

# MINUTES

## Ordinary Council Meeting

27 April 2021

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 27 April 2021 as an eMeeting.



MIKE BRADFORD  
CHIEF EXECUTIVE OFFICER

30 April 2021

# Acknowledgement of Country

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

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

## Our Guiding Values



## Disclaimer

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

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

# Contents

<b>1.</b>	<b>DECLARATION OF OPENING</b>	<b>5</b>
<b>2.</b>	<b>DISCLAIMER</b>	<b>5</b>
<b>3.</b>	<b>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</b>	<b>5</b>
<b>4.</b>	<b>ATTENDANCE</b>	<b>5</b>
	4.1 APOLOGIES	6
	4.2 APPROVED LEAVE OF ABSENCE	6
<b>5.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>6</b>
<b>6.</b>	<b>PUBLIC QUESTION TIME</b>	<b>6</b>
	6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
	6.2 PUBLIC QUESTION TIME: 27 APRIL 2021	6
<b>7.</b>	<b>CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS</b>	<b>7</b>
	7.1 MINUTES	7
	7.1.1 Ordinary Council Meeting Held: 23 March 2021	7
	7.2 CONCEPT BRIEFINGS	7
	7.2.1 Council Agenda Briefing - 20 April 2021	7
	7.2.2 Concept Briefings and Workshops	7
<b>8.</b>	<b>PRESENTATIONS</b>	<b>9</b>
	8.1 PETITIONS	9
	8.2 PRESENTATIONS	9
	8.3 DEPUTATIONS	9
<b>9.</b>	<b>METHOD OF DEALING WITH AGENDA BUSINESS</b>	<b>9</b>
<b>10.</b>	<b>REPORTS</b>	<b>11</b>
	10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	11
	10.3.1 Progress of Pedestrian Access Way Closure, Karawara	11
	10.3.2 Draft City of South Perth Integrated Transport Plan	16
	10.3.3 Proposed 4 x Two Storey Grouped Dwellings at Lot 1, No. 73 Mary Street, Como	21
	10.3.4 Revocation of Local Planning Policy P350.17 Site Works	34

<b>10.4 STRATEGIC DIRECTION 4: LEADERSHIP</b>	<b>38</b>
10.4.1 Listing of Payments - March 2021	38
10.4.2 Monthly Financial Statements - March 2021	41
10.4.3 CEO Recruitment, Performance and Termination Policy	44
10.4.4 Councillor Code of Conduct and Policy P699 Breaches of the Councillor Code of Conduct	50
<b>11. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>53</b>
<b>12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>54</b>
12.1 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - INCLUSION OF A CAPITAL SIGNIFICANT VARIANCE REPORT WITHIN THE MONTHLY FINANCIAL STATEMENTS	54
12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - HURLINGHAM PLAYGROUND	58
<b>13. QUESTIONS FROM MEMBERS</b>	<b>61</b>
13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	61
13.2 QUESTIONS FROM MEMBERS	61
<b>14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b>	<b>61</b>
<b>15. MEETING CLOSED TO THE PUBLIC</b>	<b>62</b>
15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED	58
15.1.1 Chief Executive Officer - Conditions of employment	63
<b>16. CLOSURE</b>	<b>64</b>
<b>APPENDIX</b>	<b>65</b>
<b>DISCLAIMER</b>	<b>72</b>

# Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held as an eMeeting at 6.00pm on Tuesday 27 April 2021.

## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.01pm.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Presiding Member advised that this Ordinary Council Meeting was being held electronically and attended remotely by Elected Members and Officers in accordance with Regulation 14E of the Local Government (Administration) Regulations 1996.

## 4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

### Councillors

Como Ward

Como Ward

Manning Ward

Manning Ward

Moresby Ward

Mill Point Ward

Mill Point Ward

Councillor Carl Celedin

Councillor Glenn Cridland

Councillor Blake D'Souza

Councillor André Brender-A-Brandis

Councillor Stephen Russell

Councillor Mary Choy

Councillor Ken Manolas

### Officers

Chief Executive Officer

Director Development and Community Services

Director Infrastructure Services

A/Director Corporate Services

Manager Development Services

Manager Governance

Manager Human Resources

Manager Strategic Planning

Governance Coordinator

Marketing Coordinator

Governance Officer

Mr Mike Bradford

Ms Vicki Lummer

Mr Mark Taylor

Mr Abrie Lacock

Ms Fiona Mullen

Ms Bernadine Tucker

Ms Pele McDonald

Mr Warren Giddens

Ms Toni Fry

Ms Lisa Williams

Mr Morgan Hindle

### Gallery

There were approximately six members of the public connected to the eMeeting.

#### 4.1 APOLOGIES

Councillor Samantha Bradder

#### 4.2 APPROVED LEAVE OF ABSENCE

Nil.

### 5. DECLARATIONS OF INTEREST

- Chief Executive Officer, Mr Mike Bradford – Financial Interest in Item 10.4.3 as ‘it relates to my contract of employment’.
- Chief Executive Officer, Mr Mike Bradford – Financial Interest in Item 15.1.1 as ‘it relates to my contract of employment’.

### 6. PUBLIC QUESTION TIME

#### 6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

#### 6.2 PUBLIC QUESTION TIME: 27 APRIL 2021

The Presiding Member opened Public Question Time at 6.05pm.

Written questions were received prior to the meeting and read out by the Mayor from:

- Mr Adam Nevin of Downey Drive, Manning
- Mr Tony Ransom of Guildford

The questions and responses can be found in the **Appendix** of these Minutes.

There being no further questions, the Presiding Member closed Public Question Time at 6.07pm.

## 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 23 March 2021

0421/054

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Carl Celedin

**Seconded:** Councillor Ken Manolas

That the Minutes of the Ordinary Council Meeting held 23 March 2021 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

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

**Against:** Nil.

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Council Agenda Briefing - 20 April 2021

Officers of the City presented background information and answered questions on Items to be considered at the 27 April 2021 Ordinary Council Meeting at the Council Agenda Briefing held 20 April 2021.

##### Attachments

7.2.1 (a): Briefing Notes

#### 7.2.2 Concept Briefings and Workshops

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

22 March 2021	Councillor Code of Conduct	Mayor Greg Milner and Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell
22 March 2021	Foreshore River Wall Works (Coode St, Node 2)	Mayor Greg Milner and Councillors, André Brender-A-Brandis, Blake D'Souza, Ken Manolas, Stephen Russell

29 March 2021	Economic Development Report Briefing #2	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell
29 March 2021	Integrated Transport Plan – Final Draft For Consultation	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell
30 March 2021	Parking Management Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell
6 April 2021	Workshop #1 (SCP, Corporate Plan, LTF priorities and drivers)	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell
13 April 2021	Pinnacle Apartment Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas, Stephen Russell
13 April 2021	Waterford Triangle Infrastructure Upgrade	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas, Stephen Russell
13 April 2021	Underground Power Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas, Stephen Russell
19 April 2021	Waterford Triangle Infrastructure Update	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Blake D'Souza, Ken Manolas, Stephen Russell

## Attachments

Nil

0421/055

**Officer Recommendation AND COUNCIL DECISION**

**Moved:** Mayor Greg Milner

**Seconded:** Councillor André Brender-A-Brandis

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

- 7.2.1 Council Agenda Briefing - 20 April 2021
- 7.2.2 Concept Briefings and Workshops

**CARRIED (8/0)**

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

**Against:** Nil.

## 8. PRESENTATIONS

### 8.1 PETITIONS

Nil.

### 8.2 PRESENTATIONS

Nil.

### 8.3 DEPUTATIONS

Nil.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Chief Executive Officer confirmed all the report items except Item 10.3.1 Progress of Pedestrian Access Way Closure, Karawara and Item 15.1.1 Chief Executive Officer – Conditions of employment were discussed at the Council Agenda Briefing held 20 April 2021.

## ITEMS WITHDRAWN FOR DISCUSSION

- 10.3.1 Progress of Pedestrian Access Way Closure, Karawara
- 10.3.4 Revocation of Local Planning Policy P350.17 Site Works
- 10.4.3 CEO Recruitment, Performance and Termination Policy
- 10.4.4 Councillor Code of Conduct and Policy P699 Breaches of the Councillor Code of Conduct

**0421/056**

### **COUNCIL DECISION**

**Moved:** Mayor Greg Milner

**Seconded:** Councillor André Brender-A-Brandis

That the Officer Recommendations in relation to the following Agenda Items be carried by exception resolution:

- 10.3.2 Draft City of South Perth Integrated Transport Plan
- 10.3.3 Proposed 4 x Two Storey Grouped Dwellings at Lot 1, No. 73 Mary Street, Como
- 10.4.1 Listing of Payments – March 2021
- 10.4.2 Monthly Financial Statements – March 2021

**CARRIED (8/0)**

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

**Against:** Nil.

## 10. REPORTS

### 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

#### 10.3.1 Progress of Pedestrian Access Way Closure, Karawara

Location:	Karawara
Ward:	Manning Ward
Applicant:	Strategic Planning Business Unit
File Ref:	D-21-20504
Meeting Date:	27 April 2021
Author(s):	Emily Salvisberg, Strategic Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

#### Summary

This report provides a progress update on the closure of the Pedestrian Access Way (PAW) located between Yallambee Place and Koolunda Court, Karawara. This update is in response to the 15 December 2020 Ordinary Council Meeting, which requested that City officers progress the PAW closure and report back on progress at the April 2021 Ordinary Council Meeting.

0421/057

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Blake D'Souza

**Seconded:** Mayor Greg Milner

That Council notes the update on the progress of the Karawara Pedestrian Access Way closure.

**CARRIED (8/0)**

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

**Against:** Nil.

#### Background

In July 2020, Council received a petition in support of a Pedestrian Access Way (PAW) closure in Karawara, the reasons for which included concerns of anti-social behaviour, break-ins and thefts.

At its meeting held 15 December 2020, Council resolved, in addition to other matters, to:

- a) *Not support any requirement for 100% consent of adjoining landowners, as regards the closure of the Karawara Pedestrian Access Ways;*

- b) *Authorise the CEO to initiate the process for the permanent closure of the Pedestrian Access Way between Yallambee Place and Koolunda Court, and report back to Council on progress at the April 2021 Ordinary Council Meeting;*
- c) *In addition to the above, authorise the CEO to approach the Western Australian Planning Commission and the Department of Communities to seek the State Government's assistance to join with the Council to reduce the excessive number of Public Access Ways in Karawara, recognising the opportunities these Public Access Ways create for anti-social behaviour.*

This report provides an update on progress to close the PAW as per recommendation (b) of Council's resolution above.

### **The Pedestrian Access Way**

The PAW is located between Yallambee Place and Koolunda Court, Karawara. A site plan of the PAW is provided in **Attachment A**. The northern portion of the PAW (Lot 2893 on Plan 11414) comprises Public Open Space (POS) which forms part of the Karawara Greenways central parkland owned by the state government. The parkland forms an east-west green spine through the suburb of Karawara. The southern segment of the PAW is owned by the City and connects to Gillon Street, Karawara (Lot 56 on Plan 11414).

