

MINUTES

Ordinary Council Meeting

18 April 2023

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 18 April 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

21 April 2023

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 18 April 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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 Glenn Cridland (arrived at 6.21pm)

Councillor Nick Warland

Councillor Blake D'Souza (arrived at 6.03pm)

Councillor André Brender-A-Brandis

Councillor Jennifer Nevard

Councillor Stephen Russell

Councillor Mary Choy

Councillor Ken Manolas (retired at 7.25pm)

Officers

Chief Executive Officer

Director Corporate Services

Director Development and Community Services

Director Infrastructure Services

Manager Development Services

Manager Finance

Manager Governance

Communications and Marketing Coordinator

Senior Governance Officer

Governance Officer

Mr Mike Bradford

Mr Garry Adams

Ms Donna Shaw

Ms Anita Amprimo

Ms Fiona Mullen

Mr Abrie Lacock

Ms Toni Fry

Ms Karys Nella

Ms Christine Lovett

Mr Morgan Hindle

Gallery

There were 8 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Ken Manolas for the period 28 March 2023 to 30 April 2023 inclusive.

5. DECLARATIONS OF INTEREST

Nil.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

Councillor Blake D'Souza arrived at the meeting at 6.03pm during consideration of Item 6.2

6.2 PUBLIC QUESTION TIME: 18 APRIL 2023

The Presiding Member opened Public Question Time at 6.02pm

Written questions were received prior to the meeting from:

- Mr Barrie Drake of South Perth.
- Dr Mark Brogan of Kensington.
- Ms Kathy Lees of South Perth.

At 6.16pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

COUNCIL DECISION

0423/059

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

That in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, Public Question Time be extended to hear those questions not yet heard.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

- Ms Bronwyn David of South Perth.

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

There being no further questions, the Presiding Member closed Public Question Time at 6.19pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

Councillor Glenn Cridland arrived at the meeting at 6.21pm during consideration of Item 7.1.1.

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 March 2023

Officer Recommendation AND COUNCIL DECISION

0423/060

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That the Minutes of the Ordinary Council Meeting held 28 March 2023 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

7.1.2 Special Council Meeting Held: 30 March 2023

Officer Recommendation AND COUNCIL DECISION

0423/061

Moved: Councillor Nick Warland

Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Special Council Meeting held 30 March 2023 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 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
4 April 2023	Budget Workshop 2	Mayor Greg Milner and Councillors Glenn Cridland, Nick Warland, André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Mary Choy.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 11 April 2023

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 11 April 2023

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0423/062

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 11 April 2023

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Presiding Member advised that Item 10.4.3 – Appointment and Authorisation of Deputy and Item 14.1 – Correspondence between the Department of Local Government, Sport and Cultural Industries and City of South Perth – Councillor Code were new reports.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 11 April 2023.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.3.1 Proposed Six (6) Four Storey Grouped Dwellings - Lot 277, No. 120 Mary Street, COMO
- 10.3.2 Traffic and Parking Impacts in the Canning Bridge Activity Centre Plan Area
- 10.4.3 Appointment and Authorisation of Deputy

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

COUNCIL DECISION

0423/063

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

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

- 10.1.1 Tender 08/2022 - Provision of Sound, Lighting and Staging for the City's Community Events
- 10.1.2 Tender 09/2022 - Provision of Traffic Management for the City's Community Events
- 10.4.1 Listing of Payments March 2023
- 10.4.2 Monthly Financial Statements March 2023

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Tender 08/2022 - Provision of Sound, Lighting and Staging for the City's Community Events

File Reference: D-23-15519
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report considers submissions received from the advertising of Tender 08/2022 for the Sound, Lighting and Staging Services for the City's Community Events.

This report outlines the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

0423/064

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Nick Warland

That Council:

1. Accepts the tender submitted by One20 Productions for the provision of Sound, Lighting and Staging Services for the City's Community Events in accordance with Tender Number 08/2022.
2. Accepts that the tender contract is for an initial one-year period with options to extend the period for three subsequent one-year extensions at the City's discretion, subject to satisfactory performance of the Contract and subject to budget.
3. Notes the tender contract expenditure for the provision of sound, lighting and staging for the City's community events based on the schedule of rates is estimated at \$62,249 per annum plus CPI, or approximately \$268,299 for the maximum proposed four-year contract term.
4. Notes the cost of the contract for the first year is included in the 2022/23 budget and the supply costs for subsequent years will be sought in future City operational budgets for the life of the contract.
5. Accepts the tendered schedule of rates included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Background

A Request for Tender (RFT) 08/2022 for the Sound, Lighting and Staging Services for the City's Community Events was advertised in The West Australian on 10 December 2022 and closed on 10 January 2023.

Tenders were invited as a Schedule of Rates.

The RFT is for the Sound, Lighting and Staging Services for the City's Community Events Program. The Contract provides for a large range of technical services, such as: development of sound, staging and lighting plans; provision of technicians; and hire/setting-up/dismantling of required equipment, such as PA systems, concert lights, stages, generators and audio-visual screens.

The contract is for the period of supply commencing during the 2022/23 financial year, plus three subsequent financial year extension options at the City's discretion, subject to satisfactory performance of the Contract and subject to budget.

Comment

At the close of the tender advertising period two submissions had been received and these are tabled below.

TABLE A – Tender Submissions

Tender Submissions
1. One20 Productions
2. Mega Vision Australia Pty Ltd trading as Mega Vision Sound & Lighting

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	20%
2. Key Personnel, Skills and Resources	10%
3. Demonstrated Understanding	10%
4. Methodology	20%
5. Price	40%
Total	100%

Based on the assessment of all submissions received for Tender Number 08/2022 for the Sound, Lighting and Staging Services for the City's Community Events, it is recommended that the tender submission from One20 Productions be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report from the City's Evaluation Panel – see **Confidential Attachment (a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995* (the Act). Additionally, consultation has occurred with the City’s Procurement staff in the preparation of this report.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* - tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

Financial Implications

The cost of the contract for sound, lighting and staging services for the City’s community events in Year One is included in the 2022/23 budget. The supply costs for subsequent years will be sought in future City operational budgets for the life of the contract.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.
Risk rating	Low
Mitigation and actions	Continuous monitoring and management of the contractor’s performance.

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:	1.1 Culture and community
Strategy:	1.1.1 Develop and facilitate events, services and programs to respond to community needs and priorities

Attachments

10.1.1 (a):	RFT 8-2022 - Provision of Sound Lighting and Staging for Community Events - Recommendation Report (<i>Confidential</i>)
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10.1.2 Tender 09/2022 - Provision of Traffic Management for the City's Community Events

File Reference: D-23-15517
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report considers submissions received from the advertising of Tender 09/2022 for the Traffic Management Services for the City's Community Events.

This report outlines the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

0423/065

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

That Council:

1. Accepts the tender submitted by Evolution Group Holdings Limited (trading as Evolution Traffic Control) for the provision of Traffic Management Services for the City's Community Events in accordance with Tender Number 09/2022.
2. Accepts that the tender contract is for an initial one-year period with options to extend the period for three subsequent one-year extensions at the City's discretion, subject to satisfactory performance of the Contract and subject to budget.
3. Notes the tender contract expenditure for the provision of traffic management for the City's community events based on the schedule of rates is estimated at \$18,552 per annum plus CPI, or approximately \$79,961 for the maximum proposed four-year contract term.
4. Notes the cost of the contract for the first year is included in the 2022/23 budget and the supply costs for subsequent years will be sought in future City operational budgets for the life of the contract.
5. Accepts the tendered schedule of rates included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Background

A Request for Tender (RFT) 09/2022 for the provision of Traffic Management Services for the City's Community Events was advertised in The West Australian on 10 December 2022 and closed on 10 January 2023.

