

MINUTES

Ordinary Council Meeting

27 July 2021

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 27 July 2021 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

30 July 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.

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 27 July 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

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Como Ward
Manning Ward
Manning Ward
Moresby Ward
Moresby Ward
Mill Point Ward
Mill Point Ward

Councillor Carl Celedin
Councillor Glenn Cridland
Councillor Blake D'Souza
Councillor André Brender-A-Brandis
Councillor Samantha Bradder
Councillor Stephen Russell
Councillor Mary Choy
Councillor Ken Manolas

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
Director Infrastructure Services
Manager Governance
Manager Human Resources
Manager Strategic Planning
Communications and Marketing Coordinator
Governance Coordinator
Principal Strategic Planner
Governance Officer
Advisor - RAF

Mr Mike Bradford
Mr Colin Cameron
Ms Vicki Lummer
Mr Mark Taylor
Ms Bernadine Tucker
Ms Pele McDonald
Mr Warren Giddens
Ms Lisa Williams
Ms Toni Fry
Mr Aaron Auguston
Mr Morgan Hindle
Ms Rebecca De Boer

Gallery

There were approximately 24 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

In accordance with authority delegated by the Minister for Local Government on 19 July 2021, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow myself and Councillors Carl Celedin, Glenn Cridland, Stephen Russell, Samantha Bradder, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.3.2 Consent to Advertise Draft Local Planning Scheme 7.

The approval is subject to the following conditions:

1. The approval is only valid for the 20 July 2021 Council Agenda Briefing and the 27 July 2021 Ordinary Council Meeting when agenda item 10.3.2 is considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests are as follows:

- Mayor Greg Milner – Financial, Proximity and Impartial Interest in Item 10.3.2 as the 'Local Planning Policy Scheme 7 affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include: not-for-profit entities that I have previously served on the boards of; a not-for-profit entity where I presently serve on a sub-committee; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who have made donations to my election campaign in 2019.'

- Councillor Glenn Cridland – Financial, Proximity and Impartial Interest in Item 10.3.2 as ‘the making of a new Local Planning Scheme for the City of South Perth is certain to impact upon the development potential, permissible (and prohibited) uses and amenity of many real properties in the City of South Perth including potentially our family home at 61 Thelma Street Como, our neighbours’ homes as well as the homes of family, friends, colleagues and acquaintances.’
- Councillor André Brender-A-Brandis – Proximity Interest in Item 10.3.2 as ‘I am a property owner within the City of South Perth.’
- Councillor Samantha Bradder – Financial and Proximity Interest in Item 10.3.2 as ‘both myself and my extended family own property in the City of South Perth.’
- Councillor Carl Celedin – Financial Interest in Item 10.3.2 as ‘I own a property in the City of South Perth where the value of the property may be affected (increased or decreased) because of this Item.’
- Councillor Mary Choy – Financial and Proximity Interest in Item 10.3.2 as ‘I, my immediate and extended family own multiple properties in the City of South Perth to which the LPS7 will apply.’
- Councillor Ken Manolas – Financial, Proximity and Impartial Interest in Item 10.3.2 as ‘the two family homes at 193 Mill Point Road and 28 Victoria Street are the subject of zoning changes that may increase or decrease the value of our homes. My son owns a property at 23 Cygnus Parade, Waterford and an adjacent property has a zoning change which may increase or decrease the value of his home. The Citywide changes will affect our neighbours, and a great many people that I know in the City.’
- Councillor Stephen Russell – Proximity Interest in Item 10.3.2 as ‘the LPS7 includes my primary residence and adjoining properties.’

The following interests have also been received in relation to Item 10.3.3 and 10.5.1.

- Mayor Greg Milner – Financial, Proximity and Impartial Interest in Item 10.3.3 as ‘Draft Local Planning Policy (Building Height) affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include: not-for-profit entities that I have previously served on the boards of; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who have made donations to my election campaign in 2019.’
- Councillor André Brender-A-Brandis – Financial Interest in Item 10.3.3 as ‘I own a property within the City, which may be subject of valuation changes due to the application of this Local Planning Policy with regards to Building Height.’
- Councillor Ken Manolas – Financial, Proximity and Impartial Interest in Item 10.3.3 as ‘the policy may increase or decrease the value of properties that I, my family or friends own in the City.’

- Councillor Stephen Russell – Financial Interest in Item 10.3.3 as ‘In the context of the introduction of LPS7 and as the proposed height policy is in essence an excerpt from the TPS6, then I consider the definition of “scheme” as per the Act to apply to this policy. Hence a review of Section 5.63 (3) and (4) of the Act does not exempt me from not declaring an interest.’
- Councillor Mary Choy – Financial, Proximity and Impartial Interest in Item 10.3.3 as ‘extended family own a property on Brandon Street, South Perth on a sloping block to which the Building Height Policy will apply.’
- CEO Mike Bradford – Financial Interest in Item 10.5.1 as ‘the report involves 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 JULY 2021

The Presiding Member opened Public Question Time at 6.09pm

Written questions were received prior to the meeting from:

- Mr John Andrew Ferguson of King Edward Street, South Perth.
- Mr Duncan Warren of Ednah Street, Como.
- Mrs Cecilia Brooke of Garden Street, South Perth.

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

The Presiding Member closed Public Question Time at 6.18pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22 June 2021

0721/112

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Ordinary Council Meeting held 22 June 2021 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, 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 July 2021

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

Date	Subject	Attendees
5 July 2021	Civic Triangle Traffic Update	Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.
5 July 2021	Strategic Community Plan Update	Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.
6 July 2021	Local Planning Scheme 7 – Workshop #5	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.
12 July 2021	Youth Plan Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Blake D'Souza, Ken Manolas and Stephen Russell.
12 July 2021	RAF Update	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Blake D'Souza, Ken Manolas and Stephen Russell.
19 July 2021	Karawara Pedestrian Access Way Closure	Mayor Greg Milner and Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.

19 July 2021	Waste Plan Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.
21 July 2021	Councillor Leadership Development Session #2	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, and Ken Manolas.

Attachments

Nil.

0721/113

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Samantha Bradder

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

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

CARRIED (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, 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

Deputations were heard at the Council Agenda Briefing meeting held 20 July 2021.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 20 July 2021 and highlighted that an amendment was made to Item 10.3.2 **Attachment (a)** to add additional criteria to Schedule B (Area 5 – No. 20 Allen Street, South Perth (Burch Street Car Park)).

ITEMS WITHDRAWN FOR DISCUSSION

- 10.1.1 Progress Report on the Recreation and Aquatic Facility Project
- 10.3.2 Consent to Advertise Draft Local Planning Scheme 7
- 10.3.3 Consent to Advertise Draft Local Planning Policy – Building Height
- 10.3.4 Consent to Advertise Draft Local Planning Policy P323 – Salter Point Escarpment
- 10.4.2 Monthly Financial Statements June 2021 (Interim)
- 10.5.1 CEO's Performance Review Process and KPI Setting

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

0721/114

COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

- 10.3.1 Endorsement of the City's Waste Plan
- 10.4.1 Listing of Payments - June 2021
- 10.4.3 New Policy P630 Workplace Health and Safety

CARRIED (9/0)

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

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Progress Report on the Recreation and Aquatic Facility Project

Location: Collier Park Golf Course
Ward: Como
Applicant: Not Applicable
File Ref: D-21-57285
Meeting Date: 27 July 2021
Author(s): Beverley Davies, Project Director - RAF
Rebecca de Boer, Advisor - RAF
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

This report provides an update on the implementation of the findings of the Peer Review of the RAF Business Case documents as requested by Council at the Special Council Meeting held 15 March 2021.

The report also provides an overview of further actions for Council to consider that will ensure the RAF Project is financially viable and remains on schedule to completion.

0721/115

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Blake D'Souza

That Council notes the actions taken to date by the City to address the areas of further development identified by the Peer Review of the RAF Business Case Documents (Operational Feasibility Report and Project Definition Plan).

CARRIED (9/0)

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

Against: Nil.

Background

At the Special Council Meeting held 15 March 2021, Council endorsed the findings of the Peer Review of the RAF Business Case documents (Operational Feasibility Report and Project Definition Plan) conducted by Deloitte and Warren Green Consulting (WGC).

Council also requested that the City report back on the areas for further development identified by the Peer Review including a detailed functional brief, quantitative risk assessment and operator market sounding, by no later than July 2021.

Findings of the Peer Review

The Peer Review noted the comprehensive planning process the City had undertaken for the RAF Project. The Peer Review did not find any fundamental barriers to the RAF project progressing to the next stage and noted:

The findings highlight areas of further development of the RAF, which would typically be addressed in a Treasury Business case.

