner of such an aged or dependent person.
4. Prior to occupation, a notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

This property is approved for use as an aged or dependent persons' dwelling. The dwelling is restricted to be occupied by a person who:

- *Is aged 55 years or more; or*

- *Has a recognised form of disability requiring special or accommodation for independent living or special care; and*
 - *May also accommodate the spouse of carer of that person and in any case no more than one other person.*
5. The recommendations provided in the Environmentally Sustainable Design Report (ESD Report) prepared by Emergen on 19 June 2023, are to be installed and implemented prior to occupation of the development and remain in operation for the lifetime of the 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 “Stormwater Drainage Application” that confirms the design is to the satisfaction of the City of South Perth.
 7. Prior to occupation of the development, the landscaping areas shall be installed in accordance with the submitted landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
 8. Prior to the submission of a building permit application, details of the proposed lighting to pathways, communal areas and carparking areas shall be submitted to, and approved by, the City of South Perth.

Prior to the occupation of the development, the lighting shall be installed in accordance with the submitted details and maintained thereafter to the satisfaction of the City of South Perth.
 9. Prior to occupation of the dwellings, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
 10. Waste management shall be in accordance with the Waste Management Plan prepared by MJA Studio, dated 31 March 2023, and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.

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

Applicant Details	MJA Studio
Landowner	Meath Care Inc

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	3,5612m ²
Building height limit	7m

Comment

(a) Background

In November 2022, the City received an application for 11 Aged or Dependent Persons' Dwellings on Lot 3604, No. 80 Henley Street, Como (the site). The site is contained within the Meath Care facility and is clear of all vegetation and structures.

The proposal was considered by the City's Design Review Panel (DRP) in February and May of this year, both reviews occurring after the lodgement of the development application.

(b) Description of the Surrounding Locality

The development is proposed to be integrated within the existing Meath Care facility, utilising existing vehicle and pedestrian access points, along with existing private waste services. Vehicle and pedestrian access to the development site is via the existing private accessway which interfaces with Henley Street, to the south of the subject site. To the immediate north of the subject site is Como Secondary College and Collier Park Golf Course.



Figure 1: Aerial Image of the Subject Site

(c) Description of the Proposal

The proposal involves the construction of 11 single storey Aged or Dependent Persons' Dwellings and associated access and infrastructure. The use of the site for aged or dependent persons' dwellings is a discretionary ('D') use under the City of South Perth Town Planning Scheme No. 6 (Scheme, TPS6). The site photographs contained at **Attachment (a)** show the relationship of the site with the surrounding built environment, and the development plans are provided at **Attachment (b)**.

The following aspects of the development proposal do not meet the prescribed requirements of State Planning Policy 7.3 - Residential Design Codes - Volume 1 (R-Codes) and therefore require discretionary assessment:

- Street Setback
- Garage Width

- Aged or Dependent Persons' Dwellings

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

(d) Street Setback

Design Element	Deemed-to-Comply Requirement	Proposed
Clause 5.2.1 – Street Setbacks	2.5m minimum	<ul style="list-style-type: none"> • Units 91 - 92 propose 0.5m setbacks to the communal street. • Units 93 - 98 propose 0.8m setbacks to the communal street. • Units 99 - 101 propose 1.3m setbacks to the communal street.

The R-Codes include ‘deemed-to-comply’ criteria and design principles. Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The design principles for street setbacks consider the immediate and future streetscape, privacy, site planning requirements and building mass. The proposed setbacks are considered to meet the design principles of the R-Codes and are supported for the following reasons:

- The proposed street setbacks are internal to the parent lot and have no adverse impact on the streetscape. The development employs varying setbacks along the communal street to allow space for vegetation, to break up the building bulk and soften the internal streetscape.
- The proposal adequately responds to site planning requirements, including vehicle access, parking, and utility services. These site planning requirements are appropriately screened from the street.
- The verge abutting the communal street is appropriately landscaped with 18 trees and suitable ground cover.

(e) Garage Width

Design Element	Deemed -to-Comply Requirement	Proposed
Clause 5.2.2 – Garage Width	Garages to occupy a maximum 50% of the lot frontage	<ul style="list-style-type: none"> • Unit 98 proposed garage width occupying 58% of lot frontage. • Unit 101 proposed garage width occupying 54% of lot frontage.