Tenders were invited as a Schedule of Rates.

The RFT is for the Traffic Management Services for the City's Community Events Program. The Contract provides for the safe movement of traffic and pedestrians, and the protection of persons and property around community event sites. The contract will involve design and implementation of traffic management plans for required events (e.g. Australia Day event, Sounds in the Park Concerts etc.). Additionally, the contract will involve supply, installation, management and removal of temporary traffic control devices, controllers, signposting, lights, barriers, hostile vehicle mitigation and any other items required around community event sites.

The contract is for the period of supply commencing during the 2022/23 financial year, plus three subsequent financial year extension options at the City's discretion, subject to satisfactory performance of the Contract and subject to budget.

Comment

At the close of the tender advertising period three submissions had been received and these are tabled below.

TABLE A – Tender Submissions

Tender Submissions
1. Evolution Group Holdings Limited (trading as Evolution Traffic Control)
2. LGC Traffic Management
3. Altus Traffic

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated Experience	20%
2. Company Profile and Key Personnel	15%
3. Tenderer's Resources	15%
4. Sustainability and Methodology	10%
5. Price	40%
Total	100%

Based on the assessment of all submissions received for Tender Number 09/2022 for the Traffic Management Services for the City's Community Events, it is recommended that the tender submission from Evolution Group Holdings Limited (trading as Evolution Traffic Control) be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report from the City's Evaluation Panel – see **Confidential Attachment (a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995* (the Act). Additionally, consultation has occurred with the City's Procurement staff in the preparation of this report.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* - tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

Financial Implications

The cost of the contract for Traffic Management Services for the City's community events in Year One is included in the 2022/23 budget. The supply costs for subsequent years will be sought in future City operational budgets for the life of the contract.

Key Risks and Considerations

Risk Event Outcome	<p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.</p>
Risk rating	Low
Mitigation and actions	Continuous monitoring and management of the contractor's performance.

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:	1.1 Culture and community
Strategy:	1.1.1 Develop and facilitate events, services and programs to respond to community needs and priorities

Attachments

10.1.2 (a):	RFT 9-2022 - Provision of Traffic Management for Community Events - Recommendation Report (<i>Confidential</i>)
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10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Six (6) Four Storey Grouped Dwellings - Lot 277, No. 120 Mary Street, COMO

Location:	11.2022.233.1
Ward:	Como Ward
Applicant:	TUSCOM SUBDIVISION CONSULTANTS Pty Ltd
File Reference:	D-23-15521
DA Lodgement Date:	29 August 2022
Author(s):	Alaleh Maghsoudi, Urban Planner
Reporting Officer(s):	Donna Shaw, Director Development and Community Services

Summary

To consider an application for development approval for Six (4 Storey) Grouped Dwellings on Lot 277, No. 120 Mary Street, Como.

This item is referred to Council as the building height exceeds 9.0m and therefore falls outside of the delegation to officers. The building height of the proposed development complies with the maximum height prescribed by the Canning Bridge Activity Centre Plan.

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

Alternative Motion

Moved: Councillor Stephen Russell

Seconded: Councillor Jennifer Nevard

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for Six x four storey Grouped Dwellings on Lot 277, No. 120 Mary Street, Como be refused.

Reasons for Change

The reasons are as follows:

1. The CBACP requirement 18.1 states that in Q3 vehicle access be designed in accordance with Residential Design Codes Vol. 2 Element 3.8. An Elemental Objective of 3.8 is for vehicle access points to be designed and located to reduce visual impact on the streetscape. Element 3.8 further provides guidance under DG 3.8.1 that streetscape visual impact can be reduced by the use of a secondary street where possible. Although not explicit within Residential Design Codes Vol. 2, the Residential Design Codes Vol. 1 further notes a priority for vehicle access being a right-of-way, secondary street then primary street. Hence as this proposal has access to a right-of-way then to meet the full intent of Elemental Objective 3.8 then all vehicle access should be via this right-of-way i.e. it is considered unreasonable to have 2 separate vehicle access points at different localities servicing this site. Furthermore, as a consequence of the primary street

crossover servicing Unit 01 being removed, then the additional verge area and kerb length allows for the increased propensity of street trees and on-street parking respectively and thereby further enhancing the amenity of the locality.

2. The CBACP requirement 1.15 states that in Q3, development be designed in accordance with Residential Design Codes Vol. 2 Element 4.9 with respect to universal design. The objective for Element 4.9 is for development to include dwellings with universal design features, to which an acceptable outcome is that either a Silver or Platinum level of the “Liveable Housing Design Guidelines” be incorporated into the design. The application is silent with respect to the specifics to how both the objective and an acceptable outcome are to be met.
3. The CBACP Q3 refers to the provisions of Parts 3, of the Residential Design Codes Volume 2 which includes 3.3 ‘Tree canopy and deep soil areas (DSA)’ Element. Elemental Objectives of 3.3 is for (i) site planning to maximise the retention of healthy and appropriate trees and (ii) adequate measures are taken to improve tree canopy or to offset reduction of tree canopy from a pre-development condition.

Both Elemental Objectives noted above require a site plan showing pre-development trees with a supporting arborist report. It is noted that the former is provided but the latter is not and therefore it is indeterminate to how the element objective is being met in any respect. To this effect Element 3.3 is not currently met.

Although the City is recommending Condition 13 to cover such, the protection and enhancement of canopy is considered sufficiently important that Council and not the City be the due regard making body under the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 67(2)(p) “whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved”.

4. The proposal (Unit 06) footprint intrudes circa 1.1m into the rear sewage easement. As the Water Corporation has not been consulted per the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 66(1), then it is unknown how this proposal may impact the Water Corporations sewage line asset. To this effect the proposal as it stands does not meet the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 67(2)(za) “any other planning considerations received from any authority consulted under Clause 66”.

With the agreement of the mover and seconder, the Alternative Motion was amended to include the reasons for change within the alternative motion recommendation.

With the agreement of the mover and seconder, point 4 of the Alternative Recommendation was removed.

Alternative Motion and COUNCIL DECISION**0423/066****Moved:** Councillor Stephen Russell**Seconded:** Councillor Jennifer Nevard

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for Six x four storey Grouped Dwellings on Lot 277, No. 120 Mary Street, Como be refused for the following reasons:

1. The CBACP requirement 18.1 states that in Q3 vehicle access be designed in accordance with Residential Design Codes Vol. 2 Element 3.8. An Elemental Objective of 3.8 is for vehicle access points to be designed and located to reduce visual impact on the streetscape. Element 3.8 further provides guidance under DG 3.8.1 that streetscape visual impact can be reduced by the use of a secondary street where possible. Although not explicit within Residential Design Codes Vol. 2, the Residential Design Codes Vol. 1 further notes a priority for vehicle access being a right-of-way, secondary street then primary street. Hence as this proposal has access to a right-of-way then to meet the full intent of Elemental Objective 3.8 then all vehicle access should be via this right-of-way i.e. it is considered unreasonable to have 2 separate vehicle access points at different localities servicing this site. Furthermore, as a consequence of the primary street crossover servicing Unit 01 being removed, then the additional verge area and kerb length allows for the increased propensity of street trees and on-street parking respectively and thereby further enhancing the amenity of the locality.
2. The CBACP requirement 1.15 states that in Q3, development be designed in accordance with Residential Design Codes Vol. 2 Element 4.9 with respect to universal design. The objective for Element 4.9 is for development to include dwellings with universal design features, to which an acceptable outcome is that either a Silver or Platinum level of the "Liveable Housing Design Guidelines" be incorporated into the design. The application is silent with respect to the specifics to how both the objective and an acceptable outcome are to be met.
3. The CBACP Q3 refers to the provisions of Parts 3, of the Residential Design Codes Volume 2 which includes 3.3 'Tree canopy and deep soil areas (DSA)' Element. Elemental Objectives of 3.3 is for (i) site planning to maximise the retention of healthy and appropriate trees and (ii) adequate measures are taken to improve tree canopy or to offset reduction of tree canopy from a pre-development condition.

