



City of **Perth**

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# Agenda

Agenda Briefing Session

22 March 2022

Notice of Meeting

To the Lord Mayor and Councillors

The next Agenda Briefing Session will be held on Tuesday, 22 March 2022 in the Council Chamber, Level 9, 27 St Georges Terrace, Perth commencing at 5.00pm.

**Michelle Reynolds**

Chief Executive Officer

18 March 2022

## Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact a member of the City's Governance team via [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au).

## Disclaimer

Members of the public should note that in any discussion during a meeting regarding any item, a statement or indication of approval by any council member, committee member or officer of the City is not intended to be, and should not be taken as, notice of approval from the City. No action should be taken on any item discussed at a meeting of a Committee prior to written advice on the Committee or Council's resolution being received.

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**1. Declaration of Opening**

**2. Acknowledgement of Country/Prayer**

**3. Attendance**

3.1 Apologies

3.2 Leave of Absence

3.3 Applications for Leave of Absence

This item will be dealt with at the Ordinary Council Meeting.

**4. Announcements by the Lord Mayor**

**5. Public Participation**

5.1 Public Questions

This item will be dealt with at the Ordinary Council Meeting.

5.2 Deputations

**6. Disclosures of Interests**

**7. Confirmation of Minutes**

This item will be dealt with at the Ordinary Council Meeting.

**8. Questions by Members which due Notice has been Given**

This item will be dealt with at the Ordinary Council Meeting.

**9. Correspondence**






This item will be dealt with at the Ordinary Council Meeting.

**10. Petitions**

This item will be dealt with at the Ordinary Council Meeting.

## 11. Planning and Economic Development Alliance Reports

### 11.1 20 (Lot 3) Mounts Bay Road, Crawley - Proposed amendments to an approved nine-level residential development

<b>Responsible Officer</b>	Dale Page – General Manager Planning and Economic Development
<b>Voting Requirements</b>	Absolute Majority
<b>Attachments</b>	<p>Attachment 11.1A – Location Plan <a href="#">↓</a> </p> <p>Attachment 11.1B – Approved Development Plans <a href="#">↓</a> </p> <p>Attachment 11.1C – Amended Development Plans <a href="#">↓</a> </p> <p>Attachment 11.1D – Landscape Plans <a href="#">↓</a> </p> <p>Attachment 11.1E – Public Submissions <a href="#">↓</a> </p>

### Purpose

For Council to determine an application for proposed amendments to an approved nine-level residential development at 20 Mounts Bay Road, Crawley, in accordance with clause 77 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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### Recommendation

That Council, in accordance with the provisions of City Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES amendments to an approved nine-level residential development as indicated in the application dated 20 October 2021 and revised plans received on 22 February 2022 subject to:

#### Conditions

1. Condition 16 of the Form 4 approval letter dated 25 May 2021 being amended as follows:
 

“the existing on-site lemon gum tree being replaced with a mature 2000 litre tree (minimum) to the satisfaction of the City. A Tree Management Plan, confirming the size and species of the replacement tree and details of how the tree will be planted and maintained is to be submitted and approved, with the approved tree being planted prior to occupation of the development and thereafter maintained to the City’s satisfaction or replaced if deemed necessary by the City”
  2. All other conditions and requirements detailed on the Form 4 approval letter dated 25 May 2021 shall remain.
-

## Background

1. At its meeting held 25 May 2021 Council approved the demolition of an existing multiple dwelling (apartment) building and the construction of a new nine-level residential development comprising eight multiple dwellings and 24 car parking bays at 20 (Lot 3) Mounts Bay Road, Crawley.
2. The applicant has now submitted a request, in accordance with clause 77 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for amendments to the approved design and amendment to an earlier condition of approval.
3. The proposed amendments require variation to certain provisions of City Planning Scheme No. 2 (CPS2). This requires approval by an absolute majority Council, in accordance with clauses 36 and 38 of CPS2.

## Details

<b>Landowner</b>	Nitchingham Investment Pty Ltd; Grahame Duff; Paul John Rodoreda; Andrew Ian Gardner; Tee Tong Chiam and Teng Chay Gan
<b>Applicant</b>	Element Advisory Pty Ltd
<b>Zoning</b>	(MRS Zone) Urban (City Planning Scheme Precinct) Precinct 9 - Matilda Bay (City Planning Scheme Use Area) Residential - R60
<b>Approximate Cost</b>	\$12 million

4. The applicant has advised that following Council's approval of the initial development application, the project progressed to design development and the amendments proposed are in response to feedback from prospective purchasers, consultation with relevant service authorities, and to address issues in relation to the health and viability of the existing gum tree on site.
5. The proposed amendments to the approved residential development are summarised below:
  - Installation of a chair lift at the Mounts Bay Road frontage, in lieu of the approved pedestrian ramp to provide universal access into the main building entry
  - Relocation and reorientation of the fire booster service cabinets next to the delivery and turning bay
  - Modifications to the layout of the undercroft car park to the rear of the property, with no change to the number of car or bicycle bays
  - The addition of fire tanks along the rear boundary and a fire pump room on the south-western boundary
  - Minor changes to the extent of the boundary wall on the eastern property boundary
  - Removal of the approved communal pool on Level 1 and replacement with a communal lounge, terraced area, and additional storage facilities for residents
  - Switched location of the approved Level 1 communal gym with the approved rear apartment on Level 2 to capitalise on views to the river
  - Minor amendments to the internal apartment layouts at all levels, and a slight modification of the rear apartment terraces, and associated minor modifications to the external facade

- Minor modifications to the approved landscaping plans to accommodate the above changes, and to increase the provision of trees and soft landscaping areas in accordance with Condition 17 of the original approval
- A request to amend Condition 16 of the original approval to allow for replacement of the existing lemon scented gum tree on the site with a new, mature 2000 litre tree.

### Development Requirements

6. The proposal's compliance with the requirements of CPS2 and the State Government's Residential Design Codes Volume 2 - Apartments (R-Codes) is summarised below:

Development Standard	Permitted/Required	Approved	Proposed
<b>Maximum Plot Ratio:</b>	Base Plot Ratio 1:1 (1,539m <sup>2</sup> ) Maximum transfer of plot ratio of 20%	1.2:1 (1,846.8m <sup>2</sup> ) Inclusive of a 20% (307.8m <sup>2</sup> ) transfer of plot ratio from 360 Murray Street, Perth	No change
<b>Maximum Building Height:</b>	39 metres (maximum)	35.5 metres	No change
<b>Setbacks:</b>			
Front	4 metres (minimum)	4 metres	No change
Rear	3 metres (minimum)	16.5 metres	<b>Nil</b> (proposed fire tank) – 16.5 metres (approved building)
Side – North-East	3 metres (minimum)	3 metres – 9.5 metres	<b>Nil</b> (proposed fire tank) – 9.5m (approved building)
Side – South-West	3 metres (minimum)	<b>Nil</b> -13 metres	<b>Nil</b> (proposed fire tank) – 13 metres (approved building)
<b>Visual Privacy Setbacks:</b>			
Main Building	6 metres (minimum)	24 metres	No change
Rear – North-West	unenclosed private outdoor spaces	3 metres – 9.5 metres	
Side – North-East		7 metres – 13 metres	
Side – South-West			
<b>Car Parking:</b>			
<b>Residential</b>	16 bays (minimum)	16 bays	No Change

<b>Visitor</b>	8 bays (minimum)	8 bays	
<b>Bicycle Parking:</b>	4 bays (minimum)	8 bays	No change

7. As outlined in the above table, no changes are proposed to the total number of car parking bays or bicycle parking bays, the total plot ratio, or the height and setbacks of the main building.
8. The addition of the fire pump structures to the northern and western boundaries, results in a minor increase to the building footprint – extending the building to the western boundary for a portion of the Ground Level; to the northern, eastern and western boundaries on Level 1; and resulting in a nil setback from the boundary where generally a 3 metre building setback would be required.

### Consultation

9. Given the proposed fire tanks are proposed to be situated on the lot boundaries of the property to the rear (4 Crawley Avenue) and the properties to the sides (22 Mounts Bay Road and 1 and 3 Wingfield Avenue), and given there were previous concerns regarding the viability and retention of the existing lemon scented gum tree, the proposed amendments were publicly advertised for a period of 21 days, in accordance with clause 36(3)(a) of CPS2 and clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2.
10. Six submissions were received during the advertising period - one letter of support and five submissions raising concerns (refer to Attachment 11.1E – Public Submissions). A summary of the main issues raised during the advertising period include:
  - a. Concerns regarding the loss of the existing on-site mature lemon scented gum tree
  - b. Concerns relating to the potential for damage to existing structures on adjoining properties from the installation of the fire tanks and the retaining wall to the rear of the site
  - c. Noise concerns associated with the relocation of the communal gymnasium to the rear the building
  - d. The proposed amendments resulting in an increase in the approved height and plot ratio of the development
  - e. Concerns that the amendments substantially change the development that was approved, and therefore should require a new development application to be lodged.
11. The concerns raised during public advertising are addressed under the Discussion section of this report.
12. There was no requirement to refer the amendments back to the City’s Design Advisory Committee and have been reviewed and determined as being acceptable by the City Architect.
13. Main Roads WA was not required to be consulted given there were no changes to the total number of car parking bays or the vehicle access into the development from Mounts Bay Road.

## Discussion

### Nature of Proposed Amendments

14. In accordance with clause 77 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) an owner may make an application to the local government requesting to amend or delete any condition(s) of approval and/or to amend an aspect of the approved development which, if amended, would not substantially change the development that

was approved. This proposal involves amending the design of the approved development and amending Condition 16 of the previous approval, which refers to the protection and retention of the existing on-site lemon scented gum tree.

15. Whilst some concern has been raised regarding the extent of changes and the perceived need for the entire proposal to be re-assessed, it is considered that the proposed modifications do not substantially change the nine-level residential development that was approved by Council at its meeting held on 25 May 2021. Therefore, the application can be determined in accordance with clause 77 of the Regulations and this report therefore only deals with the proposed amendments - not a re-assessment of the entire development.