The areas of further development included:

- Detailed functional brief – to refine the
‘... current concept design, area schedule, demand projections and facility components’
- Quantitative risk assessment – to determine
‘... the potential financial cost and performance implications of key risks of various scenarios.’
- Operator market sounding – to conduct
‘... a more extensive market sounding exercise with potential operators to confirm appetite for RAF Business model and key assumptions included in the feasibility assessment’

Comment

The RAF Project is currently progressing through Stage 2 of the project schedule (March 2021 to November 2021). The following Key Actions for this stage are now complete:

- Approval of the Business Plan as required by s 3.59 of the *Local Government Act 1995*; and
- Signing the Federal Funding Agreement and receipt of the first payment.

In addition, the City remains actively engaged in discussions with the State Government and other project partners regarding funding commitments for the project.

The City has completed the Operator Market Sounding process and the Treasury Business Case is well advanced. The Detailed Functional Brief will be undertaken once the Concept and Schematic design processes are completed.

Further detail about how the City has addressed the findings of the Peer Review is listed below.

Area of Further Development	City Response
Operator Market Sounding	There was strong interest in operator rights of the RAF from potential operators during the Operator Market Sounding.

	The findings of the Operator Market Sounding will inform the next stage of the RAF project and development of future procurement process for the RAF.
Treasury Business Case	<p>The Treasury Business Case includes consideration of options and a risk register with quantitative analysis of key risks, including:</p> <ul style="list-style-type: none"> operational (performance) impacts referencing scenario analysis potential capital cost impacts
Detailed Functional Brief	<p>Operational financials (demand) for aquatics to be provided at the RAF have been reviewed as part of the development of the Treasury Business Case.</p> <p>Operational financials for aquatics in line with design (functional capacity) will be detailed in the functional brief and developed during the next stage of the RAF Project (Concept and Schematic Design).</p>

Future Actions Required to Progress the RAF

1. Concept Design

The Project Schedule assumes that Concept Design will commence in August 2021. This will be the first of three stages of Design for the Project – the others being Schematic and Detailed Design (Stages 3-5 – August 2021 to August 2022).

The project stages to date (Project Definition and Business Case) have focussed on broadly defining the main uses (business units) and their general spatial requirements to inform the approximate size and scale of the RAF, together with its general layout.

During the Concept Design stage, these will be further tested and refined to more accurately develop concept plans showing the plan form, size, volume and shape of the RAF, together with its general architecture. These can then be utilised to further test the business model and operational financials, together with cost.

Concept Design provides the necessary detail to assist Council in future decisions whether to proceed, or not to proceed. At this stage, all detailed assessments have indicated the RAF project does not adversely impact on the financial health of the City. These assumptions will be significantly further refined by completing the Concept Design.

The other key actions for the next (concurrent) stages of the RAF Project are to undertake procurement processes for the following:

- Exclusive naming rights;
- RAF Operator; and
- Private sector/other funding

Each of these actions are intended to further 'de-risk' the project and provide greater certainty and information to Council about the financial and operational viability of the RAF. These processes are essential to inform future decisions by Council, however they do not bind Council to adopting these items, or commit the City to future actions on the RAF Project.

2. RAF Operator

For a project of the scale of the RAF, it is standard industry practice for the operator to provide input into the design phase of the project and this is typically at the commencement of Schematic Design.

3. Exclusive Naming Rights

The RAF Business Model does not include any revenue in relation to naming rights. Preliminary analysis of naming rights undertaken by the City (the subject of a previous confidential briefing to Council) indicates there is considerable financial benefit in securing a long-term appropriate partner for exclusive naming rights.

4. Private sector/other funding

One of the assumptions of the RAF funding model is that a private provider may be interested in funding part or all of the for profit components (driving range, climbing wall, food & beverage) of the RAF. This could be the operator, an external party, or a combination of both.

After analysis of the risks and returns of each approach, Council would then be in a position to determine the best approach to facilitate securing the remaining funding required for the RAF.

Consultation

Progress of the RAF Project was the subject of a Councillor Concept Briefing on 12 July.

Conclusion

The City has addressed two of the three areas identified for further development by the Peer Review. The third area - Detailed Functional Brief - will be undertaken when the RAF Project moves to the Schematic and Detailed Design stages.

In respect to future actions required to progress the RAF Project, proceeding to Concept Design ensures the RAF project remains on schedule and provides greater confidence to potential funding partners about the project. It also provides additional certainty to Council about the financial and operational assumptions of the RAF project and will inform future decision making.

Procurement of an Operator to assist in the design process is considered to be a positive step to ensure the RAF is well designed, functional and financially viable.

Pursuing naming rights enables the City to further strengthen the financial viability of the RAF and City finances more broadly.

Securing private sector funding is an extension of the Operator Market Sounding process and a necessary requirement for the RAF Project.

The City will provide more information on the four actions outlined in this report to progress the RAF Project for future consideration by Council.

Policy and Legislative Implications

Advice was sought from Jackson McDonald (City lawyers) to ensure that the Operator Market Sounding process complied with the *Local Government Act 1995* and Regulations and did not prejudice future procurement processes for the RAF Project.

The advice was accepted and the City subsequently appointed a probity advisor for the Operator Market Sounding process. The probity advisor attended all associated meetings and briefings. In addition, the City received advice that the findings of the Operator Market Sounding process are commercial in confidence and release would potentially prejudice future tender negotiations.

Financial Implications

The work listed in this report has been achieved using existing approved budget.

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:	1.2 Community Infrastructure
Strategy:	1.2.3 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs

Attachments

Nil.

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Endorsement of the City's Waste Plan

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-57286
Meeting Date:	27 July 2021
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

Summary

A Local Government is required to submit a Waste Plan to the Department of Water and Environment Regulation (DWER) in accordance with the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act). The Waste Plan is required to be prepared in the format specified by DWER.

In response, the City has developed a specific plan that aligns with the City's previously endorsed Waste and Resource Management Plan 2019-2024 (WRMP), and details the implementation of actions contained within that plan.

Council endorsement of the Waste Plan is required prior to submission to DWER.

0721/116

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council endorses the Waste Plan as required under the *Waste and Avoidance Resource Recovery Act 2007* as contained in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

The State Government's Waste Avoidance and Resource Recovery Strategy 2030 (State Waste Strategy) includes a headline strategy to "implement local government waste plans, which align local government waste planning processes with the State Waste Strategy."

Consistent with the State Waste Strategy, the Chief Executive Officer of the Department of Water and Environment Regulation (DWER) has exercised his powers under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), by written notice, to require certain local governments and regional councils to include a waste plan within their plan for the future.

All local governments and regional councils in the Perth and Peel regions and major regional centres, that provide waste services, are required to prepare a waste plan outlining how waste services will be managed, to achieve consistency with the State Waste Strategy and protect public health and the environment.

The City is required to report to the DWER about the implementation of its Waste Plan annually.

Comment

Council previously endorsed the City's own Waste and Resource Management Plan 2019/2024 (WRMP) in August 2019. The WRMP as contained in **Attachment (b)** details the City's strategic approach to waste management and is intended to be delivered over a period of five years from 2019 to 2024.

The DWER required Waste Plan is a separate document in a pre-specified format that details the implementation plan for the actions already established and endorsed as WRMP actions. The DWER Waste Plan therefore relies on the previously endorsed WRMP as its primary reference, but with the addition of two actions related to the three bin FOGO (Food Organics and Garden Organics) system.

The DWER Waste Plan must demonstrate alignment with the State Waste Strategy in order to gain State Government approval. Details are required of how the City's DWER Waste Plan aligns with the requirement for adoption of a three bin system that includes FOGO separation by 2025, and to only send residual waste to Waste to Energy (WtE) by 2020. The WRMP was not previously specific in this area due to the City's contractual commitments to WtE with the Rivers Regional Council and Avertas.

The DWER Waste Plan consequently includes a formal review of the City's approach to a FOGO roll out, as the State Government requires by 2025. In support of that action the City has included in the DWER Waste Plan the reference to the high-level business case on the introduction of FOGO currently being undertaken jointly by the Rivers Regional Council members, which includes the City.

This high-level business case will inform the City on the appropriate next steps in regards to a FOGO service in consideration of the current contracted approach to non-residual waste being disposed at the Avertas WtE plant.

Subject to the high-level business case endorsing FOGO in principle: the City would then expect to proceed to develop a City specific detailed business case. Should the high-level business case not endorse the FOGO then the Rivers Regional Council would approach the State for guidance on how to proceed.

The detailed business case would confirm the impact of the City's contractual commitments to direct all municipal solid waste to the Avertas WtE plant on the State's requirement to only use residual waste for energy generation.