The design principles for garage width consider the visual connectivity between the dwelling and the streetscape and minimising the dominance of garage doors on the streetscape. The development is considered to meet the design principles of the R-Codes and is supported for the following reasons:

10.3.5 Proposed 11 Aged or Dependent Persons' Dwellings - Lot 3604, No.80 Henley Street, Como

- The development proposes translucent garage doors which break up the otherwise blank facade of the sectional doors, providing visual interest within the streetscape.
- A variety of colours and materials are proposed throughout the street elevations, further reducing the dominance of the garage doors and potential visual impact to the streetscape.
- The landscaping of the streetscape assists in softening the built form and the dominance of garages addressing the communal street.

(f) Aged or Dependent Persons' Dwellings

Design Element	Deemed-to-Comply Requirement	Proposed
Clause 5.5.2 – Aged or Dependent Persons' Dwelling	Aged or Dependent Persons' Dwellings have a maximum plot ratio of 100sqm.	<ul style="list-style-type: none"> • Units 91 - 98 and Units 100 - 101 have a plot ratio area of 105sqm. • Unit 99 has a plot ratio area of 123sqm.

The design principles for aged or dependent persons' dwellings requires housing designed to meet the needs of aged or dependent persons; and

- Reduces car dependence (i.e., being located in close proximity to public transport);
- Has due regard to the topography of the locality in respect to access and mobility;
- Has due regard to the availability of community facilities including parks and open space;
- Does not impinge upon neighbour amenity; and
- Responds to a demand for aged or dependent persons accommodation in the locality which is recognised in the local planning framework.

The development is considered to meet the design principles and is supported for the following reasons:

- The site is located on three bus routes with a 20 minute frequency of service until approximately 6:00pm.
- The proposed development responds to the existing topography of the site through a balance of cut and fill, ensuring the proposal is designed for ease of mobility and access to each unit.
- The site is well located for access to community facilities and public open space. The development site is integrated and interconnected to private facilities contained within the Meath Care facility. The site also benefits from proximity to Collier Park Reserve to the north and Lake Gillon to the south.
- Neighbour amenity is maintained as the development is for single storey dwellings that are predominately cut below natural ground level. All deemed-to-comply setbacks are provided to external properties, which together with the relatively low building height, will ensure no adverse amenity impacts to neighbours.
- The demographic in the locality is aging consistent with national trends. The proposed development provides additional housing stock appropriate for aged persons within the City of South Perth.

10.3.5 Proposed 11 Aged or Dependent Persons' Dwellings - Lot 3604, No.80 Henley Street, Como

- The provision of quality housing suitable for 'aging in place' is identified by local and state housing strategies. This development is consistent with the expectations of catering for an aging community. The proposed internal areas of the dwellings reflect the general desire for larger dwellings in the locality to meet resident's needs. The larger than deemed-to-comply plot ratio areas will provide three bedrooms to accommodate aging in place principles of allowing space for additional family members or carers.

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

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

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

In considering an application for development approval the local government is to have due regard to the matters listed in Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to the matters, subject to the recommended conditions.

(i) City of South Perth Design Review Panel

The application was reviewed twice by the City's DRP. At the Panel's second review, the following comments and recommendations were made. These are addressed in the current proposal as follows:

- Demonstration of how the development integrates the immediate and broader context of the parent lot has been provided, including access to and from external and internal amenity services, pedestrian movement, bicycle movement and public transport networks.
- An amended landscaping plan has been submitted at **Attachment (c)** which includes large and medium trees, increasing net tree canopy coverage within the development. The amended landscaping plan provides for significant landscaping features within the common property areas and exclusive use areas of each lot.
- Amended plans have been submitted including:
 - Addition of pedestrian priority signage within the communal street.
 - Addition of pedestrian paths to either side of the communal street, delineated by a changed colour palette.
 - Permeable paving has been added to the communal street.

In addition to the above, an ESD report was submitted at **Attachment (e)** on the advice of the DRP. The development is considered to have appropriately responded to the comments and recommendations raised by the Panel and is presented for determination with the support of the DRP. Refer to **Attachment (f)** for the DRP reporting and minutes.

(j) Consultation

As the proposed works are located wholly within the Meath Care facility with no external impacts, public consultation was not required.

(k) Waste Services

It is proposed to service the new dwellings via a private contractor which also services the existing dwellings and communal facility buildings. The dwellings are proposed to be internally serviced by a small waste truck and residents are to present their bins to the communal street for kerbside collection. A copy of the Waste Management Plan is provided at **Attachment (d)** and is supported by the City.

(l) Traffic

A new communal street is proposed within the subject site to provide vehicle and waste servicing to the new dwellings. The City has reviewed the proposed communal street widths and clearances and is satisfied with the design. Vehicle manoeuvring for parking areas and waste collection are supported by the City.