### **Tree Retention and Landscaping**

16. The applicant is seeking to amend Condition 16 of the original approval to allow for replacement of the existing lemon scented gum tree on the site, with a new, mature 2000 litre tree. The original application proposed to retain the tree, with its retention driving the design of the building. During assessment of the original proposal, in response to concerns over the structural integrity of several of the large branches by the adjoining neighbouring property to the south-west at 22 Mounts Bay Road, the tree was pruned by a tree pruning consultant.
17. Following pruning of the tree, in response to concerns about the quality of the work carried out, the owner then engaged an arborist consultant to review the extent of the work and the resulting viability of the tree. The arborist has confirmed that although the tree is still alive, its integrity has been impacted by the extensive pruning. The arborist's recommendation is that the tree be removed and replaced. As such, the applicant has requested that Condition 16 of the approval, which requires retention of the tree, be modified to allow for the tree to be removed and replaced with a mature sized tree, noting the importance of the tree as part of the building's design and contribution to the amenity of the locality and the streetscape.
18. The proposal to remove and replace the tree due to the impact of the pruning works and a supporting arborist statement, has been considered and is supported by the City's own technical experts who have confirmed that:
  - a. The lopping has compromised all subsequent regrowth and retention of the tree would require extensive, on-going monitoring and regular aerial inspections to determine an acceptable risk.
  - b. Current regrowth appears healthy and shows the tree has good vitality; however, as soon as this regrowth reaches a certain length and weight it is likely to fail under high wind or storm conditions.
  - c. Given the amount of effort to maintain acceptable risk, and the limited shade potential expected from such a deformed tree structure, the recommendation to remove and replace the tree should be supported.
  - d. The proposed replacement tree, at 2000L size, is an appropriate species and the proposed deep soil area to support its growth is acceptable.
19. It is considered that the proposal to provide a large mature tree in place of the existing tree addresses the issues raised in the submissions by providing a suitably sized replacement that will not compromise the safety of users of the locality. As such, it is recommended that Condition 16 be modified to permit the replacement of the tree.
20. In addition to the above, the applicant has increased the area for on-site landscaping, in accordance with the required 10% deep soil area specified in the R-Codes. This enables the provision of seven large trees, three medium trees and nine small trees, which exceeds the minimum landscaping requirements and meets the objectives specified under the R-Codes. It is considered that the revised landscape details

provided as part of the minor amendments satisfies Condition 17 of the original approval to increase the number of on-site trees and soft landscaping elements and is therefore supported.

### **Structural Concerns**

21. With respect to the provision of fire services and its impact on the structural integrity of the retaining and boundary wall of the adjoining property to the north, it should be noted that the proposed development is required to be contained wholly within the boundaries of the subject site. Any impacts on any adjoining property during the construction of the development cannot be dealt with under CPS2 or this application and is a civil matter between the parties. Notwithstanding the above, the concerns raised regarding the structural integrity of the rear wall have been passed onto the applicant, as well as the City's building team. In response to this concern, the applicant has confirmed that the new fire tanks will be situated above the existing natural ground level and will not require additional excavation works to be undertaken. It is therefore unlikely there will be any structural threat to the existing retaining wall along the boundary.

### **Building Design, Setbacks, Height and Plot Ratio**

22. In relation to alterations to the main building, it is noted there are no changes to the total number of apartments or the mix of dwelling types. A slight reduction in the rear terrace areas are proposed, but these amendments are minor in nature and the terrace areas will still meet and exceed the minimum area and dimension requirements of the R-Codes. The internal layout provides natural light and ventilation to all habitable rooms, consistent with the R-Codes and relocation of the previously rear facing apartment on Level 1 to face Mounts Bay Road is also considered to result in a better outcome in terms of residential amenity. Whilst the development will no longer provide a pool, the communal spaces provided still exceed what is required for a development containing less than 10 units under the R-Codes.
23. With respect to the nil setbacks proposed for the fire tanks at the rear of the property, in lieu of the 3 metre setback required, the tanks will sit below the boundary fence height and next to the pool area at 4 Crawley Avenue, and to the rear garden area of 3 Wingfield Place. Therefore, there will be no undue adverse amenity impacts to these properties. In relation to the nil setbacks proposed to the fire tanks on the north-east and south-west boundaries (also in lieu of a 3 metre setback requirement), the fire tanks will be situated below the proposed modified boundary walls next to the rear garden area to the south-west at 22 Mounts Bay Road, and the carport to the north-east at 1 Winfield Avenue. Therefore, the proposed nil setbacks to the fire tanks are considered to have no undue adverse amenity impacts on these properties. In addition, the fire tanks will be screened with a pebbled roof to match the adjacent landscape design and will visually integrate with the landscaping on the site when viewed by the surrounding apartments from above. It is therefore considered that the setback variations proposed to the fire tanks can be supported in accordance with clause 36(c) of CPS2.
24. The addition of a fire tank along the south-west boundary, near the main entrance into the development, also proposes a nil side setback in lieu of a 3 metre setback at the ground floor level. This structure will be located next to the driveway of the neighbouring property to the south-west at 22 Mounts Bay Road and will be screened from view by the new boundary wall and with soft landscaping from above. The structure is also consistent with the approved nil setback of the adjacent residential store and bin room at the ground floor level. Therefore, it is considered the nil setback will have no undue adverse amenity impact to the neighbouring property to the south-west and the variation can be supported in accordance with clause 36(c) of CPS2.
25. The proposed minor modifications to the eastern boundary wall, which involves modifying the height of the wall to screen the adjacent fire services within the property boundary, are considered to be of an

appropriate design and scale, will have no adverse amenity impacts, and can therefore be supported in accordance with clause 36(c) of CPS2.

26. With respect to the comments in the submission that the proposed amendments result in an increase to the approved plot ratio and height of the building, it should be noted that this is not the case and the proposed amendments are consistent with the approved plot ratio and building height. It should also be noted that the floor space of the proposed storerooms, common amenity facilities and additional fire services are excluded from the definition of plot ratio under the R-Codes and do not contribute to any additional plot ratio floor space. In relation to the overall building height the comparison plans of the approved and proposed building demonstrate that there are no changes to the overall building height of the development, with the overall building height at 35.5 metres, well below the maximum permitted height limit of 39 metres in this location.

### Noise

27. With respect to the noise concerns associated with the relocation of the communal gymnasium from the front of Level 1 to the rear, any potential noise is to be addressed by Condition 5 of the substantive approval. Although the proposed gymnasium is not considered to create an adverse noise impact that would affect the future occupants of the development and/or occupants of adjoining residential developments, Condition 5 requires the development to be constructed in such a manner that noise levels and noise intrusion can be appropriately ameliorated, with a final acoustic design report to be provided for approval prior to applying for a building permit. This will ensure the development meets the relevant noise requirements. It is also noted that the deletion of the outdoor communal pool area from the proposal in favour of an enclosed gymnasium will likely minimise any potential noise impact to the surrounding residents.

### Conclusion

28. The proposed amendments to the approved development are considered to be acceptable and will not result in any undue adverse amenity impacts to the surrounding properties. The proposed amendments are therefore recommended for approval by the Council.

## Stakeholder Engagement

29. Consultation on this matter is detailed in paragraphs 9 to 14 of this report.

## Decision Implications

30. If Council does not support the recommendation, the applicant has the right to apply to the State Administrative Tribunal for a review of the decision or the conditions of any approval in accordance with Section 252 – ‘Decision made in exercise of discretionary power under planning scheme’ of the *Planning and Development Act 2005*.

## Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan

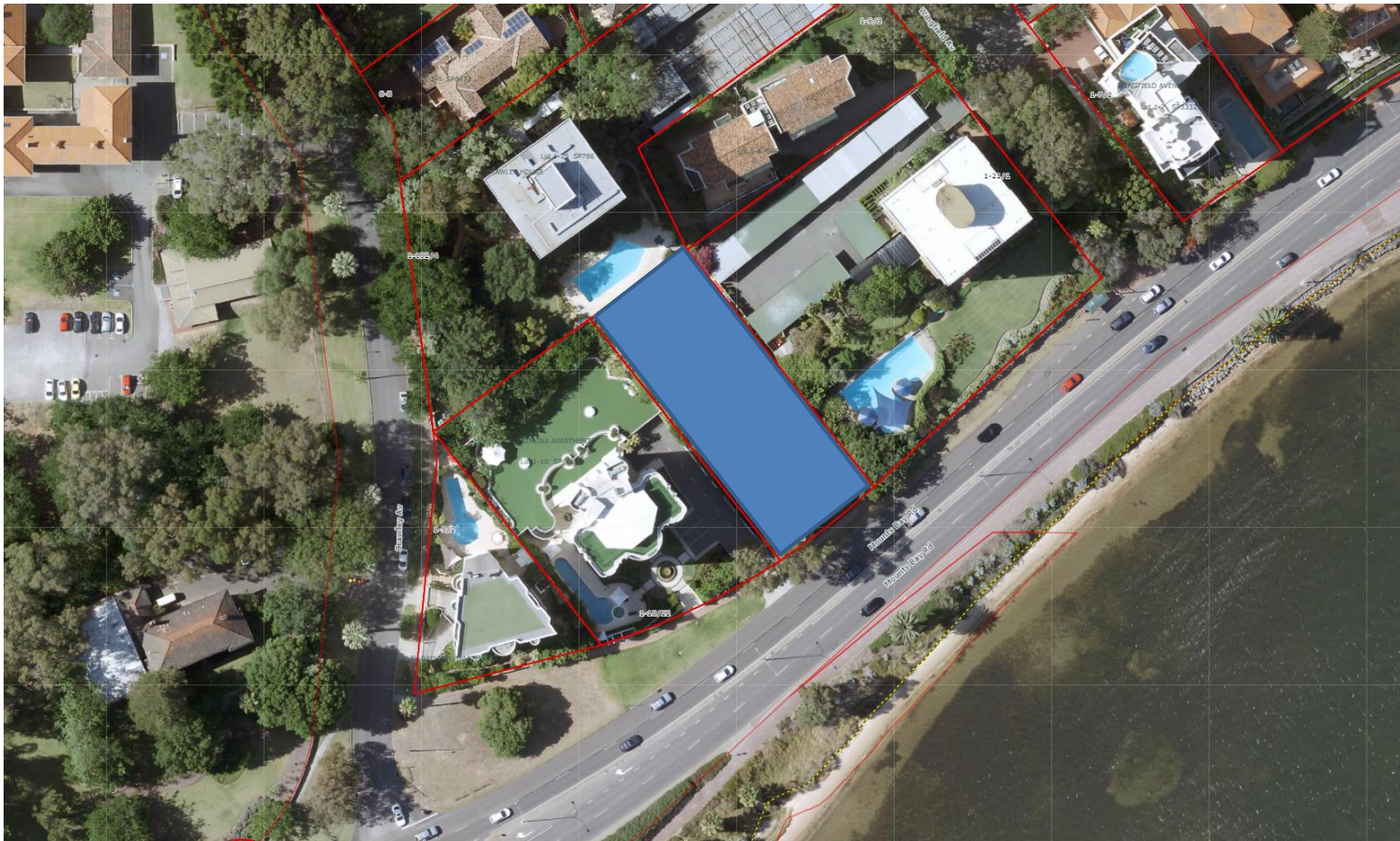
Legislation, Delegation of Authority and Policy	
<b>Legislation:</b>	<p><a href="#"><u>Planning and Development Act 2005</u></a></p> <p><a href="#"><u>Planning and Development (Local Planning Schemes) Regulations 2015</u></a></p> <p>City Planning Scheme No.2</p> <p>Metropolitan Region Scheme</p> <p><a href="#"><u>City of Perth Act 2016</u></a></p>
<b>Authority of Council/CEO:</b>	<p>This matter is referred to Council as it relates to an application previously determined by Council and public submissions have been received that cannot be addressed by conditions of approval.</p>
<b>Policy:</b>	<p>State Planning Policy 7.0 - Design of the Built Environment</p> <p>State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments</p> <p>4.1 City Development Design Guidelines</p> <p>4.4 Building Heights and Setbacks</p> <p>4.5 Plot Ratio</p> <p>4.5.2 Transfer Plot Ratio</p> <p>4.9 Residential Design Policy</p> <p>5.1 Parking Policy</p> <p>5.2 Loading and Unloading</p> <p>5.3 Bicycle Parking and End of Journey Facilities</p>