Subject to the detailed business case endorsing FOGO in principle a report would be prepared seeking Council endorsement for the implementation of Better Bins, including the required actions to manage the pre-established contractual commitments to Avertas. Should the high-level business case not endorse the FOGO then the City would approach the State for guidance on how to proceed.

This approach requires the high-level and detailed business cases to both support the transition to FOGO and can be implemented in line with the State timeline to confirm the viability of FOGO implementation by 2025.

Consultation

The City's WRMP was adopted following a formal community consultation period. The DWER required Waste Plan aligns with the WRMP and therefore no further consultation has been undertaken.

The additional actions concerning the potential FOGO rollout is a necessary requirement to comply with the State Waste Strategy and consultation is accordingly not appropriate for this specific action at this time.

Policy and Legislative Implications

The plan is required to comply with the City's obligations under the *Waste and Avoidance Resource Recovery Act 2007*.

Financial Implications

There are no immediate financial implications of this DWER Waste Plan, however the costs to implement FOGO would be detailed within the detailed business case, together with the business justification for the adoption.

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:	3.4 Resource management and climate change
Strategy:	3.4.2 Promote and implement sustainable water, waste, land and energy management practices

Attachments

10.3.1 (a): Waste and Resource Management Plan 2019-2024

10.3.1 (b): Waste Plan under the *Waste and Avoidance Resource Recovery Act 2007*

10.3.2 Consent to Advertise Draft Local Planning Scheme 7

In accordance with authority delegated by the Minister for Local Government on 19 July 2021, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow myself and Councillors Carl Celedin, Glenn Cridland, Stephen Russell, Samantha Bradder, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.3.2 Consent to Advertise Draft Local Planning Scheme 7.

The approval is subject to the following conditions:

1. The approval is only valid for the 20 July 2021 Council Agenda Briefing and the 27 July 2021 Ordinary Council Meeting when agenda item 10.3.2 is considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests are as follows:

- Mayor Greg Milner – Financial, Proximity and Impartial Interest in Item 10.3.2 as the 'Local Planning Policy Scheme 7 affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include: not-for-profit entities that I have previously served on the boards of; a not-for-profit entity where I presently serve on a sub-committee; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who have made donations to my election campaign in 2019.'

- Councillor Glenn Cridland – Financial, Proximity and Impartial Interest in Item 10.3.2 as ‘the making of a new Local Planning Scheme for the City of South Perth is certain to impact upon the development potential, permissible (and prohibited) uses and amenity of many real properties in the City of South Perth including potentially our family home at 61 Thelma Street Como, our neighbours’ homes as well as the homes of family, friends, colleagues and acquaintances.’
- Councillor André Brender-A-Brandis – Proximity Interest in Item 10.3.2 as ‘I am a property owner within the City of South Perth.’
- Councillor Samantha Bradder – Financial and Proximity Interest in Item 10.3.2 as ‘both myself and my extended family own property in the City of South Perth.’
- Councillor Carl Celedin – Financial Interest in Item 10.3.2 as ‘I own a property in the City of South Perth where the value of the property may be affected (increased or decreased) because of this Item.’
- Councillor Mary Choy – Financial and Proximity Interest in Item 10.3.2 as ‘I, my immediate and extended family own multiple properties in the City of South Perth to which the LPS7 will apply.’
- Councillor Ken Manolas – Financial, Proximity and Impartial Interest in Item 10.3.2 as ‘the two family homes at 193 Mill Point Road and 28 Victoria Street are the subject of zoning changes that may increase or decrease the value of our homes. My son owns a property at 23 Cygnus Parade, Waterford and an adjacent property has a zoning change which may increase or decrease the value of his home. The Citywide changes will affect our neighbours, and a great many people that I know in the City.’
- Councillor Stephen Russell – Proximity Interest in Item 10.3.2 as ‘the LPS7 includes my primary residence and adjoining properties.’

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-57287
Meeting Date:	27 July 2021
Author(s):	Aaron Augustson, Principal Strategic Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

At its meeting held 25 May 2021, Council considered a report relating to the consent to advertise draft Local Planning Scheme 7 (LPS7). The Council resolved to defer consideration of the matter to a later meeting in order to hold a Workshop.

A Workshop was held 6 July 2021. A number of modifications to the officers recommendation from the 25 May 2021 meeting have been made as a result of the Workshop;

- Inclusion of minimum vehicle, bicycle and end-of-trip facility criteria within the Scheme Text of LPS7
- Refinement of criteria of the Scheme Text relating to areas of the City that are subject to potential flooding
- Incorporation of provisions relating to Amendment 63 to TPS6 (Preston Street Neighbourhood Centre) as this amendment has been approved by the Minister for Planning since the 25 May Council meeting.

LPS7 aligns with the City's Local Planning Strategy (Strategy), which was adopted by the Western Australian Planning Commission (WAPC) in February 2021. LPS7 addresses a number of strategic outcomes outlined in the Strategy.

It is noted that reports relating to policies intended to support and be concurrently advertised with LPS7 are also included in this meetings agenda.

This report recommends that Council endorse LPS7 for the purpose of undertaking consultation.

Officer Recommendation

Moved: Councillor Carl Celedin
Seconded: Councillor Samantha Bradder

That Council:

- Pursuant to section 72(1) of the *Planning and Development Act 2005*, endorse the draft Local Planning Scheme 7 as included at **Attachment (a)** (Scheme Text) and **Attachment (b)** (Scheme Map) for the purpose of undertaking public consultation.

- b. Prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission, the City have a suitably qualified lawyer undertake a legal review of the draft Local Planning Scheme Text and Scheme Map.
- c. Following legal review but prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission under (d), the City refer Local Planning Scheme 7 to the Environmental Protection Authority pursuant to clause 81 of the *Planning and Development Act 2005*.
- d. Authorise the Chief Executive Officer to submit copies of the endorsed draft Local Planning Scheme 7 to the Western Australian Planning Commission requesting the Commission grant approval to advertise the scheme without modification.
- e. Authorise the Chief Executive Officer, as soon as practicable following submission of the draft Local Planning Scheme 7 to the Western Australian Planning Commission, to publish a copy of the Council endorsed version on the City's website, noting that the draft Scheme is yet to be advertised.
- f. Following approval of the Western Australian Planning Commission to advertise the draft Local Planning Scheme 7, the City undertakes community consultation and invites submissions on the scheme for a period of 90 days.

0721/117

Procedural Motion AND COUNCIL DECISION

Moved: Councillor Mary Choy

Seconded: Councillor Blake D'Souza

That the item relating to Consent to advertise draft Local Planning Scheme 7 be deferred to the August Ordinary Council Meeting. In light of the amount and length of Councillor amendments we have received in such a short space of time before this meeting, together with the Officer's comments and in view of State planning reform including the Draft State Planning Policy 7.3: Residential Design Codes Volume 1 – Low and Medium Density known as the Draft Medium Density Code, there is still lots to be reviewed, discussed and processed. This deferral will allow Councillors to have time to review the impact of all this information to hand, so as to make the best informed decision that we can.

CARRIED (5/4)

For: Councillors André Brender-A-Brandis, Samantha Bradder, Mary Choy, Blake D'Souza and Ken Manolas.

Against: Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland and Stephen Russell.

Background

Report to 25 May 2021 Council Meeting

The officers report (refer item 10.3.1) from the 25 May 2021 Council meeting contains background on the preparation of LPS7. This includes information relating to the preparation of the LPS7, the alignment of LPS7 with the City's other strategic planning projects and the components of LPS7.

The report provides commentary regarding how the key short-term actions of the Strategy are addressed in LPS7. These comments remain unchanged from the previous report.