(m) Landscaping

The City has reviewed the proposed landscaping plan which is considered satisfactory in terms of landscaping volume and tree planting areas/dimensions. A condition is recommended to ensure landscaping on site is implemented in accordance with the submitted Landscaping Plan.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of approval, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and coordinated representation against the City and or sustained adverse comment in the media.</p>
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

Sustainability Implications

Due to the orientation of the lot, the proposed outdoor living areas will have access to winter sun. In addition, the development will make a positive contribution to tree canopy coverage and landscaping density. The proposed development is therefore considered to achieve an outcome that has regard to sustainable design principles.

Conclusion

The proposal generally meets the relevant objectives and provisions of the Scheme, R-Codes and relevant Policies, or where compliance has not been achieved, the variations are capable of being supported for the reasons outlined in this report.

The proposal, which is solely contained within the Meath Care site, is of a bulk and scale that will not adversely impact on the local amenity of the area. The design of the development has been supported by the City's DRP.

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

Attachments

- 10.3.5 (a): Attachment A - Aerial Image and Zoning Map - Lot 3604 (No. 80) Henley Street, Como
- 10.3.5 (b): Attachment B - Development Plans - Lot 3604 (No. 80) Henley Street, Como
- 10.3.5 (c): Attachment C - Landscaping Plans - Lot 3604 (No. 80) Henley Street, Como
- 10.3.5 (d): Attachment D - Waste Management Plan - Lot 3604 (No. 80) Henley Street, Como
- 10.3.5 (e): Attachment E - ESD Report- Lot 3604 (No. 80) Henley Street, Como
- 10.3.5 (f): Attachment F - Design Review Panel Report - Lot 3604 (No. 80) Henley Street, Como

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments August 2023

File Ref: D-23-44186
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 August 2023 to 31 August 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(446)	\$3,499,452.33
Cheque Payment to Creditors	(1)	\$427.60
Total Monthly Payments to Creditors	(447)	\$3,499,879.93
EFT Payments to Non-Creditors	(87)	\$137,923.27
Cheque Payments to Non-Creditors	(15)	\$17,107.57
Total EFT & Cheque Payments	(549)	\$3,654,910.77
Credit Card Payments	(18)	\$20,395.91
Total Payments	(567)	\$3,675,306.68

Officer Recommendation

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

Background

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

Comment

The payment listing for August 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.

10.4.1 Listing of Payments August 2023

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

Strategic Implications

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

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

Attachments

10.4.1 (a): Listing of Payments August 2023

10.4.2 Monthly Financial Statements August 2023 and Carry Forward Budget Adjustments

File Ref: D-23-44187
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. The detail of the carry forward budget adjustments are provided within **Attachments (j)–(k)**, commentary and a high level analysis are contained in this report.

Officer Recommendation

That Council:

1. Notes the Financial Statements and report for the month ended 31 August 2023.

Simple Majority

2. Adopts the carry forward budget adjustments and changes contained in the Statement of Financial Activity at **Attachment (j)**, as well as the detailed adjustments contained in the Carry Forward Budget Adjustments 31 August 2023 at **Attachment (k)**.

Absolute Majority

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. Each Financial Management Report contains only the Original Budget. A Revised (adjusted) Budget has not been presented as no budget adjustments have been approved by Council.

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 reports national CPI on a monthly basis as well, the July CPI of 4.9% (measured July 22 to July 23), still regarded as too high.

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 three meetings the RBA decided to leave the cash rate target unchanged. The RBA made the following statement at its Board meeting of 5 September 2023: "Inflation in Australia has passed its peak and the monthly CPI indicator for July showed a further decline. But inflation is still too high and will remain so for some time yet." Signalling concern over continued inflationary pressures.

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 August year-to-date (YTD) is \$54.82m in comparison to budget of \$54.38m, favourable to budget by \$0.44m or 0.80%. Actual expenditure from operating activities for August is \$9.89m in comparison to the budget of \$10.48m, favourable to budget by \$0.58m or 5.57%. The August Net Operating Position of \$44.92m is \$1.02m favourable in comparison to budget.

No Capital Revenue have been budgeted for or recognised for the month of August. Actual Capital Expenditure YTD is \$0.35m in line with budget. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted \$90.95m, \$21.94m more than the prior year comparative, mainly the result of rates falling due before the end of August. 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 4.76% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of August 2023, the City held 36.92% 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.

Carry forward budget adjustments

As described during the Budget deliberations, the estimation of Capital projects that may carry forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there were several Capital projects that require Budget adjustments to recognise carry forward projects.

Traditionally the City made estimates of carry forwards and included those estimates in budget for a new financial year. To allow the required carry forward capital budget items to be more clearly identified, the budget for 2023/24 financial year purposefully excluded the carry forward estimates. Two months have passed since budget adoption and there is significantly more clarity regarding carry forward requirements.