Both Elemental Objectives noted above require a site plan showing pre-development trees with a supporting arborist report. It is noted that the former is provided but the latter is not and therefore it is indeterminate to how the element objective is being met in any respect. To this effect Element 3.3 is not currently met.

Although the City is recommending Condition 13 to cover such, the protection and enhancement of canopy is considered sufficiently important that Council and not the City be the due regard making body under the Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2, Part 9, Clause 67(2)(p) “whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved”.

CARRIED (6/3).

For: Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell.

Against: Mayor Greg Milner, Councillors Glenn Cridland and Nick Warland.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for Six x four storey Grouped Dwellings on Lot 277, No. 120 Mary Street, Como **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth.
2. Prior to the submission of a building permit application, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total contribution value of development (maximum \$500,000 contribution) shall be submitted and approved in writing by the City of South Perth. The approved public art concept shall be to the satisfaction of the City of South Perth.
3. Prior to the submission of an occupancy permit application, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
4. Prior to occupation of the development, a 0.5m wide strip of land along the entire eastern (ROW) lot boundary shall be ceded to the Crown free of cost.
5. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City of South Perth.
6. Prior to the submission of a building permit application, the applicant must be in receipt of an approved “Crossings Application” that confirms the design is to the satisfaction of the City of South Perth.
7. Prior to the submission of a building permit application, the applicant must be in receipt of an approved “Stormwater Drainage Application” that confirms the design is to the satisfaction of the City of South Perth.
8. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City. Prior to occupation of the dwellings, the endorsed material and finishes

- schedule shall be implemented into the building design and maintained thereafter, to the satisfaction of the City of South Perth.
9. Prior to the submission of a building permit application, a tree protection zone (TPZ) shall be indicated on the plans and implemented during construction until occupancy stage, to protect all affected verge trees, to the satisfaction of the City of South Perth.
 10. Prior to the submission of a building permit application, details of the proposed lighting to pathways, communal areas and carparking areas shall be provided, to the satisfaction of the City of South Perth.
 11. Prior to occupation of the development, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City of South Perth.
 12. Prior to occupation of the development, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
 13. Prior to submission of a building permit application, a tree survey is to be provided to the City, to identify any trees of significance on the site which are worthy of retention and/or relocation, to the satisfaction of the City of South Perth.
 14. Prior to submission of a building permit application, a modified landscaping plan is to be provided to the City to incorporate any trees worthy of retention into the proposed landscaping together with suitable protection measures, to the satisfaction of the City of South Perth.
 15. Prior to occupation of the development, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City of South Perth.
 16. Prior to occupation of the development, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
 17. No street tree shall be removed, pruned or disturbed in any way, without prior approval from the City of South Perth.
 18. The existing crossover shall be removed, and the verge and kerbing shall be reinstated to the satisfaction of the City of South Perth.
 19. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades, in accordance with Requirements 15.1 and 16.1 of the Canning Bridge Activity Centre Plan.

20. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City of South Perth.
21. All grouped dwellings shall be provided with a mechanical dryer prior to the occupancy or use of the development.
22. Any external clothes drying areas shall be screened from view from all streets or any other public place.

Note: City officers will include relevant advice notes in the determination notice.

Development Site Details

The development site details are as follows:

Zoning	Centre Canning Bridge Activity Centre Plan Q3 – Cassey Quarter
Density coding	H4 - Residential four-storey
Lot area	1047.8 sqm
Building height limit	Four storey building height limit (Maximum of 16m)

This item is referred to Council as the building heights are outside of the officer's delegation.

Comment

(a) Background

In August 2022, the City received an application for six x 4 storey Grouped Dwellings on Lot 277 (No. 120) Mary Street, Como (the site).

The site is located within the Cassey Quarter (Q3) and is zoned H4 (Residential Development up to 4 storeys) under the Canning Bridge Activity Centre Plan (CBACP). The CBACP was initially approved by the Western Australian Planning Commission (WAPC) in April 2016 and amended in September 2020 to introduce Parts 3 and 4 of the R-Codes Volume 2 and other built form changes to Q3, Q4 and Q5 being those quarters within the City of South Perth. Due regard shall be given to the CBACP when considering this application for development approval.

The proposal has been considered by the City's Design Review Panel (DRP) in May 2022 prior to lodgement.

(b) Description of the Surrounding Locality

The site has a frontage onto Mary Street, Como and a laneway access to the rear side of the property.

The site adjoins grouped and multiple dwellings to the north, east and the south as seen in **Figure 1** below.



Figure 1: Aerial image of the subject site.

(c) Description of the Proposal

The proposal involves the construction of six grouped dwellings in the typology of townhouses. Two of the proposed townhouses have a frontage to Mary Street with each dwelling having direct pedestrian access and separate letterboxes; vehicular access to unit 1 is via the primary street and the remainder of the units are accessed via the proposed common accessway from the existing laneway. All six dwellings are four-bedroom, two-bathroom, and include a double lockup garage. The development plans are provided at **Attachment (a)**.

Whilst the plans include a subdivision plan, this application is for grouped dwelling development on a single site.

The development is further described in the applicants planning report provided at **Attachment (b)**. The site photographs contained at **Attachment (c)** show the relationship of the site with the surrounding built environment.

The following components of the proposed development require a discretionary assessment against the Canning Bridge Activity Centre Plan (CBACP), and the Council Policy requirements.

Canning Bridge Activity Centre Plan

- Side and Rear Setbacks

Local Planning Policy

- Significant views

The proposal meets the requirements of Town Planning Scheme 6, CBACP, the R-Codes and relevant Council policies, except for the discretionary aspects identified above, which are discussed below.

(d) Lot Boundary Setback

CBACP Requirement 5.6 stipulates a side and rear setback of 4m for the subject site.

Element	Requirement	Proposed
Element 5 – Side and Rear Setbacks	4m minimum.	East (rear): 1.5m min setback to ground floor of Unit 6 2.5m min setback to 1 st floor of Unit 6

The lot boundary setback requirements for the site are a 4.0m minimum. The development proposes a 1.5m setback to the garage at ground level and 2.5m to setback for the first floor, both to the eastern lot boundary as shown in **Figures 2 and 3** respectively.