Council resolution 25 May 2021

At its meeting held 25 May 2021 Council resolved to defer the matter to hold a Workshop to further resolve the following matters:

1. *Reducing the dwelling numbers towards the minimum, as set out in Perth and Peel @3.5million, with further consideration of built-form transition and character. This exercise shall exclude dual coded properties identified within LPS7.*
2. *A clear definition of the intended items to be included within the suggested local planning policies relating to discretionary variation to building height.*
3. *To be included within Local Planning Scheme 7, proposed minimum non-residential parking requirements, including those relating to parking infrastructure, motorbikes/scooters and bicycles, whilst considering the amendments to the Regulations for non-residential parking to be introduced 1 July 2021.*
4. *Provide information on which existing policies that are to support Local Planning Scheme 7 shall remain unchanged, be amended, or revoked. For any new or amended policies that Council deems to be core, then the City shall present draft versions concurrently with the Local Planning Scheme 7 at the same ordinary council meeting for the purpose of undertaking public consultation.*
5. *To be included within Local Planning Scheme 7, advice from the Department of Water and Environmental Regulation with respect to development within floodplains across the City.*
6. *The purpose of Clause 34 with respect to its intention, its requirements under planning law and its differences to Town Planning Scheme 6.*

Comment

Subsequent to the 25 May Council meeting and Workshop, the following modifications to the draft LPS7 Scheme Map and Scheme Text have been made and are recommended for adoption for the purpose of carrying out public consultation:

Matter	Comments
Table 10 – Vehicle Parking criteria	<p>In response to deferral reason (3), minimum non-residential parking criteria are proposed to be inserted into Table 10 of the Scheme Text.</p> <p>The provisions include minimum parking rates for vehicles, bicycles, motorbikes and end-of-trip facilities. The criteria have been developed based on the existing equivalent criteria contained within TPS6 for the applicable zone, and a review of similar provisions in other inner-urban local government town planning schemes.</p>

Minimum floor levels	<p>Following the 25 May Council meeting, officers sought advice from the Department of Water and Environment Regulation (DWER) flood department. Advice received indicated that the City should consider modifying the draft LPS7 to include provisions that:</p> <ul style="list-style-type: none"> • Ensure minimum ground levels for habitable areas of buildings are at least 500mm above the 1-in-100 Annual Exceedance Probability (1-in-100 year flood event); and, • Add criteria relating to buildings required to function during flood events (hospitals, emergency centres etc). <p>Provisions reflecting this advice have been incorporated into Table 10(1)(3) though (6) of the Scheme Text (refer Attachment (a)).</p>
Amendment 63 – Preston Street	<p>The City has previously submitted an amendment to the Minister for Planning for land within the Preston Street Neighbourhood Centre.</p> <p>The Minister has adopted this amendment (Amendment 63) subsequent to the 25 May Council meeting. The provisions have now been incorporated into Schedule B of the Scheme Text and reflected on the Scheme Map.</p>

Providing certainty on maximum building height

The Scheme Text presented to the 25 May Council meeting included maximum wall and overall heights for buildings throughout the City. These maximums were based either upon the underlying R-Code applicable to the site, or specific provisions contained in Schedule B or Schedule C of the Scheme Text. The method for measuring this height is to be in accordance with the R-Codes.

The Scheme Text includes a provision that would enable a decision maker to vary these maximums with reference to a local planning policy (LPP). The purpose of the LPP is to enable a decision maker to consider the method for measuring building height that applies in TPS6. The method for measuring height in TPS6 differs to that in the R-Codes and in most instances, results in greater permissible building height.

LPS7 will provide certainty on building height by specifying the maximum height of buildings on any site where an R-Code is shown on the Scheme Map, while also providing certainty to landowners that the existing development potential under TPS6 is not automatically diminished by transitioning between the two schemes.

There are no recommended changes to the scheme text in regard to height. However, LPPs relating to the measurement of Building Height and matters on the Salter Point Escarpment are addressed by other reports included on this meetings agenda.

Reducing the number of dwellings potentially resulting from LPS7

In the officers report to the 25 May Council meeting, the reasons for the application of different codings throughout LPS7 are identified. The codings recommended in LPS7 are intended to address the strategic outcomes identified in the City's Local Planning Strategy, as well as the objectives of *Perth and Peel @3.5million*.

The officers previous report sets out the rationale for codings at a more localised level, being;

- Codings have been adjusted in many areas throughout the City to reflect the existing built-form scale and land use;
- Codings have been set to establish transition in built-form scale within managed growth areas, with the specific objective of achieving transition in maximum building height;
- Codings have been set to minimise the impact on prevailing streetscape character. In some areas LPS7 recommends retaining the existing TPS6 coding, for that reason.

The rationale for the coding of each area is set out in both the Strategy and the map contained at **Attachment (c)**.

The rationale for the application of coding under LPS7 was also discussed in detail at the Workshop of 6 July 2021. Given the above, no further changes to density codings applied through LPS7 are recommended.

Matters to be address through local planning policies

An implication of the officer's recommendation for the 25 May Council meeting was that a number of LPP's would need to be developed to assist decision making under LPS7. This included LPP's relating to:

- The measurement of building height under LPS7, to ensure existing development potential is not unreasonably altered by transitioning between TPS6 and LPS7;
- Transitioning existing bespoke building height limits and significant view considerations for the Salter Point Escarpment between TPS6 and LPS7; and,
- Vehicle and bicycle parking provision and design.

Given the modified recommendation relating to vehicle parking criteria, an LPP to accompany LPS7 is no longer necessary in the short term. Council may, in the future, adopt an LPP that further clarifies the City's assessment of vehicle parking and associated infrastructure.

LPPs relating to the measurement of Building Height and matters on the Salter Point Escarpment are addressed by other reports included on this meetings agenda.

Purpose of Clause 34 of Scheme Text

Clause 34 of the Scheme Text forms part of the Model Provisions and is a standard clause of all new local planning schemes. The clause provides that, notwithstanding non-compliance with elements of LPS7, the local government may exercise discretion to approve a development application.

It is noted that clause 7.4 of TPS6, prohibits discretion in relation to maximum building height under clause 6.1A and provisions relating to 'specific site' requirements under clause 5.4.

LPS7 replicates this by excluding the application of clause 34 to Schedule B and Schedule C of the Scheme Text. Provisions within these schedules are largely reflective of the existing criteria of clause 5.4 of TPS6.

Consultation

Should Council endorse LPS7 for the purpose of consultation, the certification of the WAPC will be required prior to the commencement of the advertising period. The WAPC may direct the City to modify LPS7 prior to consultation occurring.

It is anticipated that consultation will not commence until at least six months from the date of Council endorsement of LPS7, the subject of this report.

Consultation on LPS7 will be undertaken in accordance with regulation 22 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and will include the following:

- Preparation of supporting documentation (available electronically and in hard copy) to explain the key components of LPS, including FAQs, summary document and explanatory notes
- Direct mail notice to all households within the City of South Perth inviting feedback on LPS7. The mail notice will provide an overview of LPS7 and provide brief information about LPS7 proposals that directly affect the particular property (change to zoning or coding)
- Advertising of LPS7 in the Southern Gazette newspaper and other publications, including the City's e-news, Peninsula Magazine, City website and social media
- Direct email notice to the City's database of stakeholders
- Media communications to promote the project and opportunities to provide feedback
- Community drop-in sessions to enable stakeholders to ask detailed questions of City officers.

The Regulations require the City to consult with each public authority and adjoining local governments likely to be affected by LPS7. The consultation period will be open for a period of 90 days, unless it extends over the Christmas/New Year and/or Easter holiday periods, in which case the period will be extended in accordance with P301 – Advertising of Planning Proposals.

Policy and Legislative Implications

Part 72 of the Act provides the ability for the City to prepare and adopt a local planning scheme for the district.

Part 73 of the Act sets out the matters/content dealt with as part of a local planning scheme. LPS7 has been prepared in a manner consistent with these provisions.

The Act provides the power for the Minister for Planning to require a local government to adopt a local planning scheme. The City resolved to prepare a new local planning scheme in June 2017.

A review of the City's local planning policy framework has been on-going for a number of years and will continue to ensure an appropriate transition in policy provisions between TPS6 and LPS7.

Financial Implications

A legal review of LPS7 will occur prior to submission to the WAPC. This cost has been accounted for in the 2021/22 budget.

There will be considerable costs in undertaking consultation on LPS7, which are proposed to be included in the 2021/22 budget. The largest cost associated with undertaking consultation is the direct mail notices proposed to be provided to each household.

There are on-going administrative costs associated with the preparation of the local planning framework, and costs associated with any future consultation.

Strategic Implications

TPS6 was originally gazetted in 2003 and is increasingly difficult to administer with certainty. Progression of LPS7 will enable the implementation of a framework that supports 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 Development and implement a sustainable local planning framework to meet current and future community needs

Attachments

10.3.1 (a):	Scheme Text
10.3.1 (b):	Scheme Map
10.3.1 (c):	Map of reasons for coding changes TPS6 to LPS7

Mayor Greg Milner and Councillors Mary Choy and Ken Manolas disclosed a Financial, Proximity and Impartial Interest in Item 10.3.3

Councillors Stephen Russell and André Brender-A-Brandis disclosed a Financial Interest in Item 10.3.3

As five Councillors disclosed a financial/proximity interest prior to the meeting there was no quorum for this Item and therefore it could not be considered. It will form part of the Agenda once a Ministerial exemption is granted.