### **Pedestrian Access Way Closure Requirements**

In closing the PAW, the City is required to follow the Department of Planning, Lands and Heritage (DPLH), Procedure for the Closure of Pedestrian Access Ways: Planning Guidelines October 2009 (the guidelines). The guidelines provide two options for closure. The City is using the second option (Option B), which is for PAW closure where there is no endorsed pedestrian and cycle access plan for the PAW.

Option B requires the preparation of a closure report that considers:

- How the PAW forms part of the surrounding movement network;
- The location and access to community facilities from the PAW and the surrounding path network;
- The location of existing infrastructure assets;
- An assessment on the condition and use of other surrounding PAWs;
- Stakeholder engagement comments received from infrastructure providers, agencies, abutting land owners and other members in the community likely to be affected by the PAW's closure.

### **Stakeholder Engagement**

Stakeholder engagement is to occur in two stages. The first stage of engagement involves infrastructure providers and any other agencies that may have an interest in the PAW. Infrastructure service providers and agencies must be contacted to determine their support for the closure and any resulting requirements for their assets, such as easements and service relocation.

The second stage of engagement is undertaken with abutting land owners and the broader community to inform those likely to be affected by the proposed closure, and seek comment. Comments received during the engagement period are to be included as a summary in the closure report.

Following stakeholder engagement, the City is then required to submit a written request to close the PAW to the Western Australian Planning Commission (WAPC) together with the closure report. The closure report is to include summaries of responses received from the stakeholder engagement, copies of letters received from the infrastructure providers and abutting land owners. The decision for PAW closure then rests with the WAPC for their endorsement. The assessment time frame of Option B closure reports is 60 days.

### Progress Update

To date the City has undertaken a number of steps to address the matters to be considered in the preparation of the closure report. These include:

- A meeting in January 2021 with the Department of Lands to clarify the requirements to proceed with the PAW closure. This meeting ascertained the extent of stakeholder engagement inclusive of surrounding residents that use the PAW, and surrounding stakeholders such as Curtin University, the Collier Golf Course and Curtin Primary School. It was recommended by DPLH that further guidance should be sought from other local governments and identify lessons learnt in the process of PAW closures. It was further clarified that any amalgamation of the PAW land should result in a regular geometry. Furthermore, abutting land owners are to be contacted to determine their support for the closure, agreement as to how the land is to be divided, and for those wishing to purchase a portion of the PAW land, that they are prepared to meet all associated costs. These costs are likely to include, but are not limited to, the relocation of infrastructure and registration of easements, removal of improvements from the PAW and reinstatement of kerbing.
- A Dial Before You Dig search was undertaken in February 2021 to determine the location of infrastructure assets located within and, or on land adjacent to the PAW. The search identified all the relevant utility providers, including Western Power, ATCO Gas, NBN Co, Water Corporation and Telstra. Water Corporation sewer is an asset that runs directly underneath the PAW and will require further discussions about relocation and access requirements. It is also noted that the City has lighting and reticulation infrastructure that will need to be relocated.
- Correspondence with the City of Stirling in February 2021 regarding their internal procedures for PAW closure and lessons learnt in undertaking the process. It was advised that a 400 metre notification catchment is adopted for their program in progressing PAW closures.
- Correspondence and written request to Kensington Police Station in March 2021, to provide a statement describing local crime in proximity to the PAW, and to identify crime occurrence in the immediate area. The release of this information is still pending. As an interim measure, the City will analyse statistics provided by WALGA, sourced from the Western Australian Police, for the land immediately adjacent to the PAW. This analysis will be included in the closure report.

- Preparation of a closure report to be circulated to infrastructure providers and other agencies (i.e. Department of Communities, Western Australian Police) that may have an interest in the PAW, and request comment. In accordance with the guidelines, the closure report will include information on the PAW and its relationship to the surrounding movement network, the location and access to community facilities from the PAW and the surrounding path network, the location of existing infrastructure assets, and an assessment on the condition and use of other surrounding PAWs.
- Preparation of stakeholder engagement material to be used in engaging with the community, including:
  - Placement of signs at either end of the PAW advising of the closure proposal for the 28 day notification period.
  - Press release and advertisement in the local newspaper and other media, which will include a public notice advertisement in the Southern Gazette newspaper to be published on Thursday 6 May 2021, an update to the Karawara Vision webpage and a news update on Council's website's home page.
  - Direct mail out to households likely to be affected by the closure, including letters to abutting land owners, owners and occupiers of land within 400 metres of the PAW, and other stakeholders including Waterford Plaza, Curtin Primary School, Collier Park Golf Course, George Burnett Park, and Meath Care Retirement Village. A map of the 400 metre notification catchment is available in **Attachment B**.

#### Consultation - Next Steps

The City is finalising the closure report to be issued to infrastructure providers and interested agencies for their comment. On receipt of stakeholder comment, the City will carry out any necessary follow-up meetings to clarify.

The notification period for the broader community (i.e. land located within a 400 metre catchment of the PAW), will commence on Monday 3 May 2021 and will continue until Friday 28 May 2021.

#### Policy and Legislative Implications

Nil.

#### Financial Implications

This project is currently not funded in the 2020/21 budget and as such, administrative and project costs are being included within the Strategic Planning Business Unit's miscellaneous items budget. These items include administrative costs to date, preparation of the draft closure report (approx. 60 hours) the newspaper advertisement, and distribution of the notification letters to the broader community within 400 metres of the PAW and the public notice sign.

10.3.1 Progress of Pedestrian Access Way Closure, Karawara

**Strategic Implications**

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

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community  
Outcome: 1.3 Community safety and health  
Strategy: 1.3.1 Facilitate and foster a healthy, connected and safe community

**Attachments**

- 10.3.1 (a): Karawara Pedestrian Access Way Site Plan
- 10.3.1 (b): Karawara Pedestrian Access Way - Notification Catchment

### 10.3.2 Draft City of South Perth Integrated Transport Plan

Location:	City Wide
Ward:	All
Applicant:	Strategic Planning Business Unit
File Ref:	D-21-30571
Meeting Date:	27 April 2021
Author(s):	Emily Salvisberg, Strategic Urban Planner Jessica Birbeck, Senior Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

The City has developed a draft Integrated Transport Plan (ITP), contained in **Attachment (a)**, which is submitted for Council's endorsement for the purposes of public advertising.

The ITP is the first transport plan prepared for the City and will set out a new approach to transport planning to support future population growth across the City.

The ITP will provide a centralised framework designed to respond to the community's aspirations regarding transport and accessibility and will guide transport planning, programs, operations and advocacy in the City of South Perth over the next decade.

**0421/058**

**Officer Recommendation AND COUNCIL DECISION**

**Moved:** Mayor Greg Milner

**Seconded:** Councillor André Brender-A-Brandis

That Council:

1. Resolves to endorse the draft City of South Perth Integrated Transport Plan as contained in **Attachment (a)**;
2. Publically advertises the draft City of South Perth Integrated Transport Plan for a period of not less than 28 days; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the public comment period, including any submissions received, for further consideration.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

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

**Against:** Nil.

**Background**

The City has developed a draft City of South Perth Integrated Transport Plan (ITP) to guide transport planning, programs, operations and advocacy in the City of South Perth over the next decade. The ITP forms part of the City's Thriving Neighbourhoods suite of projects, along with the Economic Development Plan and Local Planning Scheme 7. These projects will work together to manage the City's growth over the next 10-15 years and align with the aspirations of the Strategic Community Plan 2020-2030 and the City's Corporate Business Plan 2020-2024.

The ITP is the first transport plan prepared for the City and will provide a centralised framework designed to respond to the community's aspirations regarding transport and accessibility. It will support the delivery of a safe, efficient and reliable transport network.

As population growth occurs there is an increased need to reduce reliance on private vehicles and focus on shifting travel behaviours to active (pedestrian and cyclist) and public transport modes. The ITP prioritises the need to create more walkable neighbourhoods, a well-connected cycling network, and an integrated public transport system through a coordinated approach to transport planning.

Preparation of the ITP has been informed by a comprehensive review of current State and City transport strategies, plans, guidelines and data. A review of the engagement outcomes from a range of City corporate, planning and transport strategies and plans over the past 5 years was also undertaken to understand the community's aspirations for transport.

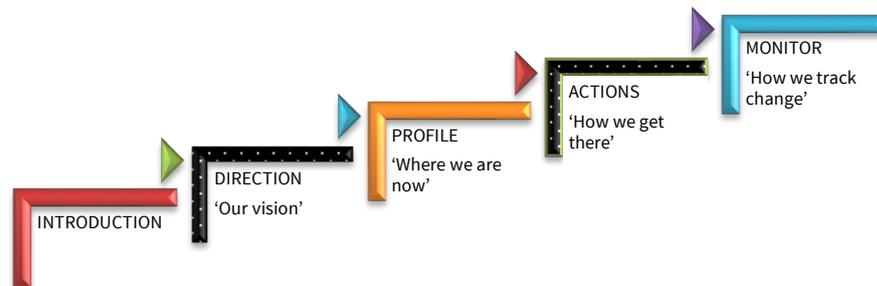
Complimentary to this review, a range of stakeholder engagement activities was also undertaken to formulate the actions of the ITP. An internal working group was established to coordinate input from teams across the City and align priorities, strategies and actions for the ITP.

The City also engaged with various state government agencies, including Main Roads WA and the Public Transport Authority to discuss the influences of key transport infrastructure projects on the City's transport network.

The City engaged a transport planning and modelling consultant (Flyt Pty Ltd.) to undertake an analysis of the City's current transport network and prepare a traffic and congestion forecast. The outcomes of this work informed a series of recommendations which includes innovative and best practice strategies to manage congestion and improve the safety, flexibility and use of non-car transport modes across the City's transport network. The traffic and congestion report is appended to the ITP within **Attachment (a)**.

### Integrated Transport Plan Overview

The ITP builds upon the Strategic Community Plan's vision for an accessible and connected City. **Figure 1** below provides a brief overview of the key components of the ITP and the matters they address.



**Figure 1** –Integrated Transport Plan document overview

#### Direction

The direction for the ITP describes the document's purpose, vision, and objectives. The purpose of the ITP is to:

- Articulate a long-term vision for the development of an integrated transport system within the City;
- Guide the City's planning, programs, investment and decision making, as well as its operational plans, policies, processes and projects with respect to transport; and
- Guide implementation by presenting key actions, outlining roles and responsibilities, and establishing accountable monitoring and evaluation processes.

#### Profile

The ITP outlines the City's existing transport network and its key drivers and trends, as well as how the document aligns with the City's existing strategies and plans. A key component has been to investigate and summarise previous stakeholder engagement feedback which has been analysed to inform preparation of the implementation plan. This analysis was used to establish five key focus areas and their objectives:

1. Public Realm – Manage streets and public spaces to become safe, attractive environments to encourage walking and cycling.

2. Active Transport – Promote walking and cycling as an attractive transport choice for local trips, by improving connections and infrastructure across the City.
3. Public Transport – Work with state government and public transport providers to improve public transport frequency and connectivity to and within the City.
4. Road Transport – Slow growth in traffic congestion across the local government area for the benefit of the whole community.
5. Parking Management – Manage the provision and operation of on-street and off-street parking to service the community and local businesses whilst managing travel demand to encourage a shift towards more public transport, cycling and walking.

#### Actions

The implementation plan consists of ‘City Wide’ and ‘Activity Node’ actions that address the five focus areas. Seven Activity Nodes have been identified as key areas with significant transport infrastructure, or are key destinations.

These are South Perth Peninsula, Canning Highway, Angelo Street Neighbourhood Centre, Preston Street Neighbourhood Centre, Canning Bridge Activity Centre, Karawara and Waterford/Salter Point.

The City Wide and Activity Node actions include timeframes, indicative cost, external stakeholder interaction and priorities. The actions have multiple functions, including:

- Research and data collection: Actions identifying opportunities for further investigation and/or consultation.
- Provision of services and infrastructure: Actions proposing specific works and priority projects to be undertaken generally within a short – medium timeframe.
- Engagement and behaviour change programs: Actions that involve promoting and communicating sustainable travel information to the public.
- Advocacy and partnerships: Actions where the City works with external stakeholders to implement specific outcomes.
- Preparation of supplementary frameworks: Actions where new policies, strategies and processes are required or amendments are needed to existing documents.

#### Monitoring

The ITP will be implemented over a 10 year timeframe. An interim progress report is intended to be prepared every two years to document the City’s activities and progress on actions, with a review undertaken after five years.

Relevant actions shall also be referenced as part of the annual works budget preparation to ensure appropriate priority and resourcing.

### Consultation

Stakeholder engagement is proposed to occur over a 28 day period. The engagement will be supported by an engagement plan and will specifically target transport and interest groups. It will also provide an opportunity for the broader community to provide comment on the content of the document. Engagement activities will include:

- Direct consultation will be undertaken with interest groups including, but not limited to:
  - City of South Perth Residents' Association
  - South Perth Historical Society
  - South Perth Bicycle User Group
  - Salter Point Community Group
  - Manning Community Association
  - Karawara Action Group
  - City of South Perth Environment Association
  - South Perth Peninsula Action Group
- An engagement page on Your Say South Perth; and
- Referral of the ITP to relevant state government agencies.

### Policy and Legislative Implications

Nil.

### Financial Implications

Stakeholder engagement \$5,000 budgeted.

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	3.1 Connected and accessible City
Strategy:	3.1.1 Facilitate a safe, efficient and reliable transport network 3.1.2 Develop and implement integrated transport and infrastructure plans
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.2 Enhance the City's urban forest 3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores 3.3.4 Facilitate effective management of the Swan and Canning River foreshore

### Attachments

10.3.2 (a): Draft City of South Perth Integrated Transport Plan

### 10.3.3 Proposed 4 x Two Storey Grouped Dwellings at Lot 1, No. 73 Mary Street, Como

Location:	Como
Ward:	Como Ward
Applicant:	Zuideveld Marchant Hur Pty Ltd
File Reference:	D-21-30574
DA Lodgement Date:	23 December 2020
Meeting Date:	27 April 2021
Author(s):	Kevin Tang, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for 4 x Two Storey Grouped Dwellings at Lot 1, No. 73 Mary Street, Como.

This item is referred to Council as the application is assessed in accordance with clause 6.2A (Pre-Scheme Developments) of Town Planning Scheme No. 6. Any application assessed against this clause requires determination by Council in accordance with the City's Delegation Policy.

It is considered that the proposed development satisfies all of the discretionary considerations and does not pose any significant adverse amenity impacts to the future occupants, neighbouring properties or the locality.

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

0421/059

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Greg Milner

**Seconded:** Councillor André Brender-A-Brandis

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for 4 x Two Storey Grouped Dwellings on Lot 1, No. 73 Mary Street, Como, **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The approved plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.

3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
4. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.
5. Prior to the submission of a building permit application, a tree protection zone shall be indicated on the plans for each verge tree and implemented during construction until occupancy stage, to protect each verge tree at all times, to the satisfaction of the City.
6. Prior to the submission of a building permit application, the applicant is required to pay a sum as detailed on the tax invoice that will be issued by the City of South Perth for the cost of relocating street trees (including amenity valuation) that are in conflict with the proposed development.
7. Prior to the submission of a building permit application, the applicant is to submit a final materials, colours and finishes schedule to the satisfaction of the City of South Perth. The endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City.
8. Prior to the submission of a building permit application, details of compliance with the Acoustic Report prepared by Sealhurst dated 3 November 2021 shall be submitted to the City for approval. Such measures shall be implemented and adhered to at all times, to the satisfaction of the City.
9. The existing crossover on Greenock Avenue shall be modified and the verge and kerbing shall be reinstated to the satisfaction of the City.
10. The surface of the boundary wall to the garage visible from the street, on the western side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
11. Prior to occupation of the dwelling, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City.
12. Prior to occupation of the dwelling, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
13. Prior to occupation of the dwellings, landscaped areas shall be installed in accordance with the approved landscape plan. All landscaped areas shall be maintained thereafter to the satisfaction of the City.
14. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.

15. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
16. The height of any wall, fence or other structure shall be no higher than 0.75m within 1.5m of where any driveway meets any public street, to the satisfaction of the City.

**Note:** City officers will include relevant advice notes on the recommendation letter.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

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

**Against:** Nil.

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R30/R40
<b>Lot area</b>	807m <sup>2</sup>
<b>Building height limit</b>	7.0m
<b>Development potential</b>	Pre-Scheme density – 7 dwellings
<b>Plot ratio limit</b>	N/A

#### (a) Background

In December 2020, the City received an application for 4 x Two Storey Grouped Dwellings on the subject property (the site). The existing site area of 807m<sup>2</sup> does not meet the minimum and average lot size requirements of 260m<sup>2</sup> and 300m<sup>2</sup> per dwelling respectively, to accommodate four grouped dwellings on a R30 coded site, as prescribed in the Residential Design Codes (Volume 1)(R-Codes).

The application has been considered against special provisions for Pre-Scheme Development in accordance with clause 6.2A of the City's Town Planning Scheme No. 6 (Scheme). The current development on site is a two storey Multiple Dwelling (apartments) building comprising seven apartments held in single ownership.

#### (b) Description of the Surrounding Locality

The site is surrounded by low to medium density residential properties and is a corner lot with frontages to Mary Street and Greenock Avenue, as seen in **Figure 1** below:



Figure 1: Aerial image of subject site

(c) **Description of the Proposal**

The application proposes 4 x Two Storey Grouped Dwellings on the subject site and amended plans were received following the Design Review Panel meeting and the City's planning assessment. The applicant's amended development plans are provided at **Attachment (a)** and the planning report is provided at **Attachment (b)**. Each of the proposed two storey grouped dwellings contains three bedrooms and two bathrooms with a double garage. Three dwellings will have vehicular access from Greenock Avenue with the remaining dwelling accessed via Mary Street. The current land use in the proposal is Grouped Dwellings, given that the (parent) lot has not been formally subdivided as of yet. Once the new lots are created following subdivision approval, the land use will change to Single House for each dwelling, as there will not be any common property once the subdivision is finalised. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (c)**. Due to the proximity to Kwinana Freeway, the applicant has also submitted an Acoustic Report for the proposed development at **Attachment (d)**.

The following components of the proposed development require discretionary assessment against TPS6, the R-Codes and/or Council Policy requirements:

- (i) Dwelling density;
- (ii) Lot boundary setbacks;
- (iii) Boundary wall;
- (iv) Open space;
- (v) Outdoor living area;
- (vi) Vehicular access;
- (vii) Driveway gradients; and
- (viii) Street walls and fences.

The proposal is considered to meet the relevant Design Principles or discretionary criteria of the Scheme, R-Codes and relevant Council policies.

**(d) Dwelling Density (Pre-Scheme Development)**

The development qualifies for assessment in accordance with clause 6.2A of TPS6 as the existing building on site was constructed in the 1960s and exceeds the number of dwellings that are permitted under the current planning framework. Clause 6.2A of TPS6 allows a pre-scheme development site to be developed to the same residential density as the existing building regardless of the current R-Codes density requirement, subject to satisfying a range of criteria.

The proposed dwellings are considered to meet the relevant discretionary criteria in clause 6.2A of the Scheme and are supported for the following reasons:

- While Multiple dwelling and Grouped Dwellings are separate land uses, Grouped Dwellings is a permitted land use as per clause 6.2A(1)(b)(ii) of TPS6.
- The development is proposed at a lesser density compared with the existing number of dwellings on-site; the current building contains seven apartments while this proposal involves four dwellings.
- The pre-scheme development has remained on the site at the time of determination of the application.
- The Grouped Dwellings provide an improved amenity for future residents by way of access to generous floor space and flexible living areas, lift access for ageing in place, and quality outdoor spaces.
- The development will be an improvement to the existing streetscape as compared with the existing building that was built in the 1960s.
- The proposal has been reviewed by the City's Design Review Panel (DRP) and has been considered against the 10 principles of design in *State Planning Policy 7.0 – Design of the Built Environment*. The Town House typology was supported by the DRP, noting in general terms the development represents a well resolved and high quality design.

It is however noted that clause 6.2A(1)(c)(iv) of TPS6 refers to '*no external wall of the replacement building is to extend higher than the highest point of the corresponding external wall of the Pre-Scheme Development*'. The application proposes an increase to the height of the external wall from the existing building by approximately 2m. To this end, this discretion is considered against clause 7.8 of TPS6, which enables variations to Scheme requirements. This power can be exercised if the decision maker is satisfied that:

- (i) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (iii) *The proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct plan for that precinct.*

The additional building height beyond the height of the external walls of the current building on site is considered to satisfy these provisions for the following reasons:

- The additional height is considered to be consistent with orderly and proper planning of the precinct, as it would not detrimentally impact adjoining sites. The current building height is below the height permitted under clause 6.1A and the proposed development would comply with the prescribed building height of 7m. The stone feature wall is a permitted projection above the building height limit in accordance with clause 6.1A(5) of TPS6.
- The additional height of 2m would not have an adverse impact on the locality as the proposal is consistent with the surrounding residential development in terms of building bulk and scale.
- There is no precinct plan specifically relating to building above the height of an existing building.

(e) **Lot Boundary Setbacks**

Element	Deemed-to-comply	Proposed
Unit 1 Balcony eastern boundary setback	2.0m	1.58m
Units 2 and 3 Balcony western boundary setback	2.0m	1.5m
Unit 4 Balcony western boundary setback	2.8m	1.0m

*Unit 1 Balcony eastern boundary setback*

The setback variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The proposed balcony setback variation is not considered to present a significant building bulk impact as the affected Unit 2 has a similar building form.
- The variation would not adversely impact winter solar access of the adjoining Unit 2 due to the north-south orientation of the proposed dwellings. There is sufficient separation distance (2.5m) between the two balconies to allow adequate ventilation.
- There is no visual privacy impact as the east-facing barbeque area of Unit 1 contains a full height screen wall.

*Units 2 and 3 Balcony western boundary setbacks*

The setback variations between the units are considered to satisfy the design principles of the R-Codes for the following reasons:

- The proposed balcony setback variation is not considered to present a significant building bulk impact as the affected Units have a similar building form.
- The variation would not adversely impact winter solar access of the adjoining Units from north due to the north-south orientation of the proposed dwellings. There is sufficient separation distance (ranging from 2.5m to 3.0m) between the balconies to allow adequate ventilation.

- There is no visual privacy concern as the balcony area is screened for visual privacy protection.

Unit 4 Balcony western boundary setback

The setback variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The proposed balcony setback variation is not considered to present a significant building bulk impact as the affected Unit 3 has a similar building form.
- The variation would not adversely impact winter solar access of the adjoining Unit 3 from north due to the north-south orientation of the proposed dwellings. There is sufficient separation distance (3.0m) between the two balconies to allow adequate ventilation.
- There is no visual privacy impact as the balcony would not overlook any habitable room or outdoor living area on Unit 3.

(f) **Boundary Wall**

Element	Deemed-to-comply	Proposed
Unit 1 Garage boundary wall	Average height – 3.0m	Average height – 3.35m

The boundary wall average height variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The proposed garage boundary wall is a single storey structure that would not present an adverse building bulk impact to the neighbouring property.
- The average height variation is minor in nature and would not adversely affect the winter solar access of the adjoining property from north due to the north-south orientation of the proposed dwellings.
- No habitable room on the adjoining property at ground floor level would be affected by the garage boundary wall.
- The street setback of the boundary wall is 4.6m and meets the deemed-to-comply requirements of R-Codes under R30.
- There is no visual privacy concern as there is no major opening facing into the adjoining property.

(g) **Open Space**

Element	Deemed-to-comply	Proposed
Unit 1	45%(89.28m <sup>2</sup> )	37.9%(75.18m <sup>2</sup> )
Units 2 and 3	45%(89.64m <sup>2</sup> )	40.1%(79.87m <sup>2</sup> )
Unit 4	45%(94.95m <sup>2</sup> )	42%(88.55m <sup>2</sup> )

The open space variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The definition of open space under the R-Codes excludes balcony areas regardless of whether they are roofed or unroofed. The proposed Units 1, 2 and 3 contain a generous north facing unroofed balcony area, which if included into the open space calculation would comply with the 45% deemed-to-comply open space requirement.
- The proposed double storey grouped dwelling development is consistent with the existing streetscape along both Mary Street and Greenock Avenue, which features a great number of double storey grouped dwelling sites and its building bulk is in keeping with the surrounding environment.
- The proposal contains generous north facing balcony areas, which would provide access to natural sunlight for the dwellings.
- The proposed Landscaping Plan presents an attractive setting for the building and has been reviewed by the City's Urban Design Unit to be acceptable.
- There is ample space on the development site to provide opportunities for residents to use space external to the dwelling for outdoor activities and access around the site, and spaces for external fixtures and facilities, such as clothes drying areas.

(h) **Outdoor Living Area**

Element	Deemed-to-comply	Proposed
Unit 1	Total - 24m <sup>2</sup> Unroofed - 16m <sup>2</sup>	Total - 23.5m <sup>2</sup> Unroofed - 11.8m <sup>2</sup>
Units 2 and 3	Total - 24m <sup>2</sup> Unroofed - 16m <sup>2</sup>	Total - 27.13m <sup>2</sup> Unroofed - 13.6m <sup>2</sup>
Unit 4	Total - 24m <sup>2</sup> Unroofed - 16m <sup>2</sup>	Total - 52.45m <sup>2</sup> Unroofed - 22.49m <sup>2</sup>

The Outdoor Living Area variation is considered to satisfy the design principles of R-Codes for the following reasons:

- The outdoor living areas for the proposed development mainly include the balcony areas, which are capable of use in conjunction with a habitable room of the dwelling.
- The outdoor living areas are open to winter sun and ventilation as they all face a northerly direction.
- The location of the balconies optimises use of the northern aspect of the site.

(i) **Vehicular Access**

Element	Deemed-to-comply	Proposed
Driveway width	In aggregate no greater than 9m for any one property	Driveway width in aggregate 14m

The proposed vehicular access variation is considered to satisfy the design principles of R-Codes for the following reasons:

- The vehicular safety is not considered to be compromised as both Mary Street and Greenock Avenue are both local access streets with low traffic volumes and there is sufficient separation distance between the driveways to ensure adequate vehicular sight lines.
- On the amended plans, the width of driveways for Units 1-3 has been reduced from 4.0m to 3.0m.
- There is no pedestrian footpath in front of the property. The pedestrian safety would not adversely be affected as pedestrians are unlikely to walk across the front of the property.
- The proposed Landscaping Plan, which was supported by the South Perth Design Review Panel, would enhance the existing streetscape as it presents to the street.
- The proposed crossover design has been reviewed by the City's Asset and Design business unit and no objection was raised.

(j) **Driveway Gradients (TPS6 requirements)**

Element	Deemed-to-comply	Proposed
Driveway gradients	Not exceeding 1:12 within 3.6m of the street alignment and 1:8 for the remainder of the driveway	1:8 driveway gradient (Units 1, 2 and 4 ramping up; Unit 3 ramping down)

Clause 6.10 of TPS6 contains requirements in relation to driveway gradients as stated in the table above. The proposed driveway gradient variation is considered to satisfy the discretionary criteria of TPS6 for the following reason:

- The proposed 1:8 driveway gradient complies with the Australian Standards (AS2890.1), which allows a maximum gradient of 1:4 for domestic driveways.

(l) **Street Walls and Fences**

Element	Deemed-to-comply	Proposed
Visual permeability	Front fences within the primary street setback area are visually permeable above 1.2m of natural ground level	Sections of front fences are solid and 1.8m high

The proposed front fences variation is considered to satisfy the design principles of R-Codes for the following reasons:

- The proposed 1.8m high solid fences are mostly on side boundaries. Only sections of these high fences would be visible from the street.
- The proposed development is considered to have an open frontage with low fences and upper floor balconies providing interaction with and visual surveillance over the street.
- The proposed front fences would not obstruct any vehicular visual sightlines.
- The proposed solid fences on the corner truncation would provide necessary privacy protection for the outdoor living area of Unit 4.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

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

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

In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. An assessment of the proposal against clause 67 is considered through the planning assessment above. The matters most relevant to the proposal, and the City's response to each consideration.

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

**Consultation**(a) **Design Review Panel (DRP) Comments**

The application was presented to the City's DRP in February 2021 and the proponent has implemented a range of amendments in response to this feedback. A copy of the DRP minutes from the meeting as well as applicant responses to feedback, can be found at **Attachment (e)**.

The panel was supportive of the design elements of the application overall which features a two-storey Town House typology and the quality of the development is considered to be generally of a high standard. It is considered that the amended plans have addressed the 10 principles of design in State Planning Policy 7.0 in a satisfactory manner.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 2' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 21-day period. In addition, signs were placed on site inviting comment from any other interested person.

During the advertising period, a total of 215 consultation notices were sent and one submission was received, providing comments on the proposal. The comment of the submitter, together with an officer response is summarised below.

Submitters' Comments	Officer's Responses
<p><u>Visual privacy</u> – the balcony of Unit 1 overlooks the front garden of our property. It is noted on the first floor plan that this is a “non-sensitive area”. We consider this area to be highly sensitive and request that consideration be given to screening the balcony similar to the obscured glass on the bedroom windows at the rear of the west elevation.</p>	<p>A visual privacy screen has been erected on the western side of Unit 1 balcony on the amended plans. The proposal now complies with the deemed to comply standards of R-Codes.</p> <p>The comment is <b>NOTED</b>.</p>
<p><u>Development options</u> – we are considering developing our property with a 2-storey addition in the northwest of that garden. This may limit views from the balcony of Unit 1. Will the development in Mary Street limit our options?</p>	<p>The proposed development is located on the eastern side of the submitter's property, which enjoys some river view to the west. It is therefore considered that the proposal would not affect the views of the submitter's property.</p> <p>The comment is <b>NOT UPHOLD</b>.</p>
<p>Concerns over impact of the development on the roots of the submitter's tree which extend into the development site.</p>	<p>The tree is not listed in the City's Significant Tree Register and is located on the submitter's property.</p> <p>The proposal includes the replacement of an existing brick garage on the western lot boundary and the proposed finished floor levels (2.214) are higher than the</p>

	<p>existing ground levels, which suggests that no underground works would be undertaken. As a result, it is expected that there would be no material impact on the neighbouring tree roots.</p> <p>The comment is <b>NOTED</b>.</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**(c) Asset and Design**

The City's Assets and Design business unit was invited to comment on issues relating to car parking and crossover design arising from the proposal.

Accordingly, planning conditions and advice notes are recommended to address issues raised by this business unit.

**(d) Urban Design**

The City's Urban Design business unit was invited to comment on issues relating to landscaping and verge treatment.

Accordingly, planning conditions and advice notes are recommended to address issues raised by this business unit.

**(e) Streetscape**

The City's Streetscape business unit was invited to comment on issues relating to street trees.

Accordingly, planning conditions and advice notes are recommended to address issues raised by this business unit.

**(f) Environmental Health Services**

The City's Environmental Health business unit was invited to comment on the Traffic Noise Assessment report provided by the applicant.

Accordingly, planning conditions and advice notes are recommended to address the issues raised by this business unit.

**Policy and Legislative Implications**

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

**Financial Implications**

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

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal meets all the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, in particular the design elements relating to the site area, open space and landscaping. Where discretions are sought, these are considered to be supportable for the reasons set out in this report. The proposal is considered to improve the amenity of the site and will not have any significant impact on adjoining residential properties. The proposed additional building height is within the 7.0m Building Height Limit for the property. The number of dwellings has been decreased from seven dwellings to four dwellings. The development is supported against the discretionary provisions under clause 6.2A (Pre-Scheme Developments) of TPS6, and proposes a well-resolved design with generous upper floor balconies that achieves compatibility with the surrounding area.

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

### Attachments

- 10.3.3 (a):** Amended Plans dated 23 February 2021 - 4 Two-Storey Grouped Dwellings - No. 73 Mary Street - 11.2020.486.1
- 10.3.3 (b):** Applicant's Planning Report - 4 Two-Storey Grouped Dwelling - No. 73 Mary Street, Como - 11.2020.486.1
- 10.3.3 (c):** Site Photographs - 4 Two-Storey Grouped Dwellings - No. 73 Mary Street, Como - 11.2020.486.1
- 10.3.3 (d):** Acoustic Report - 4 Two-Storey Grouped Dwellings - No. 73 Mary Street, Como- 11.2020.486.1
- 10.3.3 (e):** Response to City of South Perth Design Review Panel - No. 73 Mary Street - 4 Two-Storey Grouped Dwellings -11.2020.486.1

### 10.3.4 Revocation of Local Planning Policy P350.17 Site Works

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-30576
Meeting Date:	27 April 2021
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

On 2 July 2021 a suite of modifications to the Residential Design Codes (R-Codes) that apply to Single Houses and Grouped Dwellings will be gazetted. The modifications include changes to the criteria for site works and retaining walls.

Local planning policy P350.17 Site Works (P350.17) has been reviewed having regard to the modifications to the R-Codes. The R-Codes (as modified) adequately address all the matters contained in P350.17. It is recommended that P350.17 be revoked.

#### 0421/060

#### Alternative motion AND COUNCIL DECISION

**Moved:** Councillor Stephen Russell  
**Seconded:** Councillor André Brender-A-Brandis

That Council, in accordance with the provisions of Schedule 2, clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves not to revoke Local Planning Policy P350.17 Site Works.

#### Reasons for Change

1. For lots of <R40, the current policy does not allow for the excavation behind a street setback line and within 1m of a lot boundary, to exceed 0.5m and therefore any form of subterranean development e.g. basement, is not allowed to extend to the boundary. Hence with this policy in place there is always the propensity to have deep soil areas that can be used for trees, landscaping and all things being equal have a lesser impact on the natural hydrology and subterranean ecology, than if the policy was revoked.
2. Even though the Schedule of Amendments to State Planning Policy 7.3 Residential Design Codes Volume 1, do now require trees to be planted, albeit the size of tree is still not detailed, the amendments do not stipulate additional deep soil areas over and above that required for a tree. Hence

without this policy in place, then the increased propensity for deep soil areas and the benefits that come with it are reduced.

3. The medium-density part of the Low & Medium Density Code which is expected to be gazetted in late 2021, has deep soil provisions and importantly limitations to boundary excavations for single dwellings >R30. Hence in the interim the revocation of this policy could deliver consequences that goes against the provisions laid out in this future R-Code. Therefore, in my opinion it is more appropriate to either revoke or amend this policy once the Low & Medium Code is gazetted.

**CARRIED (6/2)**

**For:** Councillors André Brender-A-Brandis, Carl Celedin, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

**Against:** Mayor Greg Milner and Councillor Mary Choy.

#### Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to revoke Local Planning Policy P350.17 Site Works; and
2. Publishes a notice of revocation in accordance with clause 87 of the Deemed Provisions no earlier than 2 July 2021.

#### Background

The WA Government has reviewed State Planning Policy 7.3: Residential Design Codes - Volume 1 (R-Codes) as part of its package of planning reforms. The review resulted in a series of amendments to the R-Codes. The amendments will be gazetted and become operational on 2 July 2021. This deferred timeframe is to allow stakeholders, including local governments, a transitional period to adjust to the amended provisions.

In adjusting to the amended R-Codes, existing City of South Perth local planning policies that vary the criteria of the R-Codes require review. The purpose of reviewing is to address any operational issues, determine if the policy is leading to improved planning outcomes, and ensure that the policy is delivering the intended outcomes.

#### Comment

A review of P350.17 has been undertaken. A summary of the review is outlined in the table below.

P350.17 Site Works provision	Comment
The deemed to comply requirements in design element 5.3.7 C7.2 and C7.3	In relation to excavation within 1m of a side boundary, the R-Codes does not provide any controls. It is not considered that there is any valid planning rationale for restricting excavation near the boundary as it will not impact on the

<p>of the R-Codes are replaced with the following:</p> <p>1.1 Excavation behind a street setback line and within 1m of a lot boundary shall not exceed 0.5m below the natural ground level; and</p> <p>1.2 Fill behind a street setback line:</p> <p>(i) within 3.0m of a lot boundary shall not exceed 1.0m above the natural ground level; and,</p> <p>(ii) greater than 3.0m from a lot boundary shall be limited by compliance with building height limits and building setback requirements.</p>	<p>amenity of any adjoining property. Controls contained in the Building Regulations will address any matters relating to soil stability.</p> <p>It is noted that 'excavation' may also include basements, lift equipment and swimming pools. This triggers the need for development approval for these types of development where in most cases there is no specific planning considerations.</p> <p>In relation to fill, the R-Codes (as amended) takes a more pragmatic approach to addressing fill and retaining walls by linking height of retaining wall to setback distance from the boundary, as outlined in the table below.</p> <table border="1" data-bbox="774 678 1380 1093"> <thead> <tr> <th>Height of site works and/or retaining walls</th> <th>P350.17 criteria minimum setback</th> <th>R-Codes Required minimum setback</th> </tr> </thead> <tbody> <tr> <td>0.5m or less</td> <td>0m</td> <td>0m</td> </tr> <tr> <td>0.99m</td> <td>0m</td> <td>1m</td> </tr> <tr> <td>1.0m</td> <td>3m</td> <td>1m</td> </tr> <tr> <td>1.5m</td> <td>3m</td> <td>1.5m</td> </tr> <tr> <td>2m</td> <td>3m</td> <td>2m</td> </tr> <tr> <td>2.5m</td> <td>3m</td> <td>2.5m</td> </tr> <tr> <td>3m</td> <td>3m</td> <td>3m</td> </tr> </tbody> </table> <p>This results in either a stepped retaining approach or an adequate setback to ameliorate the bulk impact of a retaining wall.</p> <p>Compliance with the building height limits and building setback requirements is addressed by the R-Codes and does not need to be included in a policy.</p> <p>It is recommended that this clause is deleted and the R-Codes prevail.</p>	Height of site works and/or retaining walls	P350.17 criteria minimum setback	R-Codes Required minimum setback	0.5m or less	0m	0m	0.99m	0m	1m	1.0m	3m	1m	1.5m	3m	1.5m	2m	3m	2m	2.5m	3m	2.5m	3m	3m	3m
Height of site works and/or retaining walls	P350.17 criteria minimum setback	R-Codes Required minimum setback																							
0.5m or less	0m	0m																							
0.99m	0m	1m																							
1.0m	3m	1m																							
1.5m	3m	1.5m																							
2m	3m	2m																							
2.5m	3m	2.5m																							
3m	3m	3m																							
<p>Where a development proposal does not meet the applicable deemed-to-comply criteria of this policy, the proposal is to be assessed against the design principles of the R-Codes. This policy does not modify the design principles, however the following matters will be considered in the determination of proposals that apply the design principles of Design Element 5.3.7 P7.1 &amp; P7.2;</p>	<p>The additional design principles contained in the policy are not considered to add value to the assessment of site works. They are in essence a repetition of the design principles in the R-Codes</p> <p>Points (i) and (iv) are adequately addressed by Design Principle P7.1.</p> <p>Points (ii) and (iii) are adequately addressed by Design Principle P7.2.</p> <p>It is recommended that this clause is deleted and the R-Codes prevail. It is noted the modifications to the R-Codes do not modify the existing design principles.</p>																								

<ul style="list-style-type: none"> <li>(i) The natural features of the site, in particular any significant differences in natural ground level that result in a sloping site;</li> <li>(ii) The interpretation of natural ground level at all lot boundaries;</li> <li>(iii) The natural ground level as viewed from the street; and</li> <li>(iv) Having regard to the natural features of the site and adjoining properties, the necessity for any excavation and/or fill.</li> </ul>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

### Consultation

The Regulations do not require a local government to advertise prior to revoking a local planning policy, however the local government is required to publish notice of the policy revocation, and this will be undertaken no earlier than 2 July 2021.

### Policy and Legislative Implications

The process for revoking a local planning policy is set out in Schedule 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

### Financial Implications

There are no direct financial implications associated with this report.

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Attachments

**10.3.4 (a):** Local Planning Policy P350.17 Site Works

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - March 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-30578
Meeting Date:	27 April 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 March and 31 March 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(457)	\$6,843,522.07
Cheque Payment to Creditors	(5)	\$3,945.00
<b>Total Monthly Payments to Creditors</b>	<b>(462)</b>	<b>\$6,847,467.07</b>
EFT Payments to Non-Creditors	(74)	\$92,724.07
Cheque Payments to Non-Creditors	(8)	\$5,404.55
<b>Total EFT &amp; Cheque Payments</b>	<b>(544)</b>	<b>\$6,945,595.69</b>
Credit Card Payments	(5)	\$13,886.70
<b>Total Payments</b>	<b>(549)</b>	<b>\$6,959,482.39</b>

#### 0421/061

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor André Brender-A-Brandis

That Council receives the Listing of Payments for the month of March 2021 as detailed in **Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

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

**Against:** Nil.

#### Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment.

These controls are documented in Policy P605 Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

After an invoice has been matched to a correct Goods Receipt Note in the financial system, payment to the relevant party is made and the transaction completed in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

### Comment

A list of payments made during the reporting period is prepared and presented to the next Ordinary Meeting of Council and recorded in the minutes of that meeting. The payment listing for March 2021 is included at **Attachment (a)**.

It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability.

In accordance with the Council resolution on 26 March 2019, the attached report includes a "Description" for each payment. Officers provide a public disclaimer in that the information contained within the "Description" is unlikely to accurately describe the full nature of each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**

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

- **Non Creditor Payments**

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

- **Credit Card Payments**

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

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

### Consultation

Nil.

### Policy and Legislative Implications

Regulation 11 of the Local Government (Financial Management) Regulations 1996.  
Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

10.4.1 Listing of Payments - March 2021

**Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Strategic Implications**

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

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

**Attachments**

10.4.1 (a): Listing of Payments March 2021

## 10.4.2 Monthly Financial Statements - March 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-30581
Meeting Date:	27 April 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

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

0421/062

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor André Brender-A-Brandis

That Council notes the Financial Statements and report for the month ended 31 March 2021.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

**For:** Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D’Souza, Ken Manolas, Stephen Russell.

**Against:** Nil.

### Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2020/21 budget adopted by Council on 7 July 2020, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance with the Local Government (Financial Management) Regulations 1996.

This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

On 11 March 2020, the World Health Organisation declared COVID-19 a pandemic, first and foremost a global health crisis, followed by a world economic crisis, with Australia now being regarded as officially coming out of recession. Council adopted a range of measures to support the community at its Special Council Meeting held 21 April 2020, as well as those contained within the Annual Budget 2020/21, adopted 7 July 2020. The full extent of the 2020/21 financial impact remains unclear. The State Government extended the State of Emergency to 23 April 2021, concerns regarding a second wave are still present, with interstate travel restrictions cautiously eased.

The Legislated Budget Review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 23 February 2021. Budget Review entries have been processed, budget phasing was also revised as part of the review.

Actual income from operating activities for March year-to-date (YTD) is \$54.92m in comparison to budget of \$54.80m, favourable to budget by .2% or \$.12m. Actual expenditure from operating activities for March is \$43.62m in comparison to budget of \$43.78m, favourable to budget by 0.3% or \$0.15m. Increased spending and activity in the second half of the financial year are consistent with prior year trends. The March Net Operating Position of \$11.30m was \$0.27m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.75m in comparison to the budget of \$2.05m. Actual Capital Expenditure YTD is \$5.78m in comparison to the budget of \$6.19m, favourable to budget by 7% or \$0.41m. Timing variations are mainly responsible for the variances included in the above, an analysis is provided within **Attachment (e)** the Significant Variance Analysis. Capital spending typically accelerates in the second half of the year, as projects move from the design and procurement phase to construction. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there have been a number of capital projects that required budget adjustment during the midyear review process.

Cash and Cash Equivalents amounted \$62.87m. Higher than the prior year comparative period mainly because of the sale of proceeds of \$3.22m for 49-51 Angelo Street. Payment trends are similar to previous years. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.25% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. Currently the City holds 17.83% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

### Consultation

Nil.

### Policy and Legislative Implications

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

### Financial Implications

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

### Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

### Attachments

- |             |                                      |
|-------------|--------------------------------------|
| 10.4.2 (a): | Statement of Financial Position      |
| 10.4.2 (b): | Statement of Change in Equity        |
| 10.4.2 (c): | Statement of Financial Activity      |
| 10.4.2 (d): | Operating Revenue & Expenditure      |
| 10.4.2 (e): | Significant Variance Analysis        |
| 10.4.2 (f): | Capital Revenue & Expenditure        |
| 10.4.2 (g): | Statement of Council Funds           |
| 10.4.2 (h): | Summary of Cash Investments          |
| 10.4.2 (i): | Statement of Major Debtor Categories |

*Chief Executive Officer, Mr Mike Bradford disclosed a Financial Interest in Item 10.4.3 and disconnected from the eMeeting accordingly at 6.38pm prior to consideration of Item 10.4.3.*

### 10.4.3 CEO Recruitment, Performance and Termination Policy

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-30583
Meeting Date:	27 April 2021
Author(s):	Pele McDonald, Manager Human Resources
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report presents Policy P639 CEO Recruitment, Performance and Termination for adoption. The Policy is a legislative requirement and mandatory under the Local Government (Administration) Amendment Regulations 2021, and sets the minimum standards as to how the Council is to deal with CEO Recruitment, Performance and Termination processes.

#### Officer Recommendation

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

That Council adopts Policy P639 CEO Recruitment, Performance and Termination in **Attachment (a)**.

**Absolute Majority Required**

0421/063

**AMENDMENT****Moved:** Councillor Stephen Russell**Seconded:** Councillor André Brender-A-Brandis

- Under the heading A. Recruitment and Selection, dot point number 3, delete the words *'The panel must include at least one independent person who is not a current elected member, an external recruitment/human resources consultant, or employee of the City.'*
- Under the heading A. Recruitment and Selection, subheading Recruitment and Selection Panel (or Committee) the first paragraph be reworded to:  
*'The recruitment & selection panel is made up of current City Elected Members and must include at least one independent panel member. The independent panel member cannot be a current Federal, State or Local Government Elected Member, a previous Federal, State or City Elected Member, a recruitment/human resource consultant, or a current or previous employee of the City. The independent panel member shall be selected from a City generated candidate list.'*

**Reasons for change**

1. To provide clarity and enhanced impartiality of the independent panellist. With respect to local government elected members it is considered that they can provide valued input to the selection process, however for the interest of impartiality these candidates should not be current elected members from other Councils nor previous City of South Perth elected members.
2. The policy provides no mechanism to how the independent panellist is to be selected, however it is assumed that the independent panellist and fee structure will be decided concurrently by Council when Council resolves to form the panel. Hence the only unknown is the fielding of candidates for selection and therefore it is proposed this be performed by the City.

**The amendment was put and declared CARRIED (8/0) and formed part of the substantive motion****For:** Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.**Against:** Nil.

0421/064

**Amended substantive motion AND COUNCIL DECISION**

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

That Council adopts Policy P639 CEO Recruitment, Performance and Termination in **Attachment (a)** with the following amendments:

- Under the heading A. Recruitment and Selection, dot point number 3, delete the words *'The panel must include at least one independent person who is not a current elected member, an external recruitment/human resources consultant, or employee of the City.'*
- Under the heading A. Recruitment and Selection, subheading Recruitment and Selection Panel (or Committee) the first paragraph be reworded to:  
*'The recruitment & selection panel is made up of current City Elected Members and must include at least one independent panel member. The independent panel member cannot be a current Federal, State or Local Government Elected Member, a previous Federal, State or City Elected Member, a recruitment/human resource consultant, or a current or previous employee of the City. The independent panel member shall be selected from a City generated candidate list.'*

**CARRIED BY AN ABSOLUTE MAJORITY (8/0)**

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

**Against:** Nil.

**Background**

The Local Government (Administration) Amendment Regulations 2021 was gazetted on Tuesday 2 February 2021, effective 3 February 2021, thereby updating the Local Government (Administration) Regulations 1996. These reforms are intended to ensure best practice and greater consistency between local governments in how Council's manage and process the Recruitment, Performance and Termination of the position of Chief Executive Officer (CEO). Under section 5.104 of the *Local Government Act 1995*, local governments must adopt a Policy within three months of the Regulations coming into operation (by 3 May 2021).

CEO Recruitment, Performance and Termination minimum standards and guidelines have also been developed by the Department of Local Government, Sport and Cultural Industries (the Department) this year, in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro).

With regards to the employment of the City's current CEO, the Department's guidelines that will be applicable are the Performance Review and Termination sections, in conjunction with the CEO's contract of employment.

Whilst not applicable, it is noted that the processes undertaken by the Council regarding recruitment and selection of the current CEO prior to the regulation changes are consistent with the guidelines. The City's current management practices and processes relating to CEO recruitment, performance and termination are also consistent with the Department's guidelines. Refinement in current processes will focus on roles and responsibilities of parties, and reporting on performance at the end of the process.

### Comment

One of the fundamental roles of the Council is the employment of the local government's CEO. The CEO is responsible for implementing the Council's strategic vision and leading the local government administration. In the event of the Council being required to appoint a new CEO, the minimum standards for recruitment and selection to be met are:

- The Council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- The Council has approved, by absolute majority, the Job Description Form (JDF or Position Description) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or employee member of the local government.
- The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.
- The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- The Council has endorsed by absolute majority the final appointment.
- The Council has approved the employment contract by absolute majority.
- The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality. The minimum standards for performance review to be met are:

- Performance criteria is specific, relevant, measurable, achievable and time-based.
- The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and Council.
- The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- The collection of evidence regarding performance outcomes is thorough and comprehensive.
- Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- The Council has endorsed the performance review assessment by absolute majority.

The standards for termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests. The minimum standards for the termination of a CEO's contract are met if:

- Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The Council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- Decisions are impartial and transparent.
- The Council of the local government has endorsed the termination by absolute majority.
- The required notice of termination (which outlines the reasons for termination) is provided in writing.

The City's proposed Policy addresses the minimum standards for Recruitment, Performance and Termination in conjunction with the legislation requirements under the Act. The Policy addresses the roles and responsibilities of the parties involved, as well as addresses the requirement of an 'acting' CEO during the period of employment/appointing a new CEO.

Under section 5.104 of the *Local Government Act 1995*, local governments must adopt the Policy within three months of the Regulations coming into operation (by 3 May 2021).

#### 10.4.3 CEO Recruitment, Performance and Termination Policy

To adopt the Policy, a resolution must be passed by an absolute majority of the Council. Once adopted, it must then be published on the City's website.

#### Consultation

Councillors have been provided the proposed Policy.

#### Policy and Legislative Implications

*Local Government Act 1995*

Local Government (Administration) Regulations 1996

Department of Local Government, Sport and Cultural Industries minimum standards & guidelines

#### Financial Implications

Nil.

#### Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

#### Attachments

10.4.3 (a): Policy P639 CEO Recruitment, Performance and Termination

*Chief Executive Officer, Mr Mike Bradford reconnected to the eMeeting at 7.03pm prior to consideration of Item 10.4.4.*

#### **10.4.4 Councillor Code of Conduct and Policy P699 Breaches of the Councillor Code of Conduct**

Location: Not Applicable  
Ward: Not Applicable  
Applicant: Not Applicable  
File Ref: D-21-30584  
Meeting Date: 27 April 2021  
Author(s): Bernadine Tucker, Manager Governance  
Reporting Officer(s): Mike Bradford, Chief Executive Officer  
Strategic Direction: Leadership: A visionary and influential local government  
Council Strategy: 4.3 Good Governance

##### **Summary**

This report presents a City of South Perth Councillor Code of Conduct and Policy P699 Breaches of the Councillor Code of Conduct for adoption. The Councillor Code of Conduct is the Model Code of Conduct required by the new Local Government (Model Code of Conduct) Regulations 2021 to be adopted by Council by 3 May 2021, and Policy P699 Breaches of the Councillor Code of Conduct details how the Council is to deal with alleged breaches of the Code.

**0421/065**

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor Stephen Russell

That Council:

1. Adopts the Councillor Code of Conduct as contained in **Attachment (a)**; and
2. Adopts Policy P699 Breaches of the Councillor Code of Conduct in **Attachment (b)**.

**CARRIED BY AN ABSOLUTE MAJORITY (8/0)**

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

**Against:** Nil.

### Background

The Local Government (Model Code of Conduct) Regulations 2021 (Regulations) was gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021 and repeals and replaces the Local Government (Rules of Conduct) Regulations 2007. The Regulations introduced a mandatory Model Code of Conduct for council members, committee members and local government candidates.

The Model Code of Conduct was developed in response to stakeholder feedback that council members, committee members and candidates in local government elections should clearly reflect the standards of behaviour expected by the community.

The purpose of the Model Code of Conduct is to guide decisions, actions and behaviours of council members, elected and unelected committee members, and candidates in local government elections. The Model Code of Conduct provides a high-level process that requires local governments to make a finding on complaints regarding the alleged behaviour of council members, committee members and candidates that have been elected. The intent of the Model Code of Conduct is that local governments will address behaviour through education rather than sanctions.

Under section 5.104 of the *Local Government Act 1995*, local governments must adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021). Local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct) in the Model Code of Conduct. However, additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government although any additions must be consistent with the Model Code of Conduct (section 5.104(3) of the Act).

To adopt the Model Code of Conduct, a resolution must be passed by an absolute majority of the council. Once adopted, it must then be published on the City's website.

A local government can also develop further guidance on dealing with complaints through the introduction of a complementary policy that deals with breaches of the Model Code of Conduct to the extent it is not provided for in the Regulations.

### Comment

The Regulations imposed a number of new requirements on Council, two of which were required to be completed by 24 February 2021. This was the subject of a Council report presented to the February Council meeting where Council resolved to:

1. Appoint the Chief Executive Officer as the nominated Complaints Officer under clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021; and
2. Adopt a Code of Conduct Breach Form.

The February Council report also mentioned that a report would be presented to a future Council meeting on the need for a Model Code of Conduct and a Policy to deal with alleged breaches of a Model Code of Conduct.

The City of South Perth Councillor Code of Conduct in **Attachment (a)** is the Model Code of Conduct as prescribed by the Regulations. The Councillor Code of Conduct was distributed to Councillors for comment on 12 February 2021 where no changes were suggested.

As the Regulations also stipulate that complaints regarding alleged breaches of Division 3 of the Model Code of Conduct are to be managed by the local government as the decision-making body, a policy on Breaches of the Councillor Code of Conduct has been developed to help guide decision making. A draft Policy was distributed to Elected Members on 22 February 2021 seeking feedback.

Following a number of requests for clarification, a briefing was held with Elected Members on Monday 22 March 2021 where the City's legal advisor provided guidance on the interpretation of the Policy. Following this briefing, a number of changes have been made to the Policy.

The Policy provides for an independent person or body to be engaged to conduct a confidential assessment into alleged breaches of the Councillor Code of Conduct and details the assessment process. The Policy also formalises the role of the Council, which is consistent with the Regulations. The Policy as contained in **Attachment (b)** and is presented to Council for adoption.

### Consultation

Councillors have been consulted on both the Model Code of Conduct and the Policy. A workshop was also held with Elected Members on Monday 22 March 2021.

### Policy and Legislative Implications

*Local Government Act 1995*

Local Government (Model Code of Conduct) Regulations 2021

### Financial Implications

Nil.

### Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

### Attachments

**10.4.4 (a):** City of South Perth Councillor Code of Conduct

**10.4.4 (b):** Policy P699 Breaches of the Councillor Code of Conduct

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 12 May 2021 to 25 May 2021 inclusive.

0421/066

### Motion to Approve Leave of Absence Application AND COUNCIL DECISION

**Moved:** Mayor Greg Milner

**Seconded:** Councillor Stephen Russell

That Council approve the Leave of Absence application received from Councillor Glenn Cridland for the period 12 May 2021 to 25 May 2021 inclusive.

**CARRIED (8/0)**

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

**Against:** Nil.

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 12.1 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - INCLUSION OF A CAPITAL SIGNIFICANT VARIANCE REPORT WITHIN THE MONTHLY FINANCIAL STATEMENTS

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-30586
Meeting Date:	27 April 2021
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

Councillor Stephen Russell submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 April 2021.

0421/067

#### Motion AND COUNCIL DECISION

**Moved:** Councillor Stephen Russell

**Seconded:** Mayor Greg Milner

1. The Council requests the CEO to include a Capital Expenditure and Revenue Significant Variance Report within the monthly financial statements. The contents of the report shall as a minimum meet the prescribed requirements of Regulation 34 of the Local Government (Financial Management) Regulations.
2. The format of the report shall be at the City's discretion, although the Operating Significant Variance Report is deemed to be an appropriate template.
3. The first variance report shall be included within the June 2021 OCM agenda and continued thereafter.

**CARRIED (8/0)**

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

**Against:** Nil.

## Background

Prior to the Council Agenda Briefing, Councillor Stephen Russell submitted a notice of motion requesting a capital significant variance report be included within the Monthly Financial Statements. The reasons provided for the notice of motion are as follows:

- “1. *On at least two occasions over the previous year, questions have been asked of the City as to when a Capital Significant Variance Report would be reported to Council as part of the monthly financial statements. The City have noted that they are agreeable to such, though they have not committed to a schedule of implementation. Hence, this motion sets out a schedule of implementation.*
  
2. *Notwithstanding (1), Regulation 34 sub-regulation 1(d) of the Local Government (Financial Management) Regulations requires monthly statements of financial activity to report “Material variances between the comparable amounts referred to in paragraphs 1(b) and 1(c)”, where sub-regulations 1(b) and 1(c) are budget estimates to the end of the month and actual amounts of expenditure, revenue and income to the end of the month, respectively.*  
  
*Furthermore, Regulation 34 clause 2(b) of the Local Government (Financial Management) Regulations requires an explanation of each of the material variances referred to in sub-regulation (1)(d) as noted above.*  
  
*Hence, although the City is compliant with Regulation 34 1(d) and 2(b) with respect to reporting Operating significant variances, it is not compliant in the reporting of Capital significant variances.*
  
3. *A material or significant variance threshold for Capital items has already been set for this financial year and shall be set for future financial years, within the applicable adopted annual budgets.”*

## Comment

The *Local Government Act 1995* (Act) and *Local Government (Financial Management) Regulations 1996* (Regulations) describe the requirements for Annual and Monthly Financial Statements. Annual Financial Statements are comprehensive, prepared in accordance with Australian Accounting Standards and audited by the WA Auditor General. Similar to Federal and State Governments, listed companies and Not For Profits, the Annual Financial Statements, combined with the Annual Report provide a detailed description of annual performance.

For Federal and State Governments, listed companies and Not For Profits, the production of Monthly Financial Statements to monitor performance are internal documents only and not public information. Unusually, the Act and Regulations dictate that two types of financial information must be produced monthly, firstly all payments made by a local government and secondly a Statement of Financial Activity, with notes relating to material variances.

The Statement of Financial Activity (Attachment C) of the Monthly Financial Reports is unique to local government, combining an Income Statement, previously called a Profit & Loss (P&L) statement (top half of the Statement of Financial Activity), with the bottom half containing cash flow and balance sheet items.

Across WA, most local governments produce additional financial reports, such as a P&L, Statements of Financial Position (Balance Sheet), detailed Operating, Capital Work schedules, investment information and other reports. All vary as to the method of describing a variation from Budget to Actual. With the exception of the Statement of Financial Activity, all of these financial reports are voluntary.

Producing these monthly financial reports require significant effort from the Finance team, Managers and Project Managers, each month to produce the reports, analyse variances and finalise reports for publication. On 1 July 2019, the City completed Phase I of implementing an enterprise wide information system, the most significant business transformation in 20 years. Whilst the majority of City effort is focused on Phase III of the project, staff have turned their attention to continuous improvement of the modules already implemented, including the complete overhaul of monthly financial and non-financial reports.

In terms of monthly Financial Reports, staff researched reports published by local governments across Australia and presented examples to a Concept Briefing on 13 October 2020. Councillors provided feedback on information that would assist Councillors with their oversight role, as well as provide more user friendly information for the general public. Staff have taken on board this feedback and are developing a new suite of reports for Council consideration.

Cr Russell has previously requested staff to provide commentary on variances of the Capital Revenue and Expenditure Report (Attachment F). At present, material variances (Attachment E) are provided in relation to the Operating Revenue and Expenditure Report (Attachment D). As an interim step and to assist Council in their oversight role, staff had suggested to include information in the Councillor Bulletin.

The implementation of the 1System project requires a significant shift in thinking, with a focus on the entire system, from end to end. Analysis of the best way to report financial and non-financial information (i.e. quarterly reporting of progress of the Corporate Business Plan), together with the different needs of the community, Council and management as well as the best mode of delivery (i.e. hard-copy, softcopy, digital portals) is ongoing. A new suite of financial reports is being developed and will be presented to Council for consideration at a Concept Briefing. Following feedback, staff will then include this new suite for each monthly Council meeting.

However, given there is still work to be completed on the new reporting (suite), staff agree that expanding the Significant Variance Analysis (Attachment E) to include information relating to Capital Revenue and Expenditure variances is a good interim step. Work has progressed to capture capital projects delivery, with detail of material variances comparing Budget to Actual, has been included in the March 2021 Monthly Significant Variance Analysis (Attachment E).

## **Consultation**

Nil.

## **Policy and Legislative Implications**

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

## Financial Implications

The City has been developing in house report writing capability, so the development of a new suite of financial reports will be undertaken with staff time, from existing budgets. The 1System project will deliver a streamlined reporting process, however as the Lifecycle Project Management module has not yet commenced, preparing monthly project progress reports will involve a number of manual processes.

## Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

## Attachments

Nil

## 12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - HURLINGHAM PLAYGROUND

Location: Hurlingham Playground, South Perth Foreshore  
Ward: Mill Point Ward  
Applicant: Not Applicable  
File Ref: D-21-30588  
Meeting Date: 27 April 2021  
Author(s): Steve Atwell, Manager Programs Delivery  
Reporting Officer(s): Mark Taylor, Director Infrastructure Services  
Strategic Direction: Community: A diverse, connected, safe and engaged community  
Council Strategy: 1.2 Community Infrastructure

### Summary

Councillor Mary Choy has submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 April 2021 regarding the suitability of the replacement Hurlingham playground on the South Perth foreshore.

0421/068

### Suggested Alternative Recommendation AND COUNCIL DECISION

**Moved:** Councillor Mary Choy

**Seconded:** Mayor Greg Milner

That Council endorse the development of a design and cost estimate to install an appropriate all abilities accessible and inclusive playground at the Hurlingham site on the South Perth foreshore, to be included in the draft 2021/22 Capital Works program for Council consideration.

**CARRIED (8/0)**

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

**Against:** Nil.

### Notice of Motion Recommendation (Suggested Alternative Recommendation page 60)

That the City include, in the draft 2021/22 Capital Works program for Council consideration, appropriate replacement all abilities accessible and inclusive playground equipment at the Hurlingham site on the South Perth foreshore.

## Background

Councillor Mary Choy has submitted a Notice of Motion requesting appropriate replacement of the all abilities accessible and inclusive playground equipment at the Hurlingham site on the South Perth foreshore to be included in the draft 2021/22 Capital works program. The reasons for the Notice of Motion are as follows:

1. *The previous installation at the Hurlingham playground was well utilised by the local community and also served a unique purpose, in that it comprised of inclusive and accessible playground equipment suitable for children of all abilities. The replacement 'swing park' style playground does not cater for these needs in the same way.*
2. *There is strong local community support for reinstallation of similar all abilities accessible and inclusive equipment at the Hurlingham playground, as demonstrated by the numerous enquiries received by the City and the questions received from members of the public at the March Ordinary Council Meeting."*

An independent audit of the Hurlingham playground, conducted in 2016 identified that the equipment was significantly corroded, non-compliant with current playground standards and at the end of its useful life (> 20 years old). Some items of the equipment were removed at that time, however the accessible ramp and a platform deck were retained providing some limited mobility access.

A budget was allocated in the 2020/21 Capital Works program to replace the remainder of the playground and in March 2021 the City removed the accessible play equipment from the Hurlingham site. The equipment was replaced with three individual swing style play items, a spinning totem and two junior rockers within the existing soft fall play area. Existing shade sails were retained together with the adjacent wheel chair accessible "Liberty" swing structure.

The South Perth Foreshore Strategy and Management Plan proposes the development of an all ages and multi accessible regional playground facility to be developed nearby within the Node 2 Coode Street Zone. This project is estimated to require total funding in the region of \$5m. It is scheduled within the City's forward Capital Works programme to be implemented over approximately four financial years commencing in the 2023/24 financial year, subject to the allocation of funds.

## Comment

Following review of the public feedback received from the community relative to the removal of the accessible ramp and platforms at the Hurlingham play area and recognising that the proposed replacement all ages multi accessible equipment at Node 2 Coode Street is unlikely to be available for use by the community before 2024/25, staff consider that it is appropriate that the Council consider the allocation of funding in the 2021/22 financial year to facilitate the installation of an appropriate all abilities play module at the Hurlingham site.

Subject to Council endorsement of the proposed recommendation, City staff will consider and propose an appropriate response to the request to provide an appropriate all abilities accessible and inclusive playground at the Hurlingham site.

## Consultation

The determination of an appropriate design response will include consultation with relevant stakeholders including representatives of the City's Inclusive Community Advisory Group.

## Policy and Legislative Implications

Consistent with the objectives of Policy P107 Access & Inclusion  
Consistent with the objectives of Disability Access and Inclusion Plan

## Financial Implications

Project value to be determined during design response and subject to consideration in association with the Councils 2021/22 Annual Budget deliberations.

## Strategic Implications

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

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores.

## Suggested Alternative Recommendation

That Council endorse the development of a design and cost estimate to install an appropriate all abilities accessible and inclusive playground at the Hurlingham site on the South Perth foreshore, to be included in the draft 2021/22 Capital Works program for Council consideration.

## Reason for Alternative Recommendation

Acknowledges the City's intention to develop an appropriate design and cost estimate for consideration by Council within its 2021/22 Capital Budget deliberations.

## Attachments

Nil

## 13. QUESTIONS FROM MEMBERS

### 13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the Ordinary Council Meeting held 23 March 2021 can be found in the **Appendix** of these Minutes.

### 13.2 QUESTIONS FROM MEMBERS

- Councillor Mary Choy
- Councillor Glenn Cridland
- Councillor Ken Manolas

The questions and responses can be found in the **Appendix** of these Minutes.

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

Ni

## 15. MEETING CLOSED TO THE PUBLIC

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

0421/069

### COUNCIL DECISION

**Moved:** Mayor Greg Milner

**Seconded:** Councillor Blake D'Souza

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

- Item 15.1.1 Chief Executive Officer – Conditions of employment

**CARRIED (8/0)**

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

**Against:** Nil.

The eMeeting was closed to members of the public at 7.33pm and they were disconnected accordingly.

## 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

*Chief Executive Officer, Mr Mike Bradford disclosed a Financial Interest in Item 15.1.1 and disconnected from the eMeeting accordingly at 7.33pm prior to consideration of Item 15.1.1.*

### 15.1.1 Chief Executive Officer - Conditions of employment

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

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-31440
Meeting Date:	27 April 2021
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Bernadine Tucker, Manager Governance
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

**0421/070**

#### **Officer Recommendation AND COUNCIL DECISION**

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

That Council endorses the Officer's Recommendation contained within the body of this report.

**CARRIED (8/0)**

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

**Against:** Nil.

**0421/071**

**Officer Recommendation AND COUNCIL DECISION**

**Moved:** Mayor Greg Milner

**Seconded:** Councillor Blake D'Souza

That the meeting be reopened to the public.

**CARRIED (8/0)**

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

**Against:** Nil.

*The eMeeting was reopened to the public at 7.46pm.*

*Chief Executive Officer, Mr Mike Bradford reconnected to the eMeeting at 7.46pm prior to the meeting being closed.*

## **16. CLOSURE**

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.47pm.

## APPENDIX

### 6.2 PUBLIC QUESTION TIME 27 APRIL 2021

<p><b>1. Mr Adam Nevin, 38 Downey Drive, Manning</b> Received: 16 April 2021</p>	<p><b>Responses provided by: Mark Taylor – Director Infrastructure Services</b></p>
<p><i>[Preamble]</i> <i>As a resident of Downey Dr, Manning, I have witnessed several accidents and their aftermath at its junction with Welwyn Av. This prompted me to obtain crash data from Main Roads which shows that the Downey Dr/Welwyn Av junction has a disproportionate incidence of car crashes compared to similar junctions in the area.</i></p>	
<p>1. With 8 car accidents having occurred in Manning along 200m of Welwyn Ave from the junction of Welwyn Av and Downey Dr to that of Welwyn Av and Bradshaw Cres between Oct 2015 and Nov 2020, what will Council do to address this?</p>	<ul style="list-style-type: none"> <li>• A Black spot submission application to Main Roads WA is already underway by the City for the intersection of Welwyn Avenue with Downey Drive.</li> <li>• Black spot programs directly target roads with a proven crash history or locations identified as high risk.</li> <li>• The City will also be meeting MRWA to discuss Black spot applications later this month.</li> </ul>
<p><b>2. Mr Tony Ransom, PO Box 80, Guildford</b> Received: 23 April 2021</p>	<p><b>Responses provided by: Mark Taylor – Director Infrastructure Services</b></p>
<p>1. Can you please advise what the original price was for the 4 mm cyclone fencing along the side of the pavement at the southern end of Melville Parade. (probably installed before 1980)</p>	<p>The City does not have records dating back that far in relation to this matter. A meeting will be scheduled with Mr Ransom as soon as possible to understand and discuss this matter further.</p>

### 13.1 QUESTIONS FROM MEMBERS TAKEN ON NOTICE 23 MARCH 2021

<p><b>Councillor Mary Choy</b></p>	<p><b>Response provided by: Mark Taylor – Director Infrastructure Services</b></p>
<p>If Council was so minded to put forward a motion that the Hurlingham Playground be reinstated or the playground upgraded would the Council need a budget to do so and if so how much?</p>	<p>Refer to Item 12.2 Notice of Motion – Councillor Mary Choy – Hurlingham Playground on page 58.</p>
<p><b>Councillor Glenn Cridland</b></p>	<p><b>Response provided by: Mayor Greg Milner</b></p>
<p><i>[Preamble]</i></p> <p><i>At the last meeting I raised a motion that was unsuccessful in respect of improving transparency and accountability by reporting on our webpage registers information as to various briefings and so on. One of the parts of the report in opposition to my motion was that there was to be substantial work required by my motion so my question is to the Mayor.</i></p>	
<p>Are you aware of Policy P672 and that, that Policy already requires the administration or in particular the CEO to keep all of that information?</p>	<p>I have reviewed the scope of Policy P672. Policy P672 only covers attendances at “each Agenda Briefing, Concept Forum and Workshop”. It does not cover attendances at site visits, committee meetings, or other functions or events.</p> <p>Policy P672 provides, among other things, that:</p> <p>“The CEO will cause notes to be kept of each Agenda Briefing, Concept Forum and Workshop. These notes will include the date, attendance and title of the subjects addressed. These notes will be included on the agenda of the next council meeting.”</p> <p>It appears that the above clause has been present in Policy P672 since June 2012 (and possibly earlier).</p>

	<p>I have reviewed the records of a number of past Council Meetings to check if Policy P672 has been complied with.</p> <p>To the best of my knowledge:</p> <ul style="list-style-type: none"><li>• the obligation to record “the date, attendance and title of the subjects addressed” at each Agenda Briefing appears to have been complied with at all relevant times; and</li><li>• the obligation to record the date and title of the subjects addressed at each Concept Forum and Workshop has been complied with at all relevant times.</li></ul> <p>It appears that the obligation to include notes as to the attendances at each Concept Forum and Workshop in “the agenda of the next council meeting” was being observed inconsistently by late 2018 (please see the Minutes and Attachments for the November 2018 and December 2018 Ordinary Council Meetings), and that the practice had ceased entirely by February 2019 (please see the Minutes and Attachments for the February 2019 and March 2019 Ordinary Council Meetings).</p> <p>My enquiries to the administration revealed that this decision was made by the previous administration and that the recording of attendees will be rectified moving forward.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Councillor Carl Celedin	Response provided by: Mark Taylor – Director Infrastructure Services
<p>I have noticed a number of trees on the west side of Redmond Street have died. Do we know what happened there and are we able to do anything about that not happening again?</p>	<p>The trees growing along the Western street verge of Redmond Street in Salter Point, which are in poor health and in some instances have previously died are a species of Red Flowering Gum, Eucalyptus ficifolia which were cultivated specifically for use as municipal street trees approximately 10 – 15 years ago.</p> <p>Unfortunately this variety of tree is particularly vulnerable to fungal canker attack which ultimately leads to the trees decline and death. There is no practical treatment for this disease.</p> <p>The City proposes to progressively remove and replace the damaged trees in consultation with residents in affected streets.</p>

## 13.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE 27 APRIL 2021

Councillor Mary Choy	Response provided by: Mark Taylor – Director Infrastructure Services
<p><i>[Preamble]</i></p> <p><i>All four questions relate to the Joint Bike Plan in conjunction with the Town of Victoria Park.</i></p>	
<p>1. What safety measures are being put in place as part of the program to slow cyclists down around the Coode St playground area, also known to locals as the Blue Sail Playground, as well as the Douglas Avenue and Coode Street crossovers, to prevent injuries to users of the parkland from occurring as a result of cyclist collision, as alleged has occurred from local residents and members of the public?</p>	<p>The shared path crossing Coode Street and Douglas Avenue was designed and constructed with curves to slow down cyclists. However, to assess the speed of cyclists through this area, the City proposes to carry out a traffic survey to determine the actual volume and speed of cyclists. Additional safety measures will be added on the path, including stickers and additional warning signs with messages reminding the cyclists they are approaching a high-conflict area.</p>
<p>2. When will these safety measures be implemented?</p>	<p>The City of South Perth is currently finalising the design of the stickers which will be installed on the path at the same time as the construction of the raised crossings. The City is also working on other positive messages to be used across the City, like ‘please ring your bell’ and ‘share this space’. We have draft examples of stickers which will be provided to Councillors in the bulletin.</p>
<p>3. I understand this program is unique, and we’re one of the first local governments to receive its implementation in W.A., and as such will the City review the effectiveness and safety of the program, together with the additional safety measures, once implemented and if so within what timeframe?</p>	<p>Main Roads WA will be carrying out a video survey pre and post treatment installation and will present a report. It is estimated the report will be delivered approximately six months after the installation of the treatments. The City will install traffic counters at key locations to determine the speed of cyclists and assess the level or risk.</p> <p>The City will also be installing signage to notify cyclists and vehicles of the changed traffic conditions, which will be in place for a few weeks to ensure all users are well aware of the changed conditions. Lastly, the City will also be</p>

	installing virtual message signs (VMS) for a few weeks before the project starts construction to notify the users of the upcoming works.
4. If for whatever reason the program, with the additional safety measures outlined, does not appear to rectify the safety issues around the shared spaces specified, as the City envisages it will, what will be the City's likely response and next course of action?	The City and Main Roads are confident the improved design will slow down both cars and cyclists leading to a safer environment for all users. If a problem arises, the City will immediately deploy appropriate safety measures, depending on the specific issue. Main Roads WA (and the City) are keen to ensure this project works as envisaged.
<b>Councillor Glenn Cridland</b>	<b>Response to question 1 provided by: Vicki Lummer – Director Development &amp; Community Services</b> <b>Responses to questions 2 and 3 provided by: Mark Taylor – Director Infrastructure Services</b>
1. My question relates to the Civic Heart site and the development. I cannot recall whether or not the various Certificates of Title were combined into one super lot or not. That information may answer my first question. In relation to the historic Post Office and Police Station on that site, do you know whether or not those two buildings or portions of the site are to be sold by Finbar, or whether they are to be retained by Finbar?	As far as I know and verbally, Finbar definitely intend to keep them and use them for restaurant purposes.
2. Is the Post Office intending to relocate, if so, where?	The Post Office signed an interim lease with Finbar in the last 12 months. When the lease expires they are aware they will be leaving the site as Finbar has another use for that building.
3. Do we have any information as to where Australia Post may be re-establishing itself, if anywhere, in the local area?	When we last spoke to Australia Post a little over a month ago, they did not indicate they had an alternative site.

<b>Councillor Ken Manolas</b>	<b>Response provided by: Mark Taylor – Director Infrastructure Services</b>
<p>1. My question relates to the Civic Heart and the traffic management. I notice half of Mends Street, next to the Post Office has been closed off, but I notice almost no trucks there every time I go past, or perhaps only one on a very occasional basis. Is the City going to review the traffic management plan for the Civic Heart? Because it is very difficult to get to the post office at the moment.</p>	<p>Yes, the City will be reviewing the traffic management plan. However, during working hours the idea of closing off that part of Mends street was to facilitate truck movements in the area which would not impinge on pedestrians and cars. It was purely for safety reasons. Yes vehicles and trucks do use this site, however the extent of the traffic management plan, being closing the area off for 24 hours, is something that the city will be reviewing.</p>
<b>Councillor Mary Choy</b>	<p><b>Response to question 1 provided by: Vicki Lummer – Director Development and Community Services</b></p> <p><b>Response to question 2 provided by: Mark Taylor – Director Infrastructure Services</b></p>
<p>1. In regards to the Post Office is that heritage listed?</p>	<p>Yes. It is heritage listed.</p>
<p>2. With regards to traffic and parking in particular. Is the ACROD bay still there, has it been put on the other side?</p>	<p>Taken on notice.</p>

**DISCLAIMER**

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 25 May 2021

Signed \_\_\_\_\_ / /2021

Presiding Member at the meeting at which the Minutes were confirmed