Figure 2: Lot boundary setback diagram

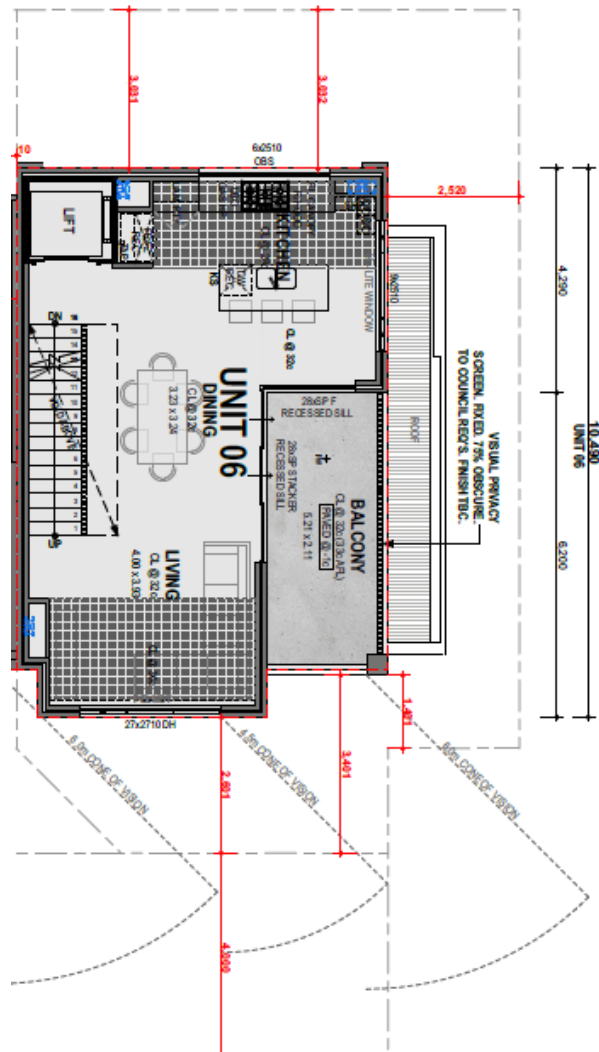


Figure 3: Lot boundary setback diagram

The setback to the eastern boundary of the site is considered to meet the desired outcomes of the CBACP and is supported for the following reasons:

- The reduced setback to the eastern boundary is not considered to impact on the opportunities for the adjoining site to access sunlight, ventilation or viewing corridors.
- Overlooking has been minimised from the habitable rooms with hi-lite windows and screening devices to prevent overlooking within the cone of vision.
- At ground level the setback area between the building and the lot boundary is provided with landscaping including trees and vegetation which will reduce the impacts of building bulk.
- At the upper levels changes in height and materiality add increased visual interest and reduce impact on the adjoining properties amenity.

The City's DRP supported the proposed design with respect to its side boundary, stating "the reduced setback to the eastern boundary was considered appropriate given the townhouse typology being proposed". Additionally, it was noted that the portion of the building setback at 2.5m is between 12m and 13m in height, which is below the maximum building height of 16m.

(e) Significant Views

Council Planning Policy P350.09 requires consideration for the loss of significant views from neighbouring properties. The objective of the policy is to give balanced consideration to the reasonable expectations of both existing residents and applicant's proposed new development with regard to a significant view. The elements of the proposal considered in the assessment of impacts on a significant view under Policy P350.09 are:

- i) Setbacks from the street and lot boundaries;
- ii) Floor size;
- iii) Roof form; and
- iv) any other design element that impacts upon views.

The neighbouring properties to the north, south and east currently have views to a portion of the Swan River.

Whilst it is acknowledged that the proposed four grouped dwellings will cause some obstruction of views of the Swan River from the adjoining properties, the extent of obstruction is not considered to be so significant as to warrant refusal of the application, as the adjoining properties will still retain a substantial portion of views of the Swan River. In addition, the proposed development is compliant with the 16.0m height limits identified under the CBACP as well as the guidelines for the style of built form which is anticipated in this area.

Notwithstanding, the proposed development is considered to meet the relevant discretionary criteria in Council Planning Policy P350.9 (Significant Views) and is supported for the following reasons:

- The proposed development has a compliant building height limit.
- The applicant has proposed a concealed low pitch roof to minimise impact on significant views.

(f) Universal Access

The development includes a number of universal design features such as lifts, direct access from the parking area to the entry and a toilet at the ground floor. These elements will help facilitate aging in place as well as providing living options for people with limited mobility.

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

In considering an application for development approval, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

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

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

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

Consultation

(j) Design Advisory Consultant Comments

Prior to lodgement of the development application, the proposal was presented to the City’s DRP in May 2022. Following this review, the proponent implemented a range of modification to address the comments of the DRP.

A copy of the DRP minutes and the applicant’s response to the comments raised is included as **Attachment (d)**.

The proposal is considered to satisfactorily address the 10 principles of design in State Planning Policy 7.0 Design of the Built Environment.

(k) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Local Planning Policy P301 ‘Advertising of Planning Proposals’.

Advertising was undertaken for a period of 14 days between 12 October 2022 and 31 October 2022. Advertising was undertaken to all properties identified by the City that may be affected by the proposal. A total of 83 advertising notices were sent and four submission was received, all objecting to the proposed development.

A summary of the submitter’s comments and the officer’s response to these comments are included in the table below.

Submitters’ Comments	Officer’s Responses
Height Height is excessive for this area.	The proposed development meets the height requirements for the CBACP.
Parking No additional parking is provided which may result in excessive verge parking.	The development proposes the compliant number of car bays required in the CBACP. No visitor parking is required for developments of 12 or less dwellings.
Traffic Impacts on traffic flow on the existing right of way.	The proposed development was referred to the City’s Engineering Services, who supported the proposal. Their comments have been

	summarised at the relevant section in the report.
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(l) Urban Design

The City's Urban Design business unit was invited to comment on issues relating to landscape design arising from the proposal.

Accordingly, planning conditions and advice notes are recommended to address matters raised.

(m) Waste Services

The City's Waste Services business unit was invited to comment on issues relating to waste collection from the proposal.

In accordance with the City's Waste Management Guidelines, kerbside collection is supported for this development. Based on advice from the City's waste department and discussions with the applicant, collection shall be from Mary Street.

Accordingly, a planning condition and advice notes are recommended to address this matter.

(n) Infrastructure Services (Traffic)

The City's Infrastructure Services unit was invited to comment on the proposed development. The Traffic Services advised that the Right of Way will eventually be widened to 6m. To undertake this, the development must transfer free of charge a 0.5m strip of freehold land for the length of the property to the ROW reserve. This is to ensure ease of vehicle access and to establish a compliant width.

Accordingly, planning conditions and advice notes are recommended to address matters raised.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</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>
Risk rating	Low
Mitigation and actions	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

Sustainability Implications

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

Conclusion

It is considered that the proposal meets all the relevant objectives and provisions of the Scheme, Canning Bridge Activity Centre Plan, R-Codes and Council Policies.

The proposed grouped dwellings are consistent with the framework outlined in the Canning Bridge Activity Centre Plan. The development is of a bulk and scale visioned for the H4 zone of the CBACP and the proposed townhouses are of an acceptable size and scale with articulation that supports the setback variations. The design of the development has been supported by the City's DRP and addresses the CBACP in a satisfactory manner.

The development has been designed having due regard to the objectives, goals and provisions of the Canning Bridge Activity Centre Plan and is supported against the discretionary provisions under the CBACP as discussed in detail in the report.

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

Attachments

- 10.3.1 (a): Attachment 1 - Development Plans - Six 4 Storey Grouped Dwellings at Lot 277 (No. 120) Mary Street, Como
- 10.3.1 (b): Attachment 2 - Planning Report - Six 4 Storey Grouped Dwellings at Lot 277 (No. 120) Mary Street, Como
- 10.3.1 (c): Attachment 3 - Site photographs - Six 4 Storey Grouped Dwellings at Lot 277 (No. 120) Mary Street, Como
- 10.3.1 (d): Attachment 4 - DRP Comments - Six 4 Storey Grouped Dwellings at Lot 277 (No. 120) Mary Street, Como

10.3.2 Traffic and Parking Impacts in the Canning Bridge Activity Centre Plan Area

File Ref: D-23-15520
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report responds to the Notice of Motion submitted by former Councillor Carl Celedin at the September 2022 Ordinary Council Meeting in relation to the impact on traffic and parking within the Canning Bridge Activity Centre Plan Area as a result of recent development approvals.

Officer Recommendation

Moved: Councillor Stephen Russell
Seconded: Councillor Glenn Cridland

That Council:

1. Notes Policy P210 will be reviewed with respect to the use of the City's street verges for visitor parking bays for developments within the Canning Bridge Activity Centre Plan Area; and
2. Notes a further report will be presented to Council on this matter.

