

NOTES

City of
South Perth

Council Agenda Briefing

Meeting Date & Time: 6.00pm, Tuesday 21 April 2026

Meeting Location: Council Chamber

1. DECLARATION OF OPENING

The Presiding Member opened the Briefing at 6.01pm and welcomed everyone in attendance.

ITEMS FOR COUNCIL

The Presiding Member informed the meeting that Agenda Items 2, 3, 6, 7, 8.1, 8.2, 9, 11, 13 and 14 will be dealt with at the Ordinary Council Meeting to be held 28 April 2026.

4. ATTENDANCE

Presiding Member

Mayor Greg Milner

Councillors

Como Ward

Councillor Bronwyn Waugh

Como Ward

Councillor Kathy Lees

Manning Ward

Councillor André Brender-A-Brandis

Manning Ward

Councillor Blake D'Souza

Mill Point Ward

Councillor Jacqueline Raison

Mill Point Ward

Councillor Tim Houweling

Moresby Ward

Councillor Stephen Russell

Officers

Acting Chief Executive Officer

Ms Anita Amprimo

Acting Director Corporate Services

Ms Danielle Cattalini

Director Development and Community Services

Ms Donna Shaw

Acting Director Infrastructure Services

Ms Olaya Lope

Manager Finance

Mr Abrie Lacock

Acting Manager Governance

Mr Morgan Hindle

Legal and Governance Coordinator

Ms Jessica Guy

Governance Officer

Ms Jane Robinson

Guests

Local Government Monitor

Ms Gail McGowan PSM

Gallery

There were approximately five members of the public present.

4.1 Apologies

- Councillor Hayley Prendiville

4.2 Approved Leave of Absence

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.3.1 as ‘I know a number of the members of the Royal Perth Golf Club.’
- Councillor Stephen Russell – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘my property is on the heritage survey. Adjacent properties to my property are on the heritage survey. I know of persons whose properties are on the heritage survey.’
- Councillor Kathy Lees – Impartiality Interest in Item 10.3.1 as ‘prior to my election, as a ratepayer I made a request to the City that 49 Forrest St South Perth which is proposed to be included on the draft Amended Local Heritage Survey for advertising. I also have friends who are members of the Royal Perth Golf Club which is also proposed to be included. As a consequence, there may be a perception that my impartiality on the matter may be affected. However, I declare that I will consider the matter on its merits and vote accordingly.’
- Councillor Kathy Lees – Impartiality Interest in Item 10.3.6 as ‘I am a co-founder of the South Perth Tree Canopy Advocates and a co-founder and committee member of the WA Tree Canopy Advocates and I note the application involves removal of regulated trees. While there may be a perception that my impartiality on the matter may be affected, I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor Bronwyn Waugh – Impartiality Interest in Item 10.3.1 as ‘my son attends Wesley College. I am also involved in a volunteer capacity with Raise Me Up Incorporated, which took over from the HOME Karawara Food Relief Program, a program previously supported by the City of South Perth. Raise Me Up Incorporated received a donation on 13 March 2026 from a Charity Golf Day associated with the Royal Perth Golf Club. These associations may give rise to a perceived impact on my impartiality.’
- Councillor Tim Houweling – Impartiality Interest in Item 10.3.1 as ‘I know some people whose names are included within the heritage list. Secondly, in respect of the Royal Perth Golf Club, some friends of mine play golf. Thirdly, in respect of the Royal Perth Golf Club, a separate arm, the charity golf day association or charity has funded the Raise Me Up Incorporated of which I was a member up until December and made a donation to it. The St Columba’s Church. I attended a baptism once there about two years ago. In respect of Wesley College, Ross Baron is a person I know and spoke to him about the inclusion of some of the buildings as I indicated previously that are to be included on the heritage list.’
- Councillor Jacqueline Raison – Impartiality Interest in Item 10.3.1 as ‘I’ll make the identical declaration that I made in respect of Wesley College the last time, which relates to the fact that I had a child at the school. I’ve also had people approach me from the school about the matter but I will consider the matter impartially.’

8. PRESENTATIONS

8.3 Deputations

1. Mr Scott Carmichael of South Perth who spoke **AGAINST** the Officer Recommendation at Item 10.3.1.
2. Ms Joanne Ord of Como who spoke on the Officer Recommendation at Items 10.5.1 and 10.5.2

10. DRAFT APRIL 2026 REPORTS

The Acting Chief Executive Officer, Ms Anita Amprimo gave a brief summary of the April 2026 Agenda Items to be considered by Council, as follows.

10.1.1 eQuote WLG000004 - Provision of Collier Park Golf Course Underground Services Upgrade

This report recommends Council to accept a proposal from Saltire Infrastructure Pty Ltd for the Provision of Collier Park Golf Course Underground Services Upgrade.

Councillor Stephen Russell declared a Financial, Proximity and Impartiality Interest in Item 10.3.1 and accordingly left the meeting at 6.35pm.

Mayor Greg Milner and Councillors Kathy Lees, Bronwyn Waugh, Tim Houweling and Jacqueline Raison declared an Impartiality Interest in Item 10.3.1.

10.3.1 Draft Amended Local Heritage Survey (Advertising)

This Item was the subject of one Deputation.

At its meeting held 24 March 2026, Council considered the outcome of a place specific review of five places in the Local Heritage Survey and requested the Chief Executive Officer prepare and present to Council an updated Local Heritage Survey to reflect the outcomes of the place specific reviews, including the creation of new and modified place records where required.

This report seeks approval to advertise the draft amended Local Heritage Survey.

Councillor Stephen Russell returned to the meeting at 6.40pm prior to consideration of Item 10.3.2.

10.3.2 Proposed Management Order for Bush Forever Site 333

This report recommends that Council consider a request to assume ongoing responsibility for the management of a portion of Lot 5000 on Deposited Plan 70746, Waterford.

10.3.3 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 27A Pether Road, Manning

The purpose of this report is to consider an application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, No. 27A Pether Road, Manning.

The item is referred to Council as the proposed land use falls outside the delegation to Officers. It proposes a non-residential 'A' uses within the Residential zone, and objections have been received during advertising.

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

10.3.4 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 5 (No.16) Saunders Street, Como

The purpose of this report is to consider an application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation at Lot 5 (No. 16) Saunders Street, Como.

The item is referred to Council as the proposed land use falls outside the delegation to Officers. It proposes a non-residential 'A' uses within the Residential zone, and objections have been received during advertising.

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

10.3.5 Proposed Change of Use - Multiple Dwelling to Unhosted Short -Term Rental Accommodation - Lot 22 (No. 22/181) Mill Point Road, South Perth

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 22 (No. 22/181) Mill Point Road, South Perth.

The item is referred to Council, as the proposed land use falls outside the delegation to Officers as it proposes a non-residential 'A' uses within the Residential zone, and an objection has been received during advertising.

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

Councillor Kathy Lees declared an Impartiality Interest in Item 10.3.6.

10.3.6 Proposed Two Grouped Dwellings - Lot 23 (No. 72) Comer Street, Como

The purpose of this report is to consider an application for development approval for two Grouped Dwellings on Lot 23 (No. 72) Comer Street, Como.

The item is referred to Council as the proposed development is an application which proposes tree damaging activity to a regulated tree in accordance with 7.2(c) of Local Planning Policy 3.2 – Tree Retention (i.e. where the redesign of the development to accommodate the regulated tree is unfeasible).

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

10.4.1 Listing of Payments - March 2026

This report presents to Council:

- the list of accounts paid under delegated authority between 1 March 2026 to 31 March 2026.
- purchase card transactions between 1 February 2026 to 28 February 2026.

10.4.2 Monthly Financial Statements - March 2026

To present to Council the Financial Statements for March 2026.

10.5.1 Minutes of the Audit, Risk and Improvement Committee Meeting held on 10 March 2026

This Item was the subject of one Deputation.

This report recommends Council receive the minutes of the Audit, Risk and Improvement Committee meeting held 10 March 2026.

10.5.2 Risk Management - Quarterly Report

This Item was the subject of one Deputation.

To present a recommendation of the Audit, Risk and Improvement Committee in relation to strategic risk to Council for consideration.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. MEETING CLOSED TO THE PUBLIC

15.1.1 Assignment of Sublease - Boatshed Restaurant/Cafe

16. CLOSURE

At 7.00pm the Presiding Member closed the Council Agenda Briefing and thanked everyone for their attendance.

COUNCIL AGENDA BRIEFING

Responses to questions taken on notice

Meeting Date & Time: 6.00pm, Tuesday 21 April 2026

Meeting Location Council Chamber

REPORTS:

ITEM 10.1.1 eQuote WLG000004 - Provision of Collier Park Golf Course Underground Services Upgrade

Councillor Tim Houweling had a question taken on notice at the Agenda Briefing as follows:

- 1. Considering that the use of funds is to be used for the purposes of a project which has not been the subject of analysis from an anti-competitive perspective. How is it that we should we now undertake such a process, considering we are in effect extending the \$19.8m by another \$132,000 because we have never undertaken what's required by the policy for the grant of the finance or the anti-competitive requirements of legislation which have been amended in the last two years?*

Response provided at the meeting:

I would need to take that question on notice because it doesn't actually relate to this item on the agenda. This is a separate project to the Development Services Agreement, which is what the \$19.8m loan is for.

Councillor Tim Houweling also had the following questions taken on notice at the Agenda Briefing as follows:

- 1. The August 2025 agenda included the following information:*

Summary Key Terms Development Services Agreement

- Clublinks is the developer.*
- Developer to pay all delivery costs.*
- Developer cannot make any changes to development approval, building permit or concept plans without written approval of the City.*
- Development costs are capped at \$19.8m.*
- Clublinks contribution is \$8.5m (deferred cost contribution).*
- City responsible for overruns attributed to latent conditions or caused by changes requested by the City.*
- Any other cost variations must be approved by the City (Council) at its sole discretion.*
- Governance framework includes Steering Committee and Project Control Group.*

Progress on the project since March 2025 is outlined below:

- *All the agreements (Development Services Agreement, Course Controller Agreement and Lease Agreement) have been finalised and executed.*
- *Development approval was granted by the WAPC on 9 July 2025.*
- *Appointment of a consultant for the design of sewer and fire connections are nearing finalisation.*
- *Tender documents based on well advanced design construction documentation were prepared for market release.*
- *An open Expressions of Interest (EOI) for a design and construct contract was advertised from 17 June 2025 to Friday 11 July 2025.*

In light of this:

- (a) *Did the tender include the cost for the construction of a private sewerage pump station, and reticulation and fire water main;*
- (b) *Was it expressly represented to Council in August 2025 that development costs are capped at \$19.8 million;*
- (c) *When was the request for Equote released;*
- (d) *What was the project expressly described as in the Request as referred to in the first line of the Background Report as included in the Agenda of 21 April 2026;*
- (e) *Why wasn't this part of the project included as part of the tender for the works;*
- (f) *Was it made clear in August 2025 that the development costs that were capped would not include the private sewer pumping station, reticulation and fire water main;*
- (g) *When was it first brought to the notice of the City that this aspect of the project had not been included in the tender.*
- (h) *Who brought this to the notice of the City and have discussions taken place between Clublinks and or its agents or contractors and City Officers about the responsibility for the payment of this cost or was it always to be part of the cost to the Ratepayers.*
- (i) *Which officers have undertaken discussions with Clublinks and or its agents or contractor;*
- (j) *How many meetings have taken place to discuss the Requested*
- (k) *If it was always to be the cost of the Ratepayers, why wasn't this expressly drawn to the Notice Council in August 2025;*
- (l) *Is an E-quote expressly in accordance with the procurement policy.*
- (m) *If this is a standalone project, why wasn't this part of separate tender in accordance with the Regulations.*
- (n) *When Council was informed that the Tender Documents based on well advance design construction documentation prepared for market release, is it accepted that the design of the sewer and fire connections were not part of this project?*
- (o) *How many meetings of the Steering Committee have happened. (see Agenda and Minutes August 2025);*
- (p) *Are these meetings minuted*

- (q) *Who has attended to these meetings.*
 - (r) *Were the issues associated with the Private sewer pump station, and reticulation and fire water main ever raised.*
 - (s) *When were they first raised.*
 - (t) *Who raised them.*
 - (u) *Was there any discussion about cost responsibility at the Steering Committee meetings.*
 - (v) *How many meetings of the Project Control Group have happened. . (see Agenda and Minutes August 2025);*
 - (w) *Are these meetings minuted.*
 - (x) *Who has attended to these meetings.*
 - (y) *Were the issues associated with the Private sewer pump station, and reticulation and fire water main ever raised.*
 - (z) *When were they first raised.*
 - (aa) *Who raised them.*
 - (bb) *Was there any discussion about cost responsibility at the Project Control Group.*
 - (a) *Can the minutes of these meetings being made available on the hub to enable these to be reviewed in light of what the Council is being requested to do.*
2. *Is accepted that this cost is part of the cost identified in the meetings of December 2024, and specifically the Agenda of December 2024 where it is stated:*
- “Discussions have taken place with Water Corporation regarding the impact of their easement on the proposed redevelopment of the driving range, with the outcome being that there are significant building restrictions around this easement. This has resulted in the entire development being shifted north.*
- As a result of shifting the building north, maintaining the layout as proposed in the initial submission has become unviable without the removal of two pine trees which the City considers to be important. To this extent, the City has stipulated that retaining all trees on site is a priority. This has resulted in several design iterations of the proposed concept. In addition, rather than including a designated space for Golf WA, the new designs provide for a hireable multi-use community space and a small business commercial space with co-working office spaces. These revised design concepts were presented to Council at a briefing held 18 November 2024 and received positive feedback.*
- The appointed cost consultant has now provided a revised cost estimate of \$19.8m. This amount is inclusive of escalation from October 2023 when the submission was received and projected escalation (which has slowed somewhat), until the proposed construction.”*
- (a) *This appears to make clear that the money to be loaned from Treasury was for the full costs of the project.*
 - (b) *Is the cost increase a result of the requirements of Council in respect to the use of the existing leach drains.*

3. *In answers to questions asked at the meeting of 21 April about the \$132,000 it was said: "The project isn't solely for the purpose of the upgrade, as it picks up public toilets on the facility that the city still has responsibility for, as well as the operations and maintenance area. While it is aligned to the development, it is a separate project from the work covered by the development services agreement." My first question is this, is it not the case that these toilets are within the Golf Course itself and available to players only, and therefore in so far as it is a public toilet, the public that will be utilising the toilet is the public as a result of being at the golf course to play golf?*
4. *Is it accepted that there will not be access from Jackson road to the public toilets as Jackson Road has a fence along the length of it, and for that reason the only persons able to use the toilets are persons accessing the golf course?*
5. *Where are the toilets proposed to be located that gives rise to the need for the Ratepayers funding.*
6. *Does the City have information about how many Ratepayers of the City of South Perth use the Collier Park Golf Course.*
7. *How many ratepayers are among the public that are likely to use the toilet.*
8. *Isn't the upgrade to the toilet really part of the overall upgrade works at the golf course and for that reason the Ratepayers are being requested to fund works that facilitate an upgrade to the toilet for Golf Players in true terms as it is not likely to be used by the public broadly but rather the golf playing members.*
9. *"Can the administration confirm whether the new private sewer pump station and fire water main are contractually considered part of the Collier Park Golf Course redevelopment project, given they provide the essential servicing required for the new commercial venues?"*
10. *What ratepayer benefit, or access to the public does this upgrade provide independent of the benefit to the Collier Park Golf Course.*
 - a. *It was said, in answer to a question "there is a line item in the budget for this project that was adopted in the 25/26 budget in the capital works program"*
 - b. *Is it accepted after reviewing the budget that based on the provided 2025/2026 budget documents, there are no specific line items or commentary that mention a "private sewer pumping station" or a "fire water main". However, the 2025/2026 budget does contain line items for related categories such as reticulation, general pumps, and fire asset upgrades under the Parks and Reserves capital works program, there is an allocation of \$300,000 for the replacement programme and \$100,000 for the Bore & Pump Replacement Program. And under the Buildings capital works program, there is a line item for a Fire Asset Upgrade - Design and Construct budgeted at \$163,690 but nothing that is specifically for the purpose of "private sewer pumping station, and reticulation and fire water main at Collier Park Golf Course.*
11. *"Under the executed Development Services Agreement, total development costs for the redevelopment are explicitly capped at \$19.8 million. Considering the toilets are part of the overall upgrade, why want the private sewer pumping station and reticulation and fire water main part of this.*

12. *Was it ever put to Clublinks, its contractors or agents that the \$132,000 shortfall for these foundational underground services fall within this \$19.8 million cap rather than simply being an additional cost to Ratepayers?*
13. *What was the reasoning and basis to the reasoning that it falls outside the cap?*
14. *What discussions were held about this?*
15. *Who came to the conclusion and on what basis was this conclusion arrived at?*
16. *In any event, if the administration considers this \$132,000 shortfall to be outside the \$19.8 million commercial cap, under what specific clause of the Development Services Agreement has the City assumed 100% of the liability for this cost?"*
17. *If there is any benefit to the Collier Park Golf Course what conversations have been had with the operator of the Collier Park Golf Course, Clublinks, its contractors or agents to fund that part that provides the commercial operator a benefit, and what correspondence has been had about this by email or letters, and can these be provided on the hub for the benefit of Council?*
18. *If this infrastructure in any way serves as any benefit to the new commercial driving range and hospitality venues, or provides a toilet for players of golf, why is the City absorbing the full amount of the commercial development cost via its operational budget rather than attributing it to the project's capital costs?"*
19. *Assuming the Collier Park Golf Course has some benefit as part of its redevelopment to the improvement of the operational capacity these new underground services provide, has any discussion been had with the operator to proportionately share with the operator the \$132,000 tender shortfall being, rather than being entirely absorbed by the City's ratepayers?"*
20. *Given the Development Services Agreement explicitly states that cost overruns, other than those caused by latent conditions or City-requested changes, are to be determined by mutual agreement. Did the City Administration at any stage actively attempt to negotiate a proportionate cost-sharing arrangement with Clublinks for this \$132,000 shortfall, or did the City immediately volunteer to absorb the full amount?*
21. *"Given that Clublinks is a commercial operator that will directly profit from the expanded capacity enabled by these new sewer and fire water mains, on what commercial basis how is it justified that they are not requested to make a contribution to this \$132,000 infrastructure shortfall?"*
22. *"If Clublinks simply refused to mutually agree to share this cost, if a mutual agreement on cost overruns cannot be reached, the City has the 'absolute discretion as to whether the works proceed or not'. Why did the City exercise its absolute discretion to proceed by raiding its own operational fleet budget, rather than holding firm and requiring a commercial contribution from the operator?"*
23. *Why is the City absorbing this commercial development cost via its operational fleet budget?"*
24. *Is a reserve fund for maintenance at Collier Park Golf Course still in existence, if so how much is in the fund.*
25. *Can those funds be applied to fund these works.*

26. *Can the administration confirm that the Collier Park Golf Course Reserve was explicitly established by Council to quarantine 50% of the course's annual net profits specifically to fund future capital expenditure at the Golf Course?*
27. *"Does the administration classify the \$132,000 tender shortfall for the new private sewer pump station and fire water main as a 'capital expenditure'? If so, why is a capital expense not being funded by the dedicated capital reserve?"*
28. *"Are there sufficient funds currently sitting in the Collier Park Golf Course Reserve to cover this \$132,000 shortfall? If so, what is the exact financial or policy justification for protecting this quarantined money rather than using it for its intended purpose?"*
29. *"Why is the administration proposing to manage a capital infrastructure shortfall by raiding the operational budget, specifically by deferring course maintenance fleet renewals?"*
30. *"Given that the golf course is to be maintained to a high standard to attract patrons and generate revenue, how can the administration justify that deferring maintenance fleet renewals is a lower commercial risk to the City than simply drawing from the existing capital reserve?"*
31. *"The administration has classified these deferred fleet renewals as 'non-urgent'. However, if these fleet renewals were already approved for capital expenditure in the 2025/26 program, weren't they previously assessed as necessary for the proper maintenance of the course? What specific equipment is being cut, and who made the operational decision that it is no longer required?"*
32. *"The City is committing up to \$19.8 million to upgrade the course's hospitality and driving range facilities to attract more patrons, what is the effect of cutting its maintenance budget just to fund a \$132,000 infrastructure shortfall?"*
33. *Council does not have as its core business the operation of a Golf Course. For that reason Clublinks is the appointed Course Controller responsible for the day-to-day management and standard of the golf course. Has Clublinks formally agreed in writing that deferring this maintenance fleet will not impact their ability to maintain the course to the required standard?*
34. *If the course condition drops and revenue falls as a result, will the City or Clublinks bear the financial liability?"*
35. *"The City has based its financial modeling for this redevelopment on projected revenue returns of \$116 million over 21 years, given this modelling I ask:*
 - a. *What was the basis to the modelling;*
 - b. *Who produced the modelling;*
 - c. *What actual funds have been paid to the City of South Perth over the last 5 years from Collier Park Golf Course.*
 - d. *The golf course recently returned a net profit of approximately \$800,000 in the 2022/23 financial year. However, the new financial model projects a net return to the City of \$116 million over 21 years. This equates to an average net return of over \$5.5 million per year. What specific, guaranteed revenue streams justify a nearly 600% projected increase in average annual profit, and what is the contingency plan if these highly ambitious targets fall short?*

- e. *The administration is relying on this projected \$116 million return to justify a \$19.8 million capital outlay. If achieving this massive return relies entirely on attracting unprecedented numbers of patrons and providing a premium experience, how can the administration commercially justify risking the quality of the playing surface by cutting the maintenance fleet renewals simply to cover a \$132,000 underground services shortfall?*
 - f. *The financial model calculates total projected gross revenue at \$392 million, resulting in the City's \$116 million net share. If actual revenues fall short of these projections, who takes the financial hit? Does the operator, Clublinks, receive a guaranteed base management fee regardless of performance, leaving the City's ratepayers to absorb the entirety of the revenue shortfall, or are their fees strictly tied to actually achieving these projected targets?"*
 - g. *The administration has stated that the \$116 million net return is based on 'conservative revenue estimates' and therefore has 'significant potential upside'. Will the administration publicly release the baseline data used in this model, specifically the projected annual round numbers, average green fee prices, and hospitality spend per head, so that Council and ratepayers can independently verify just how 'conservative' these assumptions actually are?*
 - h. *The Net Present Value (NPV) of all cash flows over the 21 years is \$25.7 million, based on 'current cost forecasts'. Given that we are already seeing capital costs push beyond the original scope, such as the \$132,000 shortfall for sewer and fire mains, at what specific dollar amount of capital cost blowouts does this \$25.7 million NPV buffer drop to zero, rendering the entire 21-year commercial redevelopment a net financial loss for the City?"*
36. *What is the consequence of not approving the works to the capital loan from the WA Treasury Corporation.*
 37. *Has this been discussed with Clublinks as the operator?*
 38. *"Council approved a WA Treasury Corporation borrowing facility specifically to fund the capital requirements of the golf course redevelopment. Why isn't the WATC loan facility being utilised to cover the increased tendered prices for these essential headworks?"*
 39. *"Why were the sewer, pump station, and fire main works tendered separately from the main \$19.8 million Design and Construct contract awarded to Badge Constructions?"*
 40. *Did separating these foundational headworks from the primary contract expose the City to unmitigated price escalations?"*
 41. *Is accepted that but for the Collier Park Golf Course works that the connection upgrade at Jackson Road would not have been required at this time.*
 42. *Who was responsible for ensuring that this was costed at the time the project was put to tender.*
 43. *Why was this overlooked.*
 44. *Why should the Ratepayers effectively pay for something for the benefit of persons attending the Collier Park Golf Course at this particular point in time.*
 45. *Is this project at the cost to the Ratepayers largely, and mainly for the benefit of the Golf playing community at the Collier Park Golf Course.*

46. The July 2025 included the following:

10.1.1 RFT 1/2025 - Provision of Coode St New Public Toilets & Changing Places Building

22 July 2025 - Ordinary Council Meeting - Agenda

Consultation

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

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
- Policy P607 - Tenders and Expressions of Interest.

Financial Implications

Prior to issuing the request for tender the City obtained an estimate from a quantity surveyor. The lowest price offered by the market is 4.8% above the pre-tender estimate which is considered acceptable in the current market conditions.

The majority of budget to fund this contract is partially approved through the 2024/25 Annual Budget. An amendment to the 2025/26 Annual Budget to include the 2024/25 Annual Budget carry forward adjustment consisting of \$720,350 expenditure, \$126,800 grant funded capital revenue and \$593,550 reserve funding from the Community Facilities Reserve for the Coode Street Public Toilet project are subject to Council approval as per the officer recommendation in this report.

The project also requires an additional \$430,000 budget allocation to meet the full cost associated with this proposed contract and the remaining project costs which includes professional fees, landscaping and contingencies.

Project cost increases are related to changes in design and the construction costs to address site conditions, additional conditions on the project through the approvals process and the resulting delays in the project. Included in these costs are also approximately \$70,000 associated with managing groundwater conditions.

The additional budget requirement is offset by a contribution from Wesley and Penrhos Colleges for the sewer pump station that will be utilised by their new rowing facility. The balance is funded from the Community Facilities Reserve Fund.

Question:

Apart from the Agreement with Clublinks, did the Development Approval impose a condition similar to that imposed on Wesley and Penrhos College, if not why not.

- 47. In July 2025, the Council approved Tender 1/2025 for the Coode Street Public Toilets. The officer's report explicitly stated that an additional \$430,000 budget requirement was 'offset by a contribution from Wesley and Penrhos Colleges for the sewer pump station that will be utilised by their new rowing facility'. Given the City successfully negotiated a Shared Sewer Infrastructure Agreement to force private entities to co-fund a sewer pump station they benefit from, why was this exact same cost-recovery model abandoned for the Collier Park Golf Course sewer pump station just weeks later?*
- 48. Wesley and Penrhos Colleges are educational institutions, yet the City required them to make a direct financial contribution (totaling \$135,800) toward the Coode Street sewer infrastructure. Clublinks is a commercial, for-profit operator driving a \$19.8 million commercial entertainment venue. Why is the administration demanding foundational infrastructure contributions from schools, but giving a commercial developer a free pass on a \$132,000 sewer shortfall?*
- 49. The Development Services Agreement for the golf course states that cost variations outside the \$19.8 million cap must be resolved by mutual agreement. The Coode Street example proves the City can successfully negotiate mutual funding agreements for shared or beneficial infrastructure. Was the Coode Street precedent in the forefront of mind as a basis to compel Clublinks to contribute to the \$132,000 shortfall, or did the City concede and have ratepayers absorb the cost?*
- 50. For the Coode Street project, the unexpected project cost increases, including \$70,000 for managing groundwater conditions, were partially offset by a direct cash contribution from the third parties utilising the asset. For the Collier Park Golf Course, the \$132,000 tender shortfall is being entirely offset by slashing the City's own operational budget, specifically by deferring golf course maintenance fleet renewals. Was there any view taken to protect the operator's bottom line at the direct expense of the City's operational assets, when the Coode Street model proves external financial contributions are entirely feasible?*
- 51. If the requirement for Wesley and Penrhos Colleges to contribute to the Coode Street sewer pump station was tied to their development approval conditions or lease negotiations for their new rowing shed, why weren't similar binding conditions applied to Clublinks regarding the sewer and fire water mains required for their commercial driving range?*
- 52. Did the City fail to properly condition the commercial developer during the approval process?"*

COMPETITION QUESTIONS: CLUBLINKS

1. Failure to Apply the WA Government's Competitive Neutrality Policy

"The Western Australian Government has a formal Policy Statement on Competitive Neutrality administered through WA Treasury, which mandates that government decisions must not confer an unfair competitive advantage on a business merely because the State controls funding, approvals, or assets. Given that providing WA Treasury funds to a private operator (Clublinks) inherently facilitates commercial activity in competition with private

operators, on what basis did the administration determine it was exempt from conducting a formal competitive neutrality test prior to approving this loan?"