10.3.3 Consent to Advertise Draft Local Planning Policy - Building Height

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-57288
Meeting Date:	27 July 2021
Author(s):	Aaron Augustson, Principal Strategic Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report recommends Council grant consent to advertise a draft local planning policy (Building Height policy) relating to the assessment of building height under draft Local Planning Scheme 7. The Building Height policy is intended to support draft provisions of LPS7.

The Building Height policy has been prepared to ensure that the maximum height of buildings is determined in the same manner between TPS6 and LPS7. The Building Height policy is not intended to offer general discretion on building height; rather to confine it to very specific circumstances that currently apply under TPS6.

The Building Height policy is necessary should Council resolve to consent to advertise LPS7, and specifically, if reference to a local planning policy is contained in clause 32, Table 10(1)(2) of the draft Scheme Text.

Should Council consent to advertise the Building Height policy, advertising will occur concurrently with LPS7.

Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare the Building Height policy as set out in **Attachment (a)**; and
2. Consents to advertise the Building Height policy in conjunction with advertising for Local Planning Scheme 7; and

3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Background

At its meeting held 25 May 2021, Council considered a report relating to the adoption of LPS7 for the purpose of carrying out public consultation. LPS7 is proposed to replace the City's existing Town Planning Scheme 6 (TPS6). The draft Scheme Text of LPS7 includes maximum height limits, aligned to the R-Code applied to a site through the Scheme Map. Clause 32, Table 10(1)(2) provides that a decision maker may vary the height limit that applies to a site, by reference to a local planning policy.

At its meeting held 25 May 2021 Council resolved to defer consideration of LPS7 to hold a Workshop. Two of the reasons for Council's deferral relate to how building height is controlled under LPS7, as follows:

(2) A clear definition of the intended items to be included within the suggested local planning policies relating to discretionary variation to building height.

(4) Provide information on which existing policies that are to support Local Planning Scheme 7 shall remain unchanged, be amended, or revoked. For any new or amended policies that Council deems to be core, then the City shall present draft versions concurrently with the Local Planning Scheme 7 at the same ordinary council meeting for the purpose of undertaking public consultation.

[Emphasis added]

Comment

Current TPS6 height measuring method

TPS6 contains methods for measuring building height that are unique to the City of South Perth. This method is summarised as follows:

- (a) Measured from the highest point on the lot, beneath the building and setback from the street and side boundaries;
- (b) That the level established by (a) remains constant across the site until the ground level falls by 3.5m, at which point it is re-established at that new level.

The benefit of this approach is that buildings on sloping sites can more readily achieve a consistent floor level without the need for significant and constant 'stepping down' or by providing numerous split-levels within the building.

Amendments to the Deemed Provisions

In February 2021, the State Government gazetted amendments to the Deemed Provisions. The Deemed Provisions are a series of provisions which are automatically applied to all local planning schemes. One of the modifications was to introduce a definition of the term 'building height', as follows:

building height, in relation to a building —

- (a) if the building is used for residential purposes — has the meaning given in the R-Codes; or
 - (b) if the building is used for purposes other than residential purposes — means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;
-

The introduction of this definition requires the City to measure building height in accordance with the R-Codes. The R-Codes, in summary, measures building height from a 'natural ground level' (NGL). The maximum height of buildings is measured in reference to NGL across the entire site, meaning as NGL falls, the maximum height of buildings fall at a corresponding rate. This results in the 'stepping down' issue described earlier in this report, which TPS6 currently ameliorates.

Policy to provide transition between TPS6 and LPS7

Maximum building height limits are provided for in TPS6, and via clause 32 Table 10(1) of LPS7. As a result of these maximum height limits and the building height definition in the Deemed Provisions, buildings under LPS7 could not, in many instances, be constructed to the same height as currently under TPS6.

The draft Building Height policy has been prepared to enable buildings under LPS7 to be constructed to the same height/level, generally, as currently prescribed under TPS6. It provides limits to a decision maker to only apply discretion where a site previously had greater development potential under TPS6.

The policy has not been prepared, nor is it intended, to allow for buildings of a height greater than specified in Table 10 of LPS7, or as can currently be achieved in TPS6.

Consultation

The draft policy has been prepared to provide guidance to matters contained in LPS7. Advertising will be undertaken in conjunction with LPS7 to enable stakeholders to provide comment on all aspects of the City's emerging planning framework relating to building height. LPS7 will be advertised for a minimum of 90 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, and local planning policy P301 Advertising of Planning Proposals.

Policy and Legislative Implications

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

The Building Height policy has been prepared to support the implementation of LPS7, in the form recommended by officers.

Should Council resolve to amend the officers recommendation in relation to LPS7, specifically in relation to building height, the need for this policy may be removed.

Financial Implications

There are no direct financial implications associated with this report. Costs associated with advertising of planning proposals are included in the 2021/22 budget.

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

10.3.3 (a): Draft Local Planning Policy Building Height

10.3.4 Consent to Advertise Draft Local Planning Policy P323 - Salter Point Escarpment

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-21-57289
Meeting Date:	27 July 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

This report considers the introduction of a new local planning policy, P323 Salter Point Escarpment (P323) that seeks to consolidate and update development controls for development along the Salter Point escarpment.

Draft local planning policy P323:

- consolidates the existing development controls contained in local planning policies P306 Development of Properties Abutting River Way and P320 Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point
- removes clauses that are no longer able to be varied in local planning policy without WAPC consent
- updates references to reflect the current local and state planning framework.

This new policy is required due to changes to how development will be controlled through proposed Local Planning Scheme 7 that is being considered for consent to advertise at this meeting, and amendments to state government regulations and policies.

0721/118

Procedural Motion and COUNCIL DECISION

Moved: Mayor Greg Milner
Seconded: Councillor Mary Choy

That the Item relating to Consent to Advertise Draft Local Planning Policy P323 - Salter Point Escarpment be deferred to the August Ordinary Council Meeting, as it relates to Item 10.3.2 Consent to Advertise Draft Local Planning Scheme 7.

CARRIED (9/0)

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

Against: Nil.

Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare draft local planning policy P323 Salter Point Escarpment as contained in **Attachment (a)**; and
2. Consents to advertise the policy in conjunction with advertising for Local Planning Scheme 7; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Background

The Salter Point Escarpment has historically had bespoke controls relating predominantly to building heights, but also to matters such as vehicular access, setbacks and parking. These controls are currently contained in the Town Planning Scheme 6, and in local planning policies P306, relating to development of properties abutting River Way, and P320, relating to obstruction of significant views.

As part of preparation of Local Planning Scheme 7 (LPS7) it was identified that the development controls within the area needed to be reviewed. The intent of this review is to consolidate the existing controls into a simplified policy whilst removing any controls that are no longer able to be varied. The review was also to consider recent changes to the Planning and Development (Local Planning Schemes) Regulations 2015 and the R-Codes.

It was intended that a policy relating to the Salter Point escarpment would be prepared and presented to Council for consent to advertise following approval to advertise LPS7. Preparation of a policy has however been brought forward to be considered in conjunction with LPS7 to provide more clarity and certainty.

Comment

Currently there are two existing local planning policies applicable to the area; P306 Development of Properties abutting River Way, and P320 Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point. As part of preparation of Local Planning Scheme 7 it was identified that both these policies will require modification.

Draft local planning policy P323 Salter Point Escarpment has been prepared to provide guidance for new development of properties within the Salter Point escarpment area. This policy shall apply to those properties shown on **Figure 1 Policy Application Area** below, being those properties between Sulman Avenue and Salter Point Parade. This area includes all properties with a building height of 3.0m, 3.5m or 6.5m under Town Planning Scheme 6.



The purpose of preparing local planning policy P323 Salter Point Escarpment is to:

- Consolidate the existing development controls and objectives in the area through combining existing policies P306 and P320
- remove any matters that can no longer be varied through local planning policies
- remove any matters that are no longer relevant due to their inclusion in LPS7

P323 has been prepared as a new draft local planning policy. Existing policies P306 and P320 will be revoked at the time this policy is adopted, which will be in conjunction with adoption of LPS7.

Consultation

P323 has been prepared to provide guidance to matters contained in the Local Planning Scheme 7. Advertising will be undertaken in conjunction with LPS7 to ensure to ensure both documents complement each other. LPS7 will be advertised for a minimum of 90 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, and local planning policy P301 Advertising of Planning Proposals.

Policy and Legislative Implications

The process for preparing a local planning policy is set out in Schedule 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. The relevant processes was followed in preparing and advertising the draft modifications to the existing local planning policy.

Financial Implications

There are no direct financial implications associated with this report. Costs associated with advertising of planning proposals are included in the 2021/22 budget.

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): Draft Local Planning Policy P323 Salter Point Escarpment

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - June 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-57292
Meeting Date:	27 July 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 June and 30 June 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(627)	\$7,017,357.09
Cheque Payment to Creditors	(4)	\$12,428.40
Total Monthly Payments to Creditors	(631)	\$7,029,785.49
EFT Payments to Non-Creditors	(132)	\$629,189.31
Cheque Payments to Non-Creditors	(17)	\$18,994.93
Total EFT & Cheque Payments	(780)	\$7,677,969.73
Credit Card Payments	(7)	\$11,864.42
Total Payments	(787)	\$7,689,834.15

0721/119

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, 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 June 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.

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 June 2021

10.4.2 Monthly Financial Statements - June 2021 (Interim)

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-57293
Meeting Date:	27 July 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.

0721/120

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Stephen Russell

That Council notes the Financial Statements and report for the month ended 30 June 2021. The June reports are interim, in that the year-end accounting transactions and reconciliations are still to be undertaken.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, 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 the Original Budget and Revised (Adjusted) Budget, allowing comparison between the adopted budget and any budget adjustments approved by Council.

It should be noted that these statements are interim, in that the year-end accounting transactions and reconciliations are still to be undertaken. The final annual financial statements form part of the Annual Report.

These financial statements are Audited by the WA Auditor General and presented at the Annual Meeting of Electors held each year.

Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

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, far less extreme than initially anticipated. Contributed to by the early receipt of the Financial Assistance Grants from the State and a slightly better than anticipated result for Collier Park Golf Course (these results are Interim as well). The State Government extended the State of Emergency to 30 July 2021, concerns regarding risks posed by travellers from the Eastern States have led to tightened boarder restrictions being imposed.

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 were processed to take effect from February 2021, budget phasing was also revised as part of the review.

Interim actual income from operating activities for June year-to-date (YTD) is \$59.17m in comparison to budget of \$57.78m, favourable to budget by 2.4% or \$1.38m. Interim actual expenditure from operating activities for June is \$60.55m in comparison to budget of \$61.55m, favourable to budget by 1.6% or \$1m. The Interim June Net Operating Deficit \$1.38m is \$2.39m favourable in comparison to budget. As part of the year-end finalisation depreciation will be recalculated, for one day being the 30 June 2021. Infrastructure asset capitalisation is part of the year-end finalisation process. This will result in one day's depreciation charges on newly capitalised assets.

The interim results are also inclusive of some preliminary adjustments that would usually only have been processed as part of the preparations of the final end of year accounts. Examples are employee leave provision adjustments, the allocation of the current portion of long term loan liabilities and some accruals. The improved timing of these adjustments, another benefit of the new accounting software (1System), will result in less variance between the interim and final end of year accounts.

Interim actual Capital Revenue YTD is \$1.63m in comparison to the budget of \$2.96m. Interim Actual Capital Expenditure YTD is \$11.16m in comparison to the budget of \$14.52m. The year-end accounting finalisation transactions and reconciliations are still to be undertaken and Capital Revenue may be impacted by new Accounting Standards and project completion status.

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 may be a number of Capital projects that may require a Budget adjustment earlier or during the 2021/22 midyear review process.

Interim Cash and Cash Equivalents amounted \$57.34m. Higher than the prior year comparative period mainly because of the sale proceeds of \$3.22m for 49-51 Angelo Street and a Federal Government Grant of \$5.5m received toward the Recreation and Aquatic Facility. 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 0.26% 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 32.28% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

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

10.4.3 New Policy P630 Workplace Health and Safety

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-57294
Meeting Date:	27 July 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

Policy P629 Occupational Safety and Health has been reviewed and is recommended to be revoked. It is proposed to replace Policy P629 with Policy P630 Workplace Health and Safety so that it aligns with the Australian/New Zealand Standards.

0721/121

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council:

1. Revokes Policy P629 Occupational Safety & Health as contained in **Attachment (a)**.
2. Adopts Policy P630 Workplace Health and Safety as contained in **Attachment (b)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

In line with contemporary organisational models, the policy framework aligns policies and delegations to the City's Strategic Directions. During the review process, policies are considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

A policy review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The policy review may identify a need to revise the policy or it may determine that no change is needed. Minor changes usually consist of minor typographical or grammatical corrections or revisions due to minor legislative amendments.

Major change will consist of significant revision to the content of the policy due to changes in the operational environment or because of more substantial legislative change.

Comment

It is proposed that Policy P629 Occupational Safety and Health **Attachment (a)** is revoked and replaced with Policy P630 Workplace Health and Safety **Attachment (b)** in line with the Australian/New Zealand Standard *AS/NZS ISO 45001:2018 Occupational health and safety management systems*, and the City's current practices.

Consultation

Nil.

Policy and Legislative Implications

Part 5, Division 4 of the *Local Government Act 1995*.

Part 4, Local Government (Administration) Regulations 1996.

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): P629 Occupational Safety & Health

10.4.3 (b): P630 Workplace Health and Safety

CEO Mike Bradford Disclosed a Financial Interest in Item 10.5.1 and accordingly left the meeting at 6.36pm prior to discussion of the Item.

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 CEO's Performance Review Process and KPI Setting

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-21-57295
Meeting Date: 27 July 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 was considered by the CEO Evaluation Committee who endorsed the Chief Executive Officer's Probation Review Evaluation & Proposed Annual Performance Review Report, confirmed the CEO's appointment, and adopted the Key Performance Indicators and Evaluation Instrument for the Annual Performance Review period of 1 July 2021 to 31 January 2022. The Committee recommendation is now presented to Council for adoption.

0721/122

Officer, Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza
Seconded: Councillor Stephen Russell

That the CEO Evaluation Committee recommends to Council that it:

1. Endorses the Chief Executive Officer's Probation Review Evaluation & Proposed Annual Performance Review Report, July 2021 as shown in **Confidential Attachment (a)**;
2. Confirms the Chief Executive Officer has passed his probation review and his employment continues under the terms and conditions of his employment contract.
3. Adopts the Terms of Reference as contained in **Attachment (c)**;
4. Adopts the Key Performance Indicators for the period 1 July 2021 to 30 June 2022 as contained in **Confidential Attachment (d)**; and
5. Adopts the Evaluation Instrument for the Annual Performance Review period 1 July 2021 to 31 January 2022 as contained in **Confidential Attachment (e)**.

CARRIED (9/0)

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

Against: Nil.

Background

The Chief Executive Officer commenced with the City on 1 February 2021. In accordance with his contract of employment, the Council is required to undertake a probation review as well as an annual performance review.

Comment

The Chief Executive Officer prepared a Key Performance Indicator (KPI) Report for his probation period 1 February 2021 to 30 June 2021. The Chief Executive Officer presented to all Councillors on 31 May 2021, and sent his KPI Report to Council at the Ordinary Council Meeting of 22 June 2021 as shown in **Confidential Attachment (b)**.

The CEO Evaluation Committee met on 14 June 2021 to discuss:

- Councillor feedback on the CEO's Probation Review.
- The Terms of Reference for the CEO Evaluation Committee.
- The proposed Key Performance Indicators for the period 1 July 2021 to 30 June 2022.
- The proposed evaluation process for the Annual Performance Review period 1 February 2021 to 31 January 2022.
- The proposed evaluation process for the Annual Performance Review period 1 February 2022 to 30 June 2022.
- The proposed Evaluation Instrument for the Annual Performance Review period 1 February 2021 to 31 January 2022.

At the CEO Evaluation Committee meeting of 29 June 2021, the Committee are to determine:

- The Chief Executive Officer's probation as passed.
- The Terms of Reference for the CEO Evaluation Committee, shown at **Attachment (c)**.
- The Key Performance Indicators for the period 1 July 2021 to 30 June 2022, shown at **Confidential Attachment (d)**.
- The evaluation process for the Annual Performance Review period 1 February 2021 to 31 January 2022, shown in **Confidential Attachment (a)**.
- The evaluation process for the Annual Performance Review period 1 February 2022 to 30 June 2022, shown in **Confidential Attachment (a)**.
- The Evaluation Instrument for the Annual Performance Review period 1 February 2021 to 31 January 2022, shown at **Confidential Attachment (e)**.

Consultation

This report has been prepared in consultation with the Chair of the CEO Evaluation Committee.

Policy and Legislative Implications

The Local Government (Administration) Regulations 1996 provides:

18D. Performance review of CEO, local government's duties

A local government is to consider each review on the performance of the CEO carried out under s5.38 and is to accept the review, with or without modification, or to reject the review.

Clause 5.38 and 5.39 (3) of the *Local Government Act 1995* provides that there must be specified contract performance criteria for the purpose of reviewing the performance of the Chief Executive Officer at least once in relation to every year of employment.

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

- | | |
|-------------|----------------------------------------------------------------------------------------------------------|
| 10.5.1 (a): | Probation Review Evaluation Report and Proposed Annual Performance Review Report (<i>Confidential</i>) |
| 10.5.1 (b): | Key Performance Indicator Report 1 February 2021 to 30 June 2021 (<i>Confidential</i>) |
| 10.5.1 (c): | Terms of Reference |
| 10.5.1 (d): | Key Performance Indicators 1 July 2021 to 30 June 2022 (<i>Confidential</i>) |
| 10.5.1 (e): | Evaluation Instrument 1 July 2021 to 31 January 2022 (<i>Confidential</i>) |

CEO Mike Bradford returned to the meeting at 6.37pm prior to consideration of Item 11.

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Samantha Bradder for the period 13 September 2021 to 4 October 2021 inclusive.

0721/123

COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor André Brender-A-Brandis

That Council approve the Leave of Absence application received from Councillor Samantha Bradder for the period 13 September 2021 to 4 October 2021 inclusive.

CARRIED (9/0)

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

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Stephen Russell
- Councillor André Brender-A-Brandis
- Councillor Mary Choy
- Councillor Glen Cridland

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

Prior to the Closure of the meeting Councillor Glenn Cridland made the following statement.

“The Council and the City of South Perth acknowledge the significant contribution Director Cameron has made to financial reporting, to financial progress and the good governance and administration of this City. We commend him for his service and we wish him the best in his new role and new challenges at the City of Subiaco.”

On behalf of the Council Mayor Greg Milner thanked Director Corporate Services Colin Cameron with the following statement.

“I heartedly endorse that, we are sorry to lose you. You have done an awful lot of good for this community during your time here at the City of South Perth and I am sure you will do great things at the City of Subiaco as well.”

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.01pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 27 July 2021

1. Mr John Andrew Ferguson, 48 King Edward Street, South Perth Received: 24 June 2021	Responses provided by: Vicki Lummer – Director Development and Community Services
<i>[Preamble]</i> <i>High rise developments in the City of South Perth</i>	
1. Why are there so many high rise developments being approved and proceeding, such as Civic Heart, 28 Lyall, over and above the recent developments completed in the Mill Point Rd and Labouchere Road area?	<ul style="list-style-type: none">The developments that are currently being constructed or advertised for sale were approved in late 2019 and early 2020 by either the Joint Development Assessment Panel, the State Administrative Tribunal or the Minister for Planning. <p>Whether the proposed development proceeds to construction is a market led decision of the proponent and not influenced by the City.</p>
2. The infrastructure has not been improved and these developments will be disastrous for residents and businesses in the area when all of the projects are under construction and worse when they are completed in 2023? But are there are more coming?	<ul style="list-style-type: none">There is a development application for a building with 175 apartments at 88 Mill Point Road that is currently being assessed by the State Development Assessment Unit. <p>There may be other proposals under development however, it is the City's preference that applications are only submitted later this year when the SP Activity Centre Plan is completed and operational.</p>

<p>3. What has been done to ensure these developers complete these buildings? We do not want abandoned eyesores such as the Richardson Centre (according to the sign board finishing mid 2019) on the corner of Melville Parade.</p>	<ul style="list-style-type: none"> The City has no control over the completion of developments once they are commenced, as there is no legislation to require this. <p>The exception is when City owned land is sold for development. In this case, the City is able to ensure legal obligations are in place to ensure completion in the contract of sale.</p> <p>It was brought to my attention today that apartments at 1 Richardson are being sold at the moment with an estimated completion date of December 2022.</p>
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<p>2. Mr Duncan Warren, 28 Ednah Street, Como</p> <p>Received: 26 July 2021</p>	<p>Responses provided by: Mayor Greg Milner</p>
<p>1. We understand that the Mayor and/or the City were writing to the Minister for Planning in relation her decision on Amendment 63. It would be appreciated if Como for the Community could be provided with whatever letters were sent. This will help us understand the City's position and assist with our future advocacy, as we remain very disappointed with the Minister's decision.</p>	<ul style="list-style-type: none"> Yes, I did send a letter to the Minister on that subject and I would be very pleased to meet with representatives of Como for the Community and show you a copy of that letter. Feel free to make an appointment and we will get together and have a chat.

<p>3. Mrs Cecilia Brooke, 8/20 Garden Street, South Perth</p> <p>Received: 26 July 2021</p>	<p>Response provided by: Vicki Lummer – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The City of South Perth Residents Association Incorporated is very proud of the fact the South Perth Community Hospital (as John McGrath said last week in his Deputation) is one of the very few remaining Communities Hospitals in Australia run for our community by our community. We would hope that both the City of South Perth and our Councillors feel equally proud to have the South Perth Community Hospital situated in our city.</i></p> <p><i>The uncertainty created by the proposed LPS-7 and subsequent events of last week highlight how much the South Perth Community Hospital means to the community. Consequently, the community needs to know that the future operation of the South Perth Community Hospital is not jeopardised by actions by the City.</i></p> <p><i>With that in mind, and following the media statement the City released last week that:</i></p> <p><i>“The City of South Perth and South Perth Hospital are working collaboratively to ensure certainty of access to parking for South Perth Hospital into the future. Discussions are ongoing and intend to provide a solution that balances the requirements of the hospital, the City and the community.</i></p> <p><i>The City intends that public parking will remain available at Burch Street and any future option presented to Council would ensure that adequate parking is provided.”</i></p> <p><i>I put the following questions to council.</i></p>	
<p>1. Is it the City’s intention to draft a memorandum of understanding between the City and the Hospital that ensures and guarantees that any proposed future zoning or conditions of sale for the Burch Street Carpark will provide for the parking requirements of the South Perth Hospital and the Ernest Johnson Oval?</p>	<ul style="list-style-type: none"> LPS7 includes provisions that ensures that sufficient public parking is accounted for on the site in the future and therefore no further agreement is required.

<p>2. Will LPS-7 be amended to highlight that any proposed planning use recommended for this site, will require that a designated amount of parking will be quarantined for use by Hospital patrons and the community?</p>	<ul style="list-style-type: none"> The officers recommendation from the Agenda Briefing has been modified to make assessment and provision for public parking on the Burch Street car park site more apparent. <p>Schedule B of LPS7 will require, prior to any proposal for development on the site, the preparation of a Parking Needs Assessment. The assessment will identify the public parking needs generated by land use in the surrounding area, including the Hospital.</p> <p>Following the assessment, a Local Development Plan is required to be prepared to ensures the identified public parking need is accounted for on the site.</p>
<p>3. How has the City determined the site be suitable for R50 and why is this zoning not extended to neighbouring properties?</p>	<ul style="list-style-type: none"> The R50 coding allows for buildings up to 10m wall height and 12m overall height; generally three storeys. This is one storey taller than permitted on the surrounding residential properties and 10.5m less overall than permitted on the Hospital site. <p>The R50 coding was selected to provide transition in height between the Hospital and the surrounding area and also in recognition that any future development on the site would need to set aside one storey (probably the ground floor) for parking.</p>

13.2 QUESTIONS FROM MEMBERS OCM 27 JULY 2021

Councillor Stephen Russell	Response provided by: Mark Taylor – Director Infrastructure Services
<p>1. How did the City's infrastructure handle the recent heavy weather and is there anything that Council should be concerned with?</p>	<p>Quite well is the short answer. Obviously two rain events of significance which was Friday a fortnight ago and that was considered to be a 1 in 60 year event based on that period of rain for an hour. Our weather station at Bill Grayden Reserve recorded 49mm of rain within that hour. It did impact drainage systems on the Peninsula to some extent. We had flooding there, because it was also coinciding with a storm surge. Very little damage though because there was not any wind. There was flooding on a few of our sportsgrounds, John McGrath Pavilion came very close to being inundated. Generally, the City fared reasonably well, albeit there was some local flooding due to trying to get drainage water out. We had pumps on our foreshore drains around the peninsula and they were working overtime trying to get water out.</p> <p>The event last night was a bit different because there was not as much rain as the one previously, however there were quite strong winds and we had some damage to a couple of trees that went over. One in particular, a large old tree on Bessel Avenue went over. I think there was a car struck by one of the trees that fell. Generally a lot of debris around and a little bit of localised flooding.</p> <p>Overall the City escaped quite well.</p>

Councillor André Brender-A-Brandis	Response provided by: Mike Bradford – CEO
<p>1. A question on water damage over the last week. With regard to the Black Swan Habitat, I was just mindful that that work was ideally meant to be completed before winter set in, because of the tides and surges and the additional water intake. Has there been any damage or impact on the completion of the Black Swan Habitat?</p>	<p>The high tides have meant that the rock wall and the beach have been subject to inundation to some extent. In discussion with Director Taylor's team the 11,000 plants that have been planted on the Black Swan Habitat have been conditioned to adapt to the salt water environment of the river. They are not salt water plants but the way we have brought them up, they have been able to adapt. Even though they have been subject to inundation, I think that it is fine. It is standing up.</p>

Councillor Mary Choy	Response provided by: Mark Taylor – Director Infrastructure Services
<p>1. A question regarding the Collier Park mini golf, I was just wondering if Council could please receive an update on how this is faring and in particular if it is achieving the financial targets expected at this point in time?</p>	<p>Yes we will make that available.</p>

Councillor André Brender-A-Brandis	Response provided by: Mark Taylor – Director Infrastructure Services
<p>1. With regard to the Royal Perth Golf Course, the recent discussion about the removal of trees and the large number that was actually spoken of. Has there been any update as to what might be transpiring there?</p>	<p>City staff are involved with the committee of Royal Perth Golf Club at the moment out inspecting trees. There is a number of trees that are being inspected to be included in our significant tree register as they should have been under the lease. That work is being undertaken at the moment, it is almost finished. That will come back to Council for consideration to be included in the City's significant tree register.</p> <p>Other than that there has been no further discussion about removing healthy trees until that work is finished.</p>

Councillor Mary Choy	Response provided by: Mark Taylor – Director Infrastructure Services
<p>1. Can the Council please have an update on the underground power program and how it is going at the moment in those areas it is currently rolling out in and in particular the Hurlingham precinct status too?</p>	<p>In terms of the project that is currently underway at the moment. I have to take that on notice and will provide that information in the bulletin. In terms of the Collier project.</p> <p>In respect to the other two, Hurlingham and South Perth we held a meeting today with Western Power representatives where matters were discussed about the impending projects and or project as it is being deemed now but there is some work to do on that and it will be subject of a briefing to Council in the near future.</p>

Councillor Glenn Cridland	<p>Response to question 1 provided by: Vicki Lummer – Director Development and Community Services</p> <p>Response to question 2 and 3 provided by: Mark Taylor – Director Infrastructure Services</p> <p>Response to question 4 provided by: Colin Cameron – Director Corporate Services</p> <p>Response to question 5 provided by Colin Cameron – Director Corporate Services</p>
<p>1. I heard a rumour that St Martin's in the Field Church and hall was to be demolished, can Director Lummer tell me whether or not that is true and whether or not it was on any Heritage listing?</p>	<p>Taken on notice.</p>
<p>2. In respect to the Mends Street Post Office. Is there any possibility of arranging the construction traffic management plan so that there could be at least one time each week when parcels could be collected from the Post Office or alternatively is it possible to suggest to the Post Office that they move there parcel delivery service to one of the surrounding post offices so that the City and Councillors don't get repeated requests to somehow deal with how residents go to pick up their parcels, with obviously the major construction happening at Civic Heart?</p>	<p>It is quite difficult to amend the traffic plan and remove those barriers on a weekly basis, it is not impossible. The City would prefer not to do that, however I have been informed a number of times unofficially that the Post Office will be moving. I don't have that definitive answer from them but we believe that's going to happen. We are not sure when, but in terms of residents wanting to access the Post Office, I know there are post boxes available at Angelo Street, so some residents might have to make the decision to shift their post box to Angelo Street if they are finding it difficult to access the Mends Street Post Office.</p>
<p><i>I have put in some reports about broken park benches at Billy Grayden Reserve and George Burnett Oval over the last month and this afternoon I had a look down at EJ's and I noticed that our wonderful benches that we have got down there, that we got from Subiaco before that was knocked down have lost a lot of their paint. Which makes me think we have got some benches that are broken and need replacement and the Subiaco Oval benches need repainting.</i></p>	
<p>3. I am just wondering is there a reason why they are in that state of repair or do City officers have concerns about whether or not we have put aside sufficient funds for replacement of those items in the budget?</p>	<p>The City does put aside funds in the budget to replace park benches and also to undertake maintenance of park benches. Obviously the money that has been put aside perhaps at the moment is not enough to cover all the ones that are requiring maintenance.</p>

	I will need to check that out what is going on but obviously we pick up all our infrastructure on our assets system and we make decisions based on that in terms of what requires maintenance.
I have noticed recently that there is some terribly derelict properties at the end of Roberts Street which to some degree are hoarded up. They have got large amounts of rubbish that has been dumped on the front verge. The houses are clearly vacant and derelict. There is also one in Thelma Street that has not had a roof and has had everything inside it gutted some 6-9 months ago. We also had one of the presenters tonight talk about 1 Richardson which I think was one of the first DAP approvals, certainly that I sat on and perhaps the last one to be built because I don't think it has got off the ground yet.	
4. My question is to Director Cameron, I understand GRV rates in respect of habitable properties, is there a different method of rating these sorts of properties which are derelict, vacant and uninhabitable?	<p>The City of South Perth uses 1 rate in the dollar and doesn't differentiate between types of commercial or vacant or residential properties or derelict in that current regard. So there is 1 rate in the dollar, so everyone is charged the same and obviously rates are a multiplication of that and the gross rental value. Derelict properties are if the house is still standing or the property is still standing the Valuer General, so the other component the GRV. The Valuer General would not take into consideration the value relating to whether it's in pristine condition or not. It just determines it is so many bedrooms, so many bathrooms and gives it a gross rental value. In other words a GRV of 26,000 equates to renting it out for \$500 a week, multiply that by 52 weeks. So multiply those two things together to get rates.</p> <p>When a property is completely demolished the land becomes vacant and the Valuer General has no mechanism because it can't say how much it can rate that property out for. So what the Valuer General does is use 3% of the unimproved value to determine what the gross rental value is.</p> <p>Generally in South Perth rates usually increase if you have got vacant land because the UV or the unimproved value is very high in South Perth. In many other suburb it is quite different.</p> <p>There have been attempts to use differential rates to rate higher bordered up properties.</p>

	<p>The most recent one was the City of Fremantle attempted to do that via differential rates and charge a higher rate in the dollar and the department I believe challenged that in the SAT and were successful. So that rate was quashed.</p> <p>It is possible, you need to be very careful in the construction of how you describe that and hopefully it would not necessarily be challenged in SAT and quashed.</p> <p>At this point in time if it is in disrepair, it would just be charged as if it is not in disrepair, if its vacant generally it would be higher within the City of South Perth just on the basis of the way in which the Valuer General determines gross rental value by using unimproved value.</p>
<p>5. A number of years ago there were two buildings on Canning Highway near Canning Bridge Train Station that were in a similar state of disrepair to the Roberts Street ones and were left for quite some time by the owners in quite a dangerous state. The City followed it up and I asked a number of questions about it here in Council. I was just wondering did following up and prompting or causing the demolition of those dangerous rat infested eye-sores as the entry statement to the City of South Perth cost us anything that we weren't able to recover from the owner?</p>	<p>Taken on notice.</p>

Councillor Mary Choy	Responses provided by: Mark Taylor – Director Infrastructure Services
<p>1. In relation to the Mends Street Post Office and the Civic Heart Development. Is there any chance of the City being able to amend or negotiate the construction management plan to relocate the gantry that is currently on the road or footpath to above the footpath on the Post Office side of Mends Street? If not right now then down the track as the development continues, rather than losing the footpath and that section of Mends Street road for the foreseeable future during the Civic Heart construction.</p>	<p>As we pointed out at the briefing, that section of Mends Street because of all the construction trucks that are coming through, we are talking 200 a day, it is not really possible to have people walking along that section of footpath while there is potential trucks going through, loading and unloading. So unfortunately that is not really practicable from where the Police Station is right through to where the Post Office is. There is still access on the other side of the road for a footpath and there is a controlled intersection at Mends street and Mill Point road which people can access to the Post Office.</p> <p>I realise it is not the most desirable situation however we have to understand that the Post Office did sell their land to Finbar. When they released this site, they actually relinquished their own car park at the same time. It has put everyone in a bit of a difficult situation. I am just hoping it can be resolved by the Post Office finding somewhere else to move. They are going to have to move anyway, because ultimately that site will be used for another purpose by the development.</p>
<p>2. Does anyone know what happened to the wooden bench outside Coles and did that belong to the City?</p>	<p>Taken on notice.</p>

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These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 24 August 2021

Signed _____ / /2021
Presiding Member at the meeting at which the Minutes were confirmed