Amendment

0423/067

Moved: Councillor Mary Choy
Seconded: Councillor Nick Warland

That Council:

1. Notes Policy P210 will be reviewed with respect to the use of the City's street verges for visitor parking bays for developments throughout the district; and
2. Notes a further report will be presented to Council on this matter.

Reasons for Change

1. Although this item pertains to the Canning Bridge Activity Centre Plan Area, the principle aim of Policy P210 Street Verges is to *"commit to the retention and development of green and leafy streetscapes, including street verges"* throughout the City of South Perth.
2. The City has noted development *"applicants increasing requests to utilise the City's verges to provide visitor parking to address a shortfall on site..."*

“contrary to the aims of Policy P210 Street Verges...” and it has *“considered that the continued practice of using verges in this way will erode the green streetscapes, contrary to the objectives of Policy P210...”* Although it is not clear whether the City’s review and findings is general or only pertains to the Canning Bridge Activity Centre Plan Area, it is the view that nevertheless, it is a potential, if not actual, issue affecting the whole of the district, and as such Policy P210 Street Verges, should be amended to reflect such, in *“excluding the use of the City’s verges to accommodate visitor or other parking provision associated with development”* across the whole of the district [11 April 2023 – Council Agenda Briefing – Agenda, page 25].

The amendment was put and declared CARRIED (9/0) and formed part of the substantive motion

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Amended Substantive Motion and COUNCIL DECISION

0423/068

Moved: Councillor Stephen Russell

Seconded: Councillor Glenn Cridland

That Council:

1. Notes Policy P210 will be reviewed with respect to the use of the City’s street verges for visitor parking bays for developments throughout the district; and
2. Notes a further report will be presented to Council on this matter.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Background

In September 2022, Councillor Carl Celedin submitted a Notice of Motion regarding the impact on traffic in the Canning Bridge Activity Centre Plan Area.

At its meeting held 27 September 2022 Council resolved as follows:

“0922/155

That Council request the Chief Executive Officer to:

1. *Provide a summary of development approved by the Joint Development Assessment Panel (JDAP) since September 2020, to include the parking ratios for each development and the City’s reasoning for supporting the levels proposed.*
2. *Review the impact on traffic in the Canning Bridge Activity Centre Plan area due to developments being approved by the JDAP.*
3. *Consider what action (if any) is required by the City emanating from (2).”*

Comment

Element 18 of the CBACP addresses parking and specifically states:

Parking should be provided to ensure that the CBACP area can provide for its residents and guests but should balance this need with a need to discourage private vehicle travel generally. Alternative transport is encouraged by way of providing for bicycle parking and storage, and motorcycle and scooter parking.

In September 2020 modifications were made to the CBACP area that related to parking requirements. These modifications are as follows:

<i>Dwelling type</i>	<i>Q1 & Q2</i>	<i>Q3, Q4 & Q5</i>
<i>Studio or single bedroom dwellings</i>	<i>Min: 0.75 Max: 1.0</i>	<i>Min: 0.75</i>
<i>Two or three bedroom dwellings</i>	<i>Min: 1.0 Max: 1.5</i>	<i>Min: 1.0</i>
<i>Four or greater bedroom dwellings</i>	<i>Min: 1.25 Max: 2.0</i>	<i>Min: 1.25</i>
<i>Residential visitor</i>	<i>N/A</i>	<i>1 bay per eight dwellings for developments greater than 12 dwellings.</i>
<i>Motorcycle/Scooter parking</i>	<i>N/A</i>	<i>1 motorcycle/scooter space for every 10 car bays for developments greater than 20 dwellings</i>

Since that time, there have been several development applications approved by the JDAP and it is considered appropriate to summarise the parking provision within each development as they relate to the CBACP and the City’s rationale and assessment as part of the Responsible Authority Report.

Since September 2020, nine developments have been approved within the CBACP area. Of these, only one provided the corresponding number of required bays in relation to both resident and visitor parking bays with no additional bays.

Of the remaining eight developments, the over provision in relation to resident’s car parking bays range from an additional one bay (4.5% excess) to an additional 62 residents parking bays (46.9% excess).

In relation to visitor bays, one development was approved with a shortfall on one visitor bay (three required, two provided) and others relied on on-street/verge parking to address a shortfall of on-site visitor car parking bays.

The over provision of resident car parking is explained by developers as being market lead insofar as potential purchasers are seeking more than one parking bay per unit.

10.3.2 Traffic and Parking Impacts in the Canning Bridge Activity Centre Plan Area

In the CBACP area, any development application proposing development over three storeys are required to submit a Traffic Impact Assessments compliant with the WAPC Transport Assessment Guidelines for Development.

Such an assessment takes account of the impact of the development within the CBACP area and officers work with applicants and traffic consultants to take account of existing and proposed development within the CBACP area. Submitted assessments which are assessed by the City's traffic engineer indicate that the CBACP area is not adversely impacted by the level of parking and/or development proposed and approved.

Notwithstanding this point, following the review of recently approved developments it is noted that applicants increasing requests to utilise the City's verges to provide visitor parking to address a shortfall on site when an over provision of residents parking exists within the site, is contrary to the aims of Policy P210 Street Verges (Policy P210) which states: "The City is committed to the retention and development of green and leafy streetscapes which include street verges."

It is considered that the continued practice of using verges in this way will erode the green streetscapes and is contrary to the Objectives of P210 and as such it is proposed to amend this Policy to exclude the use of the City's verges to accommodate visitor or other parking provision associated with development within the Canning Bridge Activity Centre Plan area. Other areas within the City will be considered on their individual merits.

Consultation

Internal consultation has occurred between the Development Services Business Unit and Engineering Services who are supportive of the proposed changes.

Policy and Legislative Implications

Planning and Development (Local Planning Schemes) Regulations 2015
Canning Bridge Activity Centre Plan
City of South Perth Integrated Transport Plan 2021-2031
Policy P210 Street Verges

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.
Risk rating	Low
Mitigation and actions	Communication 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:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.1 Connected and accessible City
Strategy:	3.1.2 Develop and implement integrated transport and infrastructure plans that consider improved parking management systems and encourage alternative forms of transport

Attachments

Nil.

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments March 2023

File Ref: D-23-15523
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 2023 to 31 March 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(541)	\$7,694,884.01
Cheque Payment to Creditors	(3)	\$713.85
Total Monthly Payments to Creditors	(544)	\$7,695,597.86
EFT Payments to Non-Creditors	(102)	\$600,141.54
Cheque Payments to Non-Creditors	(15)	\$10,727.29
Total EFT & Cheque Payments	(661)	\$8,306,466.69
Credit Card Payments	(7)	\$16,036.00
Total Payments	(668)	\$8,322,502.69

Officer Recommendation AND COUNCIL DECISION

0423/069

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

That Council receives the Listing of Payments for the month of March 2023 as detailed in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

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 February 2023 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

Risk Event Outcome	<p>Legislative Breach</p> <p>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</p>
Risk rating	Low
Mitigation and actions	Monthly Financial reporting timelines 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 2023

10.4.2 Monthly Financial Statements March 2023

File Ref: D-23-15522
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 AND COUNCIL DECISION

0423/070

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Nick Warland

That Council notes the Financial Statements and report for the month ended 31 March 2023.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

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. Regulation 34(3) specifies that the nature or type classification must be used. 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 2022/23 budget adopted by Council on 28 June 2022, determined the material variance 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.

The ongoing impact of COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. It has resulted in steep rises in inflation worldwide including Australia.

The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year. The September and December 2022 Perth CPI of 6% and 8.3% (corresponding quarter of the previous year) respectively confirmed the stubborn continued inflationary pressure. To curb the high inflation the RBA have been raising interest rates. The March 2023 increase was the 10th consecutive increase in the cash rate, a further .25% taking the cash rate target to 3.6%. However at its board meeting on 4 April 2023 the RBA decided to leave the cash rate target unchanged at 3.6%, citing a range of information indicating that inflation has peaked in Australia.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The above factors impacted the legislated budget review. The review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 28 February 2023. 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 \$69.86m in comparison to budget of \$69.68m, favourable to budget by \$180k or 0.26%. Actual expenditure from operating activities for March is \$52.45m in comparison to the budget of \$52.57m, favourable to budget by \$116k or 0.22%. The March Net Operating Position of \$17.41m was \$296k favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.10m, \$79k or 7.7% more than the budget of \$1.02m. Actual Capital Expenditure YTD is \$5.86m in comparison to the budget of \$5.97m, a small favourable variance of \$111k or 1.86%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. 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 adjustments during the midyear review process.

Cash and Cash Equivalents amounted \$68.85m, higher than the prior year comparative period. 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).

Interest rates are improving, with banks offering average interest rates of 4.09% 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. At the end of March 2023 the City held 39.37% 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

Risk Event Outcome	Legislative Breach 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
Risk rating	Low
Mitigation and actions	Monthly Financial reporting timelines 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

10.4.3 Appointment and Authorisation of Deputy

File Ref: D-23-15190
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

To ensure the City is able to administer its obligations under the *Health (Miscellaneous Provisions) Act 1911* (the Act) it is recommended that Council appoint deputies of the local government for the purposes of the *Health (Miscellaneous Provisions) Act 1911* under Section 26 of the Act, as detailed within this report.

Officer Recommendation AND COUNCIL DECISION

0423/071

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Nick Warland

That Council

1. Appoints the Chief Executive Officer, Director Development and Community Services, Manager Development Services, Environmental Health Coordinator and Environmental Health Officers as deputies in relation to the *Health (Miscellaneous Provisions) Act 1911*; and
2. Authorises the Chief Executive Officer, Director Development and Community Services, Manager Development Services, Environmental Health Coordinator and Environmental Health Officers to discharge all or any of the powers and functions of the City under the *Health (Miscellaneous Provisions) Act 1911*.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Background

The *Health (Miscellaneous Provisions) Act 1911* (the Act) deals with a range of matters, including houses unfit for occupation, lodging houses, public buildings and model local laws.

Section 26 of the Act authorises and directs every local government to carry out within its district the provisions of the Act and its relevant regulations, local laws and orders made under it. An authorised officer is a person or class of persons who are designated the authority to administer and enforce provisions on behalf of the enforcement agency.

10.4.3 Appointment and Authorisation of Deputy

The Act does not explicitly provide for local governments to have power of delegation. Section 26 provides the ability for the local government to appoint and authorise any person to be its “deputy” and in that capacity exercise and discharge all or any of the powers and functions of the local government under the Act, subject to conditions and limitations (if any) as determined by the local government.

Section 26 is a statutory appointment, not a delegation. Since there is no power of delegation, there is no capacity within this Act to sub-delegate or sub-deputise. Appointment of authorised persons as deputies does not affect the exercise or discharge of any power or function by the local government itself.

The Act also provides that Environmental Health Officers are authorised officers for the purposes of particular functions assigned to their office. The current *Consolidated List of City of South Perth Authorisations* authorises a person who holds an appointment as an Environmental Health Officer under the Act prior to 24 January 2017 to be taken as an authorised officer under section 24(1) of the *Public Health Act 2016* for the purposes of applicable parts of the *Public Health Act 2016* and applicable sections of the Act and other listed acts.

The Department of Health is currently transitioning to implement the *Public Health Act 2016* in a staged approach. The Act and regulations made under that Act will continue to be the main enforcement tool until such time the new *Public Health Act 2016* is fully in effect. As such, there is a need to ensure that relevant Officers are authorised to undertake the functions under the existing Act.

Comment

Whilst the City has not undertaken any enforcement activity related to the Act, it intends to issue a notice in accordance with section 137 of the Act, which deals with houses unfit for human habitation. To carry out the provisions of the Act in this respect, authorisation from the local government is required.

To ensure that the City is able to administer its obligations under the Act, it is recommended that Council appoint deputies of the local government for the purposes of the Act.

It is recommended that the City’s Chief Executive Officer, Director Development & Community Services, Manager Development Services, Environmental Health Coordinator and Environmental Health Officers be appointed as deputies of the local government for the purposes of exercising and discharging any of the provisions of Act and its relevant regulations, local laws and orders.

Consultation

Not required.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach 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.
Risk rating	Low
Mitigation and actions	Appointment and authorisation of deputies.

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.

11. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Glenn Cridland for the periods

- 28 April 2023 to 13 May 2023 inclusive; and
- 20 May 2023 to 31 May 2023 inclusive.

The Presiding Member called for a Motion to approve the Leave of Absence application.

COUNCIL DECISION

0423/072

Moved: Councillor Nick Warland

Seconded: Councillor André Brender-A-Brandis

That Council approve the Leave of Absence application received from Councillor Glenn Cridland for the periods:

- 28 April 2023 to 13 May 2023 inclusive; and
- 20 May 2023 to 31 May 2023 inclusive.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

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

Responses to questions from members taken on notice at the March 2023 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS

- Councillor Glenn Cridland

COUNCIL DECISION

0423/073

Moved: Councillor Glenn Cridland

Seconded: Mayor Greg Milner

That Council thanks outgoing Manager Governance Bernadine Tucker for her five years of service to the City and welcomes her replacement Ms Toni Fry and new Director Development and Community Services Donna Shaw.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

- Councillor Mary Choy
- Councillor Nick Warland
- Councillor Stephen Russell

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

In accordance with Clause 5.4 of the City of South Perth Standing Orders Local Law 2007:

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting.

COUNCIL DECISION

0423/074

Moved: Mayor Greg Milner
Seconded: Councillor Nick Warland

That Council, in accordance with Clause 5.4 of the City of South Perth Standing Orders Local Law 2007 allow Item 14.1 Correspondence between the Department of Local Government, Sport and Cultural Industries and City of South Perth to be considered.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Councillor Ken Manolas retired from the meeting Chamber at 7.25pm.

14.1 Correspondence between the Department of Local Government, Sport and Cultural Industries and City of South Perth

File Ref: D-23-16331
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report is to seek Council's endorsement to release all correspondence between the Department of Local Government, Sport and Cultural Industries and the City of South Perth in relation to governance concerns.

Officer Recommendation AND COUNCIL DECISION

0423/075

Moved: Mayor Greg Milner
Seconded: Councillor Nick Warland

1. That Council authorise the Chief Executive Officer to release all correspondence between the Department of Local Government, Sport and Cultural Industries and the City of South Perth in relation to governance concerns as part of the minutes.
2. That Council note a further report will be submitted to the Ordinary Council meeting in May requesting authorisation to release the letter submitted to the Department of Local Government, Sport and Cultural Industries by 30 April 2023.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Stephen Russell and Nick Warland.

Against: Nil.

Background

On 28 October 2022 the City of South Perth (the City) received a letter from the Department of Local Government, Sport and Cultural Industries (DLGSC) raising some governance irregularities at the City. The concerns had been raised from correspondence to the Minister for Local Government and DLGSC, complaints to the DLGSC and monitoring of the minutes of the City's Council meetings.

On 17 November 2022 the Chief Executive Officer responded to the letter dated 28 October 2022 from the DLGSC addressing each point.

On 5 December 2022 representatives from the DLGSC met with the Chief Executive Officer and Council members.