2. *Breach of Debt Neutrality and Subsidised Cost of Capital*

"The WA Treasury Competitive Neutrality Policy explicitly identifies that a 'lower cost of capital' and 'implicit government guarantees on debts' constitute artificial competitive advantages that distort resource allocation. The policy requires the imposition of 'debt guarantee fees' to offset the competitive advantage provided by government-backed financing. Can the administration confirm whether a debt neutrality fee or equivalent commercial interest rate adjustment was applied to the loan provided for the benefit of Clublinks? If not, how does the administration justify subsidising a private operator with public borrowing capacity?"

3. *Administrative Law and Jurisdictional Error (Failure to Consider Relevant Considerations)*

"As a decision-maker exercising discretionary powers, this Council is legally required to take into account all relevant considerations, which plainly includes the State's competitive neutrality policy and the impact of our financial decisions on existing businesses in the same market. Failure to interrogate these competition impacts or neutralise artificial cost advantages constitutes an error of law and a 'failure to consider relevant considerations'. Has the administration sought independent legal advice on whether the approval of this WA Treasury loan, absent a competitive neutrality test, exposes the Council to judicial review for jurisdictional error?"

4. *Distortion of the Local Market under the Competition and Consumer Act 2010 (Cth)*

"The Australian Competition and Consumer Commission (ACCC) and the Competition and Consumer Act 2010 (Cth) establish that discretionary administrative decisions made by local governments are not immune from competition law where they shield a business from normal commercial costs. By loaning funds obtained through WA Treasury for the benefit of Clublinks, we are shielding them from the commercial financing costs that their private competitors must bear. Has the administration assessed whether this arrangement substantially lessens competition or breaches the competition principles underpinning the Commonwealth legislative regime?"

5. *Compliance with the National Competition Principles (Intergovernmental Agreement)*

"Under Principle 4 of the Intergovernmental Agreement on National Competition Policy, governments must ensure that business activities competing with private providers apply measures to 'remove any net competitive advantages arising from their public sector ownership'. The agreement explicitly states that this applies to local governments. How does the administration reconcile the failure to test this project against these principles with our obligations to ensure government and private businesses compete on a level playing field?"

6. *Lack of Transparency and Full Cost Attribution*

"Where a government entity undertakes a significant business activity, state policy requires that prices and arrangements reflect 'full cost attribution', which must include adjustments for regulatory advantages and the cost of capital. Can the administration provide the full cost-benefit analysis that was required to be undertaken prior to this arrangement being finalized, and if this analysis was not completed, why was the Council asked to approve the loan?"

Response provided:

In response to all the above questions, the following is provided.

The questions asked cannot all be answered at this time, however, it is important to award the tender at the April OCM as the consequence of not awarding the contract, to have the works for the private sewer pumping station, and reticulation and fire water main installed, may expose the City to damages if it causes delay or interruption to the building construction works under the Development Services Agreement with Clublinks.

The City will review whether there is any opportunity to recoup the costs of the works, that are the subject of the report, from Clublinks.

The City has not obtained legal advice and cannot at this stage comment on the impact if any, that the State Governments Statement on Competitive Neutrality or The WA Treasury Competitive Neutrality Policy and neither The Australian Competition and Consumer Commission may or may not have on the Agreement relating to the building works.

ITEM 10.3.6 Proposed Two Grouped Dwellings - Lot 23 (No. 72) Comer Street, Como

Councillor Stephen Russell had a question taken on notice at the Agenda Briefing as follows:

1. *Do they share a common driveway, and a common crossover?*

Response provided:

The proposed development is for grouped dwellings, despite not sharing a common driveway or crossover. A grouped dwelling is a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling in a strata titles scheme with common property.

The proposal involves two separate dwellings on the same parent freehold lot. One dwelling has access via Hazel Street, and one dwelling has access via Comer Street. The parent lot (Lot 72 (No.23) Comer Street, Como), has not been subdivided.