## Financial Implications

31. There are no direct financial implications relating to the recommendation within this report. If the request for minor amendments is refused and an application for review of the decision or any conditions of approval is made to the State Administrative Tribunal there may be financial implications for the City associated with any legal representation costs.

## Further Information

Nil.



**20 (LOT 3) MOUNTS BAY ROAD, CRAWLEY**

## 20 MOUNTS BAY ROAD 8 APTS

SITE AREA = 1539m<sup>2</sup>  
 PLOT RATIO 1:1 = 1539m<sup>2</sup>  
 BUY 20% = 307.8m<sup>2</sup>  
 TOTAL PLOT RATIO = 1846.8m<sup>2</sup>  
 (8) APTS

	A	B	C							
	3x2	3x2	3x3.5 + Study							PLOT RATIO
	131	131	250							TOTAL
G										
1										
2	1	1							281	2
3			1						261	1
4			1						261	1
5			1						261	1
6			1						261	1
7			1						261	1
8			1						261	1
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>6</b>						<b>1847</b>	<b>8</b>
TOTAL STRATA	131	131	1500							1762

<b>CAR PARKING</b>	
2 x RESIDENT BAYS + 1 VISITOR EACH	
3 x 8 apartments	24
<b>TOTAL BAYS</b>	<b>24</b>

CITY OF PERTH

APPROVED  
DA NO. 2021/5026

SUBJECT TO CONDITIONS ON THE NOTICE  
OF APPROVAL DATED 25/5/2021

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REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

CLIENT  
MOMENTUM WEALTH  
PROJECT

CRAWLEY APARTMENTS

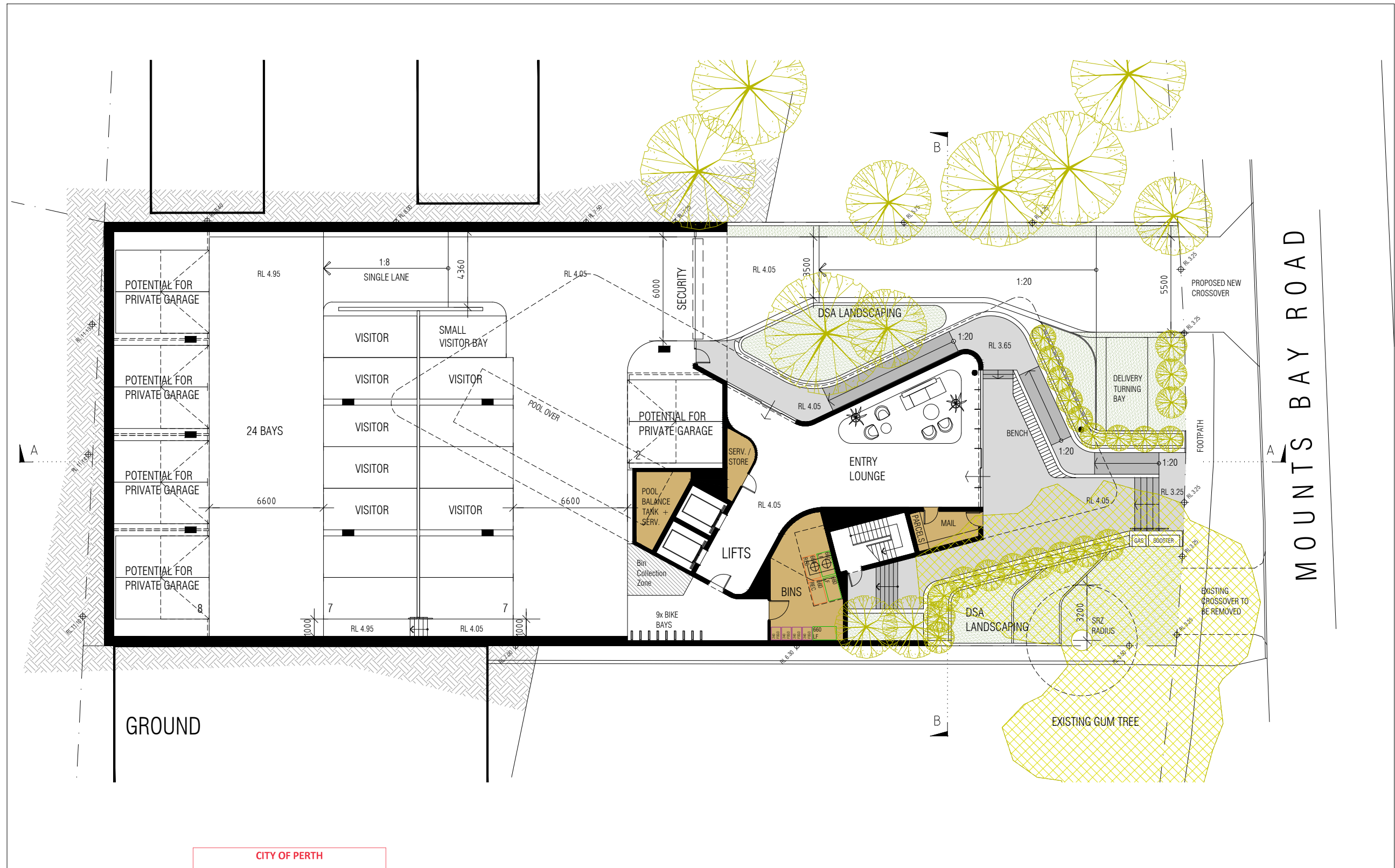
PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY

PROJECT STATUS  
DEVELOPMENT APPLICATION

PROJECT NUMBER NORTH  
20027  
SCALE

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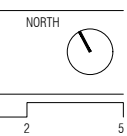
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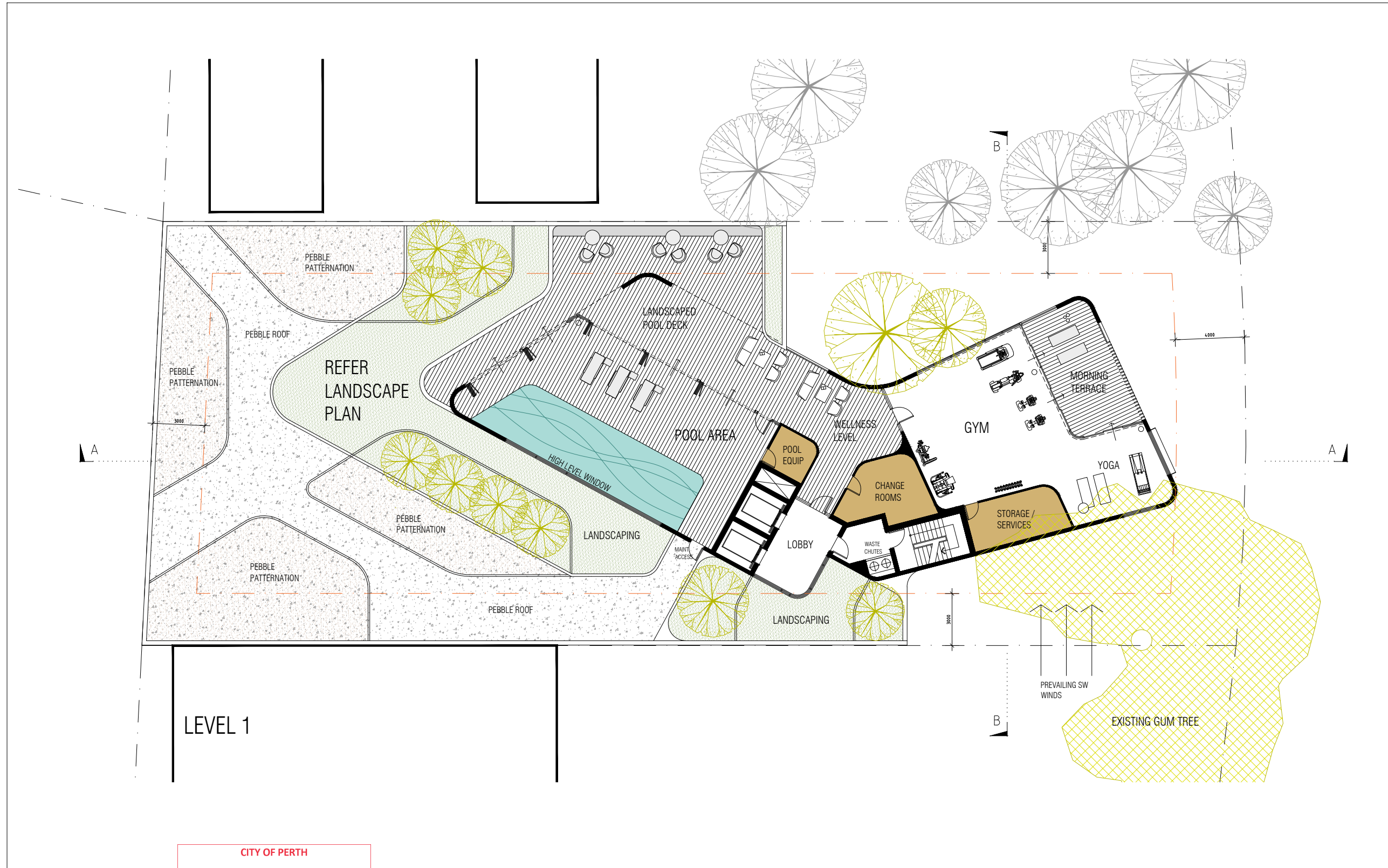
CLIENT  
MOMENTUM WEALTH  
PROJECT  
CRAWLEY APARTMENTS

PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY  
PROJECT STATUS  
DEVELOPMENT APPLICATION

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**CITY OF PERTH**  
**APPROVED**  
**DA NO. 2021/5026**

**SUBJECT TO CONDITIONS ON THE NOTICE**  
**OF APPROVAL DATED 25/5/2021**

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19/4/2021  
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CLIENT  
**MOMENTUM WEALTH**

PROJECT  
**CRAWLEY APARTMENTS**

PROJECT ADDRESS  
**20 MOUNTS BAY ROAD  
CRAWLEY**

PROJECT STATUS  
**DEVELOPMENT APPLICATION**

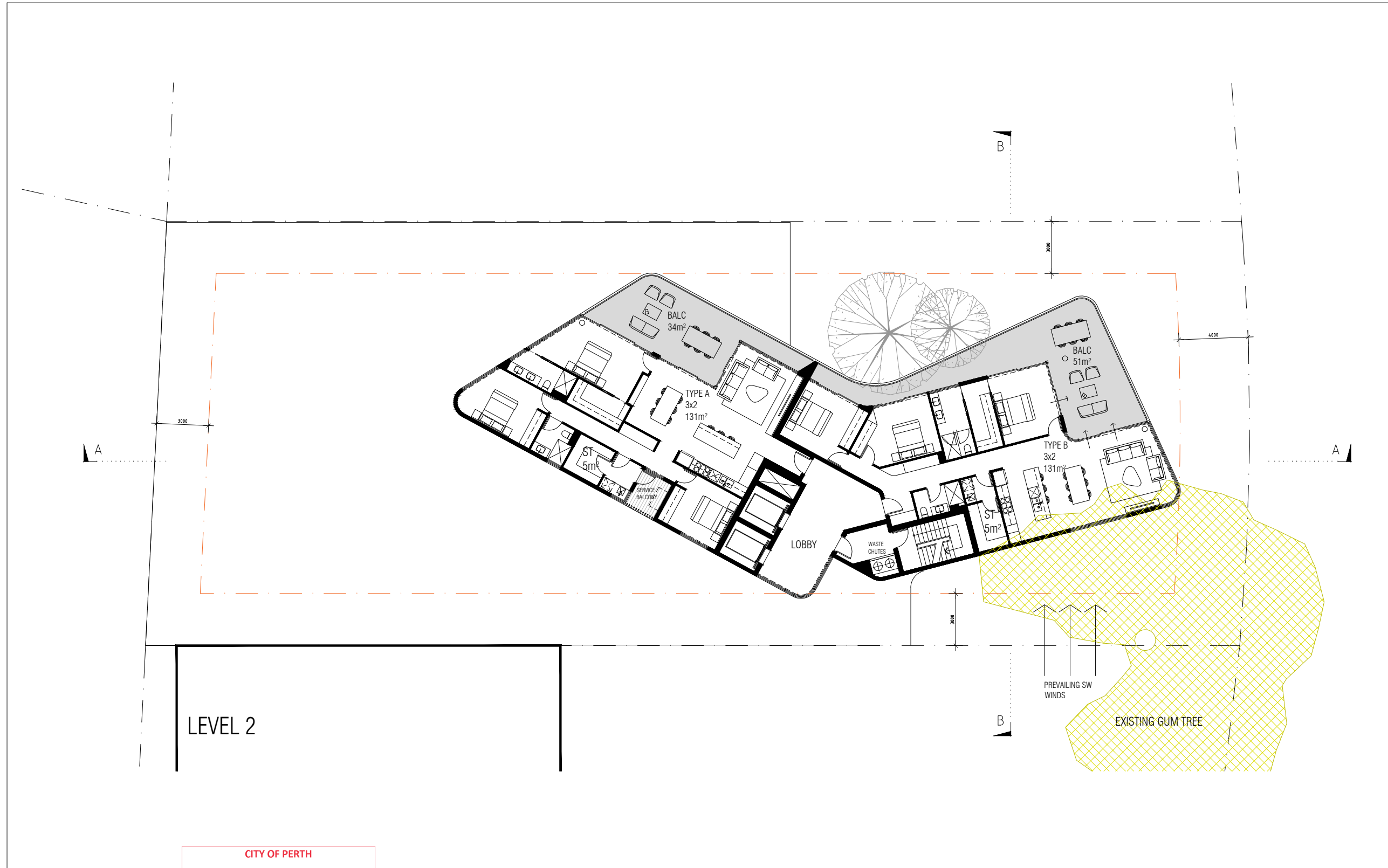
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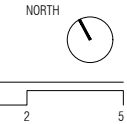
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CLIENT  
MOMENTUM WEALTH  
PROJECT  
CRAWLEY APARTMENTS

PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY  
PROJECT STATUS  
DEVELOPMENT APPLICATION

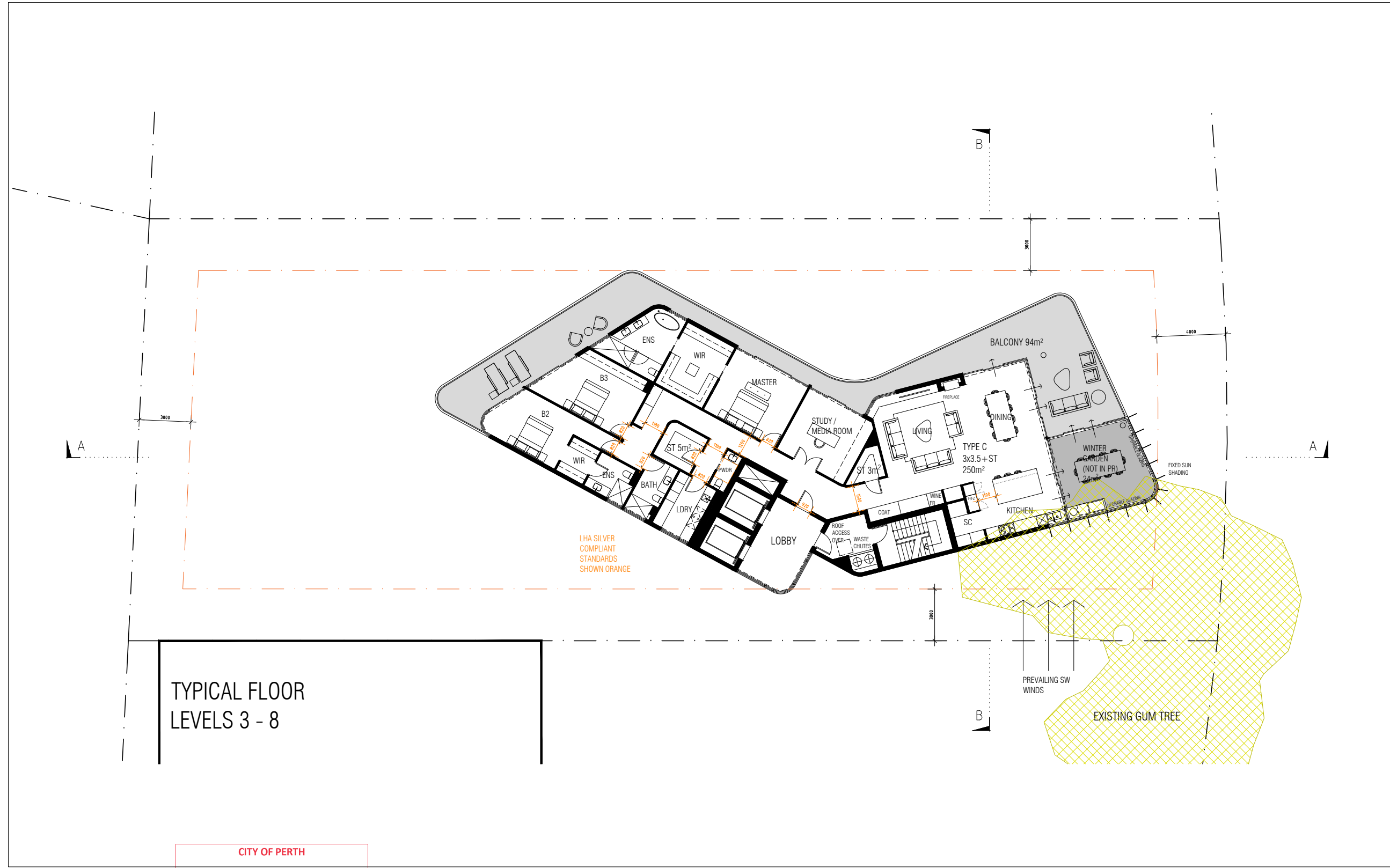
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TYPICAL FLOOR  
LEVELS 3 - 8



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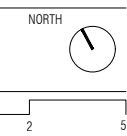
CITY OF PERTH  
APPROVED  
DA NO. 2021/5026  
SUBJECT TO CONDITIONS ON THE NOTICE  
OF APPROVAL DATED 25/5/2021  
jhancock  
Page 5 of 12

REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

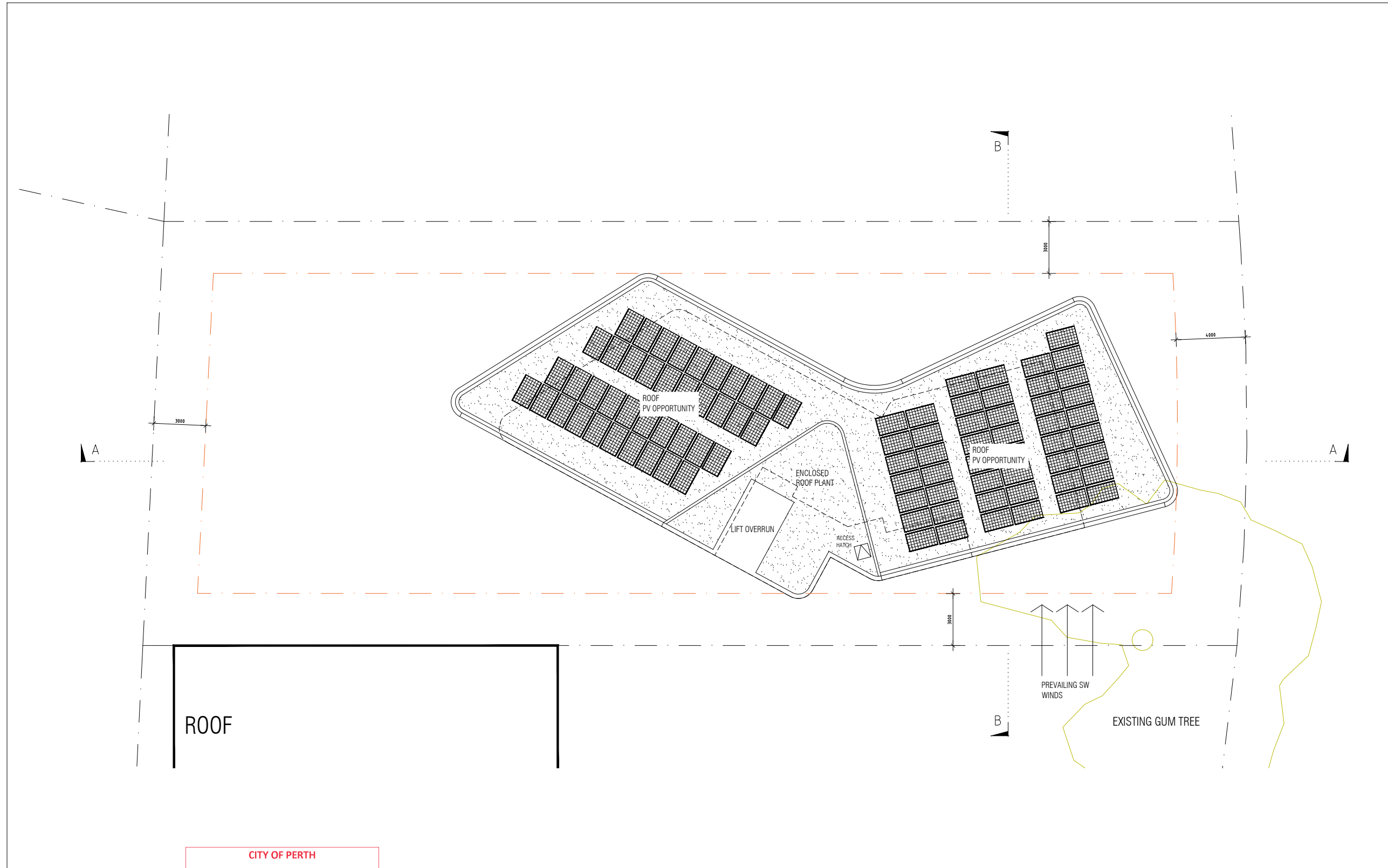
CLIENT  
MOMENTUM WEALTH  
PROJECT  
CRAWLEY APARTMENTS

PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY  
PROJECT STATUS  
DEVELOPMENT APPLICATION

PROJECT NUMBER  
20027  
SCALE  
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Page 6 of 12

REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

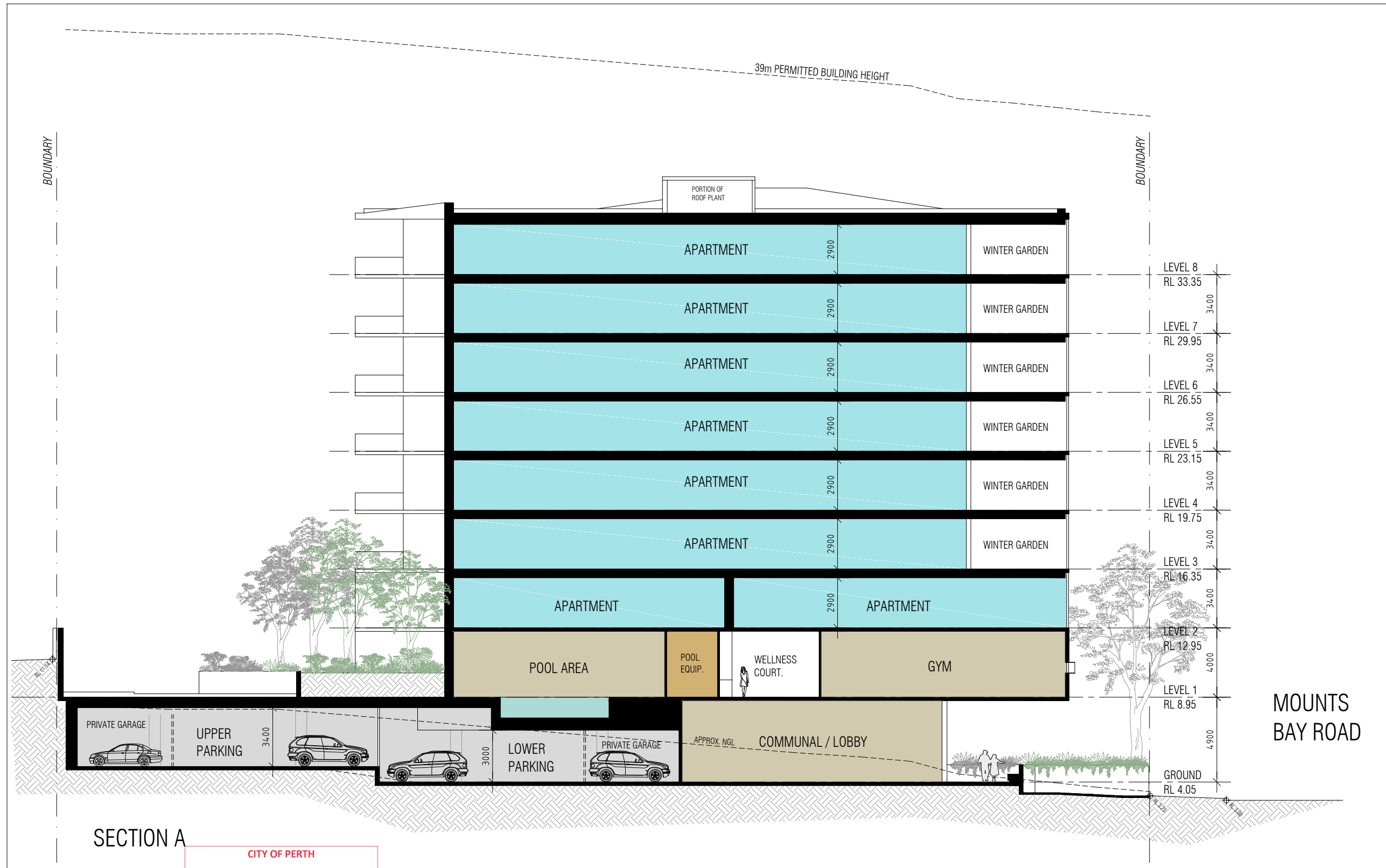
CLIENT  
MOMENTUM WEALTH  
PROJECT  
CRAWLEY APARTMENTS

PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY  
PROJECT STATUS  
DEVELOPMENT APPLICATION

PROJECT NUMBER  
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Page 7 of 12

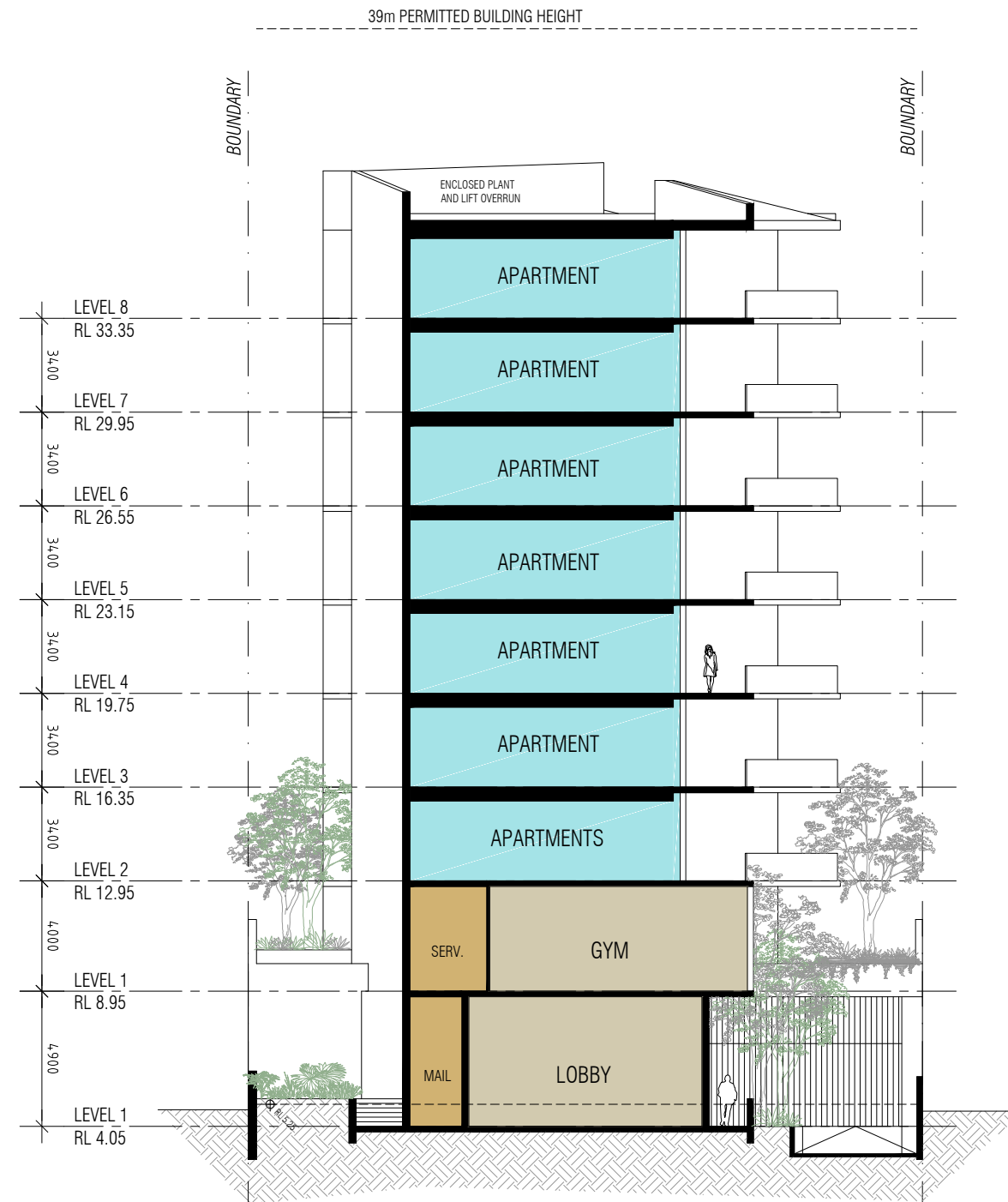
REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

CLIENT  
MOMENTUM WEALTH  
PROJECT  
CRAWLEY APARTMENTS

PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY  
PROJECT STATUS  
DEVELOPMENT APPLICATION

PROJECT NUMBER  
20027  
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SECTION B

CITY OF PERTH

APPROVED  
DA NO. 2021/5026

SUBJECT TO CONDITIONS ON THE NOTICE  
OF APPROVAL DATED 25/5/2021

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Page 8 of 12



City of Perth  
19/4/2021  
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REV.	DATE	AMENDMENT
A	09.02.21	DA ISSUE
B	07.04.21	LANDSCAPE ISSUE
C	19.04.21	DA RE-ISSUE

CLIENT  
MOMENTUM WEALTH  
PROJECT

CRAWLEY APARTMENTS

PROJECT ADDRESS  
20 MOUNTS BAY ROAD  
CRAWLEY

PROJECT STATUS  
DEVELOPMENT APPLICATION

PROJECT NUMBER  
20027

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NORTH  
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## 12. Community Development Alliance Reports

### 12.1 Events Plan 2022/23

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Attachment 12.1A – Events Plan 22/23 <a href="#">↓</a>  Attachment 12.1B – Indicative Events Calendar 2022/23 <a href="#">↓</a> 

### Purpose

To present the City of Perth Events Plan for 2022/23 for Council's approval.

---

### Recommendation

That Council APPROVES the Events Plan 2022/23 (Attachment 12.1A)

---

## Background

1. Council adopted the City's first [Events Strategy](#) on 25 May 2021, to outline the new direction and approach for the City to achieve its vision for Perth to be 'the events heart of WA'.
2. A key principle of this strategy is 'something for everyone.' Using a portfolio approach, the City will facilitate, support and organise a diverse range of events that are inclusive, appeal to a broad range of demographics and provide enriching experiences for all throughout the year. To demonstrate this progression of this approach, an Indicative Events Calendar 2022/23 is contained within Attachment 12.1B.
3. The City facilitates others to deliver events to the community by attracting, approving and sponsoring events. In the second year of the 2025 Events Strategy, the City will further align with these priorities by significantly increasing the Sponsorship and Grants Program budget and reducing the amount of direct-delivery required by the City.

## Discussion

4. Through guidance from Council members, feedback from the community and key stakeholders, the City has reviewed the annual calendar of City-led events.
5. As COVID continues to impact adversely on the hospitality, retail and tourism sectors, the staging of events offers a tangible and proven solution to attracting visitation, providing economic benefits and reigniting the city environment. While the major events landscape is uncertain, the City's successful staging of several events in 2021/22 in the COVID context has paved the way for the City to deliver a strong events calendar for 2022/23.
6. The Events Plan 2022/23 has been drafted based on key principles including return on investment, enhancing and aligning to the City's brand, program diversity and strategically filling the gaps where the market is unable to deliver key events important to the community. The City also has an increased focus on local activation of priority venues including Elizabeth Quay and Forrest Place.
7. The Christmas Lights Trail has cemented its place as the City's Signature Event. Delivering significant economic impact and consistently high visitation numbers, this Signature Event will be the priority focus for incoming sponsorship and grant opportunities in 2022/23.
8. Building on the success of the inaugural City of Light 60<sup>th</sup> Anniversary event which was attended by over 7,000 visitors, a monthly event from October 2022 to February 2023 will feature light shows and provide local activation to the Elizabeth Quay precinct driving economic impact to city businesses.
9. A special edition City of Light Event will take place on Australia Day with a new perspective on a family favourite localised to Langley Park and citycentric. The Birak Concert will also continue to be a feature. The City has conducted an analysis of the celebrations on 26 January, and refocused resources to support activity across the summer to provide greater return on investment to ratepayers.
10. Other returning events and activations include Christmas Nativity, New Year's Eve, Twilight Hawkers Market, Lunar New Year and Heritage Perth Month. The City will also leverage major sporting events and milestones and activate the City's neighbourhoods with curated events to support community connection.
11. Leveraging the City's new municipality brand – City of Light – the City will develop branded assets to increase brand awareness, and tactical assets to drive visitation to events the City delivers, sponsors and facilitates.

## Stakeholder Engagement

12. The development of the 2025 Events Strategy involved in-depth workshops with over 60 industry stakeholders from hospitality, tourism, State Government agencies, other Local Governments, events professionals and community groups.

## Decision Implications

13. If Council does not support the recommendation to approve the Events Plan 2022/23, the City will not be able to meet community expectations to deliver on key events and outcomes.
14. The budget is structured on the minimum requirement to deliver the scale of event outlined in the Events Plan 2022/23 however increase cost in services and changes to incoming sponsorship forecasts may impact budget estimates.
15. If Council defers the decision on supporting the recommendation to approve the Events Plan 2022/23 planning will be critically delayed for the procurement of key contracts required.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	<a href="#">2025 Events Strategy</a> The City has a vision for Perth to be ‘the events heart of WA’. Events generate significant economic, social and community benefits for all who live, work, visit, study and invest in the city.

Legislation, Delegation of Authority and Policy	
Legislation:	<a href="#">Section 8 (1) of the City of Perth Act 2016</a> (e) to promote awareness of the facilities and events provided or facilitated by the City of Perth and encourage the community to make use of or participate in them;
Authority of Council/CEO:	The recommendation is made to Council in line with both: <ul style="list-style-type: none"> <li>• section 2.10 (a) of the <i>Local Government Act 1995</i> whereby under the role of Councillors; represents the interests of electors, ratepayers and residents of the district; and</li> <li>• section 2.7 which provides Council is to be responsible for the performance of the local government’s functions and oversee the allocation of the local government’s finances and resources.</li> </ul> The future decision to budget for events in the Events Plan will have significant financial implications. Planning and resource allocation will commence prior to (but subject to) the budget. Council oversight and direction is warranted prior to investment of resources.
Policy:	Nil.

## Financial Implications

16. The financial implications of the recommendation is subject to the 2022/23 budget adoption:

Account Number	1065 100 50 10365	Operating
Account Description	Christmas Lights Trail	
Total Budget	\$1,500,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10311	Operating
Account Description	City of Light Shows	
Total Budget	\$795,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10183	Operating
Account Description	Australia Day Celebrations	
Total Budget	\$740,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10139	Operating
Account Description	New Year's Eve	
Total Budget	\$190,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	TBC	Operating
Account Description	Neighbourhood Activations	
Total Budget	\$90,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	TBC	Operating
Account Description	Leveraging and Activations	
Total Budget	\$130,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1062 100 50 10269	Operating
Account Description	Heritage Perth Month	
Total Budget	\$70,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10039	Operating
Account Description	Christmas Nativity	
Total Budget	\$65,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10059	Operating
Account Description	Lunar New Year	
Total Budget	\$50,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	1065 100 50 10207	Operating
Account Description	Twilight Hawkers Market	
Total Budget	\$20,000	
Budget – This report	\$0	
Remaining Budget	\$0	
Budget Impact	Neutral	

Account Number	TBC	Operating
Account Description	Marketing	
Total Budget	\$550,000	

Budget – This report	\$0
Remaining Budget	\$0
Budget Impact	Neutral

## Further Information

Nil.























### 13. Infrastructure and Operations Alliance Reports

Nil.

## 14. Corporate Services Reports

### 14.1 Monthly Financial Report - January 2022

<b>Responsible Officer</b>	Michael Kent – Project Director Strategic Finance (CFO)
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	<p>Attachment 14.1A – Financial Activity Statement and Notes to FAS January 2022 <a href="#">↓</a> </p> <p>Attachment 14.1B – Net Current Position - January 2022 <a href="#">↓</a> </p> <p>Attachment 14.1C – Financial Variances by Alliance - January 2022 <a href="#">↓</a> </p> <p>Attachment 14.1D – Capital Variances by Alliance - January 2022 <a href="#">↓</a> </p> <p>Attachment 14.1E – Investment Report - January 2022 <a href="#">↓</a> </p> <p>Attachment 14.1F – Statement of Rates Debtors - January 2022 <a href="#">↓</a> </p>

### Purpose

This suite of reports provides Council with timely, meaningful financial insights regarding the City’s operating activities, financial performance and financial position.

### Recommendation

That Council RECEIVES the following financial reports for the period ended 31 January 2022:

1. Financial Activity Statement (FAS) and Notes to the FAS - Attachment 14.1A.
2. Net Current Position - Attachment 14.1B.
3. Financial Variances by Alliance & Service Unit - Attachment 14.1C.
4. Capital Projects Schedule - Attachment 14.1D.
5. Investment Report - Attachment 14.1E.
6. Statement of Rates Debtors - Attachment 14.1F.

## Background

1. Presentation of a monthly financial report to Council is both a statutory obligation and good financial management practice that:
  - a. Demonstrates the City's commitment to managing its operations in a financially responsible and sustainable manner.
  - b. Provides timely identification of variances from budget expectations for revenues and expenditures and identification of emerging opportunities or changes in economic conditions.
  - c. Ensures proper accountability to the community for the use of financial resources.
2. Preparation of a monthly Financial Activity Statement (FAS) is the minimal statutory requirement of the *Local Government Act 1995* and regulation 34 of the *Local Government (Financial Management) Regulations 1996*. It is also a responsible financial management practice to allow Council to effectively execute their financial management responsibilities.
3. Financial information that is required to be reported directly to Council monthly includes:
  - a. Operational financial performance against budget expectations
  - b. Explanations for identified variances from expectations
  - c. Financial position of the City at each given month end
4. This statutory financial information is supported by additional information including investments performance and reports on rates and general debtors.

## Understanding the Financials

5. When reading the financial information provided in this report, 'variances' (deviations from budget expectations) are classified as being either:
  - a. Favourable variance
  - b. Unfavourable variance
  - c. Timing variance
6. A timing variance relates to a budgeted revenue or expense that has not occurred at the time it was expected, but which is still expected to occur within the budget year. That is, the financial transaction will still occur - but just in a different month. There should be no impact on the projected budget surplus by year end.
7. A realised favourable or unfavourable variance is different to a timing variance. It represents a genuine difference between the actual and budgeted revenue or expenditure item.
8. A realised favourable year to date variance on a revenue item is a positive outcome for the City as it increases the projected budget surplus. An unfavourable variance on a revenue item has the opposite effect, resulting a decrease to the projected budget surplus.
9. A realised favourable variance on an expenditure item may have either of two causes - one being a saving because the outcome was achieved for a lesser cost, which has the effect of increasing the projected budget surplus. The other cause may be that the proposed expenditure may not have been undertaken and is not expected to be incurred in that financial year. Whilst this may seem positive from the financial position perspective, it may not be a positive outcome for the community if the service or project is not delivered.

10. A realised unfavourable year to date variance on an expenditure item (over-expenditure) results in a decrease to the projected budget surplus.
11. The Schedule of Variances (Attachment 14.1A) provide commentary on whether the nature of the variance is savings related, timing related or otherwise.
12. If a realised favourable or unfavourable variance is material in value (of significant size), it will be amended through a formal budget review process.

## Discussion

13. The FAS by Nature & Type - Attachment 14.1A presents a whole of organisation perspective on the attainment of revenue and expenditure targets overall - classified by nature and type.
14. The headline data from the FAS is shown in Table 1 below.

**Table 1:**

Item Details	YTD Budget	YTD Actual	Variance	F/ U
Operating Revenue - Excluding Rates	\$ 60.593 M	\$ 63.786 M	\$ 3.193M	F
Rates Revenue	\$ 98.294 M	\$ 97.848 M	(\$ 445 K)	U
Operating Expenditure	\$ 122.767 M	\$ 114.942 M	\$ 7.825 M	F
Non-Operating Revenue	\$ 8.447 M	\$ 7.945 M	(\$ 501K K)	U
Capital - Infrastructure	\$ 18.740 M	\$ 12.975M	\$ 5.766 M	F
Property, Plant & Equipment	\$ 6.694 M	\$ 4.753 M	\$ 1.940 M	F

15. Material operating revenue and expenditure variances from Attachment 14.1A are detailed (with explanatory comments) in the Notes to the FAS (also contained within Attachment 14.1A).
16. Comments on the material variances between budget and actual capital expenditures are presented in Attachment 14.1D - Capital Projects Schedule which lists all approved, budgeted capital projects for 2021/22.
17. Each line item listed in the FAS by Nature & Type Attachment 14.1A can be cross referenced (using the Note reference) back to the relevant note.
18. Attachment 14.1C provides an alternative view showing how the organisation is tracking against budget by Alliance - and then disaggregating those figures by Service. This reporting view includes all internal charges and internal recoveries so the full service-cost can be understood.
19. Examining the FAS (Attachment 14.1A) in more detail; the aggregation of operating revenues and operating expenses reflects a year to date Net Cash Deficit from Operations of (\$27.7M) compared to a year to date budget of (\$39.0M). This is a favourable variance of \$11.4M at the end of the month. A number of the factors creating that variance are adjusted in the mid-year budget review.
20. Investing activities reflect a result of (\$9.8M) compared to a year to date budget of (\$16.9M). This is a favourable variance of \$7.2M - and is largely attributable to a favourable timing variance on invoicing for construction of infrastructure at Roe Street and electrical lighting works.

21. Construction of infrastructure to 31 January 2022 is at 70% of year to date budget expectations at \$12.9M, against \$18.7M budget as noted at paragraph 14. Attachment 14.1D provides comments on specific variances for capital projects.
22. Acquisition of non-infrastructure to 31 January 2022 is \$4.74M and is 29% under the year to date budget. Readers are directed to Attachment 14.1D for comments on specific variances.
23. Adjusting for opening funds (Net Current Position), generates the Budget Deficiency before Rates. This then indicates the Amount Required to be Raised from Rates. The difference between the Rates amount and the Deficiency before Rates is the Closing Position.
24. The FAS for the period to 31 January shows that a rate yield of \$97.8M has been levied compared to the \$98.3M budget at rates strike date. This is because of the impact of the WACA concession (\$183K) and Heritage Concessions (\$232K) on the net rates yield which was compounded some negative adjustments via interim rates.
25. The disclosed year to date Closing Position of \$96.0M compares favourably to the year to date budgeted closing position of \$79.3M - a variance of 21.1%, reflecting the combined impact of the favourable variances noted in this report for revenues, expenses, financing activity and investing activity. Some of this variance is adjusted in the mid-year budget review and the remainder is largely related to timing of cash outflows relating to capital projects.
26. The Net Current Position Report (Attachment 14.1B) indicates a year to date adjusted Net Current Position value of \$94.4M versus the budget of \$71.20M. This is primarily attributable to a favourable variance in cash from a timing difference in spending on capital works and a stronger than budgeted operating result. This is not considered unusual as it essentially reflects a timing difference.
27. Headline data from this month's Net Current Position report is shown in Table 2 below. Comparative figures are provided for January 2021 as well as the 30 June 2021 year-end figures.

**Table 2:**

Item Details	June 2021	Jan 2021	Jan 2022
Current Assets	\$ 179.657 M	\$ 232.675M	\$ 245.678 M
Current Liabilities	(\$ 44.730 M)	(\$ 50.609 M)	(\$ 49.684 M)
Unadjusted Net Assets	\$ 134.927 M	\$ 182.066 M	\$ 195.993 M
Less Restricted Items	(\$ 102.872 M)	(\$ 78.234 M)	(\$101.592 M)
Adjusted Net Current Position	\$ 32.054 M	\$ 103.832 M	\$ 94.401 M

28. The comparative numbers from the Net Current Position report at January 2021 and January 2022 reflect the impact of a higher value of restricted cash in 2022 than in 2021. This is simply due to funds prudently accumulated in cash backed reserves for upcoming expenditures rather than any adverse financial trend.
29. Attachment 14.1E - Investment Report at January 2022 presents detail of the City's cash investment portfolio in terms of performance, percentage exposure of total portfolio by credit risk, counterparty exposure and maturity profile.
30. The report indicates the City has adequate cash flow to meet its financial obligations as and when they will fall due; and it has achieved compliance with the various Investment Policy limits.

31. Attachment 14.1F - Rates Debtors provides a monthly update and analysis of rates collections by differential property rating category and overall. It shows that the City has collected 90.5% of all collectible rates. It also contains some brief commentary regarding payment arrangements and financial hard-ship cases.

## Stakeholder Engagement

Nil.

## Decision Implications

32. Council's acknowledgement of receiving the Financial Activity Statement and supporting documents will meet its statutory obligation in respect of overseeing the City's financial resources.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Nil.
Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.4(1) and (2) of the <a href="#">Local Government Act 1995</a>            Regulation 34(1) of the <a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p>This section of the Act and the related regulation prescribe the requirement to prepare and present to Council (monthly), FAS.</p> <p>That FAS should contain:</p> <ul style="list-style-type: none"> <li>• Annual Budget estimates, and approved revisions to these for comparison purposes.</li> <li>• Actual amounts of income and expenditure to the end of the month of the FAS.</li> <li>• Material variances between the comparable amounts and commentary on reasons for these variances.</li> <li>• Net current assets at the end of the month.</li> <li>• An explanation of the composition of the net current assets at the end of the month to which the FAS relates.</li> <li>• Any other information which the local government deems relevant.</li> </ul>
Authority of Council/CEO:	The above legislation prescribes that this report be presented to Council on a monthly basis.
Policy:	2.1 - Management of Investments

## Financial Implications

33. There are no direct financial implications of receiving this report as it reflects a historical accounting of financial transactions. When material variances are noted, appropriate remedial action will be initiated by the administration in a timely and prudent manner.

## Further Information

Nil.










































































































## 14.2 Schedule of Accounts Paid - January 2022

<b>Responsible Officer</b>	Michael Kent – Project Director Strategic Finance (CFO)
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Attachment 14.2A – Schedule of Accounts Paid - January 2022 <a href="#">↓</a> 

### Purpose

For Council to note details of payments made under delegated authority for the month of January 2022.

### Recommendation

That Council:

- RECEIVES the Schedule of Accounts Paid for the period ended 31 January 2022 as at Attachment 14.2A.
- RECORDS in the Ordinary Council Meeting minutes the summary of accounts paid being:

Total Accounts Paid	
Municipal Fund	\$11,377,880.12
Trust Fund	\$0
<b>Total - All Funds</b>	<b>\$11,377,880.12</b>

## Background

1. In accordance with Regulation 13(2) and 13(3) of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The Chief Executive Officer is delegated this authority under Delegation 2.14.
2. This authority has then been subdelegated by the Chief Executive Officer.
3. The listing of payments with full disclosure of all required information, is presented as attached.
4. The listing of payments was made available to the Elected Members via the Council Hub, ahead of the agenda distribution, to provide additional time for review.
5. This summary report then facilitates the acknowledgement of the listing having been received.

## Discussion

6. The Schedule of Accounts Paid (attachment 14.2A) contains the following payments made under Delegated Authority 2.14 - Payments from the Municipal & Trust Fund:

Schedule of Accounts Paid - January 2022		
<b>Municipal Fund</b>		
EFT & Cheque Payments	Direct Creditor Payments	7,955,368.48
<b>Sub Total - EFT &amp; Cheques</b>		<b>7,955,368.48</b>
Direct Debits	Bank Charges and Merchant Fees	58,960.27
<b>Sub Total - Direct Debits</b>		<b>58,960.27</b>
Payroll	04/01/2022	1,683,714.97
	18/01/2022	1,679,836.40
<b>Sub Total - Payroll</b>		<b>3,363,551.37</b>
Corporate Cards		8,940.33
<b>Sub Total - Cards</b>		<b>8,940.33</b>
<b>Total per Attachment A</b>		<b>11,377,880.12</b>
<b>Total Payments from Municipal Fund</b>		
New Investments	(Not Rollover Investments)	<b>0</b>
<b>Trust Fund</b>		
Trust EFT & Cheques		0
<b>Total - Trust Funds</b>		<b>0</b>

## Stakeholder Engagement

7. As the contents of this report focus on the organisation's recent past financial performance, no external consultation is relevant to the preparation of this report.

## Decision Implications

8. Council’s acknowledgement of receiving the Schedule of Accounts Paid will meet its statutory obligation under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Annual Budget

Legislation, Delegation of Authority and Policy	
Legislation:	<p>Section 6.10 of the <a href="#">Local Government Act 1995</a>            Regulation 13 (1) of the <a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p>This section of the Act and the related regulation prescribes the requirement to prepare a list of all payments made for each month and to present them to Council. The Schedule of Accounts Paid (the ‘list’) should contain, for each payment:</p> <ul style="list-style-type: none"> <li>• Payee Name.</li> <li>• Amount of the Payment.</li> <li>• Date of the Payment.</li> <li>• Sufficient information to identify the transaction.</li> </ul>
Authority of Council/CEO:	In accordance with Regulation 13(2) and 13(3) of the <a href="#">Local Government (Financial Management) Regulations 1996</a> , where this power has been delegated, a list of payments for each month is to be compiled and presented to Council.
Policy:	Delegated Authority 2.14 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds.

## Financial Implications

9. There are no direct financial implications of receiving this report as it reflects a historical accounting of financial transactions that were provided for in the adopted budget (as amended).

## Further Information

Nil.















































































## 15. Chief Executive Officer Reports

### 15.1 New Council Policy 1.8 Code of Conduct Behavioural Complaints Management

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	Attachment 15.1A – Code of Conduct Behavioural Complaints Management Policy <a href="#">↓</a>  Attachment 15.1B – Proposed Delegation <a href="#">↓</a> 

### Purpose

For Council to consider new a Council Policy ‘Code of Conduct Behavioural Complaints Management’ and delegations to support the administration of the Policy.

### Recommendation

That Council:

1. ADOPTS new Council Policy 1.8 Code of Conduct Behavioural Complaints Management, as detailed in Attachment A.
2. REVOKES the General Counsel of the City of Perth, Michelle Clare Antonio, as the authorised person to receive complaints and the withdrawal of complaints under clause 11(3) of Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.
3. DELEGATES its functions related to complaints of breaches of the behavioural requirements Code of Conduct for Council Members, Committee Members and Candidates, as detailed in Attachment C.

## Background

1. Changes to the *Local Government Act 1995* (WA) came into effect on 3 February 2021. The changes included replacing the *Local Government (Rules of Conduct) Regulations 2007* with the *Local Government (Model Code of Conduct) Regulations 2021*. The new Regulations prescribe that local governments must adopt a Code of Conduct for Council Members, Committee Members and Candidates (the Code) and each local government must deal with alleged behavioural breaches of the Code.
2. At its meeting held 27 April 2021, Council adopted its Code and endorsed the development of a Council Policy to set out how complaints concerning an alleged breach of the behavioural requirements of the Code will be dealt with.
3. At its meeting held 14 February 2022, the Policy and Legislation Committee considered a Council Member Behaviour Resolution Policy and recommended the matter be deferred to the March 2022 Ordinary Council Meeting for consideration.
4. The Committee queried the complexity of the investigation process, the authority to conduct an investigation and how the policy complemented the City's existing complaints management framework.
5. The feedback from the Committee has been considered and a revised draft of the policy is presented for Council's consideration.

## Discussion

6. The Department of Local Government, Sport and Cultural Industries (the Department) [Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates](#) state that local governments should ensure that making a complaint is a simple and accessible process so that any member of the local community can raise concerns about the conduct of Council Members, Committee Members and Candidates. The proposed policy has been drafted with the aim of providing a straight forward and transparent process.
7. The Act and its subsidiary legislation does not give power to local governments to conduct an investigation into alleged breaches of the behavioural requirements of the Code. On this basis, the proposed policy is based on the Local Government Standards Plan approach to address allegations of minor breaches of the *Local Government Act 1995*.
8. In summary, an Authorised Person makes a decision solely upon the evidence presented by the person making the complaint and the person subject to the complaint. The Authorised Person makes a finding that a Council or Committee Member has committed a breach of the behavioural requirements of the Code, based on evidence from which it may be concluded that it is more likely that an alleged breach occurred than it did not.
9. The proposed policy concerns alleged breaches of the behavioural requirements of the Code only, as a result of legislative change. Council has a separate Policy 2.16 Complaint Management, which relates to complaints regarding the City's products, services and employees. The management of alleged breaches of the behavioural requirement of the Code is restricted by the *Local Government (Model Code of Conduct) Regulations 2021*. These legislative restrictions do not apply to products, services or employees (unless an employee is a Committee Member), the policies are separate to allow for an alternative approach to the management of the different types of complaint.

### Authorised Person

10. At its meeting held 27 April 2021, Council authorised the City’s General Counsel, Michelle Claire Antonio, as the authorised person to receive complaints and the withdrawal of complaints. Following the development of the proposed policy and consultation with Elected Members, it is considered more appropriate for the Chief Executive Officer to be appointed by Council as the Authorised Person.
11. To administer the policy, it is recommended Council delegate powers detailed in Attachment C to the CEO.

### Stakeholder Engagement

Nil.

### Decision Implications

12. If Council supports the recommendation, there will be an established, publicly available, process detailing how alleged breaches of the behavioural requirements of the Code are managed.
13. If Council does not support the recommendation, the process to manage alleged breaches of the behavioural requirements of the Code will remain undetermined.

### Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	<a href="#">Code of Conduct for Council Members, Committee Members and Candidates</a>

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 5.102 to 5.104 of the <i>Local Government Act 1995</i> <a href="#">Local Government (Model Code of Conduct) Regulations 2021</a> The recommendations of this report (if adopted) will enable the City to continue to comply with its obligations under the Model Code.
Authority of Council/CEO:	In accordance with section 5.42 of the <i>Local Government Act 1995</i> Council can delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (except those referred to in section 5.43 of the Act).
Policy:	Nil.

### Financial Implications

Nil.

### Further Information

Nil.



















## 16. Committee Reports

Nil.

## 17. Motions of which Previous Notice has been Given

This item will be dealt with at the Ordinary Council Meeting.

## 18. Matters for which the meeting may be closed

*In accordance with Section 5.23(2)(c) of the Local Government Act 1995, the following Item 18.1 and its attachments are confidential.*

### 18.1 New Lease Agreement - Shop 3, Regal Place Car Park, 81 - 95 Royal Street, East Perth

Responsible Officer	Nathan Ahern – Acting General Manager Commercial Services
Voting Requirements	Absolute Majority
Attachments	Confidential Attachment 18.1A – Proposed Lease Schedule Confidential Attachment 18.1B – Lease Agreement Confidential Attachment 18.1C – Survey Plan Confidential Attachment 18.1D – Valuation Update Confidential Attachment 18.1E – Proposed Delegation

*In accordance with Section 5.23(2)(a) of the Local Government Act 1995, the following Item 18.2 and its attachments are confidential.*

18.2 City of Perth Citiplace Child Care Review

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 18.2A – Financial Modelling

*In accordance with Section 5.23(2)(e) of the Local Government Act 1995, the following Item 18.3 and its attachments are confidential.*

18.3 Major Events and Festivals Sponsorship Application

Responsible Officer	Kylie Johnson – General Manager Community Development
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 18.3A – Summary of Application Confidential Attachment 18.3B – Letter of Support One Confidential Attachment 18.3C – Letter of Support Two Confidential Attachment 18.3D – City of Perth Letter of Thanks

## 19. Urgent Business

This item will be dealt with at the Ordinary Council Meeting.

## 20. Closure