Attachment (j) the Statement of Financial Activity Revised Budget in the Revised Budget column illustrates the impact of the carry forward adjustments. Detailed adjustments are contained in **Attachment (k)** Carry Forward Budget Adjustments 31 August 2023. It details the required funding source and capital adjustments to affect the carry forward adjustments to the adopted 2023/24 budget.

In summary Capital Grant income recognition increase by \$0.12m off set by capital expenditure of \$0.80m with an additional \$0.08m to be transferred from the Waste Management Reserve. The nett impact of the carry forward adjustments is that the deficit position increases from the budgeted -\$0.05m by -\$0.59m to -\$0.64m. It is anticipated that once the financial year end is finalised and the midyear budget review completed that the nett result will be a budget surplus.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.4.2 (a):	Statement of Financial Position
10.4.2 (b):	Statement of Change in Equity
10.4.2 (c):	Statement of Financial Activity
10.4.2 (d):	Operating Revenue and Expenditure
10.4.2 (e):	Significant Variance Analysis
10.4.2 (f):	Capital Revenue and Expenditure
10.4.2 (g):	Statement of Council Funds
10.4.2 (h):	Summary of Cash Investments
10.4.2 (i):	Statement of Major Debtor Categories
10.4.2 (j):	Statement of Financial Activity Revised Budget
10.4.2 (k):	Carry Forward Budget Adjustments 31 August 2023

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Audit Register Progress Report Q4

File Ref: D-23-44188
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

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

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

CARRIED (8/0).

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Ms Shona Zulsdorf.

Against: Nil.

Background

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

Comment

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

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

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

1. Each Finding which has more than one Agreed Management Action is represented with double lines around that entire Finding.

Example:

Finding number IT005 has three Agreed Management Actions.

10.5.1 Audit Register Progress Report Q4

2. Updates in relation to each Finding are displayed in chronological order i.e. latest update appears at the bottom of each Finding.
3. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered; and
4. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

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

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

Strategic Internal Audit Plan

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

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

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

Consultation

Relevant City officers have been consulted.

Policy and Legislative Implications

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

Financial Implications

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

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

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.5.2 2022/23 Annual Financial Statements (External) Audit Interim Report

File Ref: D-23-44190
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Interim Audit report, referred to as a Management Letter from the Office of the Auditor General relating to the 2022/23 Annual Financial Statements. The Management letter include a single finding, risk rating, recommendation and management comment. It is recommended the finding be accepted, added to the City's Audit Register, with commentary on progress of resolution to be reported at each Committee Meeting. Mr Steven Hoar Director, Office of the Auditor General will be in attendance to discuss the content of the Management Letter.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

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

1. Notes and accepts the Interim Management Letter **Confidential Attachment (a)**;
2. Includes the finding in the Audit Register.

CARRIED (8/0).

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Ms Shona Zulsdorf.

Against: Nil.

Background

The External Audit, also known as Financial Audits or Audit of the Annual Financial Statements are conducted separately from Internal Audit. Internal Audit focuses on improving systems and processes, from a risk based approach. External Audit focuses on providing an objective independent examination of the financial statements prepared by the City, increasing the value and user confidence in the financial statements.

The *Local Government Amendment (Auditing) Act 2017* made legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General. The Act allows the Auditor General to contract out some or all of the financial audits, but all audits will be the responsibility of the Auditor General.

The changes also allow for the Auditor General to undertake performance audits that focus on the economy, efficiency and effectiveness of any aspect of local government operations. These performance audits are akin to the Internal Audit function undertaken by the City's Internal Auditor (Paxon). Therefore the WA Auditor General may undertake both External and Internal Audits.

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

All Audit recommendations, as well as the progress relating to the implementation of the opportunities for improvement will be incorporated within the City's Business Planning Process, to ensure continuous improvement. Progress will be monitored by management, this Committee and Council.

Comment

In June and July 2023, the Interim Audit was conducted, with the Interim Audit Management Letter **Confidential Attachment (a)** being produced. It includes a single finding, risk rating, recommendation and management comment.

The detail is included in the confidential attachment. This report is presented for the Committee's consideration.

This finding was also reported on last year, significant improvement has been noted and officers recommend the finding be included in the Audit Register.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995 and Regulations.

Financial Implications

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

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

Key Risks and Considerations

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

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.4 Maintain a culture of continuous improvement

Attachments

10.5.2 (a):	Interim Management Letter City of South Perth 30 June 2023 <i>(Confidential)</i>
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11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS: 26 SEPTEMBER 2023

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

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE