

# MINUTES

## Ordinary Council Meeting

25 July 2023

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 25 July 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD  
CHIEF EXECUTIVE OFFICER

28 July 2023



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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 25 July 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  
Councillor Nick Warland  
Councillor Blake D'Souza  
Councillor André Brender-A-Brandis (via audio link)  
Councillor Jennifer Nevard  
Councillor Stephen Russell  
Councillor Mary Choy  
Councillor Ken Manolas

### Officers

Chief Executive Officer  
Director Corporate Services  
Director Infrastructure Services  
Acting Director Development and Community Services  
Manager Finance  
Manager Governance  
Manager Strategic Planning  
Acting Governance Coordinator  
Communications Officer  
Governance Officer  
Governance Administration Officer

Mr Mike Bradford  
Mr Garry Adams  
Ms Anita Amprimo  
Ms Fiona Mullen  
  
Mr Abrie Lacock (Retired 8.07pm)  
Ms Toni Fry  
Mr Warren Giddens (Retired 8.07pm)  
Ms Christine Lovett  
Ms Maria Noakes (Retired 8.07pm)  
Ms Renee Nguyen  
Ms Jane Robinson

### Gallery

There were approximately 35 members of the public present.

#### 4.1 APOLOGIES

Nil.

#### 4.2 APPROVED LEAVE OF ABSENCE

- Councillor André Brender-A-Brandis for the period of 23 July 2023 to 30 July 2023 inclusive.

### 5. DECLARATIONS OF INTEREST

- Councillor Nick Warland – Impartiality Interest in Item 10.3.2 as ‘An individual and companies named in the information before council are known to me.’
- Councillor Nick Warland – Impartiality Interest in Item 10.3.3 as ‘Revocation of some Local Planning Policies listed in this report relate to completed projects undertaken by clients of a former employer, who were clients for the duration of my employment.’
- Councillor Mary Choy – Impartiality Interest in Item 10.3.3 as ‘There may be residents within the Cygnia Cove area who may be known to me.’
- Councillor Ken Manolas – Impartiality and Proximity Interest in Item 10.3.3 as ‘I have a close relative who may be affected by the revocation of one of the policies and I know residents who may be affected by the revocation of the policies.’
- Mayor Greg Milner – Impartiality Interest in Item 12.1 as ‘I am a former co-patron of the Wesley and South Perth (WASP) Hockey Club.’
- Councillor Nick Warland – Impartiality Interest in Item 12.1 as ‘Senior representatives of WASPs management are known to me through previous professional relationships.’
- Councillor Stephen Russell – Impartiality Interest in Item 12.1 as ‘A family member has, is and may in the future be a member of the in WASPs hockey club. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor Mary Choy – Impartiality Interest in Item 12.1 as ‘My husband has been a past member of the WASP’s hockey club and a volunteer coach and is also a Wesley College ‘old boy’. My sons have played for WASPs and they also attend Wesley College.’
- Councillor Glenn Cridland – Impartiality Interest in Item 12.1 as ‘In the past, my children did play hockey for the WASPs hockey club.’
- Mayor Greg Milner – Financial and Proximity Interest in Item 12.2 as ‘This item may result in financial gain, loss, benefit or detriment to persons who donated to my election campaign in 2019. This item also concerns a proposed change to the use of land that adjoins land owned by those same persons.’
- Councillor Nick Warland – Financial and Proximity Interest in Item 12.2 as ‘Donors to my campaign at the 2023 Como Ward Extraordinary Election own or enjoy right of use to property impacted by any council decision on this item.’
- Councillor Ken Manolas – Impartiality and Proximity Interest in Item 12.2 as ‘I have a close relative who owns a unit on the South Perth Esplanade and I know residents who live on The Esplanade.’

- CEO Mike Bradford – Financial Interest in Item 15.1.1 as ‘The report relates to my contract of employment.’

## 6. PUBLIC QUESTION TIME

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

Nil.

### 6.2 PUBLIC QUESTION TIME: 25 JULY 2023

The Presiding Member opened Public Question Time at 6.07pm.

Written questions were received prior to the meeting from:

- Mr Barrie Drake of South Perth.
- Mr Mark Hands of Cottesloe.

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 6.13pm.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 27 June 2023

##### Officer Recommendation AND COUNCIL DECISION

0723/125

**Moved:** Councillor Blake D’Souza

**Seconded:** Councillor Ken Manolas

That the Minutes of the Ordinary Council Meeting held 27 June 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
24 May 2023	Collier Reserve Hockey Facilities Feasibility Study	Councillors Nick Warland, André Brender-A-Brandis, Stephen Russell, Jennifer Nevard, Mary Choy and Ken Manolas.
30 May 2023	Local Heritage Listing Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Stephen Russell, Jennifer Nevard, Ken Manolas, Mary Choy and Nick Warland.
19 July 2023	Community Recreation Facilities Update	Mayor Greg Milner and Councillors Glenn Cridland, Nick Warland, André Brender-A-Brandis, Stephen Russell, Jennifer Nevard, Mary Choy and Ken Manolas.

#### Attachments

Nil.

### 7.2.2 Council Agenda Briefing - 18 July 2023

Officers of the City presented background information and answered questions on Items to be considered at the July Ordinary Council Meeting at the Council Agenda Briefing held 18 July 2023

#### Attachments

7.2.2 (a): Briefing Notes



## Officer Recommendation AND COUNCIL DECISION

0723/126

**Moved:** Councillor Nick Warland

**Seconded:** Councillor Ken Manolas

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 18 July 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

Deputations were heard at the Agenda Briefing on 18 July 2023.

## 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 Acquisition of Old Manning Library Site was a new report.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 18 July 2023 with the exception of Item 10.4.3 Acquisition of Old Manning Library Site.

## ITEMS WITHDRAWN FOR DISCUSSION

- 10.3.2 Proposed Six (6) x Four (4) Storey Grouped Dwellings – Lot 247, No.31 Leonora Street, Como
- 10.3.3 Revocation of various Local Planning Policies
- 10.4.3 Acquisition of Old Manning Library Site

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

### **COUNCIL DECISION**

**0723/127**

**Moved:** Councillor Nick Warland

**Seconded:** Councillor Blake D'Souza

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

- 10.3.1 Draft Payment in Lieu of Parking Plan
- 10.3.4 Minor Modifications to Existing Local Planning Policies
- 10.4.1 Listing of Payments June 2023
- 10.4.2 Monthly Financial Statements June 2023 (Interim)

**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

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

#### 10.3.1 Draft Payment In Lieu Of Parking Plan

File Ref: D-23-32258  
Author(s): Donna Shaw, Director Development and Community Services  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

#### Summary

This report presents the draft Payment in Lieu of Parking Plan for the purposes of advertising.

#### Officer Recommendation AND COUNCIL DECISION

0723/128

**Moved:** Councillor Nick Warland

**Seconded:** Councillor Blake D'Souza

That Council, in accordance with Schedule 2, Part 9A, Clause 77K of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the draft Payment in Lieu of Parking Plan as contained 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

The State Government's 'Action Plan for Planning Reform' called for a consistent policy with practical criteria, basic benchmarks, and fair methodology for considering the use of cash in lieu of car parking in established town centres, retail/café corridors and other commercial and mixed-use centres.

Gazetted amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) included a new Part 9A for car parking provisions, which became operational on 1 July 2021. The key parts to these provisions include parking exemptions for certain types of development and a standard and consistent approach to car parking variations, waivers, cash in lieu (CIL) and shared parking.

On 8 June 2021, the Method of Calculation was published in the Gazette and it became operational on 1 July 2021. The Method of Calculation is required to be used by local governments to calculate CIL.

### 10.3.1 Draft Payment In Lieu Of Parking Plan

Schedule 2, clause 77J of the Regulations requires a Payment in Lieu of Parking Plan (Plan) to be prepared in the manner and form approved by the Western Australian Planning Commission (WAPC).

Local governments are required to approve a Plan to apply CIL conditions to development approvals. From 1 July 2023, local governments cannot impose CIL parking conditions on a development approval unless a Plan has been adopted.

#### Comment

##### Application

The City's Town Planning Scheme No. 6 (TPS6) currently provides for an applicant for development approval for a non-residential development, if the local government agrees, to make a cash payment to the local government in lieu of providing one or more of the deficit bays. The amount of CIL is the cost estimated by the City to provide the deficit of bays, and may include:

- the value of the land on which the bays may be constructed, as estimated by a licenced valuer appointed by the City;
- the cost of the City constructing the bays; and
- the cost of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.

Draft Local Planning Scheme No. 7 (LPS7) is currently awaiting final approval by the Minister for Planning. LPS7 does not include CIL provisions, as the gazetted amendments to the Regulations were in effect at the time of drafting.

Draft LPS7 included car parking ratios, however, should these be removed by the Minister, the basis for determining the shortfall will be in accordance with ratios prescribed in a local planning policy for car parking.

The Regulations provide that CIL is only applicable for non-residential development that requires development approval and a parking space shortfall of at least two bays is applicable. Further, in considering a parking space shortfall, the local government may:

- vary or waive on-site parking requirements; or
- determine that all or only a portion of the variation is to be subject to a condition requiring CIL of on-site parking.

In respect to the requirement for payment, a condition is imposed at the time of development approval.

The payment-in-lieu calculation has been updated to reflect the method of calculation, which was published in the Government Gazette, as follows:

$$(\text{Infrastructure cost per m}^2 \times 15(\text{m}^2)^*) \times \text{car parking space shortfall}$$

In accordance with the gazetted method of calculation, the City must use a 15m<sup>2</sup> area as prescribed above. The 15m<sup>2</sup> area represents a 50% discount to a car parking space and manoeuvring area of 30m<sup>2</sup>. It is noted that this calculation does not capture land value, and the City will otherwise be required to fund the cost of land acquisition for parking infrastructure where bays are not provided in the verge/ City owned land.

The infrastructure cost lump sum is to be established at the commencement of the Plan and is to be based on the cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>.

### 10.3.1 Draft Payment In Lieu Of Parking Plan

The City has determined that the infrastructure cost per square metre to construct a car parking bay within the City is \$380, which is based on recent construction values for on-street bays undertaken within the City. The financial contribution per car parking bay is therefore  $\$380 \times 15\text{m}^2 = \$5,700$  per bay.

#### Manner and Form

The Plan is required to specify the area to which it applies, and the purpose for which money is paid. It may apply to any part or all of a scheme area, as set out in a local planning scheme. A Plan has effect for 10 years, unless otherwise approved by the WAPC.

The draft Plan is contained as **Attachment (a)** and is consistent with the manner and form prescribed by the WAPC.

#### Plan Area

Plans can cover:

- an entire local planning scheme area
- one specific area, or
- multiple individual areas.

The draft Plan covers the entire local planning scheme area (i.e., the City of South Perth local government boundaries) to ensure any future non-residential proposals in residential areas that result in two or more bay shortfall will be captured.

#### Infrastructure Items

In addition to the cost of constructing car parking bays, Clause 77J(1)(b)(ii) of the Regulations provides for Plans to cover items that are considered ancillary or incidental to parking infrastructure or other transport infrastructure such as CCTV, street trees, street lighting and improvements to wayfinding. The following infrastructure items are proposed for inclusion in the draft Plan:

- At grade car parking bays
- Technology to increase efficiency and turnover of bays
- Electric charging facilities
- Footpath infrastructure, including new connections and upgrades
- Street lighting
- Provision of, or upgrades to, bicycle networks
- Shade trees
- CCTV

**Consultation**

In accordance with Schedule 2, Part 9A, cl.77K of the Regulations:

*“(1) If the local government resolves to prepare or adopt a payment in lieu of parking plan the local government must, unless the Commission otherwise agrees, advertise the proposed plan as follows:*

- (a) publish in accordance with clause 87 the proposed plan and a notice giving details of –*
  - (i) how the proposed plan is made available to the public in accordance with clause 87; and*
  - (ii) the manner and form in which submissions may be made; and*
  - (iii) the period for making submissions and the last day of that period;*
- (b) give notice of the proposed plan in any other way, and carry out any other consultation, that the local government considers appropriate.”*

The period for making submissions must not be less than 21 days.

**Policy and Legislative Implications**

- *Local Government Act 1995*
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Government (Financial Management) Regulations 1996

**Financial Implications**

Clause 77I(1) of the Regulations requires a local government to establish and maintain a Reserve Account for money collected under the Plan. The account is to be established under the provisions of the *Local Government Act 1995*, Section 6.11 and operated in accordance with the Local Government (Financial Management) Regulations 1996. Clause 77I(3) of the Regulations requires interest earned on monies held in the Reserve Account must be applied for the purposes set out in the Plan. The City already has a parking reserve which can be used for this purpose.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	Adoption of payment in lieu of parking plan following advertising in accordance with the Regulations.

### 10.3.1 Draft Payment In Lieu Of Parking Plan

#### 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

10.3.1 (a):	Draft City of South Perth Payment in Lieu of Parking Plan
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*Councillor Nick Warland declared an Impartiality Interest in Item 10.3.2.*

### **10.3.2 Proposed Six (6) x Four (4) Storey Grouped Dwellings - Lot 274, No.31 Leonora Street, Como**

File Ref: D-23-32261  
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 (6) x Four (4) Storey Grouped Dwellings at Lot 274, No. 31 Leonora 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.

#### **Officer Recommendation**

**Moved:** Councillor Nick Warland  
**Seconded:** Councillor Blake D'Souza

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the application for development approval for a Six (6) x Four (4) Storey Grouped Dwellings on Lot 274, No. 31 Leonora Street, Como be approved subject to the following conditions:

1. The development shall be in accordance with the approved plans save that, in the event of an inconsistency between the approval plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
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.
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 the submission of a building permit application or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
  - (i) public safety and amenity;
  - (ii) site plan and security;



- (iii) contact details of essential site personnel, construction period and operating hours;
- (iv) community information, consultation and complaints management plan;
- (v) noise, vibration, air and dust management;
- (vi) dilapidation reports of nearby properties;
- (vii) traffic, access and parking management;
- (viii) waste management and materials re-use;
- (ix) earthworks, excavation, land retention/piling methods and associated matters;
- (x) stormwater and sediment control;
- (xi) street tree management and protection;
- (xii) removal of onsite effluent disposal system and stormwater management system; and
- (xiii) asbestos removal

The approved Construction Management Plan must be complied with at all times during the construction stage, to the satisfaction of the City of South Perth.

5. 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. The existing verge levels at the front property boundary and verge assets (inclusive of street trees) shall not be altered without prior approval 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 "Stormwater Drainage 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 is to submit a final material, colours and finishes schedule to the satisfaction of the City of South Perth. 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.
8. Prior to occupation of the development, the landscaping areas shall be installed in accordance with the submitted landscaping plan; all vegetation, ground covering and treatments within the Council verge area are to be installed to the satisfaction of the City of South Perth. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
9. 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.
10. Prior to occupation of the dwellings, 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 State Planning Policy 7.3 - Residential Design Codes. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City of South Perth.

11. Prior to occupation of the dwellings, 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.
12. Prior to submission of the building permit application, all of the recommended measures included in the Transportation Noise Assessment prepared by Lloyd George Acoustics, dated March 2023 (Ref: 22087512-01A), are to be implemented in full with the final plans being certified by a qualified acoustic consultant confirming the development incorporates the recommendations. All noise attenuation measures, identified by the noise assessment shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
13. Waste management shall occur in accordance with the Waste Management Plan prepared by Dallywater Consulting, dated January 2023, and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
14. Prior to occupancy of the dwellings, the redundant crossover shall be removed, and the verge, kerbing and footpath reinstated with grass or landscaping to the satisfaction of the City of South Perth.
15. 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.
16. Hard standing areas approved for the purpose of car parking or vehicle access shall be accessible at all times, maintained in good condition, free of potholes and dust and shall be adequately paved and drained, to the satisfaction of the City of South Perth.
17. 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.

**Amendment**

0723/129

**Moved:** Councillor Stephen Russell**Seconded:** Councillor Jennifer Nevard

That an additional condition be included as follows:

18. Prior to the submission of a building permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of 2 dwellings is compliant with the 'Silver level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth.

**Reasons for Change**

- a. 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. Although, the application is silent with respect to the specifics to how both the objective and an acceptable outcome are to be met, the City has advised that the application has been assessed against the requirement. To this effect a condition is required to ensure that "Silver" level attributes e.g. Element 6 "Reinforcement of bathroom & toilet walls", are included within construction.

**The amendment was put and declared CARRIED (8/1) 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 and Stephen Russell.

**Against:** Councillor Nick Warland.

**Amended Substantive Motion and COUNCIL DECISION**

0723/130

**Moved:** Councillor Nick Warland**Seconded:** Councillor Blake D'Souza

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, the application for development approval for a Six (6) x Four (4) Storey Grouped Dwellings on Lot 274, No. 31 Leonora Street, Como be approved subject to the following conditions:

1. The development shall be in accordance with the approved plans save that, in the event of an inconsistency between the approval plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
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.

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 the submission of a building permit application or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
  - (i) public safety and amenity;
  - (ii) site plan and security;
  - (iii) contact details of essential site personnel, construction period and operating hours;
  - (iv) community information, consultation and complaints management plan;
  - (v) noise, vibration, air and dust management;
  - (vi) dilapidation reports of nearby properties;
  - (vii) traffic, access and parking management;
  - (viii) waste management and materials re-use;
  - (ix) earthworks, excavation, land retention/piling methods and associated matters;
  - (x) stormwater and sediment control;
  - (xi) street tree management and protection;
  - (xii) removal of onsite effluent disposal system and stormwater management system; and
  - (xiii) asbestos removal

The approved Construction Management Plan must be complied with at all times during the construction stage, to the satisfaction of the City of South Perth.
5. 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. The existing verge levels at the front property boundary and verge assets (inclusive of street trees) shall not be altered without prior approval 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 "Stormwater Drainage 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 is to submit a final material, colours and finishes schedule to the satisfaction of the City of South Perth. 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.
8. Prior to occupation of the development, the landscaping areas shall be installed in accordance with the submitted landscaping plan; all vegetation, ground covering and treatments within the Council verge area are to be installed to the satisfaction of the City of South Perth. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.

9. 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.
10. Prior to occupation of the dwellings, 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 State Planning Policy 7.3 - Residential Design Codes. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City of South Perth.
11. Prior to occupation of the dwellings, 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.
12. Prior to submission of the building permit application, all of the recommended measures included in the Transportation Noise Assessment prepared by Lloyd George Acoustics, dated March 2023 (Ref: 22087512-01A), are to be implemented in full with the final plans being certified by a qualified acoustic consultant confirming the development incorporates the recommendations. All noise attenuation measures, identified by the noise assessment shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
13. Waste management shall occur in accordance with the Waste Management Plan prepared by Dallywater Consulting, dated January 2023, and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
14. Prior to occupancy of the dwellings, the redundant crossover shall be removed, and the verge, kerbing and footpath reinstated with grass or landscaping to the satisfaction of the City of South Perth.
15. 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.
16. Hard standing areas approved for the purpose of car parking or vehicle access shall be accessible at all times, maintained in good condition, free of potholes and dust and shall be adequately paved and drained, to the satisfaction of the City of South Perth.
17. Any external clothes drying areas shall be screened from view from all streets or any other public place.
18. Prior to the submission of a building permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of 2 dwellings is compliant with the 'Silver level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth.

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

**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.

<b>Applicant Details</b>	DKO Architecture WA Pty Ltd
<b>Landowner</b>	8 Carousel Development Pty Ltd

### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Centre
<b>Density coding</b>	H4 - Residential (4 storey building height)
<b>Lot area</b>	1,063.6m <sup>2</sup>
<b>Building height limit</b>	16m

### Comment

#### Background

In February 2023, the City received a development application for Six (6) x Four (4) Storey Grouped Dwellings on Lot 274, No. 31 Leonora Street, Como (the site).

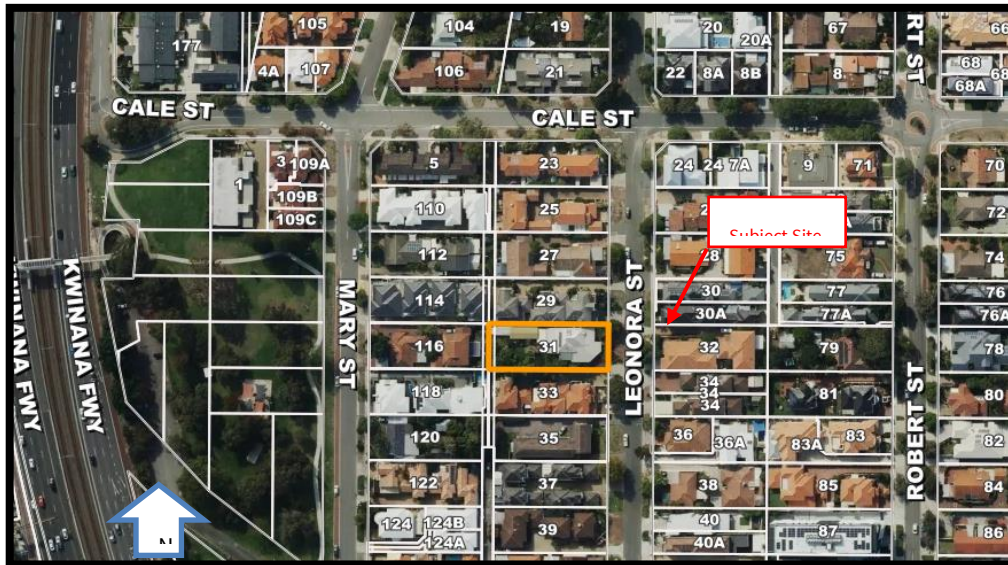
The site is located within the Cassey Quarter (Q3) and is zoned H4 (Residential Development up to 4 storeys) under the Canning Bridge Activity Centre Plan (CBACP). The CBACP was initially approved by the Western Australian Planning Commission (WAPC) in April 2016 and amended in September 2020 to introduce 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 was considered by the City's Design Review Panel (DRP) in December 2022 prior to lodgement and again in April 2023 following lodgement of the development application.



### Description of the Surrounding Locality

The site has its primary frontage to Leonora Street. The neighbouring properties currently consist of single or two storey single houses, grouped dwellings and multiple dwelling developments.



**Figure 1 :** Aerial image of the subject site

### Description of the Proposal

The proposal involves the construction of six grouped dwellings in the typology of townhouses. One of the proposed townhouses has direct frontage onto Leonora Street, with each dwelling having direct pedestrian access and separate letterboxes. The vehicular access to the site is via the proposed common property vehicle accessway via Leonora Street. All six dwellings are three-bedroom, two-bathroom, and include a double garage. The development plans are provided at **Attachment (a)**.

Whilst the plans include a subdivision plan, this application is for grouped dwelling developments on a single site. The site photographs contained at **Attachment (b)** show the relationship of the site with the surrounding built environment.

The following aspects of the development proposal do not meet the prescribed requirements of the CBACP or the Residential Design Codes Vol.2 (R-Codes), City Policy requirements, and therefore require discretionary assessment:

- CBACP and R-Codes
  - Side Setbacks
  - Privacy
- Local Planning Policy
  - Significant Views

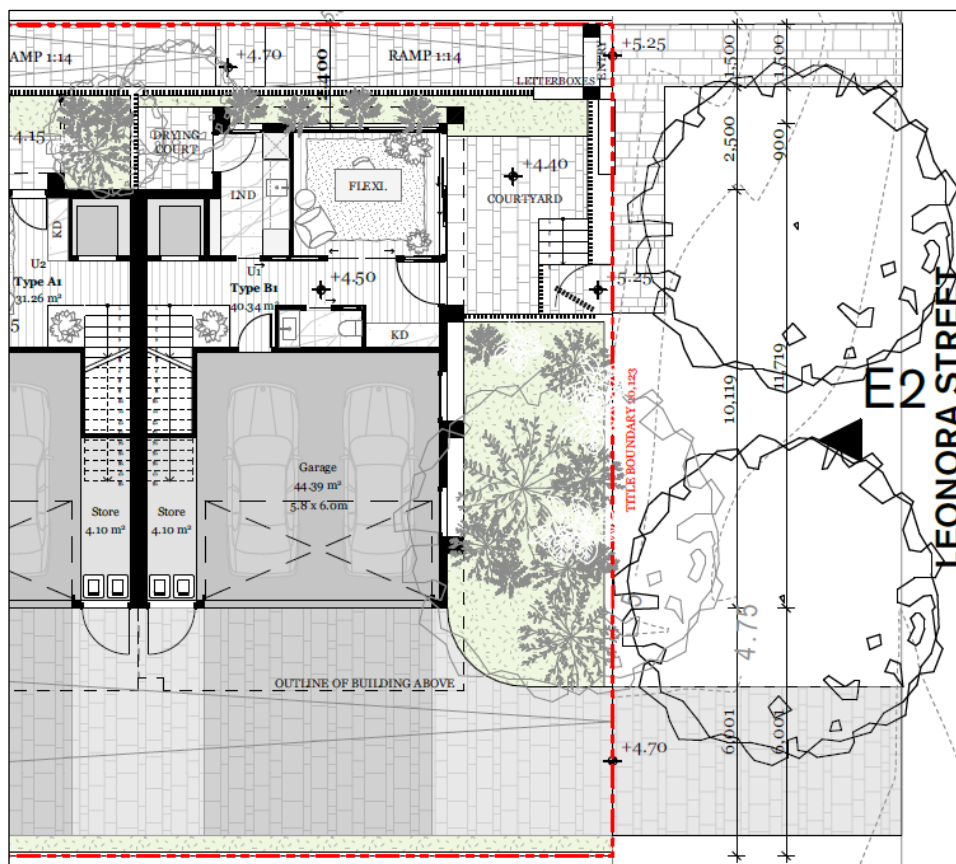
The proposal meets the requirements of Town Planning Scheme 6 (Scheme; TPS6), CBACP, R-Codes and relevant Council policies, except for the discretionary aspects identified above, which are discussed further below.

Lot Boundary Setback

CBACP Requirement 5.6 stipulates a side and rear setback of 4.0m for the subject site.

Element	Requirement	Proposed
Element 5 – Side and Rear Setbacks	4.0m minimum.	<p><b>Northern boundary:</b></p> <p>2.4m minimum setback to “flexi room” at the ground floor of Unit 1.</p> <p>Note: “Flexi Rooms” are intended to be used as a Bedroom/ study/ playroom/ gym/ sitting room.</p>

The development proposes a 2.4m northern boundary setback to the “flexi room” and laundry to unit 1 at ground level of the development as shown in **Figure 2**



**Figure 2:** Lot boundary setback diagram

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

1. The reduced setback to the northern boundary is not considered to impact on the opportunities for the adjoining site to access sunlight, ventilation or viewing corridors.
2. At ground level, the setback area between the building and the lot boundary proposes landscaping (including trees and vegetation) which will reduce the impacts of building bulk.



3. The design also incorporates the use of a 400mm thick feature concrete frame on the front and rear façade and the lower levels of the northern façade. These elements are practical architectural features that provide depth and interest to the façade and vertical and horizontal shading. The concrete frames protrude 400mm into the setback zones, and do not adversely impact the bulk and scale of the building.
4. At the upper levels of the development changes in height and materiality, add increased visual interest and thereby reduce impact on the adjoining properties amenity.

Visual Privacy

In accordance with requirement 5.7 of the CBACP, buildings up to 4 storeys (16.0m) in height shall be separated from adjoining boundaries in accordance with Element 3.5 - Visual Privacy of the R-Codes. Whilst the subject lot does not have a density coding, the proposed development is reflective of high-density development, therefore it is considered appropriate to apply the density of “Adjoining sites coded higher than R50” as per Element 3.5 – Visual Privacy.

In accordance with Table 3.5 of the R-Codes, when an adjoining site is coded higher than R50, unenclosed private outdoor spaces require a setback of 6.0m.

Element	Requirement	Proposed
Visual Privacy: Unenclosed private outdoor spaces	6m	Northern boundary: 4m to the balconies on the upper levels, for all units.

The development seeks a variation of two metres to the balconies on the upper levels facing north. The reduced visual privacy setback to the northern boundary of the site is considered to meet the Element Objectives of the R-Codes and is supported for the following reasons:

1. The cone of vision from the balconies extends to the neighbouring property to the north and falls onto the adjoining neighbours’ roof space which does not affect any active habitable spaces. As such, there will be no overlooking to sensitive areas on the northern adjoining property as a result of the visual privacy setback variations.
2. Privacy is also maintained through adding solid balustrade/planters to balconies to provide visual privacy from below, it also acts as a visual shelf and assist with overlooking down to the adjacent property. The planters are treated as a functional architectural element which do not adversely contribute to the bulk and scale of the building.

### Significant Views

Local Planning Policy P350.09 requires decision makers to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development with respect to a significant view. The elements of the proposal considered to impact on a significant view under P350.09 are:

- Floor size;
- Roof form; and
- 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 development will cause some obstruction of views of the Swan River from the adjoining properties, the extent of obstruction is not considered to be significant, with adjoining properties retaining some views. In addition, the proposed development is compliant with the 16.0m height limit identified under the CBACP.

Further, the proposed development is considered to meet the relevant discretionary criteria in P350.9 and is supported for the following reasons:

- The proposed development has a compliant building height limit and setback requirements to the sides and rear which mitigate loss of views. It is noted that there is a lot of boundary setback variation to the ground level of Unit1, however, given this variation is solely on the ground level, it is understood that the significant views for the upper levels will be retained via compliant setback for the remainder of the development.; and
- The applicant has proposed a concealed roof to minimise impact on significant views.

### State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4)

Due to the site's proximity to Canning Highway, the applicant provided a Transport Noise Assessment, prepared by Lloyd George Acoustics (March 2023). The report identified that the noise levels received at the development were within the limits prescribed by SPP 5.4 and advised that a Quiet House Design was not required. A condition to this effect is recommended to ensure the development complies with the recommendation of the noise assessment at all times.

A copy of the Transportation Noise Assessment is provided at **Attachment (c)**.

### 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.

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(2) 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. The matters considered relevant to the proposal and associated comment are provided below:

Matters	Comment
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	The proposed development is compliant with the aims of the Scheme, provisions of the CBACP and relevant local planning polices except those outlined in this report.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	Whilst not reflective of the existing surrounding development, the CBACP area is a redevelopment area, and the development is considered consistent with intended future built form outcomes. Building height is consistent with the future vision of the H4 precinct of CBACP.
<i>(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 reserved.</i>	The Landscaping Plan accompanying the development proposal has been reviewed and supported by the City. The development is also supported by an Arborist Report which outlines measures to be undertaken for existing tree retention.
<i>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i>	The Transport Impact Statement (TIS) submitted in support of the application and reviewed by the City demonstrates that the surrounding road network can accommodate the increased traffic volume resulting from the proposed development.  A copy of the TIS is provided at <b>Attachment (d)</b> .
<i>(y) any submissions received on the application.</i>	A response to the submission has been provided in the Consultation section of this report.

## Consultation

### City of South Perth Design Review Panel

The development proposal was reviewed twice by the City's Design Review Panel (DRP) who were supportive of the development approval on each design principle.

Whilst Principle 5 'Sustainability' was supported, the DRP recommended a more comprehensive and articulated Environmentally Sustainability Design (ESD) report and approaches to be undertaken with clear and measurable commitments, including evidence of life cycle costing and whole life carbon modelling.

A condition to this effect is recommended to require an updated ESD report to be provided to the City's prior to lodgement of a Building Permit.

Refer to **Attachment (e)** for the DRP reporting and minutes. A copy of the ESD report and the applicant's Detailed Design Statement are included at **Attachment (f) and (g)** respectively.

### Consultation Results

Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 - Advertising of Planning Proposals. A total of 126 consultation notices were sent, with one submission received opposing the proposal.

The submitter's comments on the proposal together with the City's response is provided below.

Issue Raised	Comments
Proposed number of parking bays is not considered sufficient. Development will result in on-street parking and potential accidents.	The development proposes 12 resident car bays and 1 visitor car bay which is compliant with the number of car bays required in the CBACP. All car parking bays are wholly contained on site.  On street parking is permitted in accordance with the City's <i>Parking Local Law 2017</i> .

### Waste Services

In accordance with the City's Waste Management Guidelines, kerbside collection is supported for this development, with collection proposed from Leonora Street. A copy of the Waste Management Plan is provided at **Attachment (h)**.

### Traffic

A review of the TIS in support of the proposal identified that 'Parking Aisle Width' is proposed as 5.5m, in lieu of the 5.8m required by Australian Standard AS2890.1 – Parking Facilities – Off-street car parking. The City supports the 0.3m variation given the TIS demonstrated through the swept path analysis that vehicles can safely enter and exit the development site.

### Environmental Health

Whilst the Transportation Noise Assessment is satisfactory, a condition requiring ongoing compliance is recommended to ensure construction materials are consistent with those identified within the report to ensure indoor noise targets prescribed under SPP 5.4 are maintained.

Urban Design

The City reviewed the proposed development plans including the landscaping plan which is considered satisfactory. The development is also accompanied by a Tree Survey Plan which provides detailed information on the current condition and health of the existing trees on the development site and adjacent verge.

A condition is recommended to ensure landscaping on site is implemented in accordance with the submitted Landscaping Plan. A copy of the Tree Survey Plan is provided as **Attachment (i)**.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has some financial implications, to the extent that 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**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	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 orientation of the lot, the outdoor living areas and living and dining rooms will have access to winter sun. The proposed development is therefore seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

The proposal generally meets the relevant objectives and provisions of the Scheme, CBACP, R-Codes and relevant Policies, or where compliance has not been achieved, the variations are capable of being supported for the reasons outlined in this report.

The proposed grouped dwellings are consistent with the framework outlined in the CBACP. The development is of a bulk and scale envisioned 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 CBACP 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

- 10.3.2 (a):** Development Plans - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274, (No. 31) Leonora Street, Como
- 10.3.2 (b):** Site Photographs - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274, (No. 31) Leonora Street, Como
- 10.3.2 (c):** Transportation Noise Assessment - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274 (No. 31) Leonora Street, Como
- 10.3.2 (d):** Transport Impact Statement - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274 (No. 31) Leonora Street, Como
- 10.3.2 (e):** DRP Reports - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274, (No. 31) Leonora Street, Como
- 10.3.2 (f):** Environmentally Sustainability Design - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274 (No. 31) Leonora Street, Como
- 10.3.2 (g):** Detailed Design Statement - - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274 (No. 31) Leonora Street, Como
- 10.3.2 (h):** Waste Management Plan - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274 (No. 31) Leonora Street, Como
- 10.3.2 (i):** Tree Survey Plan - Six (6) x Four (4) Storey Grouped Dwellings at Lot 274 (No. 31) Leonora Street, Como

*Councillors Nick Warland and Mary Choy declared an Impartiality Interest in Item 10.3.3.*

*Councillor Ken Manolas declared an Impartiality and Proximity Interest in Item 10.3.3 and accordingly left the Chamber at 6.47pm prior to consideration of Item 10.3.3.*

### **10.3.3 Revocation of various Local Planning Policies**

File Ref: D-23-32262  
Author(s): Samantha Taylor, Senior Strategic Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### **Summary**

This report proposes the revocation of nine local planning policies made redundant by recent amendments to State Planning Policy 7.3 - Residential Design Codes, modifications to the local planning framework and the increased ability of the State and local planning frameworks to guide development outcomes. Revocation of redundant local planning policies will ensure the City of South Perth's local planning framework is contemporary and fit for purpose.

#### **Alternative Motion and COUNCIL DECISION**

**0723/131**

**Moved:** Councillor Mary Choy  
**Seconded:** Councillor Stephen Russell

That Council, in accordance with the provisions of Schedule 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes (with the exception of 9. Policy P351.14 Cygnia Cove Residential Design Guidelines) the following planning policies:

1. Policy P318 South Perth Station Precinct Application Requirements;
2. P350.16 Variation to plot ratio for multiple dwellings and mixed development;
3. Policy P322 Exempt Land Use;
4. Policy P317 Licenced Premises;
5. Policy P689 Applications for Development Approval: Applicants Responsibilities;
6. Policy P351.12 Bradshaw and 8 Conochie Design Guidelines;
7. Policy P352 Final Clearance Requirements for Completed Buildings;
8. Policy P319 Planning Compliance



### Reasons for Change

1. Unlike Policy P351.12 pertaining to the development guidelines for 12 Bradshaw and 8 Conochie (being around Manning Hub), which has been completed, the Cygnia Cove Estate, for which Policy P351.14 applies, remains largely incomplete, with around 18 residential lots and one grouped dwelling still undeveloped. It is thus the view, that as the area is not fully developed, this policy still has utility. This is especially the case, since the provisions provided within the policy are not as included in the current Town Planning Scheme 6 (TPS6) or draft Local Planning Scheme (LPS7) and are also somewhat different to the provisions provided within the R-Codes and Clause 67 of the Regulations.
2. A restrictive covenant (RC) also exists on the single residential titles of lots within the Cygnia Cove Estate, and only on single residential titles, as placed by the developer Richard Noble, which requires owners of those single residential titles to obtain the developer's endorsement, prior to lodging an application for development approval (Clause 4 P351.14). This is to ensure certain high standards of development are achieved throughout the area, from the establishment of the Estate through to completion. It is for this reason I believe the RC is not set to expire until 2030.
3. The RC is not registered on lots that are grouped dwellings within the Cygnia Cove Estate, however, including but not necessarily limited to, the undeveloped grouped dwelling site Lot 288 (No. 38 Cygnus Parade, coded R80 in TPS6 and LPS7). This is where the City's Policy P351.14 'Cygnia Cove Residential Design Guidelines', comes in, as it sets the development guidelines for these grouped dwelling lots, as well as the single residential lots. Hence, if the policy is revoked, there will be no guidelines for grouped dwellings within Cygnia Cove as currently exists.
4. Furthermore, the RC for the single residential lots includes "*some but not necessarily all of the matters covered in the guidelines*" (Clause 3 Policy P351.14), and as such, the policy still serves a purpose in maintaining the very consistency and clarity it set out to achieve with the remaining undeveloped single residential lots within the Cygnia Cove Estate.
5. The Policy P351.14 guidelines include, but are not limited to, defining the setbacks for grouped dwellings, as well as for single dwellings, within the Cygnia Cove Estate. Specifically, at clause 10.6.9(b) of the policy, the "*Primary Street*" setback is set at "*4m average (2m min)*". As the land for lot 288 (No. 38 Cygnus Parade) is coded R80 under the current TPS6 and draft LPS7, I believe the State Planning Policy 7.3 'Residential Design Codes Volume 2 – Apartments' Table 2.1 Primary Control table would apply if this policy is revoked, which indicates a primary street setback of 2m instead of the **average 4m** as prescribed by the policy.
6. The development of grouped dwelling lots within the Cygnia Cove Estate, such as Lot 288 (No. 38 Cygnus Parade), should be consistent with the existing developments, including but not necessarily limited to, neighbouring grouped dwelling Lot 287 (No. 40 Cygnus Parade), which has a setback of 4m average (2m minimum) from the primary road, Cygnus Parade.



7. Without an average of a 4m setback for future development, at least until all lots in the Estate have been developed, the bulk and scale of a development, especially of a grouped dwelling with a coding of R80 in a rather narrow street with narrow footpaths, will potentially affect the amenity of the area, impact and be inconsistent with the existing built form for both single (and grouped dwelling) lots and go against the intent of the RC and policy.
8. If some clauses in Policy P351.14 'Cygnia Cove Residential Design Guideline' are outdated, it is the view these can be amended to reference the new Building Code of Australia and LPS7 when approved.

**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.

#### **Officer Recommendation**

That Council, in accordance with the provisions of Schedule 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes the following local planning policies:

1. Policy P318 South Perth Station Precinct Application Requirements;
2. P350.16 Variation to plot ratio for multiple dwellings and mixed development;
3. Policy P322 Exempt Land Use;
4. Policy P317 Licenced Premises;
5. Policy P689 Applications for Development Approval: Applicants Responsibilities;
6. Policy P351.12 Bradshaw and 8 Conochie Design Guidelines;
7. Policy P352 Final Clearance Requirements for Completed Buildings;
8. Policy P319 Planning Compliance; and
9. Policy P351.14 Cygnia Cove Residential Design Guidelines.

#### **Background**

Local Planning Policies (LPPs) are used to assist local governments in making planning decisions under the local planning scheme by outlining acceptable development standards and establishing clear expectations to applicants on how decision-makers are likely to exercise discretion.

The City is reviewing its suite of LPPs to ensure its local planning framework is contemporary, consistent with State planning frameworks, reflects the aspirations of the community on planning related matters, and to support and implement draft Local Planning Scheme No. 7 (draft LPS 7) provisions.

### 10.3.3 Revocation of various Local Planning Policies

The City currently has 29 LPPs. Each LPP has been reviewed and grouped into three tranches according to the nature of change proposed and associated advertising requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

The City intends to present for Council consideration in the following tranches:

1. LPPs with minor amendments/ LPPs proposed to be revoked;
2. LPPs with major amendments; and
3. New LPPs.

Tranche one is divided into two parts, being nine LPP's for revocation without a replacement LPP for the reasons outlined in this report. A separate report presents the balance of tranche one, being those LPPs proposed for minor modifications. Tranche two and three will be presented to Council for future consideration following further review and/or gazettal of draft LPS 7 where applicable.

#### Comment

##### Policy P318 South Perth Station Precinct Application Requirements (P318)

P318 was adopted in July 2016 to provide guidance on the information requirements regarding applications for planning approval (now development approval) within the South Perth Station Precinct. Policy P318 seeks to promote development designs that are respectful to their surrounds and consider the current and future amenity of the location. A copy of this policy is contained as **Attachment (a)**.

Scheme Amendment 61 (South Perth Activity Centre Plan) to Town Planning Scheme No. 6 (TPS 6), approved in December 2021, inserted objectives and development requirements into the Scheme to address the following elements via a new schedule within TPS 6 (Schedule 9B), to be read in conjunction with the South Perth Activity Centre Plan:

- Character areas; zoning, residential density coding and land uses;
- Development requirements that define the building envelope (building height, plot ratio, podium setbacks, podium height, podium site cover, tower setbacks, tower separation and tower maximum gross floorplate area); and
- Approval for additional development potential (height and plot ratio).

These TPS 6 provisions are continued in draft LPS 7 within the following Additional Centre Requirements:

- ACR1 – Civic Site – Lot 688 (No. 1) Mends Street, South Perth; and
- ACR2 – Land subject to the South Perth Activity Centre Plan.

Further, the information required to be submitted in respect to the urban design analysis of a proposal within its setting and other supporting documentation is otherwise captured by the ability for local governments to now request information in support of an application prior to acceptance, which were included in the 2020 amendments to the Regulations.

Given the purpose of P318 is now met through Scheme Amendment No. 61 to TPS 6 and the provisions are contained within draft LPS 7 through ASR1 and ASR2, this policy is obsolete and suitable for revocation.

P350.16 Variation to plot ratio for Multiple Dwellings and Mixed Development (P350.16)

P350.16 was adopted in September 2016 to provide guidance in relation to the exercise of discretion regarding plot ratio for multiple dwellings and mixed development. At that time, plot ratio was included in State Planning Policy 7.3 - Residential Design Codes (R-Codes) Volume 1, as the R-Codes Volume 2 – Apartments had not yet been gazetted (this occurred on 24 May 2019). A copy of this policy is located at **Attachment (b)**.

The preparation and implementation of an LPP to address multiple dwelling developments seeking variation to the R-Codes ‘deemed-to-comply’ standards was supported by the Department of Planning, Lands and Heritage ‘Planning Bulletin 113/2015 - Multiple dwellings in R40 coded areas and variation to R-Codes multiple dwelling development standards’. This support was contingent upon the adoption of an LPP addressing the following matters:

- The Western Australian Planning Commission (WAPC) supports a maximum plot ratio bonus (above the deemed-to-comply plot ratio in R-Codes Table 4) of 25 per cent for R30 to R80 codes, up to a maximum of 50 per cent for R100 and greater codes, to align with existing R-Codes plot ratio standards.
- The criteria applied to multiple dwelling proposals seeking plot ratio bonus and variance to other R-Codes ‘deemed-to-comply’ development standards. Local government is to determine what criteria is appropriate for its area/ precinct.

This Planning Bulletin required referral of the initiated LPP to the WAPC for final approval as required under then R-Codes Clause 7.3.2, prior to the policy coming into effect.

It is unclear whether WAPC approval for P350.16 was provided and in any instance, the R-Codes Volume 1 were amended in July 2021, with plot ratio requirements in both versions of the R-Codes considered fit for purpose. Further amendments to the R-Codes to come into effect in September 2023 (medium density codes) do not provide the ability to vary plot ratio requirements via an LPP. As such, P350.16 is suitable for revocation without replacement.

Policy P322 Exempt Land Use (P322)

Policy P322 was adopted in May 2020 under the initial ‘Notice of Exemption from Planning Requirements During the State of Emergency’ in response to the Covid-19 pandemic. A copy of this policy is contained as **Attachment (c)**.

The policy was developed to assist business development in the City by removing the need for development approval for new businesses provided they are small scale and/or low impact consistent with the Notice of Exemption. The policy addressed differences between land use zones and land uses recognised by the Notice of Exemption but not included within TPS 6.

*The Policy advises that ‘at the expiration of the State of Emergency Declaration the City will review the Policy as soon as practicable, having regard to reasonable limitations on resourcing and any administrative burden in accordance with the Notice of Exemption from Planning Requirements During State of Emergency signed on 30 April 2020’.*

With the State of Emergency ceasing on 4 November 2022, the City has reviewed and determined that P322 is no longer required and can be revoked.

Policy P317 Licensed Premises (P317)

Policy P317 was adopted by Council in August 2015 and revised in 2018 to guide decision making for new development applications proposing land uses which are required to be licensed under the *Liquor Control Act 1988*, and to guide the assessment of Section 40 Certificate applications (used by local authorities to confirm compliance with written laws related to planning). A copy of this policy is located at **Attachment (d)**.

P317 is no longer considered necessary and can be revoked for the following reasons:

1. Certificates of planning authority under section 40 of the *Liquor Control Act 1988* will continue to be applicable as the Regulations do not affect this Act. In this way, when requested, a local government can issue a certificate by confirming a use has either been granted development approval, has not been granted development approval, or was classified as a use for which development approval was not required.
2. The policy currently addresses development applications proposing land uses required to be licensed under the *Liquor Control Act 1988*. The land use table within the local planning scheme provides for the permissibility of such uses based on zones.
3. The policy currently clarifies information requirements for an application for development approval. Information required to be submitted in support of an application is now prescribed in Clause 63 of the Regulations, with the ability for the local government to advise an application that further information is required prior to acceptance of an application at Clause 63(A).
4. The current policy advises that the City will have regard to TPS 6. A policy is not required for this to occur as this is a matter that must be considered under Clause 67(2) of the Regulations when considering an application for development approval.
5. The current policy seeks to vary the car parking requirements of TPS 6 for certain land uses subject to a liquor license, being liquor store large/small and for a small bar. Variations to car parking standards are already provided for in TPS 6, and draft LPS 7 seeks to introduce revised requirements for car parking ratios in any instance. Future matters related to car parking would otherwise appropriately be addressed in a car parking specific LPP.
6. The policy duplicates considerations of the Department of Local Government, Sport and Cultural Industries (DLGSC) under the *Liquor Control Act 1988* in consideration of a liquor licence application.
7. All built form and design related matters are considered by the City's Design Review Panel or where no design review is required, via the development assessment process given built form and scale are relevant matters for consideration under Clause 67(2) of the Regulations.

For the above reasons, P317 is no longer required and is recommended for revocation.

Policy P689 Applications for Development Approval: Applicants Responsibilities (P689)

Policy P689 was adopted in February 2008 to identify additional documentation to be submitted with an application for development approval under TPS 6. This includes calculations and annotated plans relating to plot ratio, open space and landscaped area and an “Applicant’s Planning Assessment Check-Sheet”. P689 also provides guidance for the consideration of major and minor variations to approved plans when satisfying conditions at the building permit stage. A copy of this policy is located at **Attachment (e)**.

P689 is considered suitable for revocation for the following reasons:

1. The form of application and accompanying information in support of a development application are provided in Clause 62 and Clause 63 of the Regulations.
2. The City can request further information to assess and consider the exercise of discretionary land uses via the local planning scheme and Clause 63(A) of the Regulations.
3. The City can consider minor alterations to a development approval under clause 77 - amending or cancelling development approval of the Regulations.
4. P689 provides an administrative function only and does not assist in discretionary decision making.

For the above reasons, P689 is no longer required and is recommended for revocation.

Policy P351.12 9 Bradshaw and 8 Conochie Design Guidelines (P351.-12)

Policy P351.12 was adopted in July 2013 alongside Scheme Amendment No. 36 to TPS 6, which introduced provisions to facilitate commercial and multiple residential development within two, three-dimensional building envelopes over these sites. A copy of this policy is located at **Attachment (f)**.

The subject sites are now wholly developed as follows:

- Lot 802 No. 10 Conochie Crescent (identified in the LPP as No. 8) was developed in January 2020 for a 4-storey building with basement car park, and three storeys of commercial uses including ground floor commercial, first floor medical and second floor childcare premises; and
- Lot 801 No. 9 Bradshaw Crescent was completed in 2021 as a 5-storey mixed use development with basement car park, retail, and commercial uses on the ground floor, and three storeys of residential multiple dwellings above.

To address future additions/amendments to development proposals over these sites, draft LPS 7 will include Additional Site Requirements (ASR6) for Lot 801 (No. 9) Bradshaw Crescent, Manning to provide the following development guidance:

- To ensure development does not extend beyond the three-dimensional building envelope;
- To permit awnings, canopies, balconies and the like structures to extend beyond the envelope; and
- To ensure car parking occurs within an undercroft arrangement with an arrangement for access through the adjoining undercroft car park serving the Manning Community Facility.

### 10.3.3 Revocation of various Local Planning Policies

Given these sites are recently developed, it is unlikely that amendments to the approved developments will occur in the near future. The Regulations provide for the ability for consideration of matters such as the existing and intended streetscape and built form outcomes, and in any instance, draft LPS 7 includes provisions to guide future alterations via ASR6. As such, P351-12 can be revoked.

#### Policy P352 Final Clearance Requirements for Completed Buildings (P352)

Policy P352 was originally adopted in February 2009 as Policy P399 to ensure final clearance certificates were not issued until an independent licensed surveyor, as well as the City, had assessed the building and confirmed that it is consistent with the approved building permit and the requirements of the relevant statutes. A copy of this Policy is located at **Attachment (g)**.

The scope of the policy has remained by-and-large consistent since 2009, applying to the following development types:

- A residential development which is higher than 7.0m, as measured in accordance with clause 6.1A or 6.2A of TPS 6, or contains 5 or more dwellings;
- A non-residential development which is higher than 7.0m, as measured in accordance with clause 6.1A or 6.2A of the TPS 6, or has a plot ratio area of 1,000 sq. metres or greater; or
- A development consisting of a mixture of non-residential and residential components incorporating any of the attributes referred to above.

Since adoption of P352, the Strata Titles (General) Regulations 2019 have been gazetted, and the WAPC has amended the relevant Instrument of Delegation in respect to determining certain classes of strata applications under section 15 of the *Strata Titles Act 1985*, being:

- The creation of six or more residential strata lots;
- The creation of any number of residential lots on a parcel of land that exceeds 2,500m<sup>2</sup>; and
- The creation of strata lots within a commercial, industrial or mixed-use zoning.

It is also noted that Form 15 approval is not required where 1-5 residential lots are proposed, the land parcel is not greater than 2,500m<sup>2</sup> and each lot will contain a dwelling.

In these instances, a Building Approval Certificate for the built strata is required. Information for obtaining subdivision clearance for various strata title proposals is now available on the Department of Planning, Lands and Heritage website.

P352 is superseded by revised processes set by the State Government, with information on these processes publicly available, and as such is recommended for revocation.

#### Policy P319 Planning Compliance (Policy P319)

Policy P319 was adopted in March 2020 to ensure compliance matters are addressed in a fair, transparent, and equitable manner. Policy P319 establishes a process for planning related compliance matters where an offence as defined by the *Planning and Development Act 2005* (the Act) has been committed or is alleged to have been committed. A copy of Policy P319 is contained at **Attachment (h)**.



### 10.3.3 Revocation of various Local Planning Policies

The City has a legal responsibility to ensure that development is compliant with the local planning scheme. This is enforced through Part 13 of the Act and Schedule 2, Part 10 of the Regulations. The Act includes a range of actions that can be taken to address a prescribed offence including the ability to give a written direction to stop and not recommence development when it is undertaken in contravention of the local planning scheme. The City can direct to the owner or any other person who undertook the development to:

1. remove, pull down, take up, or alter the development; and
2. restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.

Given the individual circumstances of compliance matters will determine the appropriate course of enforcement action to be undertaken in accordance with the Act, it is not considered appropriate to prescribe such measures within an LPP. Further, the purpose of an LPP is to provide guidance for discretionary decision making, with compliance matters instead being actions taken following development approval being granted.

Policy P319 is therefore recommended for revocation. The City can prepare a separate information sheet to provide general guidance on the types of enforcement action available under the Act.

#### Policy P351.14 Cygnia Cove Residential Design Guidelines (P351.14)

Policy P351.14 was adopted in July 2011 to guide residential development applications within the Cygnia Cove Estate located in Waterford. A copy of Policy P351.14 is contained as **Attachment (i)**.

A Restrictive Covenant applies to all lots within the Cygnia Cove Estate which formalises an agreement between the now developer, Richard Noble and previous landowners, the Christian Brothers, with prospective developers within the estate.

The Restrictive Covenant is set to expire in 2030, and effectively establishes design criteria (materials, colours, height limits, sustainable design, rainwater tanks etc.) to the satisfaction of the developer, prior to submission of a development application.

Landowners must design dwellings in accordance with the requirements of the Restrictive Covenant. A copy of the Restrictive Covenant is contained as **Attachment (j)**.

The Cygnia Cove Estate is nearing completion with the following lots yet to be developed:

- 18 single residential lots, 7 of which have approved development applications and of the remaining 11, a number of which have had approval in the past which has now lapsed; and
- One remaining grouped dwelling site has development approval, with development yet to substantially commence.

Policy P351.14 duplicates design requirements of the restrictive covenant. The City has notified Richard Noble regarding the proposed revocation of P351.14 with no objection provided.

### 10.3.3 Revocation of various Local Planning Policies

Policy P351.14 is suitable for revocation for the following reasons:

1. Policy P351.14 currently includes general information on the Cygnia Cove Estate which is not required in discretionary decision making;
2. Policy P351.14 currently outlines the requirement to obtain Richard Noble (developer) endorsement prior to lodging an application for development approval. This requirement is inconsistent with the ability to lodge a development application in accordance with the Regulations and is not suitable for an LPP;
3. Policy P351.14 currently includes a sustainable living section and various energy efficiency requirements, which references out of date Building Code of Australia (BCA) requirements. As these are covered by separate legislation, they are not suitable for consideration in a planning instrument and are otherwise assessed at the building permit stage in any instance;
4. Policy P351.14 currently includes EnviroDevelopment, energy, water use, community and garden design provisions which are enforceable through an external certification body. As the City cannot enforce the requirements of an external certification body, these requirements should be removed. Furthermore, these matters are otherwise addressed via the Restrictive Covenant and or/ conditions of development approval where there is a planning purpose; and
5. Policy P351.14 currently includes various matters related to public safety and amenity as well as built form and materials, which are now otherwise addressed via the R-Codes and Clause 67 of the Regulations.

Given the majority of the Cygnia Cove Estate is fully developed, and the R-Codes and Regulations can guide remaining development, P351.14 is no longer required and is recommended for revocation.

#### Consultation

In accordance with the Regulations, consultation on the revocation of an LPP is not required.

#### Policy and Legislative Implications

In accordance with the Regulations, an LPP may be revoked:

- (a) by a subsequent local planning policy that;*
  - (i) is prepared in accordance with this Part; and*
  - (ii) expressly revokes the local planning policy; or.*
- (b) by a notice of revocation:*
  - (i) prepared by the local government; and;*
  - (ii) published by the local government in accordance with clause 87.'*

#### Financial Implications

Nil.



### Key Risks and Considerations

<b>Risk Event Outcome</b>	Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Correspond with the Department of Planning, Lands and Heritage to anticipate and prepare for modification to the polices any arising from any future modifications to draft LPS 7.

### Strategic Implications

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

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

### Attachments

- 10.3.3 (a): Policy P318 South Perth Station Precinct Application Requirements
- 10.3.3 (b): P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development
- 10.3.3 (c): Policy P322 Exempt Land Use
- 10.3.3 (d): Policy P317 Licensed Premises
- 10.3.3 (e): Policy P689 Applications for Development Approval: Applicants Responsibilities
- 10.3.3 (f): Policy P351.12 9 Bradshaw & 8 Conochie Design Guidelines
- 10.3.3 (g): Policy P352 Final Clearance Requirements for Completed Buildings
- 10.3.3 (h): Policy P319 Planning Compliance
- 10.3.3 (i): Policy P351.14 Cygnia Cove Residential Guidelines
- 10.3.3 (j): Cygnia Cove Restrictive Covenant

### 10.3.4 Minor Modifications to Existing Local Planning Policies

File Ref: D-23-32263  
Author(s): Glen Burton, Strategic Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

This report proposes to modify four policies as part of the City's review of its suite of local planning policies. The proposed amendments will assist in coordinating effective assessment and achieving appropriate development outcomes. Updates to these local planning policies will ensure the City's planning framework is relevant and current.

#### Officer Recommendation AND COUNCIL DECISION

0723/132

**Moved:** Councillor Nick Warland  
**Seconded:** Councillor Blake D'Souza

1. Pursuant to Schedule 2, Part 2, Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the following draft amended Local Planning Policies:
  - (i) Policy P301 Advertising of Planning Proposals; and
  - (ii) Policy P351.20 Design Guidelines for 'Student Accommodation Facility' on 'Site P' – Waterford.
2. Pursuant to Schedule 2, Part 2, Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the following draft amended Local Planning Policies:
  - (i) Policy P303 Design Review Panel; and
  - (ii) Policy P316 Developer Contribution for Public Art and Public Art Spaces.

**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

Local Planning Policies (LPPs) are used to assist local governments in making planning decisions under the local planning scheme by outlining acceptable development standards and establishing clear expectations to applicants on how local governments are likely to exercise discretion.

#### 10.3.4 Minor Modifications to Existing Local Planning Policies

The City is reviewing its suite of LPPs to ensure its local planning framework is contemporary, consistent with State planning frameworks, reflects the aspirations of the community on planning related matters, and to support and implement draft Local Planning Scheme No. 7 (draft LPS7) provisions, as outlined in the previous report on this agenda.

This report presents four LPPs proposed for minor modifications as discussed in the body of this report. Two of the LPPs will not require advertising given the minor nature of changes proposed, with the remaining two including amendments which warrant public consultation in accordance with the advertising requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

#### Comment

#### Policies Recommended for Adoption Without Advertising (Minor Amendments)

##### Policy P301 Advertising of Planning Proposals (P301)

Policy P301 was originally adopted in July 2005 and subsequently reviewed by Council in March 2021 to provide guidance on the manner and method of consulting with stakeholders and the community on development applications. A copy of the draft updated P301 is contained as **Attachment (a)**.

The proposed modifications to P301 are as follows:

1. Amendments to reflect the City's new LPP naming and formatting conventions, as well as updating legislative references;
2. Removal of provisions that are duplicated by the Regulations;
3. Include advertising requirements of 'basic' Scheme Amendments;
4. Modified wording for 'standard' development applications to 'properties that may be affected';
5. Review the advertising requirements for LPPs;
6. Include reference to Development Assessment Panel (JDAP) applications and the State Development Assessment Unit (SDAU) pathway;
7. Include reference to development applications affecting heritage protected places and future amendments made to the City's Local Heritage Survey and WA Heritage Register under the *Heritage Act 2018*;
8. Reference advertising requirements for Precinct Structure Plans under Table 1;
9. Details as to how submissions will be dealt with; and
10. Update explanatory maps, identifying the advertising extent for different lot types.

As the proposed modifications are minor and reflect updated legislation and planning references, advertising of amended Policy P301 is not required.

Policy P351.20 Site Specific Design Guidelines for ‘Student Accommodation Facility’ on ‘Site P’ in Waterford (P251.20)

Policy P351.20 Design Guidelines for ‘Student Accommodation Facility’ on ‘Site P’ Waterford was adopted in May 2020 to provide guidance on matters relating to the design and function of the site as a facility for student accommodation. These provisions help to provide certainty that any future development will be of a high quality. They ensure consideration has been given to key matters that will potentially affect the amenity of neighbouring properties and the general locality, and the liveability of the development itself.

LPS7 includes site specific provisions to control development within Schedule B – Additional Site Requirements (ASR8) Lot(s) 25-28 Garvey Street, Lot(s) 18-20 & 29 Keaney Place and Lot(s) 21-24 McKay Street Waterford.

Development approval for a student facility at the site was granted by the SDAU on 30 April 2021. This approval was then amended on 12 October 2022. The applicant has a two-year period to substantially commence development, after which time the approval will lapse and require plans to be relodged. The City would typically recommend revocation of this Policy given approval has been granted, however, given the SDAU has been the determining authority for the application, it is considered appropriate for this LPP to remain in place until such time substantial commencement has occurred.

A copy of the updated P251.20 is contained as **Attachment (c)**.

Given development has not substantially commenced at the site, no material changes are proposed to Policy P251.20 other than the following minor modifications:

1. Renaming P351.20 to ‘Student Accommodation Facility in ASR8 Design Guidelines’. This reflects a change in naming convention required under draft LPS7 with special provisions applying to the site under ‘Schedule B – Additional Site Requirements’; and
2. Minor amendments to reflect the City’s new approach to LPP naming and formatting conventions.

As no new provisions are proposed, advertising of amended Policy P251.20 is not required.

**Policies Recommended for Advertising**

Policy P303 Design Review Panel (P303)

Policy P303 was most recently amended in 2019 to reflect the State Government’s Design WA suite of documents, which included the Design Review Guide. Policy P303 outlines the requirements for certain proposals are to be referred to The City’s Design Review Panel (DRP).

The City also operates the Canning Bridge Design Review Panel (CBDRP), a separate DRP with special focus on the Canning Bridge Activity Centre. This has been in operation since 2016 with both the City’s of South Perth and Melville operating under the provisions of a Management Practice.

The City drafted Policy P362 Draft Canning Bridge Design Review Panel to address inconsistencies in the way that comments from the CBDRP are reported. This was advertised from 26 April 2022 to 18 May 2022. It is considered that components of draft Policy P362 are duplicated within the existing Policy P303.

#### 10.3.4 Minor Modifications to Existing Local Planning Policies

A copy of draft amended P303 is contained at **Attachment (e)**. The following outlines the proposed modifications to P303:

1. Amendments to reflect the City's new LPP naming and formatting conventions;
2. Ensure the application of the DRP within all of the City's Activity Centres;
3. Requiring all multiple dwelling applications to be reviewed by the DRP;
4. Update Appendix 1 as a Terms of Reference document the purpose of which is to provide support to proponents prior to DRP lodgement, as well as outline operational requirements of the DRP itself including membership, the review process, and fees;
5. Relocate requirements identifying proposals to be reviewed by the DRP from an appendix to the body of the Policy, to improve visibility of this requirement; and
6. Update the list of development types that require DRP review to reflect recent amendments to State Planning Policy 7.3 – Residential Design Codes ( Volume 1 and Volume 2) including the release of the Medium Density Codes, draft LPS7, operational feedback and a review of best practice policies of comparable local governments.

#### Policy P316 Developer Contribution for Public Art and Public Art Spaces P316 (P316)

P316 was adopted in July 2014 to facilitate development of public art as a means of celebrating the identity and history of the community, enhancing the environment and contributing to a sense of place in accordance with the (former) Public Art Strategy.

In 2022, the City adopted a Public Art Master Plan 2022-25 (the Master Plan), replacing the Public Art Strategy. The Master Plan refers to P316 as a means by which the City is successfully using public art to improve the experience of the public realm in parts of the City where the built environment is increasing in density.

A copy of draft amended P316 is contained as **Attachment (g)**, with the following proposed amendments:

1. Reducing the construction value threshold triggering a public art contribution, from \$4 million to \$2 million. The City has undertaken an analysis of comparable local governments and the WA State Government's Percent for Art Scheme where the construction value threshold is set at \$2 million. Reducing this threshold will ensure better consistency in the funding for public art and will be delivered in a manner that capitalises on the future rate of development within the City of South Perth.
2. Amending the eligible discount for developers who opt to provide a public art contribution via Option C pathway from 10% to 15% where the development seeks to fulfill the requirements of P316 via cash-in-lieu of art. This will incentivise this option, enables the City to 'pool' funds to implement the Master Plan.
3. Removing the 'Public Art Toolkit' as appendix to the Policy and instead providing this as a separate management practice, given the administrative nature of the document and given it does not guide discretionary decision making from a planning perspective. This will also ensure updates to the Toolkit can be made without formally advertising the Policy as required by the Regulations.
4. It is proposed to include a new section providing criteria for Public Art. This will improve the understanding around delivery of public art, clarifying the significance and outline the key elements of delivering public art ensuring it is publicly accessible or accessible as part of the public interface.

#### 10.3.4 Minor Modifications to Existing Local Planning Policies

5. It is proposed to require a condition of approval for the maintenance of artwork by the landowner for a specified period of time.
6. Eligible Expenditure Against Required Contribution – It is proposed to relocate these requirements from the toolkit to Policy P316. This provides clear information around what services are tendered as part of the 1% contribution obligation for developers. This expands on the value for purely delivering on the cost of the art piece but also goes into wider fees payable as part of the contribution including consultant fees, concept design fees, etc.
7. It is also proposed to update the policy to reflect the City’s new approach to LPP naming and formatting conventions.

#### Consultation

Should Council proceed with the draft policies identified as requiring advertising, the Regulations require public advertising of the proposal for a minimum of 21 days.

#### Policy and Legislative Implications

If the local government resolves to adopt an LPP for the purposes of advertising, the local government must, unless the Western Australian Planning Commission otherwise agrees, advertise the proposed policy as follows:

- “(a) publish in accordance with clause 87 the proposed policy and a notice giving details of*
- (i) the subject and nature of the proposed policy; and*
  - (ii) the objectives of the proposed policy; and*
  - (iii) how the proposed policy is made available to the public in accordance with clause 87;*
  - (iv) the manner and form in which submissions may be made; and*
  - (v) the period for making submissions and the last day of that period.”*

As such, public notice will be made available on the City’s website in accordance with the Regulations.

Despite the above, the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

#### Financial Implications

Nil.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Advertise local planning policies in accordance with the Regulations where required.

### Strategic Implications

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

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

### Attachments

- 10.3.4 (a):** Advertising of Planning Proposals Local Planning Policy
- 10.3.4 (b):** Advertising of Planning Proposals Local Planning Policy Tracked Changes Version
- 10.3.4 (c):** Student Accommodation Facility in ASR8 Local Planning Policy
- 10.3.4 (d):** Student Accommodation Facility in ASR8 Local Planning Policy Tracked Changes Version
- 10.3.4 (e):** Design Review Panel Local Planning Policy
- 10.3.4 (f):** Design Review Panel Local Planning Policy Tracked Changes Version
- 10.3.4 (g):** Developer Contributions for Public Art & Public Art Spaces Local Planning Policy
- 10.3.4 (h):** Developer Contributions for Public Art & Public Art Spaces Local Planning Policy Tracked Changes Version



## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments June 2023

File Ref: D-23-32264  
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 June 2023 to 30 June 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(601)	\$7,816,838.21
Cheque Payment to Creditors	(6)	\$1,627.54
<b>Total Monthly Payments to Creditors</b>	<b>(607)</b>	<b>\$7,818,465.75</b>
EFT Payments to Non-Creditors	(114)	\$823,743.36
Cheque Payments to Non-Creditors	(40)	\$28,183.93
<b>Total EFT &amp; Cheque Payments</b>	<b>(761)</b>	<b>\$8,670,393.04</b>
Credit Card Payments	(12)	\$7,590.77
<b>Total Payments</b>	<b>(773)</b>	<b>\$8,677,983.81</b>

#### Officer Recommendation AND COUNCIL DECISION

0723/133

**Moved:** Councillor Nick Warland

**Seconded:** Councillor Blake D'Souza

That Council receives the Listing of Payments for the month of June 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 June 2023 is included in **Attachment (a)**.

The attached report includes a “Description” for each payment. The City’s officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments are classified as:

- Creditor Payments  
These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference numbers represent a batch number of each payment.
- Non-Creditor Payments  
These are one-off payments that include both cheque and EFT that are made to individuals/suppliers who are not listed as regular suppliers. The reference numbers 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. The 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, are also not provided in this report.

### Consultation

Nil.

### Policy and Legislative Implications

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

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	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 June 2023

## 10.4.2 Monthly Financial Statements June 2023 (Interim)

File Ref: D-23-32265  
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

0723/134

**Moved:** Councillor Nick Warland  
**Seconded:** Councillor Blake D'Souza

That Council notes the Financial Statements and report for the month ended 30 June 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, December 2022 and March 2023 Perth CPI of 6%, 8.3% and 5.8% (corresponding quarter of the previous year) respectively confirmed the stubborn continued inflationary pressure. Considerably more than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%.

To curb the high inflation the RBA have been raising interest rates since June 2022, to date there have been 12 increases. The last increase of .25% announced on the 7 June 2023 took the cash rate target to 4.10%. At its meeting on the 4 July 2023 the RBA decided to leave the cash rate target unchanged. The RBA made the following statement: “The higher interest rates are working to establish a more sustainable balance between supply and demand in the economy and will continue to do so. In light of this and the uncertainty surrounding the economic outlook, the Board decided to hold interest rates steady this month.”

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The above factors also impacted the legislated budget review. The review was completed and Council approved the budget 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.

Interim actual income from operating activities for June year-to-date (YTD) is \$75.50m in comparison to budget of \$74.08m, favourable to budget by \$1.42m or 1.9%. Interim actual expenditure from operating activities for June is \$72.04m in comparison to the budget of \$74.15m, favourable to budget by \$2.11m or 2.8%. The Interim June Net Operating Position of \$3.46m is \$3.53m favourable in comparison to budget.

Actual Capital Revenue YTD of \$1.50m is \$0.73m, 33% lower than budget the budget of \$2.23m. Actual Capital Expenditure YTD is \$10.39m in comparison to the budget of \$13.09m, a favourable variance of \$2.71m or 21%. 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 several Capital projects that required Budget adjustments during the midyear review process.

Cash and Cash Equivalents amounted \$57.19m. 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).

#### 10.4.2 Monthly Financial Statements June 2023 (Interim)

Interest rates are improving, with banks offering average interest rates of 4.38% 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 the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of June 2023, the City held 42.75% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

#### Consultation

Nil.

#### Policy and Legislative Implications

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

#### Financial Implications

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

#### Key Risks and Considerations

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

*Councillor Ken Manolas returned to the Chamber at 7.03pm prior to consideration of Item 10.4.3.*

### 10.4.3 Acquisition of Old Manning Library Site

File Ref: D-23-32414  
Author(s): Garry Adams, Director Corporate Services  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report requests Council to revoke the management order for Reserve 33639 (Old Manning Library site) and to formally approve the purchase of the land (Lot 2723) from the State Government. This will enable the City to progress with the Lease agreement with Be Our Guest Holdings for the refurbishment of the building for use as a Community Centre and Café as per Council Resolution 1022/173 passed at the Ordinary Council Meeting of 25 October 2022.

The funds for this purchase were included under a line item Strategic Land Acquisition in the 2023/24 budget adopted 27 June 2023.

#### Officer Recommendation AND COUNCIL DECISION

0723/135

**Moved:** Councillor Blake D'Souza  
**Seconded:** Councillor Nick Warland

That Council:

1. Agrees to the revocation of the management order for Reserve 33639.
2. Approves the purchase of Lot 2723, being the Old Manning Library site for the amount of \$408,000 plus GST.
3. Notes that the purchase is on an "as is" basis inclusive of the associated building in its current state.
4. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to any documentation relating to the contract of sale.

**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 former library building is contained on Reserve 33639 (144 Manning Road), along with a surface carpark, gardens and vegetation. Reserve 33639 sits within the George Burnett Recreation Precinct (GBR Precinct) and is also classified under the MRS as 'Parks and Recreation'. Reserve 33639 is held by the Crown but vested to the City (for management) for the purpose of 'Community Centre'. Any use of the site must be consistent with this management order. The former library building is not contained in the City's Heritage List or noted in the City's Local Heritage Inventory. The site is 4080 square metres.

The Library was purpose built in 1964. Officially named the Walter Murdoch Library Manning Branch, it was in operation until February 2017 when the new Manning Library opened as part of the Manning Community facility, Conochie Crescent, Manning.

Since that time, there have been many attempts to identify a suitable alternative use and to find a tenant. In November 2017 the City sought non-binding expressions of interest to use the building in line with the Strategic Community Plan 2017-2027, and the zoning of the land for the purpose of Community, Parks and Recreation. A further process of exploring options for joint use by interested parties did not produce a viable outcome.

In October 2021 the City was approached by Mr Nigel Oakey of Be Our Guest Holdings PTY LTD, regarding the possibility of reuse of the former Library building as a Community Centre and (Dome) Cafe. The City's executive was briefed and on 13 December 2021 and a Councillor briefing was conducted by Mr Oakey. External members of the Property Committee were also present. The consensus from the briefing was to invite a proposal from Mr Oakey to be considered by the Property Committee for the lease of the building.

The resolution made by Council on October 25, 2022 was that Council:

1. Does not proceed with the demolition of the old Manning Library.
2. Subject to compliance with s 3.58 of the *Local Government Act 1995*, authorises the Chief Executive Officer to enter into a lease agreement with 'Be Our Guest Holdings Pty Ltd' for a portion of the building (old Manning Library) located within Reserve 33639 (144 Manning Road, Manning) for the purpose of a Community Centre including a Kiosk and Kitchen, under the following conditions:
  - a. Provision of a 21-year lease with a 21-year extension (subject to Ministerial approval);
  - b. Years 1 to 13 - \$1.00 per annum (plus GST);
  - c. Year 14 - \$10,000 per annum (plus GST);
  - d. Years 15 to 21 – increasing by \$5,000 per annum (plus GST);
  - e. Lessee to be responsible for the full maintenance of the building including the exclusive and non-exclusive areas;
  - f. Lessee to be responsible for all rates payable;
  - g. the grant of the lease to be subject to and conditional on –
    - i. all necessary approvals being obtained under relevant legislation for the grant of the lease; and
    - ii. the City obtaining consent from the Minister for Lands.
3. Subject to Ministerial approval, authorises the Chief Executive Officer to enter into a licence agreement with "Be Our Guest Holdings Pty Ltd" for the non-exclusive areas of the redeveloped Old Manning Library building for a period that aligns to the lease agreement as per recommendation 2 above.



### Comment

Following the Council resolution above (and after the advertising period), City Officers entered negotiations with Be Our Guest Holdings to develop the lease document. This resulted in a final lease document being sent to the Department of Lands Planning and Heritage (DPLH) on 19 May 2023.

At the same time, City Officers had requested DPLH to consider selling the land to the City. A valuation was provided of \$408,000, which the City considered reasonable given it was well below the valuation obtained previously by the City. The option of purchasing the land was discussed with Council as part of the 2023/24 budget process and resulted in a line item Strategic Land Acquisition (\$450,000) being adopted in the 2023/24 budget on 27 June 2023.

On 19 July 2023, the City received confirmation from DPLH, that the State was willing to sell the land to the City at the agreed price of \$408,000 plus GST and that, in order for the sale to progress, the City needed to provide its agreement for the management order to be revoked.

It should be noted that the revocation of the management order will not change the reservation of the land and it will remain 'Parks and Recreation' under the MRS. This means that any use of the land and/or improvements on the site will still need to be considered in the context of the Parks and Recreation reservation (i.e. a range of active and passive recreation, cultural and community activities or compatible facilities such as cafes). The reservation under the local scheme is required to remain consistent with the MRS.

The benefits of the City buying the land include:

- The City is able to deal directly with the proposed lessee without requiring Ministerial approval;
- The City can proceed with the lessee's proposal, which if successful, will see them spend approximately \$3.5 million to refurbish the existing building;
- The City will own 4080 sqm of land in freehold title;
- The future value of the land is likely to be significantly greater than the proposed purchase price;
- The City will be adding a strategic land asset to its land portfolio;
- The City will receive all of the future revenue streams from any future leases on the site without having to remit any share to the State Government.

### Consultation

Councillors were briefed on the proposal as part of the 2023/24 budget process.

### Policy and Legislative Implications

*Lands Administration Act 1997*

*Local Government Act 1995*

Policy P609 Management of City Property

**Financial Implications**

The amount of the purchase price was included in the 2023/2024 budget line item Strategic Land Acquisition \$450,000. In addition to the purchase price of \$408,000 plus GST, the City will be required to pay a document preparation fee \$1,500 and a Landgate lodgement fee of approximately \$200.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Timely, good faith and cooperative negotiations with the applicant and the DPLH.

**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 Jennifer Nevard for the period 12 August 2023 to 17 August 2023 inclusive.
- Councillor Glenn Cridland for the period 24 August 2023 to 8 September 2023 inclusive.

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

### COUNCIL DECISION

0723/136

**Moved:** Councillor Mary Choy

**Seconded:** Councillor Blake D'Souza

That Council approve the Leave of Absence application received from:

- Councillor Jennifer Nevard for the period 12 August 2023 to 17 August 2023 inclusive.
- Councillor Glenn Cridland for the period 24 August 2023 to 8 September 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

*Mayor Greg Milner and Councillors Nick Warland, Stephen Russell, Mary Choy and Glenn Cridland declared an Impartiality Interests in Item 12.1.*

### 12.1 NOTICE OF MOTION - MAYOR GREG MILNER - ENGAGEMENT WITH THE WESLEY SOUTH PERTH HOCKEY CLUB TO IDENTIFY AN ALTERNATE LOCATION WITHIN THE CITY OF SOUTH PERTH FOR CO-LOCATED HOCKEY FACILITIES

File Ref: D-23-32267  
Author(s): Donna Shaw, Director Development and Community Services  
Patrick Quigley, Manager Community, Culture and Recreation  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

#### Summary

Mayor Greg Milner submitted the following Notice of Motion prior to the Council Agenda Briefing held 18 July 2023.

#### COUNCIL DECISION

0723/137

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor Glenn Cridland

That the CEO be instructed to:

1. Engage with the Wesley South Perth (WASP) Hockey Club (Club), Wesley College and other relevant stakeholders with a view towards finding an appropriate location within the City of South Perth for:
  - a) a clubhouse;
  - b) grass hockey grounds; and
  - c) synthetic hockey turf grounds, appropriate for the needs of the Club, appropriate for the needs of the Club.
2. That a report to Council on the above be presented to Council for consideration at an appropriate time, but by no later than the February 2024 Ordinary Council Meeting.

**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

Mayor Greg Milner submitted a Notice of Motion regarding the Wesley South Perth (WASP) Hockey Club (Club). The reasons for the Notice of Motion are as follows:

1. *The City of South Perth's Strategic Community Plan (SCP) contains the following strategies:*
  - a. *Facilitate and create opportunities for inclusive and cohesive social, cultural and healthy activity in the City.*
  - b. *Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities.*
  - c. *Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs.*
  - d. *Facilitate and foster a healthy and connected community.*
2. *At the Ordinary Council Meeting on 27 June 2023, Council voted not progress the proposal by the Club to establish a synthetic hockey pitch at Collier Reserve, Como.*
3. *The Club requires better access to synthetic hockey turf within the local area to remain viable.*
4. *The Club provides significant amenity and benefit for the City of South Perth community, consistent with the stated strategies in the City's SCP.*
5. *That amenity and benefit would be lost to our community if the Club was forced to move outside of the City of South Perth district due to a lack of access to synthetic hockey turf.*

## Comment

### Background to Existing Site Investigations

The WASP Hockey Club has been in discussion with the City regarding the development of a new synthetic hockey turf since 2012, with the Club initially proposing the turf be located at their current site at Richardson Park. Due to a number of constraints and uncertainty at the time regarding the proposed South Perth Train Station, the City was unable to support the proposal.

The Club then worked with Wesley College, Hockey WA, Department of Local Government, Sport and Cultural Industries and the City to identify any other potential sites across the City for a synthetic hockey turf and to undertake preliminary feasibility of relocating. The review shortlisted five potential sites being Collier Reserve, Rylie Reserve, Sir James Mitchell Park (Ellam Street end), George Burnett Park and Como Secondary College.

Due to significant constraints for each site (drainage, size, competing uses etc.), Collier Reserve was identified as the most suitable site to investigate further as it had fewer perceived limitations/challenges at the time. It should also be noted that at the time of the review, most active reserves within the City are already at capacity during peak times, except Collier Reserve, Morris Mundy Reserve and Comer Reserve (of which the two latter sites are of an insufficient size to accommodate a co-located facility consistent with the Club's request and are occupied by other users).

In 2018 the City commenced investigation into the Recreation and Aquatic Facility (RAF). As part of the initial stakeholder consultation, discussions were held independently with Curtin University and Hockey WA about hockey facilities. These discussions centred on the future usage of the synthetic hockey turfs at the current Curtin University site and the compatibility and synergies of a potential synthetic hockey turf facility adjacent to the RAF at the Collier Park Golf Course site. Additionally, in 2018 the Club approached the City to discuss the possibility of relocating to Collier Reserve, which was aimed to include the installation of a synthetic hockey turf. As there were preliminary synergies with the RAF, and adjacent Wesley College sporting fields at Collins Oval, the City encouraged the Club to pursue a needs assessment and feasibility study.

In 2020, the Club together with Wesley College engaged Dave Lanfear Consultants to develop a 'Collier Reserve Hockey Facilities Needs Assessment and Pre-Feasibility Study' that focussed on relocating to Como. Three sites were considered as part of this study being Collier Reserve, Bill Grayden Reserve and Collins Oval, with Collier Reserve being selected for further investigation via a full feasibility study. A detailed Feasibility Study was then undertaken on this basis, co-funded by the City.

#### Collier Reserve Hockey Facilities Feasibility Study – Council Decision

At the Ordinary Council Meeting held on 27 June 2023, Council resolved to not progress with the proposal to establish a synthetic hockey pitch at Collier Reserve for various reasons, including as a result of the changing landscape since the time the Feasibility Study was prepared.

#### Active Open Space (Playing Fields) in Perth Metropolitan Area

In considering future locations to accommodate the Club as well as other sporting and recreational clubs, it is important to consider the overall context of public open spaces (POS), and particularly the availability of active open space within the City now and into the future when considering the needs of the Club and other sporting clubs.

The Department of Local Government, Sport and Cultural Industries, in conjunction with the Curtin Centre of Sport and Recreation Research, prepared the 'Emerging Constraints for Public Open Space in Perth Metropolitan Suburbs (2011)' and 'Active Open Space (playing fields) in a growing Perth-Peel (2013)' summary reports.

These reports indicated that by 2031, there will be an approximate shortfall in POS throughout Perth of 495ha and that without State Government policy intervention, the shortage will exacerbate.

The Western Australian Planning Framework seeks to accommodate 47% of the population growth for Perth as infill development within the inner and middle suburbs. As such, by 2031, the predicted shortfall for the central sub-region of Perth will be 79.0ha, which is equivalent to 36 senior AFL ovals or 110 senior soccer pitches. If the provision of the support facilities is taken into account, the total shortfall of POS required for active sport in 2031 in the central sub-region, is around 237ha.

Active open space refers to the area of the playing surface. In general, at least double that needs to be set aside to allow for supporting infrastructure such as club rooms, spectator areas, parking etc. The Curtin Centre of Sport and Recreation Research Guidelines recommend at least 6.5m<sup>2</sup> of active open space per resident should be set aside for infill development areas such as the City. The City has approximately 40.2ha of POS, including 21.8ha of active POS (5m<sup>2</sup> per resident), which is below the recommended open space per resident.

**12.1 Notice of Motion - Mayor Greg Milner - Engagement with the Wesley South Perth Hockey Club to identify an alternate location within the City of South Perth for Co-located Hockey Facilities**

As an established local government, the City has very limited opportunities to create new POS. Local governments have previously sought contributions from developers as infill developments occur for POS, or land has been ceded free of cost to the Crown for POS at the time of subdivision.

As a means to assist in the delivery of housing projects, on 26 June 2023, the Planning Minister announced interim measures to amend delegations to restrict the ability for local governments to seek contributions towards POS for built strata applications (i.e. infill development apartments, which is the majority of subdivision activity occurring within the City). Draft Western Australian Planning Commission Operational Control Policy 2.3 – Planning for Public Open Space (DC 2.3) has also recently been released for comment, which seeks to reduce the required 10% POS contribution to 5% for infill subdivision.

These changes significantly impact the ability for the City to not only seek POS contributions from developers, but to generate sufficient funds to acquire land at market rates for new areas of POS.

In the absence of obtaining contributions for acquisition of land for POS, partnership opportunities are paramount to meeting increasing expectations for access to POS to cater for a range of activities. This may involve looking outside the core POS resource and engaging in joint management and land use arrangements with State Government agencies, adjoining local governments, educational establishments and community organisations, which may offer opportunities to share the use of open space that are outside the domain of traditional POS, such as school grounds and drainage reserves.

Whilst it is considered that there is insufficient POS within the City at this point in time to accommodate a co-located facility comprising grass hockey grounds, synthetic hockey turf and a clubhouse, the City can review potential locations for each element of the proposal, and/ or relocation or consolidation of other sporting and recreation clubs to provide a suitable site.

**Consultation**

The City has no objection to the Notice of Motion and will engage with the Club and other relevant stakeholders. The City will also continue to engage with the Club to investigate other potential assistance that could be considered to support the sport of hockey into the future.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

Nil.



**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The City will liaise with the relevant stakeholders as well as seek opportunities for additional land for POS from the State Government in future.

**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: 1.2 Community infrastructure  
 Strategy: 1.2.1 Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities

**Attachments**

Nil.

*Councillor Blake D'Souza left the meeting at 7.08pm and returned to the meeting at 7.10pm prior to consideration of Item 12.2.*

*Mayor Greg Milner and Councillor Nick Warland disclosed Financial and Proximity Interests in Item 12.2.*

*Councillor Ken Manolas disclosed Impartiality and Proximity Interests in Item 12.2.*

*Mayor Greg Milner and Councillors Nick Warland and Ken Manolas accordingly left the Chamber at 7.11pm prior to consideration of Item 12.2.*

*Councillor Blake D'Souza assumed the Chair.*

## **12.2 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - INCLUSION OF THE SOUTH PERTH ESPLANADE FORESHORE INTO THE FY23/24 BUDGETED URBAN FOREST STRATEGY REVIEW**

File Ref: D-23-32268  
Author(s): Anita Amprimo, Director Infrastructure Services  
Geoff Colgan, Manager Parks and Environment  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

### **Summary**

Councillor Stephen Russell submitted the following Notice of Motion prior to the Council Agenda Briefing held 18 July 2023.

### **Notice of Motion Recommendation**

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

That the CEO be instructed to:

1. Research for and include the plan/sketches developed by Landscape Architect John Oldham in the 1960's as one of the informing documents, and where relevant and practical to the current context, the vision and intent of this plan / sketches be incorporated into the updated draft Urban Forest Strategy included in the 2023/2024 Annual Budget.
2. As part of the draft Urban Forest Strategy, include the following land parcels which are adjacent to or inclusive of the South Perth Esplanade and consider Point 1 above specifically for these land parcels:
  - a) Landgate PIN 1052648,
  - b) Landgate PIN 146195 (Lot 843 South Perth Esplanade),
  - c) Landgate PIN 146322 (Lot 840 South Perth Esplanade),
  - d) Landgate PIN 146324 (Lot 844 South Perth Esplanade),
  - e) The lots that make up the South Perth Esplanade road reserve from its most Northern end to its southern end adjacent to No. 101 South Perth Esplanade.

3. Separate to, but in parallel with, development of an updated Urban Forest Strategy, develop a concept consistent with Points 1 and 2 above that includes a high-level Esplanade tree canopy plan which shall, as a minimum:
  - a) Deliver a canopy that runs the length of the Esplanade to partially emulate John Oldham's 1960s vision for a series of botanic gardens encircling Perth Water from the University of WA around the riverfront to Mill Point relevant to the current development and environmental context,
  - b) Notwithstanding the list of native tree species already identified in the South Perth Foreshore Strategy & Management Plan, where possible include other native shrub and tree species and complimentary plantings that would emulate a May Gibbs themed landscape that provides diversity of species,
  - c) Enable the future reduction in turf areas whilst maintaining the objectives of the South Perth Foreshore Strategy,
  - d) Provide intermittent canopy shade over the pedestrian footpath.
4. Investigate with the City of Perth, the relevant authority / State Department for Kings Park and expert third parties, interpretive and wayfinding signage to connect South Perth Heritage House, John Oldham Park and Kings Park botanic gardens via the Esplanade canopy plan, to promote both May Gibbs and John Oldham.
5. Report back to Council at a future workshop on all Points above with the draft Urban Forest Strategy with the intention of taking all items into a public consultation process.

### **COUNCIL DECISION**

**0723/138**

**Moved:** Councillor Stephen Russell

**Seconded:** Councillor Jennifer Nevard

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor André Brender-A-Brandis be granted an additional five minutes to speak.

**CARRIED (6/0).**

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

**Against:** Nil.

**Amended Motion****Moved:** Councillor Glenn Cridland**Seconded:**

1. That the Notice of Motion be amended by deleting paragraph 2 in Motion 12.2 and substituting the following:-
  - '2. *As part of the draft Urban Forest Strategy include the public land adjacent to the Swan River from the Narrows Bridge to the Ellam Street boundary of the City of South Perth with the Town of Victoria Park and consider Point 1 above specifically for that area.'*
2. To delete paragraphs three and four of Councillor Russell's motion.

**Reasons for Change**

The amendment will include all the City's public foreshore land that was envisaged to be included / covered by John Oldham's vision and will allow a consistent approach and consideration of this area in the Urban Forest Strategy.

**The motion lapsed for want of a seconder.**

**COUNCIL DECISION****0723/139****Moved:** Councillor Blake D'Souza**Seconded:** Councillor Jennifer Nevard

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Mary Choy be granted an additional five minutes to speak.

**CARRIED (6/0).**

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

**Against:** Nil.

**COUNCIL DECISION****0723/140****Moved:** Councillor Blake D'Souza**Seconded:** Councillor Mary Choy

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Glenn Cridland be granted an additional five minutes to speak.

**CARRIED (6/0).**

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

**Against:** Nil.

**COUNCIL DECISION****0723/141****Moved:** Councillor Blake D'Souza**Seconded:** Councillor Mary Choy

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Jennifer Nevard be granted an additional five minutes to speak.

**CARRIED (6/0).**

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

**Against:** Nil.

**Notice of Motion Recommendation****Moved:** Councillor Stephen Russell**Seconded:** Councillor André Brender-A-Brandis

That the CEO be instructed to:

1. Research for and include the plan/sketches developed by Landscape Architect John Oldham in the 1960's as one of the informing documents, and where relevant and practical to the current context, the vision and intent of this plan / sketches be incorporated into the updated draft Urban Forest Strategy included in the 2023/2024 Annual Budget.
2. As part of the draft Urban Forest Strategy, include the following land parcels which are adjacent to or inclusive of the South Perth Esplanade and consider Point 1 above specifically for these land parcels:
  - a) Landgate PIN 1052648,
  - b) Landgate PIN 146195 (Lot 843 South Perth Esplanade),
  - c) Landgate PIN 146322 (Lot 840 South Perth Esplanade),
  - d) Landgate PIN 146324 (Lot 844 South Perth Esplanade),
  - e) The lots that make up the South Perth Esplanade road reserve from its most Northern end to its southern end adjacent to No. 101 South Perth Esplanade.
3. Separate to, but in parallel with, development of an updated Urban Forest Strategy, develop a concept consistent with Points 1 and 2 above that includes a high-level Esplanade tree canopy plan which shall, as a minimum:
  - a) Deliver a canopy that runs the length of the Esplanade to partially emulate John Oldham's 1960s vision for a series of botanic gardens encircling Perth Water from the University of WA around the riverfront to Mill Point relevant to the current development and environmental context,

- b) Notwithstanding the list of native tree species already identified in the South Perth Foreshore Strategy & Management Plan, where possible include other native shrub and tree species and complimentary plantings that would emulate a May Gibbs themed landscape that provides diversity of species,
  - c) Enable the future reduction in turf areas whilst maintaining the objectives of the South Perth Foreshore Strategy,
  - d) Provide intermittent canopy shade over the pedestrian footpath.
4. Investigate with the City of Perth, the relevant authority / State Department for Kings Park and expert third parties, interpretive and wayfinding signage to connect South Perth Heritage House, John Oldham Park and Kings Park botanic gardens via the Esplanade canopy plan, to promote both May Gibbs and John Oldham.
  5. Report back to Council at a future workshop on all Points above with the draft Urban Forest Strategy with the intention of taking all items into a public consultation process.

**LOST (2/4).**

**For:** Councillors André Brender-A-Brandis and Stephen Russell.

**Against:** Councillors Mary Choy, Glenn Cridland, Blake D'Souza and Jennifer Nevard.

### Background

Councillor Stephen Russell submitted a Notice of Motion to include the South Perth Esplanade Foreshore into the FY2023/24 Budgeted Urban Forest Strategy Review. The reasons for the Notice of Motion are as follows:

- “1. *The City has been recognised as one of the State’s leading waterwise local governments, having recently earned a Gold endorsement by the Water Corp. However, the expansive turfed areas trees of and adjacent to the South Perth Esplanade, which are of a passive Parks and Recreational zoned nature, are an example of not what a waterwise Local Government should reflect. This discrepancy will become even the more stark and indeed the practicality of sustaining such turfed areas the more difficult, when the State Government will more likely than not require the City to reduce its water licence consumption.*
2. *Without doubt during the hotter periods of the year the areas of and adjacent to the South Perth Esplanade are not used by the public to their full extent, due to the lack of shade. This is an issue as noted in the South Perth Foreshore Strategy & Management Plan for Nodes N3 & N8, which this motion encompasses. Indeed, this issue has caught the attention of the local MLA Mr Geoff Baker who has quoted “I love our river foreshore. But I also love cool shade on a hot summer day. We've got a few trees east of Mindeerup, but nearly none between the Mends St Jetty and the Narrows”. Although structural shelters can provide shade, these should be used intermittently as the best approach for shade is via the use of trees, which provide other benefits to the community and local fauna.*

12.2 Notice of Motion - Councillor Stephen Russell - Inclusion of the South Perth Esplanade Foreshore into the FY23/24 Budgeted Urban Forest Strategy Review

3. *The implementation of an Esplanade canopy plan that emulates both John Oldham's 1960s vision for a series of botanic gardens encircling Perth Water (<https://www.abc.net.au/news/2015-12-17/alternative-realities-for-perth-river-foreshore/7033522>) and a May Gibbs themed bush, whilst being connected to Heritage House, John Oldham Park and Kings Park should be considered as a heritage trail that not only promotes the heritage of South Perth but adds to the tourism potential of the City."*

### **Comment**

City Officers undertaking the Urban Forest Strategy review, will consider the vision of John Oldham and how it can inform the strategy in the current context. It is believed that a copy of the John Oldham plan is retained in the State Library. If City Officers are unable to view a copy of the plan, Officers would use available information on the concept intent to inform the Urban Forest Strategy review.

A location specific concept plan can be developed for the land parcels identified above that would provide shade and biodiversity, influenced by the intent of John Oldham's vision and May Gibbs themes.

### **Consultation**

The draft Urban Forest Strategy and the concept plan referenced in Point 3 of the above Notice of Motion Recommendation will be presented to Council for comment and endorsement prior to public consultation.

### **Policy and Legislative Implications**

N/A

### **Financial Implications**

Funds are listed in the adopted 2023/2024 Annual Budget for the Urban Forest Strategy review. The concept plans proposed in the recommendation above will be undertaken using internal resources. Any funds required for implementation will be listed in future budget cycles for Council's consideration.



**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The City will undertake stakeholder engagement and consultation as part of developing the Strategy and Concept Plan.

**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:	3.3 Enhanced environment and open spaces
Strategy:	3.3.4 Provide proactive enhancement of the environment, maintaining open space and effective management of the Swan and Canning River foreshores

**Attachments**

Nil.

*Mayor Greg Milner, Councillors Ken Manolas and Nick Warland returned to the Chamber at 8.01pm.*

*Mayor Greg Milner resumed the Chair prior to consideration of Item 13.*

### 13. QUESTIONS FROM MEMBERS

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

Nil.

#### 13.2 QUESTIONS FROM MEMBERS

- Councillor Jennifer Nevard
- Councillor Glenn Cridland

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

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

Nil.

### 15. MEETING CLOSED TO THE PUBLIC

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

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

##### Officer Recommendation AND COUNCIL DECISION

0723/142

**Moved:** Mayor Greg Milner

**Seconded:** Councillor Ken Manolas

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

15.1.1 CEO Contract of Employment Variation Request

**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.

The meeting was closed to members of the public at 8.07pm.

CEO Mike Bradford disclosed a Financial Interest in Item 15.1.1 and accordingly left the Chamber at 8.09pm prior to consideration of Item 15.1.1.

#### 15.1.1 CEO Contract of Employment Variation Request

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

File Ref: D-23-32270  
Author(s): Pele McDonald, Manager People and Performance  
Reporting Officer(s): Pele McDonald, Manager People and Performance

#### Officer Recommendation AND COUNCIL DECISION

0723/143

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor Glenn Cridland

That Council approves the CEO's contract of employment variation request as contained within **Confidential Attachment (c)**.

**CARRIED BY ABSOLUTE MAJORITY (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.

#### COUNCIL DECISION

0723/144

**Moved:** Councillor Nick Warland  
**Seconded:** Councillor Ken Manolas

That the meeting be reopened to the Public.

**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.

The meeting was reopened to the public at 8:12pm and the motion passed behind closed doors was read out by the Presiding Member.

*The CEO Mike Bradford returned to the Chamber at 8.12pm.*

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8:14pm.

## APPENDIX

### 6.2 PUBLIC QUESTION TIME: 25 July 2023

1 Mr Barrie Drake, South Perth Received: 21 July 2023	Responses provided by: Garry Adams – Director Corporate Services
1. The Council’s answer to my Question No. 1 last month was that my calculations for the network charge for the undergrounding of the power lines were incorrect; however your answer went on to say that I had not considered the number of dwellings on the properties.  Where in the Ordinary Council Meeting Minutes of 28th June 2022 does it say that the number of dwellings on the properties must be considered?	Council resolution 0622/084 of 28 June 2022 adopted a network charge based on per unit or dwelling gross rental value (GRV). Further to this, following your regular request for clarification and to clarify its intention, Council at the Ordinary Council Meeting of 27 June 2023 adopted resolution 0623/116 which under paragraph 1(x) clarifies the implementation of the Underground Power charges in respect of a property having multiple units or dwellings on a site or single title. The network charge is imposed on each unit or dwelling calculated by reference to the amount of the GRV of the property divided by the number of units or dwellings on the property.
2. How were the Owners of granny flats charged for the Underground Power Network service charge?	Per unit/dwelling.
3. Included in last year’s Rates Notices to all landowners in the South Perth and Hurlingham project area was the flyer incorporating the Network Charge Table.  Why was this flyer produced by the City if the use of the Table was incorrect?	The table is correct it shows the charge per unit or dwelling.

<p><b>2 Mr Mark Hands, Cottesloe</b>  <b>Received: 24 July 2023</b></p>	<p><b>Responses provided by: Anita Amprimo - Director Infrastructure Services</b></p>
<p>1. Why is the vision and intent of John Oldham’s plan developed back in the 1960s being revisited today?</p>	<p>There are a significant number of documents to be considered in conjunction with the review of the Urban Forest Strategy, which have been developed over an extended period of time. These are to varying degrees still in operation currently. This review of the Urban Forest Strategy is intended to review available material and consider what is relevant at this point in time from those documents.</p> <p>The revised Urban Forest Strategy will provide a baseline for moving forward and will only draw on relevant elements of existing documents and consolidate them into one place. Once drafted, the revised Urban Forest Strategy will be made available for public feedback.</p>
<p>2. Given the South Perth Esplanade foreshore is now greatly changed from then, and Oldham’s plan was not adopted then, why is the Council now considering incorporating the vision and intent of Oldham’s plan into the draft Urban Forest Strategy included in the 2023/2024 Annual Budget?</p>	<p>Elected Members can bring a Notice of Motion for Council to consider. What Council Resolves is a matter for Council.</p>

## 13.2 ELECTED MEMBER QUESTIONS: 25 July 2023

Councillor Jennifer Nevard	Response provided by: Anita Amprimo – Director of Infrastructure Services
<p>1. Could the Como Foreshore beyond the bike path facing west on the Swan River, be more densely vegetated than present given the rain, wind, and weather events that occur along there?</p>	<p>The City does currently work with Minerals WA and the Department of Biodiversity and Attractions to improve the Western Foreshore. The program there is currently limited by the funding available, and we do also get grant funding from the DBCA. It could be more vegetated, but we do currently have programs that increase vegetation there.</p>
<p>2. If the City were to be allocated suitable funding within the 2023/24 Budget Review (for example), would it be possible to contract an independent specialist to review the quality and quantity of vegetation along the City foreshore at South Perth with the view to developing a plan that would increase the quantity of vegetation, conserve the iconic views and would also be likely to meet the approval of city residents?</p>	<p>We currently have a pretty full program for the year in terms of the work that we've got so I wouldn't like to commit it at this stage to be able to deliver that. However, as part of the overall Urban Forest Strategy Review, we will be looking at some recommendations that will be taken from consultation. I think it would be preferential to focus our efforts on the Urban Forest Strategy Review and have some tangible actions out of that. Although we will be considering the areas with more significant opportunities.</p>
<p>3. Could the City undertake an investigation into the use of sections of reed planting around our waterways including the banks of the Swan and Canning Rivers with the view of improving our water quality, providing refuge for wildlife, including marine life, and for increasing the City's carbon sequestration capabilities?</p>	<p>The City currently works with DBCA on projects of that nature and receives some grant funding as well as co-contribute from the City. So we have existing programs of work that do support what you're suggesting.</p>

Councillor Glenn Cridland	Response provided by: Anita Amprimo – Director of Infrastructure Services
<p>1. I've been asked about our recycling effort through the yellow bins. I've been asked whether the majority of the stuff in our yellow bins goes into landfill like it used to a few years ago. Is anyone able to answer the question about our recycling stuff and our recycle bins?</p>	<p>The recycling is collected by our contractor who is Cleanaway and that is taken to their materials recovery facility in Guildford for processing. The only element to go to landfill is the contamination fraction that is within that.</p>





## DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 22 August 2023

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed