

# AGENDA.

## Ordinary Council Meeting

26 April 2022

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 26 April 2022 as an eMeeting commencing at 6.00pm.



MIKE BRADFORD  
CHIEF EXECUTIVE OFFICER

22 April 2022

# Acknowledgement of Country

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

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

## Our Guiding Values



## Disclaimer

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

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

# Contents

<b>1.</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>	<b>5</b>
<b>2.</b>	<b>DISCLAIMER</b>	<b>5</b>
<b>3.</b>	<b>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</b>	<b>5</b>
<b>4.</b>	<b>ATTENDANCE</b>	<b>5</b>
	4.1 APOLOGIES	5
	4.2 APPROVED LEAVE OF ABSENCE	5
<b>5.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>5</b>
<b>6.</b>	<b>PUBLIC QUESTION TIME</b>	<b>5</b>
	6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
	6.2 PUBLIC QUESTION TIME: 26 APRIL 2022	5
<b>7.</b>	<b>CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS</b>	<b>5</b>
	7.1 MINUTES	5
	7.1.1 Ordinary Council Meeting Held: 22 March 2022	5
	7.2 CONCEPT BRIEFINGS	6
	7.2.1 Council Agenda Briefing - 19 April 2022	6
	7.2.2 Concept Briefings and Workshops	6
<b>8.</b>	<b>PRESENTATIONS</b>	<b>7</b>
	8.1 PETITIONS	7
	8.2 GIFTS / AWARDS PRESENTED TO COUNCIL	7
	8.3 DEPUTATIONS	7
<b>9.</b>	<b>METHOD OF DEALING WITH AGENDA BUSINESS</b>	<b>7</b>
<b>10.</b>	<b>REPORTS</b>	<b>8</b>
	10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	8
	10.3.1 Endorsement of Closure Report for Pedestrian Access Way and portion of Public Open Space, Karawara	8
	10.3.2 Black Swan Habitat Project - Post Construction Financial Status	17
	10.3.3 Development Assessment Panel (DAP) Consultation	21
	10.4 STRATEGIC DIRECTION 4: LEADERSHIP	30
	10.4.1 Listing of Payments March 2022	30
	10.4.2 Monthly Financial Statements March 2022	33

<b>11. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>36</b>
<b>12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>37</b>
<b>12.1 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - EFFICIENCY OF CITY OPERATIONS</b>	<b>37</b>
<b>12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - DISCLOSURE OF POLITICAL INTERESTS</b>	<b>41</b>
<b>12.3 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - LETTER TO THE MINISTER FOR PLANNING IN REGARD TO TOWN PLANNING SCHEME 6 AMENDMENT 61</b>	<b>44</b>
<b>13. QUESTIONS FROM MEMBERS</b>	<b>47</b>
<b>13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE</b>	<b>47</b>
<b>13.2 QUESTIONS FROM MEMBERS: 26 APRIL 2022</b>	<b>47</b>
<b>14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b>	<b>47</b>
<b>15. MEETING CLOSED TO THE PUBLIC</b>	<b>48</b>
<b>15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b>	<b>48</b>
15.1.1 Councillor Code of Conduct	48
<b>16. CLOSURE</b>	<b>48</b>
<b>APPENDIX</b>	<b>49</b>

# Ordinary Council Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 14 April 2022 to 26 April 2022 inclusive.

## 5. DECLARATIONS OF INTEREST

- Councillor Mary Choy – Impartiality Interest in Item 12.3 as ‘the Hon. Rita Saffioti MLA is known to me.’

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

### 6.2 PUBLIC QUESTION TIME: 26 APRIL 2022

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 22 March 2022

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 22 March 2022 be taken as read and confirmed as a true and correct record.

## 7.2 CONCEPT BRIEFINGS

### 7.2.1 Council Agenda Briefing - 19 April 2022

Officers of the City presented background information and answered questions on Items to be considered at the April Ordinary Council Meeting at the Council Agenda Briefing held 19 April 2022.

#### Attachments

7.2.1 (a): Briefing Notes

### 7.2.2 Concept Briefings and Workshops

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

Date	Subject	Attendees
29 March 2022	Underground Power – Kensington East & West	Mayor Greg Milner and Councillors André Brender-A-Brandis, Glenn Cridland, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.
29 March 2022	City of South Perth Play Space Plan	Mayor Greg Milner and Councillors André Brender-A-Brandis, Glenn Cridland, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.
5 April 2022	Budget Workshop #2	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Carl Celedin, Glenn Cridland, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.

#### Attachments

Nil.

#### Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 19 April 2022
- 7.2.2 Concept Briefings and Workshops

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil.

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

- Black Swan Habitat Project - Excellence in Water Projects Award at the Institute Public Works Engineering Australasia WA Excellence Awards.
- Black Swan Habitat Project - Highly commended award in the Excellence in Environment and Sustainability at the Institute Public Works Engineering Australasia WA Excellence Awards.

### **8.3 DEPUTATIONS**

No Deputations were heard at the Council Agenda Briefing held 19 April 2022.

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

## 10. REPORTS

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

#### 10.3.1 Endorsement of Closure Report for Pedestrian Access Way and portion of Public Open Space, Karawara

File Ref: D-22-18978  
Author(s): Samantha Taylor, Strategic Planner  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

##### Summary

This report provides a summary of the key findings of a Closure Report prepared by City officers to support the closure of land comprising a portion of Public Open Space (POS) and Pedestrian Access Way (PAW), located between Koolunda Court and Yallambee Place, Karawara.

The proposal to close the land is in response to a community petition received by the City in July 2020 seeking the closure for reasons that include concerns of anti-social behaviour, break-ins and thefts. In December 2020 Council resolved to progress closure of the land.

Officers have prepared a Closure Report as required by the Department of Planning, Lands and Heritage (DPLH) Procedure for Pedestrian Access Way Closure: Planning Guidelines 2009 (the Guidelines). It will be submitted to Western Australian Planning Commission (WAPC) for determination.

Key learnings from this process and a review of other local governments will inform a local planning policy to improve the City's approach to future closure requests.

##### Officer Recommendation

That Council:

1. Request the CEO to submit the Closure Report to the Western Australian Planning Commission for determination;
2. Request the CEO to inform petition signatories and those who provided feedback on the proposal on the progress of the closure;
3. Prepares and adopts a Local Planning Policy on laneway closure prior to considering any further pedestrian accessway closures in Karawara.

##### Background

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

The PAW forms part of a series of access ways in the suburb of Karawara, an estate developed in the early 1970's based on 'Radburn' design principles, including POS for community use located at the rear of dwellings that is connected to the road network by PAWs.



### 10.3.1 Endorsement of Closure Report for Pedestrian Access Way and portion of Public Open Space, Karawara

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

- a) *Not support any requirement for 100% consent of adjoining landowners, as regards the closure of the Karawara Pedestrian Access Ways*
- b) *Authorise the CEO to initiate the process for the permanent closure of the Pedestrian Access Way between Yallambee Place and Koolunda Court, and report back to Council on progress at the April 2021 Ordinary Council Meeting;*
- c) *In addition to the above, authorise the CEO to approach the Western Australian Planning Commission and the Department of Communities to seek the State Government's assistance to join with the Council to reduce the excessive number of Public Access Ways in Karawara, recognising the opportunities these Public Access Ways create for anti-social behaviour.*

As per (a) and (b) of Council's resolution above, City officers have prepared a Closure Report as per the Department of Planning, Lands and Heritage (DPLH) Procedure for Pedestrian Access Way Closure: Planning Guidelines 2009 (the Guidelines). Discussions with landowners adjoining the PAW land have been based on achieving a regular geometry of the subdivided land, and not on participation of all landowners.

As per (c) of the resolution, in June 2021 the City issued a letter to the DPLH and Department of Communities requesting their involvement in discussions about Karawara's future planning and work with the City in creating change in Karawara. Both departments indicated their interest in being involved in the discussions, however advised of their limited ability to action change.

DPLH officers recently provided informal feedback on the proposal. Officers expressed reservations regarding final lot configuration as not being regular in some instances and reductions to Karawara's overall Public Open Space (POS) provision.

This report provides a summary of the key findings of the Closure Report and seeks endorsement before its submission to the WAPC for determination.

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

The City is required to follow DPLH Guidelines to close the PAW. The guidelines provide two options for closure. The City has applied the second option (Option B), which is for PAW closure where there is no endorsed pedestrian and cycle access plan.

Option B requires the preparation of a Closure Report that considers:

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

The Closure Report is further required to provide written agreement as to how the land is to be divided, and agreement from those wishing to purchase a portion of the land that they are prepared to meet all costs associated.

The Closure Report

This section provides a summary of the content and methodology involved in preparing the Closure Report.

The Closure Report was prepared in two parts. The first part included mapping of connectivity and physical assessment of the land to be closed, including identification of assets and services, which was circulated to infrastructure providers for their information and comment.

For the purposes of this assessment, the following method was adopted:

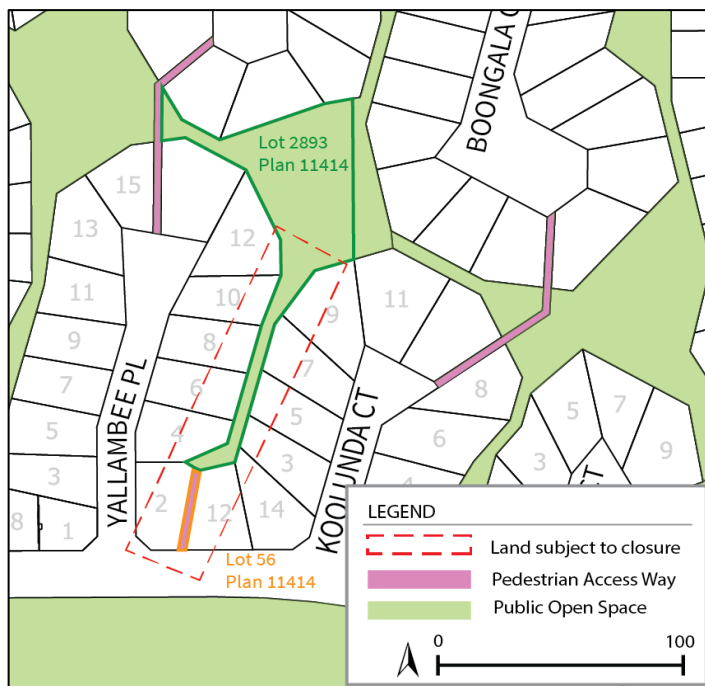
- An assessment radius of 400m surrounding the PAW was used which represents a 5 minute walk. This assessment area was adopted, as access to regional open space north and south of the PAW will not be impacted by the closure. Specifically, that the Collier Park Golf Course to the north is not accessible from its southern boundary, and George Burnett Park has uninterrupted access from its northern boundary on Gillon Street. Therefore the Guideline’s requirement for an 800m assessment area to be used in the vicinity of regional open space is not considered applicable in this situation.
- A selection of PAWs east and west of the Karawara Greenways have been included in this investigation to holistically consider alternate routes that provide a similar north-south access orientation to the PAW proposed to be closed.

The second part of the Closure Report details the stakeholder engagement that was undertaken for the proposal, and analysis of the feedback received.

The full Closure Report is provided in **Attachment (a)**, and key findings are outlined below.

*Community Facility Mapping and Connectivity Assessment*

The assessment identifies that access to local community facilities would not be significantly impacted by the subject PAW’s closure, as there is sufficient alternate access provided by short PAWs located at the heads of Yallambee Place and Koolunda Court cul-de-sacs. These short PAWs (indicated in pink) provide a similar north-south connection as illustrated in **Figure 1** below.



**Figure 1** – Alternate Access Routes

### *Infrastructure Providers*

The City has a number of assets located in the PAW including water reticulation outlets, security pathway lights, a concrete path, a pathway rail, stormwater drain, electric cabinet and antenna (used for reticulation purposes for plants and grassed areas). A Dial Before You Dig search identified a Western Power asset at the entrance of the PAW at Gillon Street, and Water corporation in-ground sewer pipe and access chamber through the centre of the PAW.

### *Pedestrian Access Way Inspection and Assessment*

The physical assessment identifies that City assets including a footpath, security lights and landscaping are well maintained. Private property fencing, is mostly well maintained for the length of the PAW, however is in poor condition at the Gillon Street entrance surrounding three vacant lots.

The PAW does not have any key facilities that make its function and character exceptional in the local mobility network. From multiple site visits, it has been observed that this PAW is not frequently used by pedestrians and cyclists. Pedestrian and cyclist activity has been sighted along the central path in the Karawara Greenways which provides an east-west connection through the residential estate.

### *Safety and Security Assessment*

According to the Guideline's safety assessment criteria, the PAW is categorised as having medium vulnerability in respect to safety and security. The subject PAW has been determined to be uninviting to use, due to low casual surveillance along its length.

The findings from the safety and security assessment align with the physical characteristics of the alternating length of the PAW network in Karawara. These findings include:

1. *Short distance PAW:* These PAW's are located at the heads of each cul-de-sac. The PAW's regular geometry provides a good line of sight and casual surveillance from the street, making them comfortable to walk through. However, there is no security lighting for evening hours. Their length averages around 40m and they are well maintained with minimal trip hazards.
2. *Long distance PAW connected to POS:* This category includes the subject PAW. These PAW's connect Jackson Road and Gillon Street with internal east-west green spaces. The PAW's irregular geometry reduces line of sight and creates spaces for easy entrapment. Although the initial path of the PAW can be seen from the road, and there is security lighting in the evening, the length of the path ranging between 120m – 128m makes the journey uncomfortable without passive surveillance.

### *Draft Pedestrian and Cycle Access Plan*

In accordance with assessment findings for this closure, it is considered that the long-distance PAWs are non-essential in the network, and the short distance PAWs provide essential access.

For long distance PAWs, it is recommended that they be upgraded with wayfinding signage, movement-sensored and low-level lighting, safety mirrors to improve line of sights, and permeable fencing encouraged along public open space boundaries.

### 10.3.1 Endorsement of Closure Report for Pedestrian Access Way and portion of Public Open Space, Karawara

For short PAWs, is it recommended that they be upgraded with wayfinding signage, and a road cross-over be installed to connect the PAW to the road grade.

#### Consultation

Consultation for this project has involved both internal business unit meetings to determine a preferred cost arrangement for the City's removal of its infrastructure required as part of the closure. Additionally, engagement of community stakeholders has occurred to ascertain support for the closure.

Stakeholder engagement for this proposal has involved discussion with infrastructure providers, community notification and an adjoining landowner workshop. The process and outcomes of each are outlined below.

#### *Infrastructure Provider Referral*

The City circulated the first part of the Closure Report to infrastructure providers for their comment including Water Corporation, NBN Co, Western Power, Telstra and ATCO Gas. Feedback identified no objection to the proposal.

Water Corporation requires that boundary fences be setback 1.5m of the sewer alignment. Any sewer outside that alignment will require a Deed of Grant Easement on the affected property, to provide access for Water Corporation to their asset. Any costs involved with the Easements and any relocation of the sewer will be at the cost of the Landowner.

#### *Community Notification*

In line with the Guidelines, the City advertised the closure proposal from 3 May 2021 for a period of 25 days closing 28 May 2021. The process involved the Guideline's required consultation methods, Nos. 1-4. The City included additional consultation methods Nos. 5, 6, and 7. Methods are outlined in Table 1.

Table 1 –

No.	Method
1	Placement of signs at either end of the PAW advising of the proposal to close the pedestrian access way. This sign indicated the period of notification and relevant contact details for further information.
2	Press release (news update and public notice) on the City's website homepage and Karawara project page. Advertisement in the local newspaper on 6 May 2021.
3	Direct mail out to households likely to be affected by the closure, identified as owners and occupiers within a 400m radius of the PAW land. This mail out involved 383 letters.  Of the letters distributed, 13 accounted for adjoining landowners. As primary stakeholders, adjoining properties were provided with a questionnaire to indicate whether they support or object to the closure, to be returned in a

	prepaid envelope. This was to ascertain their interest in further discussions about boundary realignment and costs.
4	Letters to surrounding local institutions (Curtin Primary School, George Burnett Leisure Centre, Collier Park Golf Course, Meath Care Retirement Village, Waterford Plaza Shopping Centre)
5	City Facebook and Twitter posts – at beginning, middle and end of feedback period.
6	Public notice signs on community notice boards to publicise the notification period.
7	City's Peninsula E-newsletter

#### *Community Consultation Methods*

The community engagement resulted in 71 submissions outlined in Table 2 below. Of the adjoining landowners, twelve identified support for the closure, one objected, and one has not been able to be contacted at the time of consultation.

Table 2 – Overview of community feedback to land closure proposal

	Support the closure	Object to the closure	Other
<b>Adjoining landowners</b>	12	1	0
<b>Community submission with signatures</b>	0	1 (38 signatures)	0
<b>Other community submissions</b>	31	26	1 (enquiry)

The majority of comments provide support for the closure, due to its positive improvement to the physical and social character of the PAW, with reasons including:

- Closure will reduce home burglaries and opportunistic access to properties and escape routes for crime offenders
- Closure will reduce occurrence of anti-social behaviour in the PAW, including access to and noise from motorbikes that ride through PAWs
- Closure will improve personal safety and privacy from passers-by
- Physical condition of area will improve.

The one submission received objecting to the closure, was on the basis of concerns for associated costs to be paid by adjoining landowners, unsubstantial crime data and a lack of design justification to support the closure, and that the closure would be a catalyst for other PAW closures.

Recurrent themes from other **community submissions** relate to concerns for the PAW closure and the identification of alternate measures that could be investigated to improve the amenity and use of the PAW as discussed here:

#### Concern for PAW Closure

Submissions expressed concern that the PAW closure will reduce pedestrian and cyclist access which is an integral part of the suburb's Radburn design. It was expressed that walking on cul-de-sacs feels unsafe.

There was also concern that the PAW closure would result in poor urban design outcomes, including unusable spaces, area that could become places of entrapment, a lack of safe and separated connections for pedestrians, removal of play space that the POS provides and that the closure will be irreversible.

Submissions raised a request for further community engagement on the proposal, an interest in closure of other PAWs in Karawara, and a concern for unknown costs that would be associated with the closure should it proceed.

#### Alternate Measures

City officers facilitated a meeting on 19 August 2021 with adjoining landowners as an information session on the PAW closure process, to provide a discussion on boundary realignment as well as to establish in principle agreement to costs borne by landowners. Key concerns raised by the landowners related to the division of costs between those participating, the timeframe of the process, the level of commitment required for the process the development potential of amalgamated land, and concerns for potential increased density in the area as a result of site area increases for landowners.

Following this meeting, adjoining landowners received information outlining the following:

1. Meeting notes providing clarified answers to questions raised at the meeting held 19 August 2021 which ranged from footpath installation requirements, the closure process and the division of costs between the City and landowners.
2. A schedule with revised costs anticipated with the closure, provided on 1 October 2021 to participating landowners.

The letter requested landowners to consider the anticipated costs and express their interest for further involvement via the lead petitioner of the closure. In early November 2021, City officers met with the lead petitioner to ascertain adjoining landowner's interest.

3. A letter was distributed to all adjoining landowners on 20 November 2021 detailing a revised boundary realignment to reflect landowner discussions. Participating landowners were asked to sign and return a Landowner Agreement Letter to indicate their agreement with the subdivision and associated costs.

Of the 13 affected landowners, the City has received signed letters from 8 agreeing to purchase land, with 100% of the land allocated to interested parties in accordance with the plan at **Attachment (b)**.

4. A final letter will be distributed to all adjoining landowners in April 2022 with a final subdivision drawing to reflect participation. (Refer to final subdivision design at **Attachment (b)**).



### Evaluation of Trial Closure

The key learnings of this process are outlined below, together with the City's recommended response for next steps.

*Learning 1 - The closure process is resource intensive in terms of officer hours, extent of stakeholder engagement and iterative discussions to arrive at a preferred subdivision.*

It is recommended that future PAW closure requests from the community be financed by the applicant. Following best practice and in alignment with other local government authority processes, an assessment fee listed in the City's fees and charges should be applied for the assessment of application. This fee would be paid by the applicant to cover the use of City resources. This fee and closure and process would best be addressed by a local planning policy on laneway closure.

*Learning 2 - The value of PAWs is a divisive topic amongst the broader community.*

It is recommended that the City develop a matrix to indicate which PAWs should be retained as an essential part of the mobility network supported by rationale for retention based on best practice planning principles. This would best be addressed by a Karawara movement study to address movement and use of the laneways. In addition it is important to ascertain an understanding of the long-term implications to the quantity, quality and accessibility of remaining Public Open Space as a result of any future laneway closures.

### **Policy and Legislative Implications**

Key learnings from this process and a review of other local governments will inform a local planning policy to improve the City's approach to future closure requests.

### **Financial Implications**

Pending submission and determination by the DPLH, Strategic Planning has allocated budget for a movement study, to identify improvements to strengthen connections through the suburb and to surrounding regional facilities, including Collier Park, the future proposed Recreation Aquatic Facility, Curtin University, and George Burnett Park. This study will complement proposed wayfinding identified within the City's newly adopted Integrated Transport Plan.

Community, Culture and Recreation are currently facilitating community development projects in Karawara, with a particular focus on social capacity building and optimising community safety. This has involved the engagement of consultancy services by Befriend, to facilitate social capacity building.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Reputational Damage</b></p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Communications with key stakeholders involved in this project about the decision to progress, or not progress with the closure, and formalising the City’s practices in processing future requests for Pedestrian Access Way closures.

**Strategic Implications**

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

- Strategic Direction: Community
- Aspiration: Our diverse community is inclusive, safe, connected and engaged
- Outcome: 1.3 Community safety and health
- Strategy: 1.3.2 Facilitate and foster a healthy and connected community

**Attachments**

- 10.3.1 (a):** Closure Report - Part 1 & Part 2
- 10.3.1 (b):** Endorsed subdivision plan



### 10.3.2 Black Swan Habitat Project - Post Construction Financial Status

File Ref: D-22-19097  
Author(s): Tom Cunningham, Urban Design Coordinator  
Abrie Lacock, Manager Finance  
Reporting Officer(s): Mark Taylor, Director Infrastructure Services

#### Summary

This report provides the post-construction financial outcome of the Black Swan Habitat project, in response to Council's June 2021 resolution requesting confirmation of the final contract budget and identifying the source(s) of additional funding.

#### Officer Recommendation

That Council notes the post-construction financial report on the Black Swan Habitat project.

#### Background

The primary aims of the Black Swan Habitat project are to protect the foreshore reserve from erosion, improve habitat for native waterbirds and provide a retreat for bird watching, breeding, ecology, and learning.

The project replaced a section of damaged river wall with an offshore bird habitat island, two vegetated headlands, a beach, and a planted rock revetment.

The City successfully secured \$700,000 in funding from the Department of Biodiversity, Conservation and Attractions (DBCA) to support the original 2020/21 project budget of \$1.55m.

Construction of the Black Swan Habitat commenced on 6 April 2021 following Council approval of Tender 13/2020 *Provision of Waterbird Refuge* at its meeting held 24 November 2020. Works were completed by 30 August 2021 and the site was officially opened on 30 September 2021.

During construction, three significant latent conditions were encountered that led to contract variations. A confidential report on the matter was considered by Council at its meeting held 22 June 2021 and the following was resolved:

*That Council:*

- 1. Authorises additional expenditure of \$388,356.34 for Contract 13/2020 Provision of Water bird Refuge in response to variations submitted by the contractor for latent conditions experienced.*
- 2. Notes that sufficient funds remain in the 2020/21 budget to cover the additional expenditure.*
- 3. Receives a report early in the 2021/22 financial year confirming the final contract budget and identifying the source(s) of additional funds required over and above the project carry forward.*

4. *Notes that the CEO will undertake a review of Delegation DC608 - Acceptance of Contract Variations Relating to Tenders Approved by Council.*

### Comment

#### Latent Conditions Variations

Three latent conditions issues were encountered that caused the majority of the project variations. They were chemical contamination of the foreshore soil, fragments of asbestos in the foreshore soil and a deeper than anticipated mud layer beneath the proposed island. The latent conditions variations were discussed in detail in the June 2021 Confidential Council report.

The June report discussed the anticipated financial outcome of the project and summarised the three main causes of the variations that had occurred to date. No further significant latent conditions were encountered since the June 2021 Council resolution.

#### Department of Biodiversity Conservations and Attractions (DBCA)

The City approached the DBCA to recover a share of the variation costs. The DBCA advised they have previously funded 50% of variations caused by latent conditions for other projects funded under the Riverbank grant program.

The City applied for \$183,685 in additional DBCA funding in November 2021. The DBCA has recently responded approving the additional funds **Attachment (a)**. Black Swan Habitat - Variation Approval DBCA March 2022.

### Conclusion

The Black Swan Habitat has achieved its objectives of protecting the foreshore and providing a habitat for Black Swans and other waterbirds. Since completion, the project has withstood major storm events and importantly has provided habitat for a range of bird species including the iconic Black Swan. Media attention has been overwhelmingly positive from residents, visitors to the site and more broadly on social media. The project received two awards at the 2022 Institute Public Works Engineering Australasia WA Excellence Awards.

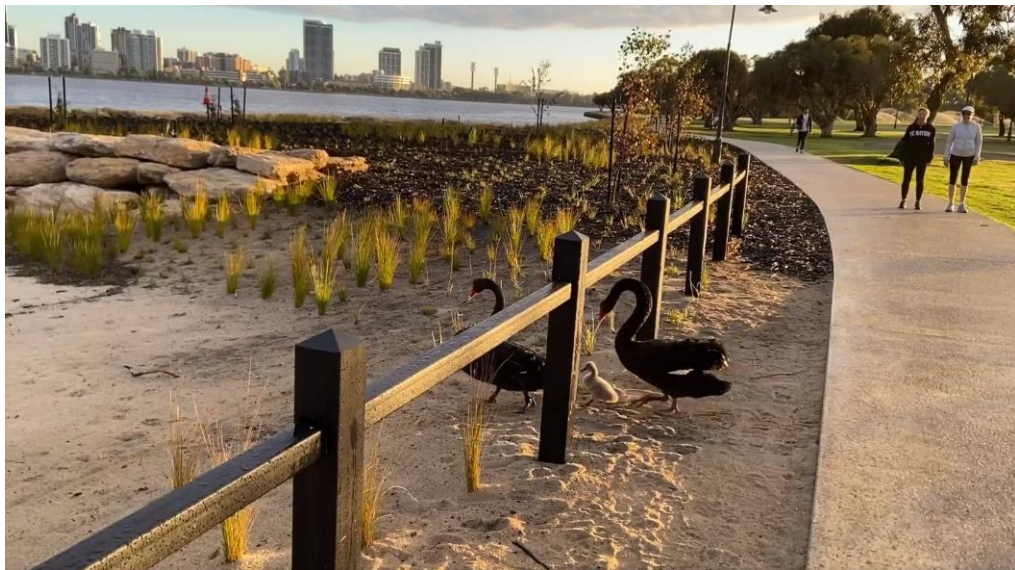


Image captured by Connagh Hopkins - Friends of South Perth Wetlands Facebook Group

The remainder of river foreshore design, between the Wesley College boatshed and Ellam Street does not include offshore elements, therefore the risk of encountering a similar

issue during future stages of river wall replacement is considered low. That said, project risks should be reviewed for the future works packages and additional investigations completed based on value-for-money-outcomes. Due to the location of future works on the river edge, much more cost-effective investigations would be possible if required.

### Consultation

Nil.

### Policy and Legislative Implications

Variation of a contract for the supply of goods or services, subsequent to entry into the contract, is regulated by regulation 21A of the Local Government (Functions and General) Regulations 1996.

### Financial Implications

The following table summarises the post-construction financial outcome of the Black Swan Habitat project.

Description	Amount
<b>Expenditure</b>	
Original project budget 2020/21	\$1,548,000
Original project budget 2021/22	\$240,000
Additional funds required over and above carry forward	\$150,772
<b>Total project expenditure</b>	<b>\$1,938,772</b>
<b>Funding breakdown</b>	
DBCA initial contribution	\$700,000
Additional DBCA contribution	\$183,685
City's municipal funds	\$206,439
City's reserve funds	\$848,648
<b>Total funding</b>	<b>\$1,938,772</b>

### Key Risks and Considerations

<b>Risk Event Outcome</b>	Not required – report of financial outcomes of completed works for noting only
<b>Risk rating</b>	Not Applicable
<b>Mitigation and actions</b>	

### Strategic Implications

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

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods that respect and value the natural and built environment  
Outcome: 3.3 Enhanced environment and open spaces  
Strategy: 3.3.4 Facilitate effective management of the Swan and Canning River foreshore

### Attachments

10.3.2 (a): Black Swan Habitat - Variation Approval DBCA March 2022

### 10.3.3 Development Assessment Panel (DAP) Consultation

File Ref: D-22-19098  
Author(s): Fiona Mullen, Manager Development Services  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

#### Summary

As part of implementing the Action Plan for Planning Reform the Western Australian Government is proposing a number of changes to improve the Development Assessment Panel (DAP) process.

Comment is now being sought in relation to detailed changes to be implemented in the Planning and Development (Development Assessment Panels) Amendment Regulations 2022 with the most significant change being the replacement of mandatory JDAPs with 'optional' District DAPs and a Special Matters DAP (SMDAP) which includes certain areas within the recently endorsed South Perth Activity Centre Plan area and the Canning Bridge Activity Centre Plan area, subject to criteria. It is also proposed that development applications submitted to the SMDAPs will be assessed by the State Government, akin to the State Development Assessment Unit pathway.

#### Officer Recommendation

That Council endorse the comments contained within this report and **Attachment (c)** for submission to the Department Planning, Lands and Heritage as the City of South Perth's submission on the Development Assessment Panel (DAP) Reforms Consultation.

#### Background

As part of implementing the Action Plan for Planning Reform (the Action Plan) the Western Australian Government is introducing a number of changes to improve the Development Assessment Panel (DAP) process. These were encapsulated under the initiative of the Action Plan C8 – DAP Processes Are More Consistent and Transparent.

Comment is now being sought in relation to detailed changes to be implemented in the Planning and Development (Development Assessment Panels) Amendment Regulations 2022 with the most significant change being the replacement of mandatory JDAPs with 'optional' District DAPs and a Special Matters DAP (SMDAP) which covers certain areas within the recently endorsed South Perth Activity Centre Plan area, amongst others.

The consultation period closes on 22 April 2022 however, the City has been provided with an extension of time in order to provide comment endorsed by Council.

#### Comment

The areas in relation to which comments are sought may be summarised as follows:

- A. General Process and Administrative Reforms
- B. District DAPs
- C. Special Matters DAPs

D. General Feedback

For ease of reporting, the responses contained within this report follow the format and order of the Development Assessment Panel (DAP) Reforms Consultation Detailed Submission (the Submission Form).

A. General Process and Administrative Reforms

Delegations

Since the introduction of DAPs there has been conjecture as to whether Responsible Authority Reports (RARs) are to be submitted (endorsed) by Council or whether the function is delegated to Officers. In August 2015, a Notice of Motion by the then Mayor resulted in the requirement for all Form 1 RARs to be considered by Council, with Form 2 RARs to be considered on a 'call-in' basis. By 2018, the process was under review, and it was determined that Councillor Bulletin Items would be provided to Councillors, which is the current process.

The Submission Form indicates that r12 (2) of the Planning and Development (Development Assessment Panels) Regulations 2011 (the DAP Regulations) will be amended to provide clarity that a District DAP report is to be submitted by the Chief Executive of the relevant local government, and that a Special Matters DAP referral may be a delegated function from the Council to the Chief Executive Officer of the relevant Local Government.

- Officers support this clarification.

Excluded Development

In relation to r4 A of the DAP Regulations, it is proposed to continue to exclude certain types of development from determination through the DAP system, and in addition developments wholly on reserved land under a region scheme and development applications for public works will also be exempt. Decision making powers for these applications will be returned to the Western Australian Planning Commission, or a delegated officer, in accordance with Section 16 of the *Planning and Development Act 2005*. These excluded developments will apply to both the District and Special Matters DAP process.

- It is recommended that this element be supported.

Meeting Arrangements

In relation to meeting arrangements, it is proposed that District and Special Matters DAP meetings will, as far as is practicable, be scheduled at regular dates and times, with meetings centrally coordinated and convened by the Department of Planning, Lands and Heritage.

This is supported as the arrangements for meetings (when held in person) is currently the responsibility of the City which adds an additional administrative burden with no cost recovery.

An option to convene meetings outside business hours in certain circumstances (such as for applications of significant public interest) is proposed, subject to further guidance to be developed. However, such meetings will provide the option for virtual attendance, with recordings of meetings also to be made available online.

- Officers do not support this element given that other methods for joining the meeting are available.



### Fees

Fees payable to the Department of Planning, Lands and Heritage (the Department) for optional DAPs are in addition to the standard development application fee paid to the City.

Officers have no comment in relation to the increase in fees for an optional DAP (an increase from \$5,701 to \$11,600) for development less than \$10 million, and the introduction of a fee of \$14,500 for development of \$10 million or more.

With regard to SMDAPs these will be explained further in the report, however, will operate akin to the State Development Assessment Unit (SDAU) with the local government required to provide a comment/report as per the previous SDAU process. Fees proposed for SMDAPs which will be paid solely to the department are \$16,000 for “administration” and \$80,000 for “assessment”. No fees are proposed to be paid to the City.

- Officers are supportive of a fee to be paid to the Department for SMDAP applications, however, the City would incur significant work providing comments to the Department as was and is the case with development applications considered by the SDAU, notwithstanding the assessment and determination is undertaken by the Department. For that reason, it is considered that a fee should be paid to the local government to assist with an element of cost recovery for the preparation of reports to Council and/or assistance required by the Department (for example in assisting with information for consultation), plus for the clearance of conditions and ongoing compliance thereafter.

### B. District DAP Areas

#### District DAP Areas

As part of the Action Plan for Planning Reform, the Government committed to reducing the number of DAPs to no more than three (from five). It is proposed that the City of South Perth (currently included within the Metro Inner-South JDAP) will be included within the Metro Inner District DAP which will include the existing City of Perth LDAP, Metro Inner-North JDAP and Metro Inner-South JDAP areas.

- Officers have no comment in relation to this element.

#### Threshold Criteria

It is proposed that the previous mandatory requirement for DAP applications (which in the City of South Perth related to applications with an estimated value of \$10 million or more) be removed and replaced with an ‘opt in’ arrangement whereby all applications valued at \$2 million may opt for the application to be considered by the relevant District DAP. The definition of ‘excluded development’ remains unchanged. The District DAP system will therefore be opt-in only.

Given the excluded development remains unchanged, it is considered that the change from a mandatory DAP to ‘opt-in’ will not impact adversely on the City as many applicants will continue to elect to have applications considered by the District DAP.

- Officers have no comment in relation to this element.

#### Fixed term Members

As part of the Action Plan for Planning Reform, the Government proposes to appoint fixed-term (3 to 5 years) Presiding and Deputy Presiding Members to service all District DAP areas. The intent by the Department is that these members would not have other employment, which it is suggested will reduce the potential for conflicts of interest. These members will be required to have relevant and related experience, and an accredited tertiary qualification in urban or regional planning.

### 10.3.3 Development Assessment Panel (DAP) Consultation

Members will be employed by the Department of Planning, Lands and Heritage. No changes are proposed to local government representation on a District DAP.

- Officers support this element.

#### Third Specialist Member

It is proposed that a third specialist member will be drawn from a reduced pool of experts from a range of disciplines, similar to the current arrangement with intent that this will ensure panels have the required expertise necessary for decision making on complex matters.

- Officers support this element which will ensure complex issues are fully considered as part of the decision-making process.

#### C. Special Matters DAPs

##### Special Matters DAP Projects and Mandatory Requirement

In July 2020, the *Planning and Development Amendment Act 2020* was passed by the WA Government which included the establishment of a Special Matters DAP to determine projects of State or regional importance, or certain types of applications in precincts of State or regional importance.

In practice, the Special Matters DAP was not implemented as the emergency covid provisions allowed for the State Development Assessment Unit to consider Significant Development Applications under Part 17 of the *Planning and Development Act 2005*. This (Part 17) pathway has now ended.

The following criteria is proposed for mandatory applications to the SMDAP Projects:

Criteria	Value Threshold	
	Perth and Peel Region Scheme Area	Outside Perth and Peel Region Scheme Area
'State Significant proposals' under Lead Agency Framework	N/A	N/A
Resource projects – renewable energy	\$50 million	\$30 million
Non-residential developments – greater than 20,000m <sup>2</sup> NLA (where there is no approved structure plan in place)		
Multiple dwellings – greater than 100 dwellings		
Private hospitals or educational establishments		
Ports, marinas and airports		



Proposals must meet the project criteria *and* construction value threshold to be eligible for the SMDAP pathway. If projects do not meet the criteria, they may still opt-in to the District DAP pathway however if a proposal meets SMDAP criteria, consideration by the SMDAP is mandatory. This criterion is applicable across the City of South Perth.

For proposals to be mandatorily considered by the SMDAP, they must meet both criteria. This allows scope for a number of potential development proposals within the City to be considered by the SMDAP (Multiple dwellings – greater than 100 dwellings. Value Threshold \$50 million). For example, the Como Baptist Church proposal would meet this threshold.

Special Matters DAP – Precincts

The Special Matters DAP can also consider certain types of applications in precincts of State and Regional importance. These precincts are stated as being areas of “high development pressure and/or precincts where development is of importance to the wider region or State”.

In the City, the precincts identified for the SMDAP pathway are located within the South Perth Activity Centre Plan area and Canning Bridge Activity Centre Plan Area (CBACP) and the proposed precincts are included as **Attachment (a) and Attachment (b)** (albeit “INDICATIVE ONLY”).

The following criteria is proposed for the Special Matters DAP – Precincts:

Precinct Area	Criteria	
	Multiple Dwellings	Net Lettable Area (NLA)
Perth Central Business District	Multiple dwellings, 51 or more	Commercial development greater than 5,000m <sup>2</sup> NLA
South Perth Peninsula	Multiple dwellings, 21 or more	Commercial development greater than 3,000 m <sup>2</sup> NLA
Stirling Hwy - Winthrop Ave to Loch St		
Cockburn Central		
Canning Bridge Activity Centre Plan area		
Cottesloe foreshore	Multiple dwellings 10 or more	
METRONET station precincts		

The City’s vision for the South Perth Activity Centre was developed through the South Perth Peninsula Place & Design project in 2017 with the South Perth ACP and Amendment 61 to the City of South Perth Town Planning Scheme No. 6, being approved on 21 December 2021 by the Minister for Planning and WAPC respectively. The above criteria apply to lots identified with Tier 2 development potential in the South Perth Activity Centre Plan area.

### 10.3.3 Development Assessment Panel (DAP) Consultation

Areas identified within the Canning Bridge Activity Centre Plan area relate to the M10 and M15 areas.

It is considered inappropriate for the city Officers who have experience and expertise in assessing development against the SPACP and CBACP to be removed from the assessment process thereby reducing the rigour around assessment and potential built outcome within these areas.

In addition, the boundaries proposed appear arbitrary in relation to the SPACP area Precinct Area. In both Precinct areas identified for the City, the criteria for multiple dwellings to be mandatorily considered by the SMDAP is 21 multiple dwellings.

Notwithstanding that the boundary for the Precincts is not supported, the criteria of 21 dwellings is considered to be too low, with all multiple dwelling applications in these areas likely to be considered by the SMDAP.

Within the City of South Perth Precinct Areas, it is considered that the threshold criteria are too low and will not result in applications of “importance to the wider region or State” being considered by the SMDAP.

Officers recommend the following in relation to the SMDAP pathway:

- In relation to the SMDAP Projects, the dwelling threshold should be increased to Multiple Dwellings – greater than 150 dwellings and the dollar threshold removed.
- In relation to the SMDAP Precincts, the Criteria for Multiple Dwellings in the South Perth Peninsula area (SPACP area) be amended to include all “Medium -high” and “High” typology sites within the CBACP area and the criteria being ‘above 23 storeys. The rationale for the suggested Precinct Area and Criteria being that development above 23 storeys may be considered of regional significance in terms of alterations to the South Perth skyline and views and vistas from surrounding areas of importance (Swan River, Kings Park, Perth CBD etc.)
- In relation to the CBACP Precinct Area, the dwelling number be amended to ‘Multiple dwellings, 80 or more’ or alternatively to ‘development over 8 storeys’ which would include the M10 and M15 boundary areas previously identified.

#### Membership

The proposed Membership of the Special Matters DAP is as follows:

1. Presiding Member, from a list of people nominated by the WAPC.
2. Local Government Representative, from a list of people nominated by the WA Local Government Association (WALGA).
3. Architect, from a list of people nominated by the Australian Institute of Architects (AIA).
4. A person nominated by the Chief Executive Officer (CEO) of the Environmental Protection Authority (EPA).
4. Urban and Regional Planner, from a list of people nominated by the Planning Institute of Australia (PIA).
5. A person nominated by the Director General of the Department of Transport.
6. A person with experience in property economics, commerce and industry, business management, financial management, engineering, surveying, valuation or transport.

### 10.3.3 Development Assessment Panel (DAP) Consultation

Unlike the current JDAP and proposed District DAP, there is no provision for direct membership of two local government Councillors, but a single “Local Government Representative”, from a list of people nominated by the WA Local Government Association (WALGA), which does not necessarily include a City of South Perth Councillor and therefore no local representation (although it is understood that Councillors and officers may still apply to make a deputation).

- The proposed membership of the SMDAP is not supported as the scope for local representation is significantly reduced to the detriment of the local community and local government.

#### Assessment, Referrals and Post Determination Processes

Differing from the SDAU process, the WAPC, supported by the Department of Planning, Lands and Heritage (DPLH), will be responsible for assessing applications within the relevant planning framework. This will include all processes associated with assessment (lodgement, advertising, referrals etc), although as with the SDAU process there will still be heavy reliance on the City to provide information for public consultation. It is noted, residents will have to liaise with the DPLH if clarification of the proposed development is required (akin to the SDAU process).

Local governments will be provided with 60 days in which to comment on applications. These comments will be given due regard in the decision-making process.

Whilst the SMDAP is proposed have due regard to the City’s comments and make decisions within the relevant planning framework, it is concerning that the assessment of such developments will be undertaken by state officers who are unfamiliar with the background to the documents and lack understanding of the characteristics of the area and of South Perth and Canning Bridge ACPs.

Unlike the SDAU process, following the determination of an application, local governments will be responsible for the clearance of conditions and ongoing compliance. The clearance of conditions for major Development Applications, such as those under this pathway is complex, it requires multi-disciplinary input from across the organisation and this stage of the process can take as long and as much officer time as the actual approval process. No fees have been considered to be paid to the City for this process, and it is further considered that the drafting of conditions by one body and clearance by another will result in poor governance.

- This proposal is not supported. It is considered that the responsibility for clearing conditions and ongoing compliance in relation to SMDAP decisions should rest with the DPLH. Failing this, the Local Government must be able to charge fees for this element.

#### D. General Feedback

##### Commencement

The commencement date of the amendment to the DAP Regulations which is anticipated will be early 2023.

- Officers have no comment in relation to the proposed commencement date.

##### Transitional Arrangements

It is proposed that current DAP applications, including those lodged and accepted prior to the implementation of the DAP Regulations, will be determined by the new relevant District DAP. This includes applications that meet the criteria for the Special Matters DAP.

### 10.3.3 Development Assessment Panel (DAP) Consultation

After commencement, any amendments to applications determined prior to the implementation of the DAP Regulations can be made to either the new District DAP or to the relevant local government.

It is anticipated that the SMDAP programme will commence in the second half of 2022 (given that provision for SMDAPs is already enacted).

- Officers have no comment in relation to the transitional arrangements.

#### Consultation

Officers have participated in workshops with the Department of Planning Lands and Heritage as part of the implementation of the Action Plan for Planning Reform.

Members of the public have been invited to comment by the Department of Planning Lands and Heritage with three online information sessions and a consultation hub. The consultation period ends on 22 April 2022.

#### Policy and Legislative Implications

- Planning and Development (Development Assessment Panels) Regulations 2011
- *Planning and Development Act 2005*
- *Planning and Development Amendment Act 2020*

#### Financial Implications

If the Special Matters DAP – Precinct’s proposal progresses, particularly in relation to the Canning Bridge Activity Centre Plan area, the revenue from fees generated by such applications would significantly reduce.

#### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Risk</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Attachments

10.3.3 (a):	South Perth Peninsula Precinct Area
10.3.3 (b):	Canning Bridge ACP Area
10.3.3 (c):	Feedback Form Detailed - Planning Reform Consultation (DAP Regulations)

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments March 2022

File Ref: D-22-19099  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 March 2022 to 31 March 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(470)	\$6,178,849.86
Cheque Payment to Creditors	(1)	\$457.45
<b>Total Monthly Payments to Creditors</b>	<b>(471)</b>	<b>\$6,179,307.31</b>
EFT Payments to Non-Creditors	(83)	\$103,217.23
Cheque Payments to Non-Creditors	(20)	\$35,212.09
<b>Total EFT &amp; Cheque Payments</b>	<b>(574)</b>	<b>\$6,317,736.63</b>
Credit Card Payments	(6)	\$12,652.50
<b>Total Payments</b>	<b>(580)</b>	<b>\$6,330,389.13</b>

#### Officer Recommendation

That Council receives the Listing of Payments for the month of March 2022 as detailed in **Attachment (a)**.

#### Background

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

#### Comment

The payment listing for March 2022 is included at **Attachment (a)**.

The attached report includes a "Description" for each payment. City 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**

Regulations 12 and 13(1) of the Local Government (Financial Management) Regulations 1996. Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

**Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Key Risks and Considerations**

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

### Strategic Implications

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

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

### Attachments

10.4.1 (a): Listing of Payments March 2022



## 10.4.2 Monthly Financial Statements March 2022

File Ref: D-22-19100  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

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

### Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 March 2022.

### 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 2021/22 budget adopted by Council on 22 June 2021, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance 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.

COVID-19 now in conjunction with the war in Ukraine continues to cause havoc, with a significant impact on world economic activities. In Western Australia Omicron is well and truly out in the community and case numbers continue to rise along with hospitalisation figures. The above factors contribute to very uncertain economic circumstances with steep rises in inflation in Australia and other countries, US inflation hit its fastest pace since 1982 in January, pushing prices up at a 7.5% annual rate.

In framing the Annual Budget 2021/22, the City considered the economic environment and the impact of COVID-19, it may well be that the impact of ending Western Australia's isolation, Omicron and the war in Ukraine has unforeseen budgetary outcomes. As Western Australia remains at risk the State Government continues to extend the emergency period initially enacted 30 March 2020, public health measures are reportedly to ease from 31 March 2022.

The Legislated Budget Review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 22 February 2022. Budget Review entries have been processed, budget phasing was also revised as part of the review evidenced by the lower year-to-date (YTD) variances between revised budget and actual results.

Actual income from operating activities for March year-to-date (YTD) is \$70.44m in comparison to budget of \$70.26m, favourable to budget by 0.25% or \$177k. Actual expenditure from operating activities for March is \$55.23m in comparison to budget of \$56.33m, favourable to budget by 1.96% or \$1.10m. The March Net Operating Position of \$15.21m was \$1.28m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.63m with a minor favourable variance of \$13k on budget. Actual Capital Expenditure YTD is \$5.52m in comparison to the budget of \$5.64m, \$122k or 2.16% favourable. Timing variations are mainly responsible for the variances included in the above, an analysis is provided within **Attachment (e)** the Significant Variance Analysis. Capital spending typically accelerates in the second half of the year, as projects move from the design and procurement phase to construction. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there have been a number of capital projects that required budget adjustment during the midyear review process.

Cash and Cash Equivalents amounted \$59.91m, slightly lower than the prior year comparative period. Payment and spending trends are similar to previous years. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.64% for investments under 12 months. The rates however appear to be starting to rise. 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. At the end of March 2022 the City held 22.09% 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.

**Key Risks and Considerations**

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

**Strategic Implications**

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

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

**Attachments**

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

11. APPLICATIONS FOR LEAVE OF ABSENCE



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

### 12.1 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - EFFICIENCY OF CITY OPERATIONS

File Ref: D-22-19101  
Author(s): Garry Adams, Director Corporate Services  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

Councillor Ken Manolas submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 March 2022.

#### Notice of Motion Recommendation (Suggested Alternative Recommendation page 40)

1. The CEO to evaluate the efficiency of City operations, and how savings can be achieved to reduce expenditure, without reducing services to the community or the maintenance of the existing City's assets.
2. The CEO to present a report to Council at a workshop on or before 1 June 2022 on potential cost saving options for the 2022/2023 Budget, together with the benefits and downsides of each option.

#### Background

Councillor Ken Manolas submitted a Notice of Motion regarding the efficiency of City operations. The reasons for the motion given are as follows:

This motion is intended to ensure that Council has oversight as to whether the City is operating as efficiently as reasonably practicable.

According to the Australian Bureau of Statistics, inflation over the 12 months from December 2020 to December 2021 for Perth was 5.7%. This is reportedly a 20-year high. Council will be under pressure to approve a rates increase of a similar amount to, in order maintain the existing level of services provided to the community.

The proposed workshop is intended to assist Councillors to ensure that:

- (a) the amounts levied on City ratepayers; and
- (b) the existing suite of services provided to the community,

To ensure the burden on ratepayers is kept to a minimum, whilst essential services is maintained at an expected standard.

- (c) a separate report on efficiency of the City's operations to form part of the budget, so all measures of savings to reduce expenditure can be considered.

#### Comment

City administration is always conscious of the need to improve the efficiency of City operations. This is done in a number of ways such as undertaking service level reviews, improving systems and processes and maintaining a tight control of budgets.

Over the past 3 years in particular, there has been a focus on ensuring expenditure has not increased. This has resulted in the City's 2020/21 operating expenditure (\$61.07 million) being lower than that of 2018/19 (\$61.6 million). This represents a reduction of approximately \$3.9 million in real terms once inflation over the period is taken into account.

At the same time, the City's revenue has also remained stagnant at \$59 million. This has resulted in the City continuing to be in a net operating deficit position, which, given asset replacement and renewal pressures, will prove to be unsustainable into the future. Whilst the City's administration looks at every opportunity to create efficiencies, it must be noted that the net operating deficit position is a two-sided problem considering revenue as well as expenditure. A balanced approach to achieving a net operating surplus would see revenue increasing as well as expenditure being addressed.

Some of the measures already undertaken to improve efficiency in the long term include:

- The implementation of the new OneSystem software – making it easier for residents to do business with the City online and reducing the number of software systems and computing infrastructure operated by the City
- No increase in staffing levels (FTE) for the past 5 years
- Implementation of solar panels on City buildings to reduce energy consumption
- Improved fleet management (size and type of fleet)
- Reduction in service levels in some areas
- Outsourcing of some services

The City is continuously reviewing its services to try and ensure that resources are used in a way that generates the greatest value for ratepayers and whilst efficiency needs to be measured, so does effectiveness. There is simply no point in delivering services in the most efficient manner if the effectiveness of those services suffers to the point where residents' needs are not being met.

It should be noted that from a macroeconomic perspective, due to the war in Ukraine, supply issues associated with COVID and labour shortages, we are currently in a high inflation period, with the City's cost of delivering its current service levels expected to rise somewhere in the region of 5% for the next financial year. If the expectation of Council and the Community is that current expenditure levels are maintained, Council will need to make some bold decisions regarding the levels of service currently being provided.

City administration implements Council decisions and priorities and initiatives drawn from the Strategic Community Plan. The decisions as to what is 'non core business' or 'discretionary' activity needs to be determined by Council in agreeing what projects are delivered and what services are delivered to the community.

The Notice of Motion seeks to establish a report on matters that are already being dealt with in the several budget workshops held or planned and budget development process that is already underway.

### **Consultation**

Given the current cost pressures, in order to continue on the current path of maintaining expenditure levels in the name of efficiency, the City will either need to reduce levels of service or cease some services completely.

## 12.1 Notice of Motion - Councillor Ken Manolas - Efficiency of City Operations

The annual budget is the mechanism by which Council allocates the City's resources and this process is subject to a number of Council workshops prior to the budget being adopted at a formal meeting of Council. The community will have the opportunity to ask questions and make deputations via the normal meeting processes.

### Policy and Legislative Implications

*Local Government Act 1995, Section 2.7, Section 5.41 (d).*

### Financial Implications

The financial implications associated with producing a report to address this notice of motion will be accommodated within current budgets and resources.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Administration and Council participate in workshops in order to prepare the annual budget and ensure resource allocations align with community expectations regarding services.  The budget requires adoption by an absolute majority of Council.

### Strategic Implications

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

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

**Suggested Alternative Recommendation**

That Council notes that ongoing service delivery reviews will continue (as part of managing the day to day operations of the City) and that any areas where efficiencies can be achieved will be identified to Council as part of the budget and budget review processes.

**Reason for Alternative Recommendation**

Reviewing services and determining where potential efficiencies can be made is an administrative function, generally conducted by the CEO in accordance with Section 5.41 (d) of the *Local Government Act 1995*, as part of managing the day to day operations of the local government. Where a decision of Council is required to achieve an identified efficiency, or to allocate resources differently, it will ordinarily be presented to Council for consideration.

**Attachments**

Nil.



## 12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - DISCLOSURE OF POLITICAL INTERESTS

File Ref: D-22-19102  
Author(s): Bernadine Tucker, Manager Governance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held Tuesday 19 April 2022.

### Notice of Motion Recommendation (Suggested Alternative Recommendation page 43)

1. That Council authorise the Chief Executive Officer to update the Councillor Code of Conduct to include a requirement for all Elected Members and Elected Member Candidates to advise the Chief Executive Officer of the following, if applicable:
  - a) Membership of a political party;
  - b) Employment by a political party.
2. That Council request the Chief Executive Officer to create a 'Political Interest Register' to include the above information and to make this publicly available on the City's website.

### Background

Councillor Mary Choy submitted a Notice of Motion regarding Disclosure of Political Interests. The reasons for the motion given are as follows:

1. The State Government is proposing a range of reforms to the system of local government in Western Australia. One of the reforms proposed is the replacement of the current first-past-the-post voting system with preferential voting for local government elections. If this proceeds, this will bring Western Australia's local government voting system in line with the State and Federal voting system and with other states. Local government elections in other states often experience political parties running candidates and handing out tickets on how to preference their votes during the campaign period. Preferential voting can therefore result in politicisation at the local government level and bring party politics into local government. In Council establishing and making publicly available a 'Political Interest Register', we are ensuring an extra layer of transparency is present ahead of any government reform and election period. If the proposed reform doesn't proceed, the Register will still serve to increase Council's level of transparency and accountability to the community.
2. The community have an interest and right to know about their Councillor's formal political affiliations and associated employment and how that may influence their decision making, whether perceived or otherwise, on Council.

### Comment

The City has a number of publicly available registers that are applicable to Elected Members. The registers available on the City's website are:

1. Disclosure of Interest Register
2. Elected Member Fees, Expenses or Allowances Register
3. Elected Members and CEO Gift Register
4. Local Government Ordinary Election Gift Register
5. Contributions to Travel Register
6. Elected Members' Professional Development Register
7. Primary and Annual Returns Register
8. Minor Breaches Register
9. Elected Members Contact with Developers and Lobbyists Register.

It should be noted that the State Government has not endorsed any reforms regarding local government elections. In any event, a Disclosure of Political Interests Register can be developed and published if resolved by Council.

### Consultation

Nil.

### Policy and Legislative Implications

*Local Government Act 1995*

Local Government (Model Code of Conduct) Regulations 2021

### Financial Implications

Nil.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Not Applicable
<b>Mitigation and actions</b>	Association with a current political party does not impinge on the City's reputation.

### Strategic Implications

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

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

### Suggested Alternative Recommendation

1. That the Chief Executive Officer present to Council for endorsement by May 2022, an updated Councillor Code of Conduct that includes a requirement for all Elected Members and Elected Member Candidates to advise the Chief Executive Officer of the following, if applicable:
  - a) Membership of a political party;
  - b) Employment by a political party.
2. That Council request the Chief Executive Officer to create a 'Political Interest Register' to include the above information and to make this publicly available on the City's website.

### Reason for Alternative Recommendation

Amendments to the Councillor Code of Conduct need to be endorsed by Council by an Absolute Majority decision.

### Attachments

Nil.

### **12.3 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - LETTER TO THE MINISTER FOR PLANNING IN REGARD TO TOWN PLANNING SCHEME 6 AMENDMENT 61**

File Ref: D-22-19103  
Author(s): Vicki Lummer, Director Development and Community Services  
Warren Giddens, Manager Strategic Planning  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

#### **Summary**

Councillor Stephen Russell submitted the following Notice of Motion prior to the Council Agenda Briefing held Tuesday 19 April 2022.

#### **Notice of Motion Recommendation**

That the CEO:

1. Write a letter to the Minister for Planning, the Hon. Rita Saffioti MLA, to respectfully request:
  - a. that for the gazetted Amendment 61, reasons be given for each of the modifications, as approved by herself, from the Council endorsed draft version and;
  - b. a response be given within three months from receipt of the letter and;
2. Carry out (1) within two weeks and;
3. Upon receipt of the Ministers response, include the Minister's response along with the CEO's letter for Council noting at the next available Ordinary Council Meeting.

#### **Background**

Councillor Stephen Russell submitted a Notice of Motion regarding a Letter to the Minister for Planning in regard to Town Planning Scheme 6 Amendment 61. The reasons for the motion given are as follows:

1. Town Planning Scheme 6 (TPS6) Amendment 61 (A61) was approved by the Minister for Planning and gazetted by the State Government in December 2021. As advised by the City at a February 2022 workshop, the gazetted version has a number of modifications from the draft version, which itself was endorsed by Council at the December 2019 Ordinary Council Meeting (OCM). Furthermore, the City has advised that neither the Minister nor the Department have provided reasons for any of the modifications. Consequently, the City, this Council and therefore by extension the community, are unaware why the modifications were made and therefore considered necessary.

**Notice of Motion - Councillor Stephen Russell - Letter to the Minister for Planning in regard to Town Planning Scheme 6 Amendment 61**

2. The draft A61 and its accompanying draft South Perth Activity Centre Plan (SPACP), was a result of an extensive community consultation process, whereby the feedback received from the community was City analysed and reported to Council. These reports and the resulting proposed modifications, including supporting reasons, to the draft SPACP and Amendment No. 61, are all available to the public. Furthermore, where Council resolved to make further modifications at the December 2021 OCM, then these modifications were supported by reasons as is necessary for transparent and good decision making.
3. Considering the above, it is therefore the opinion that due respect and transparency be given to the Community, the City and this Council that reasons be given for the modifications to the Council endorsed draft A61.

**Comment**

Local government continues to provide transparency in its decision making and consultative processes. Advertising of Amendment 61 by the City and subsequent deliberation by the City of South Perth Council was both inclusive and thorough, however once the Amendment completes the Council process it is subject to Ministerial and State government approval and process.

Present regulations dictate that the Minister is not required to provide any reasons for decision making, with deliberations by the Western Australian Planning Commission also being undertaken behind closed doors. While planning reform is upmost in the State Governments agenda, there has been little mention of a similar level of transparency as that currently provided by Local Government and in this instance, the City of South Perth.

The Notice of Motion, as provided, does not present any obstacles or impediment to the City's planning framework.

**Consultation**

Nil.

**Policy and Legislative Implications**

Planning and Development (Local Planning Schemes) Regulations 2015.

**Financial Implications**

Nil.

**Key Risks and Considerations**

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

<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Communications with key stakeholders involved.

### Strategic Implications

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

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

### Attachments

Nil.

### **13. QUESTIONS FROM MEMBERS**

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

*Responses to questions from members taken on notice at the March 2022 Ordinary Council Meeting can be found in the Appendix of this Agenda.*

#### **13.2 QUESTIONS FROM MEMBERS: 26 APRIL 2022**

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

## 15. MEETING CLOSED TO THE PUBLIC

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

### 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

#### Officer Recommendation

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

- 15.1.1 Councillor Code of Conduct

#### 15.1.1 Councillor Code of Conduct

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

File Ref: D-22-16902

Author(s): Mike Bradford, Chief Executive Officer

Reporting Officer(s): Mike Bradford, Chief Executive Officer

## 16. CLOSURE



## APPENDIX

### 13.1 QUESTIONS FROM MEMBERS Taken on notice OCM 22 March 2022

Councillor Mary Choy	Response provided by: Mark Taylor – Director Infrastructure Services
1. Just wondering if we have got any updates on the Underground Power Project for the South Perth and Hurlingham Precinct, since Council endorsed the signing of the relevant agreement with Western Power?	<p>The South Perth and Hurlingham Underground Power Co-Funding Agreement was signed by the City and Western Power on Wednesday 16 March 2022 following Council approval of the project.</p> <p>Western Power has scheduled to commence construction in September 2022. The City will be notifying the residents by letter in coming weeks and a resident information session in conjunction with Western Power will follow.</p>