On 21 December 2022 the City received a follow up letter from the DLGSC requesting a response to the issues raised at the meeting with the DLGSC.

A workshop was held on 17 April 2023 with Council members to consider the key elements of the response.

Comment

Following Councils workshop on 17 April 2023 a response will be provided to the DLGSC by 30 April 2023. This letter will be the subject of a further report to Council at its meeting in May to authorise the CEO to release it.

All correspondence between the DLGSC and the City is available to Council members via the HUB.

If Council authorises the release of the documents, they will be included in the attachments as part of the minutes to this meeting.

Consultation

Council members have been consulted and attended meetings in regard to the matters raised by the DLGSC.

Policy and Legislative Implications

Nil.

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.
Risk rating	Medium
Mitigation and actions	Workshop and briefings with 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:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

14.1 (a):	28/10/2022 DLGSC to CoSP - Email providing Letter from the Executive Director - Local Government
14.1 (b):	28/10/2022 DLGSC to CoSP - Governance Concerns
14.1 (c):	17/11/2022 COSP to DLGSC - Governance Concerns
14.1 (d):	21/12/2022 DLGSC to CoSP - Follow Up

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.31pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 28 March 2023

<p>1. Mr Barrie Drake, South Perth Received: 12 April 2023</p>	<p>Response provided by: Garry Adams – Director Corporate Services</p>
<p><i>[Preamble]</i></p> <p><i>I have four small blocks of flats in the South Perth and Hurlingham Underground Power Project area; if I was charged the Network Charge in accordance with the “Underground Power Flyer” which was provided with the Rates Notices my total Network Charge for these four properties would be \$39,338.</i></p> <p><i>The City’s Officers have assumed a much higher GRV than the one on the Rates Notices whereby charging me \$75,100, an increase of \$35,762 (we were told at an Information meeting on Wednesday 25 May 2022 to “put your tenants rents up to cover this additional cost”)</i></p>	
<p>1. Will the City provide me with the legal document i.e. page number of the Minutes, where the Council gave the Finance Officer of the City the specific legal powers to change the GRV on the Rates Notices of blocks of flats with a Single Title situated in the project area?</p>	<p>Mr Drake, for the sake of transparency, it should be known that you have already been provided with the answer to this question as part of the mediation undertaken after you lodged this matter with the State Administrative Tribunal.</p> <p>Item (d) of Page 43 of the Minutes of the Ordinary Council Meeting held on 28 June 2022 adopted the Underground Network Charges for South Perth/Hurlingham. Note that the resolution specifies GRV per unit or dwelling and not GRV per title or property.</p> <p>The charge is calculated considering the GRV per unit or dwelling. This is also consistent with the “Information for Property Owners” Underground Power Flyer enclosed with the Rates Notice you are referring to. This document states “Council adopted a simple methodology based on four tiers of the Gross Rental Value (GRV) per dwelling/unit.” Note is does not specify a GRV per title or property.</p>

The underground power charges adopted for your property and the others within the South Perth Hurlingham Scheme mirror those adopted for the Collier and Manning Schemes and were carefully considered in order to create the most equitable method of distributing the charges across all properties. To ensure equity, the way your charges are calculated are the same as how they would be calculated if all of your individual units were individually titled. This is exactly how the scheme is meant to work so that the distribution of charges is applied to all units and dwellings equally. The fact that you have been able to maintain a significant number of dwellings on one title should not adversely impact the people who own an individual unit of a similar type on its own title. It should be noted that all units and dwellings benefit from the increased amenity and the subsequent increase in property values afforded by underground power.

<p>2. Dr Mark Brogan, Kensington Received: 16 April 2023</p>	<p>Responses provided by: Anita Amprimo – Director Infrastructure Services</p>
<p><i>[Preamble]</i></p> <p><i>Since the State Underground Power Program (SUPP) began in 1996, all suburbs in South Perth except Kensington have received underground power. With community support levels above some other suburbs in South Perth, Kensington has nonetheless failed to secure underground power over multiple funding rounds extending over more than twenty-five years of the program’s operation. Failure over many rounds of the SUPP programs means that Kensington residents will likely pay more for their underground power than other residents, or worse, may never get underground power. In a newsletter in September 2022, Mayor Milner advised that he had secured a deal to deliver underground power to Kensington. In his most recent update, he advised that consideration of the cost estimate and design has been deferred until July/August 2023 at the request of Western Power.</i></p>	
<p>1. When exactly does the City of South Perth expect capital works by Western Power to commence for the delivery of underground power to Kensington?</p>	<p>Western Power is currently finalising the detailed design for the Kensington Underground Power (UGP) project. Kensington East & West has been selected by Western Power to be included in the Network Renewal Undergrounding Program Pilot Tranche 2 (NRUPP T2).</p> <p>The City expects the detailed design and cost estimate to be received in July/August 2023. The City will then model the costs and present a report to Council during the September 2023 Ordinary Council Meeting (OCM) for endorsement of the project and charges. If supported by Council, it is estimated that Western Power will commence construction in December 2023, with the charges to residents being deferred until the start of the 2024/25 financial year as part of the rates notices.</p>
<p>2. In connection with Question One, what caveats apply?</p>	<p>Presentation of the Report to Council for approval in September 2023 is dependent on the City receiving the cost estimates in sufficient time to model charges and complete the report for the September meeting.</p>

	Commencement of construction will be dependent on the timing of Council endorsement and resources available to Western Power to complete the works.
3. Ms Kathy Lees, South Perth Received: 17 April 2023	Responses provided by: Anita Amprimo – Director Infrastructure Services
<p><i>[Preamble]</i></p> <p><i>I am asking these questions as a resident and ratepayer of South Perth, but also as co-founder of the South Perth Tree Canopy Advocates that represents over 600 members of the community who are passionate about ensuring that the City of South Perth has a thriving urban forest for the benefit of future generations.</i></p>	
<p>1. The City's Urban Forest Strategy 2018 - 2023 is due for review this year. Given that the Strategy's target of maintaining the 2018 20% tree canopy cover with no net loss has not been met, with canopy cover sitting at 17% in 2020 and likely considerably less now, and given the growing community concern about the City's declining tree canopy, can the City advise when the review of the Strategy will commence and whether the City will be providing scope in the 2023/24 budget for the review?</p>	<p>The City has already commenced collating information to support the review of Urban Forest Strategy. This work will continue and be used to inform an Elected Member briefing on the potential approaches to delivering a review of the Strategy.</p> <p>A provision for the Strategy review will be included in the Draft 2023/24 Budget which will be presented to Council for approval.</p>
<p>2. The Town of Victoria Park has achieved national and international recognition for the success of its Urban Forest Strategy and a key part of the development of the Strategy and this success was ongoing community engagement, including the establishment of a sub-committee that included members of the community. Given how important a thriving urban forest is to the South Perth community and how concerned the community is with the ongoing decline of canopy cover in our suburbs, will the City consider a greater level of community engagement in the review of its Urban Forest Strategy than that undertaken when it was originally prepared, similar to the model used</p>	<p>The City will be consulting with all key stakeholders including the broader Community in the review of the Urban Forest Strategy. The details of the approach to this has not yet been determined and will be influenced by the outcome of preparatory work undertaken in advance of the Strategy review.</p>

<p>by the Town of Victoria Park, and does it envisage any impediments to such an approach?</p>	
<p>3. The Urban Forest Strategy included goals of planting 7,500 street trees, 2,500 trees on parks and reserves and 1,000 trees on school land over its five year timeframe. Can the City please advise how many trees have been planted since the Strategy was adopted in 2018 in each of these areas, and how many trees are forecast to be planted in each of these areas in the next financial year?</p>	<p>The City planted 7,942 street trees, 675 reserve trees, and 1000 plants were provided to schools, of which 100 were trees. Please note that the amount of trees planted in the City's natural areas are not included in these figures.</p> <p>The City is currently planning the next round of tree planting. The figures will be available once we have a confirmed budget for 2023/24.</p>

<p>4. Ms Bronwyn David, South Perth Received: 17 April 2023</p>	<p>Response to question 1 provided by: Donna Shaw -Director Development and Community Services Responses to question 2 and 3 provided by: Anita Amprimo – Director Infrastructure Services</p>
<p>1. Under Section 5.8 of the <i>Local Government Act 1995</i> a Council, by absolute majority, may establish a Committee to assist the Council and the administration to discharge its duties. It is also noted that the City has Policy 112 - Community Advisory Groups to guide the establishment and operation of these Committees. Can the City please advise what Community Advisory Groups are currently in operation?</p>	<p>Currently there are three community advisory groups facilitated by the City of South Perth as follows: Arts Advisory Group; Inclusive Community Advisory Group; and Public Health Reference Group. These advisory groups are comprised of representatives from the City's administration, elected members and external members. The advisory groups generally meet on a quarterly basis to discuss relevant matters outlined in their respective Terms of Reference. Additionally, the City facilitates a Community Safety Group that it is planning to establish as a community advisory group during 2023/24.</p>
<p>2. Under Section 5.8 of the <i>Local Government Act 1995</i> a Council, by absolute majority, may establish a Committee to assist the Council and the administration to discharge its duties. It is also noted that the City has Policy 112 - Community Advisory Groups to guide the establishment and operation of these Committees. In light of the importance the community places on the natural environment and growing concerns in</p>	<p>The City has not yet determined the method of Community Engagement that will be undertaken with the regard to the review of the Urban Forest Strategy. The City undertakes many forms of engagement across projects and always attempts to undertake most suitable form of engagement in order to achieve the project objectives.</p>

<p>relation to the declining urban forest and the impacts of climate change, as well as the proven value of direct engagement with community, can the City please advise whether it would support the establishment of and provide scope in the 2023/24 budget (for Council's consideration) for an ongoing Environment / Urban Forest Community Advisory Group?</p>	
<p>3. A large, mature and flourishing street tree at 68 Anstey Street South Perth - much appreciated by the community for shade and its greening contribution to the environment, has been removed. Please provide details of the removal including reasons, cost, who bears the cost for removal, and how it will be replaced.</p>	<p>The tree was removed for a development of the property. All costs have been borne by the property owner. A new advanced Jacaranda tree will be planted as a replacement.</p>

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 28 March 2023

Councillor Stephen Russell	Response provided by Warren Giddens – Manager Strategic Planning
<p><i>[Preamble]</i></p> <p><i>This actually goes to a question from the public this evening. Under the Planning and Development Regulations Clause 13 Heritage Conservation Notice it states “if the local government forms the view that a Heritage Place has not been properly maintained, the local government may give to a person who is the owner or occupier of the Heritage Place, a written notice requiring the person to carry out specified repairs to the Heritage Place by a specific time” and it goes on. So basically a Heritage Place under the Regulations includes a local government heritage list and therefore category B buildings within the City.</i></p>	
<p>1. Just for clarification the City does have the powers under the Planning and Development Regulations to affect a repair notice on a Class B Heritage listed site within the City?</p>	<p>Clause 13 of Schedule 2 the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> enable the local government to give a heritage conservation notice that require a landowner to carry out specified repairs to the heritage place by a specified time, if the local government forms the view that a heritage place is not being properly maintained.</p> <p>In this situation, a heritage place means a place that is on the heritage list or located in a heritage area thereby including those places on the City’s Heritage List.</p> <p>Heritage conservation notices also provide that if the works are not carried out, the local government may enter the site and carry out the repairs and that the expenses incurred may be recovered via the Courts. Whilst the local government can seek to recover costs from the landowner in this respect, it would represent an upfront cost to Council.</p> <p>Under Section 222 of the <i>Planning and Development Act 2005</i>, it is an offence to undertake any development of a Heritage Place without development approval.</p>

Councillor Mary Choy	Responses provided by Garry Adams – Director Corporate Services
<p>1. I'm not sure if anyone else watched 60 minutes for the last couple of days. In particular on Tik Tok and the implications of access to such social media sites using government facilities. I'm just wondering is there any such policy or policy that needs to be thought about and or included on a strategic risk register or operational?</p>	<p>Staff usage of social media is currently governed by two management practices; M644 Responsible use of Information Technology Resources and M657 Social Media.</p> <p>Staff are able to use social media for personal use, in their personal time, on their City provided devices. There are no restrictions on the social media platforms supported.</p> <p>The City does not use or support any application where the data is stored in China. Preference is always given to providers who store City data within Australia.</p> <p>The City does not use or support the use of TikTok for any official City activities.</p>
Mayor Greg Milner	Response provided by Patrick Quigley – A/Director Development and Community Services:
<p>1. I am aware that the Manning Men's Shed members have been expressing concerns about their tenure. I'm not going to ask about the zoning because that was dealt with by Council earlier this evening but I am going to ask what the tenure of that particular block of land is, who owns it? I thought it was owned by the Crown but I could be mistaken and I guess is there any justification for the fear that I seem to be seeing from these emails concerned about losing their tenure?</p>	<p>The two community facilities located at 3 Downey Drive in Manning (Manning Senior Citizen's Centre and Manning Men's Shed) are located on a portion of Crown Reserve 35265, which is vested to the City for the purpose as a 'Seniors Centre', with a power to lease and or sublease. The City recently entered into a long-term (10-year) lease agreement with the Association that provides certainty over their tenure to continue to provide senior services for the local community into the future.</p>

13.2 QUESTIONS FROM MEMBERS OCM 18 April 2023

Councillor Mary Choy	Responses provided by: Mike Bradford - CEO
<p><i>[Preamble]</i></p> <p><i>I've had a number of residents contacting me requesting a status update on the Underground power program for the South Perth and Hurlingham Precinct and I noticed that Councillors received some updated information via our Councillor bulletin and I think there's also some updated information on the on the western power website.</i></p>	
<p>1. I'm just wondering whether that could be collated and if the underground power webpage on the city's website could please also be updated accordingly for residents so I can direct them to that?</p>	<p>Yes we can do that.</p>
Councillor Nick Warland	Response provided by: Anita Amprimo – Director Infrastructure Services
<p>1. I'm just wondering whether the City is aware of any ongoing disruption to the principal shared path alongside the Kwinana freeway and whether there is any updates on that and the impact it might have on residents along Melville parade?</p>	<p>There has been ongoing works carried out by Main Roads WA along that area but we can certainly provide an update for you.</p>

Councillor Stephen Russell

Responses provided by: Anita Amprimo – Director Infrastructure Services

[Preamble]

Councillor Stephen Russell: Following a question from the public regarding Kensington Underground Power. So as I understand it, construction is not to commence until the back end of this year, November or December 2023 and that the charges to Residents or the land owners would be as per the rate notices for the financial year 2023/24.

Anita Amprimo – Director Infrastructure Services: The charges would appear in the 2024/25 rates notice.

Councillor Stephen Russell: So there is a gap then where there's a finance. I'm assuming that Western power needs to award for capital works to commence.

1. Who is covering that cost?

Provided the decisions are made, they will start construction without the payment being levied on the residents. They are aware that it would have to go through the budget cycle and it would not be until 2024/25 that we would levy that payment on the residents.

2. So to confirm then, there will be no sort of like mid-year budget review requirement for us to cover the costs, so Western Power will be covering that complete cost?

Yes.

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

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 23 May 2023

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed